

**TOWN OF MATTAPOISETT
ANNUAL TOWN MEETING
MAY 10, 2010**

The Annual Town Meeting was called to order at Old Rochester Regional High School Auditorium at 7:00 pm on May 10, 2010 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: MATTAPOISETT NECK SEWER CONNECTION AND ASSESSMENT BYLAW:

Voted for the Town to amend the General By-Laws of the Town by adding the following by-law as Section 3.5 of Article 3:

3.5 SEWER CONNECTIONS

3.5.1 Authority

This By-Law is adopted by the Town under its police powers to protect public health and welfare and its powers under Chapter 220 of the Acts of 1912 as amended by Chapter 73 of the Acts of 2002, and Chapter 142 of the Acts of 2009.

3.5.2 Lots in Sewer Service Area – Right to Connect to Sewer

All lots that are located in a Sewer Service Area in the Mattapoisett Neck Road Sewer project as described in Article 2 hereof created with the approval of Town Meeting by two-thirds vote, referred to hereinafter as a "Sewer Service Area," and that abut a way which has a common sewer therein shall have the right to connect to the common sewer located in the Sewer Service Area at any time, in accordance with rules, regulations and directives of the Board of Water/Sewer Commissioners, and therefore shall be assessed betterments.

3.5.3. Vacant Land

The following rules shall apply to lots with no habitable structures located thereon shown as a separate lot on the Assessors' Map as of January 1, 2010, referred to herein as "Vacant Lots":

3.5.3.1. Vacant Lots Inside a Sewer Service Area: The owner of a Vacant Lot located in a Sewer Service Area at the time of the Sewer Service Area's creation, which Vacant Lot abuts a way with a common sewer located therein, shall have the right to connect to the common sewer at any time and shall therefore be assessed a betterment unless (i) the Water/Sewer Commissioners determine, based on information provided by the Board of Assessors, that no dwelling can be constructed on said lot; or (ii) the owner of such Vacant Lot (a) provides proof to the Water/Sewer Commissioners that no dwelling can be constructed on said lot and (b) provides a writing suitable for recording at the Plymouth County Registry of Deeds encumbering such lot so that no structure requiring a sewerage disposal system or sewer system shall be constructed thereon.

3.5.3.2. Vacant Lots Outside a Sewer Service Area: The owner of a Vacant Lot not located in a Sewer Service Area at the time of the Sewer Service Area's creation, which lot abuts a way with a common sewer located therein, shall have no right to connect to the common sewer but may apply to the Water/Sewer Commissioners for a permit to connect to the common sewer under Section 3.5.4 below.

3.5.3.3. No Sewer Extensions/Limit on Sewer Connections: (a) The Water/Sewer Commissioners shall not extend the common sewer solely to serve any vacant land even if such land is located in a Sewer Service Area. (b) The Water/Sewer Commissioners shall not approve any private sewer extension to service only vacant land even if the vacant land is located within a Sewer Service Area. (c) The Water/Sewer Commissioners shall not allow more than one sewer connection to each lot shown as a separate lot on the Assessors' Map as of January 1, 2010.

3.5.4. Lots Not in Sewer Service Area – Connection Provisions: Owners of lots located outside of a Sewer Service Area may not connect to the common sewer as a matter of right. Such lots are referred to hereinafter as “Non-Service Area Lots” and shall not be assessed a betterment unless they are granted a connection permit to enter the common sewer upon the following terms.

3.5.4.1. Application: An owner of a Non-Service Area Lot who wishes to connect to the common sewer must make an application to the Water/Sewer Commissioners by a date certain to be set by the Commissioners, hereinafter called the “Application End Date.” At least Sixty (60) days prior to the Application End Date the Commissioners shall advertise the Application End Date by notice (a) published in The Wanderer or other newspaper with a general circulation within the Town, (b) posted on the Commissioners' web page, and (c) posted at the Town Hall.

3.5.4.2. Agreement: An owner of a Non-Service Area Lot whose application to connect is approved by the Water/Sewer Commissioners shall be permitted to connect to the common sewer only upon the owner encumbering the owner's real estate with an agreement in form approved by the Commissioners that the applicant's land shall be (a) encumbered by an easement in favor of the Town to install and service grinder pumps on the land and (b) assessed a proportional betterment as hereinafter described, which agreement and easement shall be recorded with the Registry of Deeds.

3.5.4.3. Improved Lots Not Abutting a Common Sewer: Upon application made to the Water/Sewer Commissioners by the Application End Date by an owner of a Non Service Area Lot with a building thereon, which lot does not abut a street with a common sewer therein, the Water/Sewer Commissioners may construct, or permit the owner to construct, an extension from the common sewer to the lot at the discretion of the Commissioners, and in compliance with all other local and state permits that may be required.

3.5.4.4. Improved Lots Abutting a Common Sewer: Owners of Non Service Area Lots with buildings thereon, which lots abut a street with a common sewer therein, may be allowed to make a connection from the building to the common sewer at the discretion of the Commissioners, and in compliance with all other local and state permits that may be required, upon application made to the Water/Sewer Commissioners by the Application End Date.

3.5.4.5. Cost of Sewer Extensions and Connections: The cost of each and every connection described in this Section 3.5.4. shall be added to the overall cost of the Sewer Service Area project to be assessed as a betterment. The cost of each and every extension shall be paid in full in advance of construction by the applicant.

3.5.4.6. No Connections allowed after Application End Date: After the Application End Date, no Non-Service Area Lot shall be allowed to become a part of the project unless the Sewer Commissioners are required to provide a connection by order of the Board of Health of the Town of Mattapoisett. The Sewer Commissioners may only deny such an order if for engineering reasons such a connection is not possible.

3.5.4.7. No Connections allowed North of Pump Station: In order to protect the integrity of the sewerage system of the Town of Mattapoisett, no individual or group of individuals shall be allowed to connect their property or properties to any portion of the sewer main that is North of the Pump Station located on Mattapoisett Neck Road as that part of the sewer main is not designed for individual connections.

3.5.5. Grinder Pump Easements: All lots connecting to the common sewer in the Mattapoisett Neck Sewer Service Area shall be required to use a sewer grinder pump. All grinder pumps shall be installed, owned and maintained by the Town. As the Town shall own all the grinder pumps, the cost to purchase and install said pumps shall be included in the overall cost of the Mattapoisett Neck Sewer Service Area sewer extension project and such costs shall be included in the betterment to be assessed to recover the costs of said project. As the Town will own grinder pumps on private property, each lot owner must, as a condition of connecting to the common sewer, grant an easement to the Town for the purposes of installing and maintaining said pump, and the Water/Sewer Commission is authorized to accept such easements on behalf of the Town. Any owner of a lot in a Sewer Service Area otherwise entitled to connection who refuses to grant such an easement shall have the right to connect to the common sewer at any time upon granting said easement and shall therefore be assessed a betterment. Use of grinder pumps shall be in accordance with rules, regulations and directives of the Commissioners.

3.5.6. Betterments: Except as otherwise may be voted by the Mattapoisett Town Meeting for a particular project, one hundred percent of the total cost of all sewer projects shall be assessed as betterments using the uniform unit method, with the objective that the entire project cost, including principal and interest payable on any borrowing associated with all sewer projects, shall be borne by those who benefit from the project. Except as herein described, betterments shall be assessed to all lots located in a Sewer Service Area which abut streets in which a common sewer is constructed or to be constructed. Betterments shall also be assessed to all Non-Service Area Lots who are allowed a connection to the common sewer as per Section 3.5.4 herein.

3.5.7 Allocation of Capacity: Sixty (60) days after the Application End Date for the Mattapoisett Neck Road Extension sewer project, the Water/Sewer Commissioners shall determine the total sewer system capacity that is required to serve all properties inside the Mattapoisett Neck Road Extension Sewer Service Area and those Non-Service Area Lots whose application for sewer connections have been approved by the Commissioners and shall thereupon allocate any remaining sewer system capacity to other sewer projects for which design funds have been allocated. The Commissioners shall not allocate any additional capacity to the Mattapoisett Neck Road Extension after such time, unless such re-allocation shall be approved by a two-thirds majority vote at Town Meeting.

Motion made by William Marinone, I move that a secret ballot be taken. Seconded and approved.

Motion made by William Marinone, to reverse secret ballot request. Seconded and approved.

YES 417 NO 110

ARTICLE 2: CAPITAL PLAN- SEWER EXTENSION PROJECT-MATTAPOISETT NECK AREA

Voted for the Town to appropriate the sum of \$6,800,000 by borrowing, for the purpose of financing the design and construction of a Sewer Extension project known as the Mattapoisett Neck Road Sewer Extension project, which shall service only the following streets located in the following areas, which shall henceforth be known as the Mattapoisett Neck Sewer Service Area, and lots located on streets or portions of streets outside such service area if approved for inclusion in the project by the Board of Water/Sewer Commissioners under applicable by-law and/or regulations:

Areas Denoted See Attachment "C"

- (1) Antassawamock Area – including those portions of the following ways which currently exist: King Philip Road, Sagamore Road, Mattakiset Road, Nashawena Road, Anawan Road, Massasoit Road, Seaconet Road, Antassawamock Road, Camanset Road, Quansett West Road, Nauset Road, Quansett East Road, Samoset Road and Shawmut Road;
- (2) Mid Neck Area - including those portions of the following ways which currently exist: Marshmere, Starboard Way, Leeward Way, Windward Way, Port Way, Shore View Avenue and that portion of Mattapoisett Neck Road between the proposed pump station and Starboard Way;
- (3) Mattapoisett Shores - including those portions of the following ways which currently exist: Bay View Avenue, Grand View Avenue, Pleasant View Avenue and Highland View Avenue and that portion of Ocean Drive between Daisy Way and Bay View Avenue;

including without limitation in said Sewer Extension Project all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum 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; and 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; and that 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; provided however that no funds shall be expended hereunder in the event that after the date set by the Water/Sewer Commissioners for owners of lots not within said Sewer Service Area to apply for a sewer connection, and after the bidding process to seek a contractor to undertake said sewer project, it is determined that an individual betterment assessment shall exceed \$32,000 per single-family home lot or vacant lot, and the project shall not go forth, and further that one hundred percent of the total cost to the Town of this project, including all associated and related costs, shall be assessed as betterments by the uniform unit method upon properties within the Mattapoisett Neck Sewer Service Area, and upon those properties located on streets or portions of streets outside such service area but only if approved for inclusion in the project upon application by the owner and approval by the Board of Water/Sewer Commissioners under applicable by-laws and/or regulations.

Motion made by William Marinone, I move that a secret ballot be taken. Seconded and approved

2/3 Majority needed to pass (555 votes 2/3 = 370)

YES 374 NO 181

ARTICLE 3: ADOPTION OF STATUTE REGARDING ELDERLY EXEMPTION

Voted for the Town to accept the provisions of Massachusetts General Laws Chapter 80 Section 13B for the deferral of betterment assessment payments for the elderly residents of the town who satisfy the requirements of said statute.

YES 175 NO 0

ARTICLE 4: SEWER DESIGN APPROPRIATION-NORTH ST & INDUSTRIAL DRIVE:

Voted for the Town to appropriate the sum of \$100,000 from the Sewer Enterprise Retained Earnings for the purpose of engineering and designing sanitary sewer by extending public sewer from its present terminus on North Street, north, the paved length of Industrial Drive, Edgewood Lane, and a portion of Tower Road. The sum of \$100,000 to be transferred from Sewer Enterprise Retained Earnings.

YES 173 NO 2

Motion by Town Moderator to recess until 6:30pm May 11, 2010, seconded and approved.

Second night of Town Meeting was called to order at 6:35 PM, a quorum was present.

ARTICLE 5: ELECTED OFFICERS' COMPENSATION:

Voted for the Town to fix the salaries of elected officers of the town for Fiscal Year 2011 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

YES 70 NO 0

ARTICLE 6: GENERAL OPERATING BUDGET (From Tax Levy, Stabilization Fund and Retained Earnings)

Voted for the Town to defray general operating expenses of the Town for Fiscal Year 2011, including debt and interest, the money to be raised by taxation, borrowing, or transfer from available funds.

ARTICLE 6: GENERAL OPERATING BUDGETS

MOTION: BALANCED BUDGET. Voted for the Town to appropriate the sum of 20,747,928 to defray the charges and expenses of the Town for FY11, for the purposes and amounts set forth in the General Operating Budget as presented at this meeting within the Attachment A, entitled Mattapoisett FY11 Budget, Annual Town Meeting Warrant, and to meet the appropriation the sum of 20,025,022 be raised within the Levy Limit, the sum of 220,000 be transferred from receipts reserved for appropriation (Ambulance Receipts), the sum of 140,000 to be transferred from Fund Balance Reserved for Overlay Surplus, the sum of 56,300 be transferred from revenues of the Sanitary Landfill Enterprise Fund, the sum of 96,873 be transferred from revenues of the Sewer Enterprise Fund, the sum of 150,134 be transferred from revenues of the Water Enterprise Fund, the sum of 54,599 be transferred from the revenues of the Waterfront Enterprise Fund and the sum of 5,000 be transferred from the Priscilla Webster Trust.

And further for the Enterprise Funds, 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 132,700 to defray the expenses of operating the Sanitary Landfill/Transfer Station Enterprise for FY11, the sum of 80,000 to be provided from Revenues of the Sanitary Landfill/Transfer Station Enterprise Fund, 45,934 from Sanitary Landfill/Transfer Station Retained Earnings, and the sum of 6,766 to be raised within the Levy Limit: and

- (2) Appropriate 1,526,388 to defray the expenses of the Water Enterprise Fund, the sum of 1,426,388 to be provided from revenues of the Water Enterprise Fund; and 100,000 to be provided from Water retained Earnings
- (3) Appropriate the sum of 1,461,594 to defray the expenses of the Sewer Enterprise Fund the sum of 1,361,594 to be provided from revenues of the Sewer Enterprise Fund; and 100,000 from Sewer Retained Earnings; and
- (4) Appropriate the sum of 160,920 to defray expenses of the Waterfront Enterprise Fund, the sum of 81,400 to be provided from revenues of the Waterfront Enterprise Fund, and the sum of 21,182 to be provided from Waterfront Unreserved Retained Earnings, and the sum of 58,338 to be provided by transfer from the Municipal Waterways Fund.

Motion by Paul Kelley, I move that line item 01-141-001-5110-01 Principal Assessor be reduced by ½ to \$31,845.00. No second, motion fails.

Motion by Donald Fleming, I move to increase line item Conferences and Meetings by \$500, no second, motion withdrawn.

Motion by Police Chief Mary Lyons to transfer increases from line item Police Chief salary and Police Lieutenant salary to the Reserve Fund, total amount \$4,656.00. Motion seconded and passed, 104/1

Motion by Carmelo Nicolosi, Board of Health Chairman to transfer from line item 433, Rubbish Pickup and line item 435 Recycling a total of \$51,196.00 to the Reserve Fund. Motion seconded and passed, 105/0

Motion by Town Moderator John Eklund to accept the proposed FY11 Budget with changes, seconded and passed.

YES 105 NO 0

Amounts to be voted are shown in Attachment "A".

ARTICLE 7: CAPITAL IMPROVEMENT PLAN:

Voted for the Town to approve the Five Year Capital Improvement Plan to be presented by the Capital Planning Committee.

The recommended Capital Plan is shown in Attachment "B".

UNANIMOUS HAND VOTE

ARTICLE 8: CAPITAL PLAN

Voted for the Town to appropriate the sum of \$101,500 from the Capital Improvement Stabilization Fund and \$31,000 from the Water Department Retained Earnings for the purpose of purchasing equipment as described below,

a.	Fire Department Fire Alarm Receiver	\$25,000
b.	Town Hall Smoke Detection Equipment and Installation	\$12,000
c.	Police Department Police Cruiser	\$28,500
d.	Town Hall Telephone System	\$16,000
e.	Board of Health Pickup Truck	\$20,000
f.	Water Department Service Truck	\$31,000

PASSED UNANIMOUSLY
YES 186 NO 0

ARTICLE 9: REPAIRS TO FIRE TRUCKS AND RADIO REPLACEMENT

Voted for the Town to appropriate the sum of \$18,200 for the purpose of performing needed repairs to various pieces of fire apparatus, and purchase of Fire Radios. The sum of \$18,200 to be transferred from Free Cash.

YES 186 NO 0

ARTICLE 10: CYCLICAL ANNUAL PROPERTY REVALUATION

Voted for the Town to appropriate the sum of \$35,000 for the purpose of funding the Department of Revenue mandated cyclical annual evaluation of property in Mattapoisett. The sum of \$35,000 to be transferred from Free Cash.

YES 186 NO 0

ARTICLE 11: BUZZARDS BAY ACTION COMMITTEE (BBAC) ASSESSMENT

Voted for the Town to appropriate the sum of \$700 for the purpose of paying the cost of the BBAC assessment for FY 2011. The sum of \$700 to be transferred from Free Cash.

YES 186 NO 0

ARTICLE 12: WOMENS' CENTER

Voted for the Town to appropriate the sum of \$2,000 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 2011. The sum of \$2,000 to be transferred from Free Cash.

YES 186 NO 0

ARTICLE 13: APPROPRIATION FOR 21E SITE ANALYSIS WORK RE: POLICE STATION

Voted for the Town to appropriate a sum of \$14,000 to be used for the purpose of conducting the state required site analysis and reporting regarding the issue of subsurface contamination associated with a release from a former Town owned underground gasoline storage tank location at the Mattapoisett Police Station. The sum of \$14,000 to be transferred from Free Cash.

YES 185 NO 1

ARTICLE 14: TRAINING AND LICENSING EXPENSE

Voted for the Town to appropriate the sum of \$2,000 for the purpose of providing training and licensing required by State Statute for the operation of equipment involving hoisting and lifting. The sum of \$2,000 to be transferred from Free Cash.

YES 190 NO 0

ARTICLE 15: APPROPRIATION FOR CONTINUING TOWN BUILDING EVALUATION

Voted for the Town to appropriate the sum of \$15,000 for the purpose of funding a full costing analysis of the remediation of building deficiencies identified in the Town of Mattapoisett Capital Planning Committee Facilities Study dated January 14, 2010 and on file at Town Hall. The sum of \$15,000 to be transferred from Free Cash.

YES 190 NO 0

ARTICLE 16: PICO BEACH GRANT MATCH

Voted for the Town to appropriate the sum of \$3,300 for the purpose of providing the Town's match to a Buzzard's Bay National Estuary Project Grant for certain environmental improvements at Pico Beach. The sum of \$3,300 to be transferred from Free Cash.

YES 190 NO 0

ARTICLE 17: FUNDING FOR APPLYING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Voted for the Town to appropriate the sum of \$3,000 for the purpose of filing the necessary applications, submittals and documentation for applying for a Community Development Block Grant to be filed jointly with Marion and Rochester for senior citizen home improvements and handicap accessibility improvements in each town. The sum of \$3,000 to be transferred from Free Cash.

YES 189 NO 1

ARTICLE 18: BUILDING CARE AND MAINTENANCE FUND

Voted for the Town to appropriate the sum of \$7,500 for the purpose of making repairs from time to time during the fiscal year to public buildings. Yearly use of the funds subject to approval by the Board of Selectmen by an affirmative vote. The sum of \$7,500 to be transferred from Free Cash.

YES 190 NO 0

ARTICLE 19: TRANSFER OF FUNDS

Voted for the Town to revise the vote taken under Article 12 of the October 2007 Town Meeting to include authorization for use of the appropriated to include the care, maintenance and repair of the town piers, floats, supporting buildings and parking areas at Shipyard Park.

YES 190 NO 0

ARTICLE 20: AGRICULTURAL COMMISSION FORMATION

Voted for the Town to amend the Town General By-Laws by adding the following by-law as Section 2.17 of Article 2, to establish an Agricultural Commission to represent the Mattapoisett farming community. Said Commission once appointed shall develop a work plan to guide its activities. Such activities shall include, but are not limited, to the following: serve as facilitators for encouraging the pursuit of agriculture in Mattapoisett; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for preservation of prime agricultural lands; and pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of seven members appointed by the Board of Selectmen, who shall serve for three years terms, with initial terms as follows: three members for three years, two members for two years, and two members for one year. Of the seven members appointed by the Board of Selectmen, not less than four members shall have background in farming or agricultural-based enterprises in Mattapoisett and the remaining three shall have interest in farming. The Board of Selectmen shall, based upon recommendations by the Commission, fill any vacancy for the remainder of the unexpired term.

YES 189 NO 1

ARTICLE 21: ESTABLISHMENT OF REVOLVING FUND FOR COMMUNITY FARMER'S MARKET

Voted for the Town to authorize the establishment of a Farmer's Market Revolving Fund pursuant to MGL Chapter 44, Section 53E ½ for the purpose of receiving monies related to the operation of a Tri-Town Farmer's Market, which funds may be expended by the Board of Selectmen for costs associated with the operation of the Market, and setting a limit on expenditures from said fund to \$ 2,000 for Fiscal Year 2011.

YES 190 NO 0

ARTICLE 22: ESTABLISHMENT OF REVOLVING FUND-HISTORICAL COMMISSION

Voted for the Town to establish a Revolving Fund under and pursuant to MGL Chapter 44, Section 53E ½ for the purpose of accepting revenues related to the operation of Historical Commission programs, which funds may be expended by the Historical Commission to be used for the operation of said programs in the advancement of the mission of the Commission, and setting a limit on expenditures from said fund to \$10,000 for Fiscal Year 2011.

YES 190 NO 0

ARTICLE 23: DEPARTMENTAL REVOLVING FUND AUTHORIZATION

Voted for the Town to authorize Revolving Funds for the following existing Town revolving funds, under and pursuant to MGL Ch. 44 Section 53E ½ for the Fiscal 2011 year.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2011 Spending Limit
Flu Clinic	Public Health Nurse	Flu clinic donations and other receipts	Expenses incurred for operating the flu clinic.	\$5,000
Heritage Days	Heritage Days Sub Committee	Program fees and receipts from fund raising activities	Expenses incurred for the production of Heritage Days activities, including equipment purchase & rental, and fees for specific events.	\$10,000
Local Cultural Council	Cultural Council Members	Grants, other receipts, and donations	Expenses incurred for operating the art show, and fund raising activities	\$5,000
Wood Waste Recycling	Board of Health	Fees and receipts generated from wood waste	To Cover the cost of activities related to wood waste recycling.	\$30,000
TOTAL SPENDING				\$50,000

YES 190 NO 0

ARTICLE 24: FORMATION OF FACILITY MANAGEMENT COMMITTEE

Voted for the Town to establish a seven member committee to be known as the Facility Management Committee be comprised of professionals in the various skilled trades who would annually review every town and school building and: (1) make recommendations on conditions of structures; and (2) recommendations as to care and repairs that the Town should address as part of proper annual care and upkeep. Appointments to the Committee shall be made by the Board of Selectmen, for three year rotating terms. A report of the Committee's findings shall be included each year in the Town's Annual Report.

YES 189 NO 1

ARTICLE 25: ALLOCATION OF REVENUES COMMUNITY PRESERVATION ACT FUNDS

Voted for the Town to apportion the Annual revenues of the Community Preservation Fund for projects and expenses in Fiscal 2011, within the following categories:

Administrative Expenses	\$ 5,000.00
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Allocation to Reserves:

Housing	\$ 17,095.50
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Historical Preservation	\$ 17,095.50
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Open Space	\$ 17,095.50
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Budgeted Reserve	\$114,668.50
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Or take any action relative thereto

YES 190 NO 0

ARTICLE 26: FUNDING FOR PROJECT COMMUNITY PRESERVATION FUNDS

Voted for the Town to appropriate the sum of \$25,000 for the purpose of providing design and engineering services associated with Phase 2B and Phase 2A of the Mattapoisett Bike Path Project. The sum of \$25,000 to be transferred from the Budgeted Reserve of the Community Preservation Act Reserves.

Steve Kelleher, motion to amend article to insert "with Phase 2B and Phase 2A", motion seconded and passed 190/0.

Gary Johnson, motion to amend article from Open Space Reserve Account to Budgeted Reserve Account, motion seconded and passed 190/0

YES 190 NO 0

ARTICLE 27: FUNDING FOR PROJECT COMMUNITY PRESERVATION FUNDS

Voted for the Town to appropriate the a sum of \$35,000 from available revenues for the purpose of improving the Railroad Bridge Crossing on the Bike Path between Mattapoisett Neck Road and Depot Street. The sum of \$35,000 to be transferred from the Budgeted Reserve of the Community Preservation Act Reserves.

Gary Johnson, motion to amend article to delete Open Space Reserve and replace with Budgeted Reserve, motion seconded and passed 190/0

YES 190 NO 0

ARTICLE 28: LAND ACQUISITION COMMUNITY PRESERVATION ACT FUNDS

Voted for the Town to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise Lot 8 as shown on the Mattapoisett Assessors Map under Plat 22, and, as funding therefore, that \$65,000 be appropriated from the Community Preservation Fund Open Space Reserve account, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of \$260,000 under and pursuant to MGL Ch. 44 Sections 7&8, MGL Ch.44B, §11, and/or MGL Chapter 29C, and any other enabling authority and issue bonds and notes therefore; and further, that it is anticipated that the principal and interest payments for said borrowing shall be paid each year from the Community Preservation Fund.

Motion to amend funding source from "\$65,000 FY 2010 Budgeted Reserve" to \$65,000 from Undesignated Community Preservation Fund balance. Motion seconded and passed unanimously.

YES 149 NO 1

Meeting was recessed at 10:15 to Wednesday May 12, 2010 at 6:30 PM.
Third night of Town Meeting was called to order at 6:40 PM, a quorum was present.

ARTICLE 29: AMENDMENT TO AUTHORIZATION

Voted for the Town to revise the vote taken under Article 7 of the May 2008 Annual Town Meeting, entitled Capital Plan for Purchase of Land to include the following language after the words, "purchase land" to include any cost associated with the acquisition of said parcel for protection of town drinking water aquifers and well fields.

YES 95 NO 0

ARTICLE 30: ESTABLISHMENT OF DEPARTMENTAL RESERVE FOR SEWER EXPENSES

Voted for the Town to appropriate the sum of \$10,000 from the Sewer Department Enterprise Funds Retained Earnings to the FY11 Sewer Department Annual Budget, as a departmental reserve for extraordinary and/or unforeseen expenses.

YES 98 NO 0

ARTICLE 31: ESTABLISHMENT OF DEPARTMENTAL RESERVE FOR WATER EXPENSES

Voted for the Town to appropriate the sum of \$10,000 from the Water Department Enterprise Funds Retained Earnings to the FY11 Water Department Annual Budget.

YES 100 NO 0

ARTICLE 32: WATER METER READING EQUIPMENT ACQUISITION

Voted for the Town to appropriate the sum of \$200,000 from Water Enterprise Retained Earnings for the purchase of Water Meter reading and transmitting equipment for the remote reading of water meters within Mattapoisett, including the cost of installing said equipment in homes on town public water supply.

YES 133 NO 14

ARTICLE 33: FUNDING FOR DEMOLITION OF THE NORTH STREET WATER STANDPIPE

Voted for the Town to transfer the sum of \$ 27,619.12 from the following previously voted articles of past town meetings, and \$42,380.88 from Water Retained Earnings:

	<u>Amount</u>
Article 11 May 5 2003 Town Meeting	\$ 120.93
Article 12 May 5 2003 Town Meeting	\$10,727.50
Article 14 May 5 2006 Town Meeting	\$ 2,036.72
Article 4 May 5 2007 Town Meeting	\$ 4,783.72
Article 38 May 10 1999 Town Meeting	\$ 8,500.00
Article 9 May 5 2006 Town Meeting	\$ 1,450.25

For the cost of demolishing the North Street Water Tower.

YES 150 NO 0

ARTICLE 34: COVE STREET SEWER EXTENSION PROJECT

Voted for the Town to appropriate the sum of \$600,000 by borrowing for the purpose of designing, engineering, permitting and constructing a municipal sanitary sewer on Cove Street, said appropriation to cover all costs as defined in Section 1 of Chapter 29C of the Massachusetts General Laws and, as funding therefore, that the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow said sum under and pursuant to MGL Ch. 44 Sections 7 and 8 and Chapter 29C, and any other enabling authority, and that said notes and bonds shall be general obligation bonds of the Town, expected to be paid through the assessment of betterments under the uniform unit betterment assessment method. One hundred percent of the total cost to the Town of this project, shall be borne by the property owners benefiting from this project, including all associated and related costs and further, that the Board of Selectmen be authorized to apply for and expend any assistance through grants that may be available to defray the cost of the project including the Massachusetts Water Pollution Abatement Trust Fund, and that the Town authorize the Board of Selectmen and Sewer Commissioners to enter into any regulatory agreements as may be necessary or appropriate to expend said funds.

YES 155 NO 0

ARTICLE 35: NORTH STREET SEWER REPLACEMENT PROJECT

Voted for the Town to appropriate the sum of \$610,000 by borrowing for the purpose of financing the construction of a Sewer Replacement Construction project, replacing of the North Street Sewer from Water Street Northerly to 55 North Street, 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 said sum and issue bonds or notes therefor under Chapter 44, Sections 7 or 8 of the General Laws or Chapter 29C of the General Laws, or any other enabling authority: that such bonds or notes shall be general obligations of the Town, and one hundred percent of the total cost to the Town of this project shall be assessed as betterments using the uniform unit method and shall be borne by the owner (s) benefiting from this project that being Bay Club of Mattapoisett, LLC, 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 of 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.

Added by Kopelman and Paige for the record: The Water and Sewer Commissioners believe that the only property that will obtain a special benefit from this project, beyond the general benefit to the Town of the Sewer replacement is the property owned by Bay Club of Mattapoisett, LLC. The commissioners do not intend to go ahead with this borrowing, or go out to bid with the project, or expend any funds appropriated under the article until Bay Club has signed a written, recordable agreement, running with its land, whereby Bay Club agrees, for itself and its successors and assigns, and all holders of mortgages upon the Bay Club property agree, that the Town may assess a betterment for the total cost to the Town of this project upon Bay Club's property, and that Bay Club will not see an abatement of that assessment or claim that the assessment is invalid because it is not assessed on any other property.

YES 155 NO 0

ARTICLE 36: ACCEPTANCE OF STATUTE FOR OTHER POST BENEFITS LIABILITY TRUST FUND

Voted for the Town to accept the provision of MGL Ch.32B Section 20 for the purpose of establishing an Other Post Employment Benefits Liability Trust Fund for the purpose of holding funds for the long term unfunded liability of retiree health insurance costs, and further to raise and appropriate the sum of \$25,000 for such fund for the purpose of initiating the development of a Reserve to meet this fiscal liability.

YES 150 NO 0

ARTICLE 37: APPROPRIATION TO STABILIZATION FUND

To see if the Town will vote to appropriate a sum of money from available revenue to be placed in the Town's Stabilization Fund.

Selectman Paul Silva moves to withdraw this article, seconded and approved.

ARTICLE 38: AUTHORIZATION AMENDMENT

Voted for the Town to amend Article 4, May 2009 Annual Town Meeting, regarding Town Hall Generator Project to include also the DPW Highway Barn Generator work.

YES 150 NO 0

ARTICLE 39: AUTHORIZATION AMENDMENT

Voted for the Town to amend Article 11, of November 2, 2009 Special Town Meeting to include language that allows use of the appropriation to include remediation of deficiencies discovered regarding water leakage in the Center School.

YES 150 NO 0

ARTICLE 40: CHANGE HIGHWAY SURVEYOR FROM ELECTED TO APPOINTED

Voted for the Town, pursuant to MGL Ch. 41 Subsection, 1B, to have the elected Highway Surveyor position change from an elected to an appointed position in the Town of Mattapoisett, and further that under the Town of Mattapoisett General Bylaws to delete the Section contained within Article 1.3 whereby the position of Highway Surveyor is deleted from the list of Elected Officers. Said action to be subject to final acceptance by a vote at an Annual Election.

Motion by Kim Ward, Petitioner, I move that a Secret Ballot be taken. Motion defeated.

Article defeated,
YES 3 NO 147

ARTICLE 41: STREET ACCEPTANCE PARK PLACE

Voted for the Town to accept Park Place all as described in a Description entitled Right of Way Park Place, prepared for Park Place Associates, dated February 5, 2010 and on file in the Town Clerk's Office at the Mattapoisett Town Hall, and further that the Town would accept the land within said layout as a donation, and authorize the Board of Selectmen to effectuate the necessary documents to finalize this action.

YES 140 NO 0

ARTICLE 42: STREET ACCEPTANCE PARK LANE

Voted for the Town to accept Park Lane all as described in a Description entitled Right of Way Park Lane, prepared for Park Lane Associates, dated February 5, 2010 and on file in the Town Clerk's Office at the Mattapoisett Town Hall, and further that the Town would accept the land within said layout as a donation, and authorize the Board of Selectmen to effectuate the necessary documents to finalize this action.

YES 140 NO 0

ARTICLE 43: RECONSTRUCTION OF TENNIS COURTS

To see if the Town will vote to appropriate the sum of \$100,000 from available revenue for the purpose of reconstructing three tennis courts on Hammond Street at Center School,

Motion by Lois Murray to transfer \$13,044.00 from Free Cash, motion seconded and carries 66/38.

Motion by Bill Marinone the move the question, seconded, motion carries 150/0

Article Defeated
YES 59 NO 68

CERTIFIED TO BE A TRUE RECORD:

ATTEST:

Barbara A. Sullivan CMC/CMMC
Mattapoisett Town Clerk