

TOWN OF MATTAPOISETT
SPECIAL TOWN MEETING
NOVEMBER 15, 2011

The Special Town Meeting was called to order at Old Rochester Regional High School Auditorium at 6:30 pm on November 15, 2011 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: PROHIBITION OF AQUACULTURE IN MATTAPOISETT WATERS

To see if the Town will vote to establish an area of the 25 mile coastline from Fairhaven town line, east to the Marion town line, south to the commercial shell fishing line. Thus there not be any aquaculture grants to be issued in this area of Mattapoisett coastal waters, or take any action relative thereto including but not limited to a possible bylaw change or amendment.

Motion made by George Randall to withdraw this article.
Motion passes unanimously.

ARTICLE 2: PRIOR YEAR LEGAL EXPENSES

Voted for the Town to appropriate the sum of \$12,384 from Free Cash to pay outstanding prior year legal invoices. The sum of \$12,384 to be transferred from Free Cash.

Motion made by Brad Hathaway to indefinitely postpone, seconded by Jack Duff.
Motion defeated 149/3

YES 147 NO 5

ARTICLE 3: STREET ACCEPTANCE RIVER BEND LANE

Voted for the Town accept as a public way the layout of River Bend Lane all as shown on a plan entitled As Built Plan of River Bend Lane, dated 6-03-11, on file with the Town Clerk's office, and approved by the Planning Board dated 8-1-11, and further to authorize the Board of Selectmen to acquire on behalf of the Town by gift an easement to use said street for all purposes for which public ways are used in the Town of Mattapoisett and other associated easements.

YES 148 NO 4

ARTICLE 4: ESTABLISHMENT OF REVOLVING FUND- SCHOOL KILN/ART

Voted for the Town to authorize the establishment of a Revolving Fund for the Local School Kiln/Art Project Revolving Fund pursuant to MGL. Ch. 44, sec. 53E ½, and that the School Committee is authorized to expend from the Fund for the purpose of maintaining the kilns at Center School and Old Hammondtown School and for providing art supplies and materials, and that monies from donations shall be deposited from time to time and be used for ceramic projects and total expenditures from said Fund not to exceed \$5,000.

YES 148 NO 4

ARTICLE 5: MATTAPOISETT NECK SEWER EXTENSION – ADDITIONAL CONNECTIONS
Voted for the Town to amend Section 3.5.4.1 of the Mattapoisett Neck Sewer Connection and Assessment Bylaw by adding at the end of Section 3.5.4.1 the following sentence:

“The Water/Sewer Commission may allow a Non-Service Area Lot to connect to the common sewer notwithstanding that the owner did not make application by the Application End Date if Town Meeting votes to authorize the Water/Sewer Commission to allow such connection.”

FURTHER: Upon the effective date of such Amendment, the Water/Sewer Commissioners are hereby authorized to allow the following properties to connect to the Mattapoisett Neck Road Sewer Project and the Commissioners shall have the ability, in their sole discretion, to allocate sufficient capacity to said project to service said connections:

Assessor Property Address	Map	Lot
0 Mattapoisett Neck Road	12	186
0 Harbor Road	12	196
5 Harbor Road	12	55
37 Mattapoisett Neck Road	11	70
3 Barrett Drive	15	28.A
41 Mattapoisett Neck Road	11	141.A
3 Oyster Lane	11	141
39 Mattapoisett Neck Road	11	142
3 Daisy Way	15.B	25
32A Mattapoisett Neck Road	11	133.F
4 Old Mattapoisett Neck Road	11	165
6 Old Mattapoisett Neck Road	11	164
6 Whaler's Way	12	136
26 Mattapoisett Neck Road	11	133.A
0 Whalers Way	12	135

The Water/Sewer Commissioner shall be able to postpone or deny such additional connections, in their sole discretion, due to financial, engineering, permitting, capacity and other restraints, including that such additional connections would impair the ability of the Mattapoisett Neck Sewer Project to serve lots located within the Mattapoisett Neck Sewer Service Area having a right to connect under said Bylaw or any connection already approved by the Water/Sewer Commissioners under Section 3.5.4 of said Bylaw prior to the date of this vote. Additional connections authorized under this vote shall be subject to Department of Environmental Protection and other permitting approvals and shall be subject to the provisions of said Bylaw applicable to Non-Service Area Lots.

YES 149 NO 3

**ARTICLE 6: SEWER BETTERMENT DEFERRALS AUTHORIZATION STATUTE
ACCEPTANCE**

Voted for the Town to expand the ability of the Town to grant the deferral of betterment payments by its elderly residents under the provisions of Massachusetts General Laws Chapter 80 Section 13B originally adopted by Article 3 of its Annual Town Meeting of 2010, by having the Town adopt the provisions of Massachusetts General Law Chapter 59, Section 5, Clause 41A which allows the Water and Sewer Commissioners to grant those deferrals to the maximum amount allowed by the statutes of the Commonwealth specifically including, but not limited to, Massachusetts General Law Chapter 62, Section 6, Subsection (k). This provision shall not obligate the Town or the Commissioner to provide such deferrals.

YES 151 NO 1

ARTICLE 7: RESCINDING OF PREVIOUS BORROWING AUTHORIZATIONS

Voted for the Town to rescind the following previously approved borrowing authorizations as approved by previous Town Meeting or take any action relative thereto:

Buzzards Bay Sewer Article 2 STM 8/13/01 & Article 17 STM 10/24/2005

Unissued Amount \$139,363

Comp. Wastewater Article 14 STM 10-24-05

Unissued Amount \$5,182

YES 151 NO 1

ARTICLE 8: LEASE AUTHORIZATION FOR PHOTO VOLTAIC ARRAYS

Voted for the Town to authorize the Selectmen to prepare Request for Proposals, advertise, review and determine suitable proposals to locate Photo Voltaic Panels and Arrays on Town owned land for the purpose of producing electricity and further to authorize the Selectmen to lease suitable town owned properties not held for Conservation, Park or Recreational purposes for the siting of these photo voltaic panels and arrays, and that any revenues in excess of those that off set Mattapoisett's municipal energy costs, shall be placed in a Solid Waste Disposal Cost Stabilization Fund under and pursuant MGL Ch. 40 sec. 5B.

YES 150 NO 2

ARTICLE 9: FINDING FOR SHORT TERM BANS

Voted for the Town to appropriate the sum of \$ 3,131.31 from Free Cash for interest on bond anticipation notes for the Fire Truck Replacement as approved at the May 2011 Annual Town Meeting; and to transfer from Sewer Retained Earnings for interest on bond anticipation notes the amounts for the following Sewer Projects:\$3,172.78 for Mattapoisett Neck, \$ 6,100.00 for North Street, \$350.00 for Cove Street and \$882.64 for the Fairhaven Wastewater Plant Improvements, a total of \$10,505.42. The sum of \$3,131.31 to be transferred from Free Cash.

YES 150 NO 0

ARTICLE 10: FUNDING HURRICANE IRENE CLEANUP

Voted for the Town to appropriate the sum of \$50,000 from Free Cash to the Reserve Fund to cover cost of cleanup and expenses associated with Hurricane Irene. The sum of \$50,000 to be transferred from Free Cash.

YES 144 NO 0

ARTICLE 11: ADDITIONAL GENERAL INSURANCE FUNDS FY12 BUDGET

Voted for the Town to appropriate the sum of \$12,000 from Free Cash for the purpose of funding the town various insurance coverages. The sum of \$12,000 to be transferred from Free Cash.

YES 144 NO 0

ARTICLE 12: FUNDING OF SNOWPLOW TRUCK

Voted for the Town to appropriate the sum of \$80,000 from Free Cash to purchase a new snowplow/dump truck, and equip with a snowplow unit, slide in sander unit, and a liquid de-icer application unit. The sum of \$80,000 to be transferred from Free Cash.

YES 138 NO 6

ARTICLE 13:TOWN COMPUTER EQUIPMENT FUNDING

Voted for the Town to appropriate the sum of \$20,000 from Free Cash for the purpose of funding work associated with the installation of the town's new computer system. The sum of \$20,000 to be transferred from Free Cash.

YES 140 NO 2

ARTICLE 14: APPROPRIATION FOR BENEFIT SETTLEMENTS

To see if the Town will vote to appropriate the sum of \$25,000 of payment of employee benefits upon retirement, and leave of service with the Town or take any action relative thereto.

Motion by Selectman Paul Silva to withdraw.

Motion passed unanimously.

ARTICLE 15: FUNDING TOWN WEB PAGE

To see if the Town will vote to appropriate the sum of \$5,000 from Free Cash for the purpose of funding the manpower, equipment, and operational needs of maintaining and operating the Town's Website and the On Demand Meeting Video Streaming System, or take any action relative thereto.

Motion by Selectman Paul Silva to withdraw.

Motion passed unanimously

ARTICLE 16: FUNDING FOR THE N-STAR CONNECTION TO SHIPYARD PARK AND WHARVES

Voted for the Town to appropriate the sum of \$7,800 from Free Cash for the purpose of paying N-Star to make the new electrical service connection for the electrical systems at Shipyard Park and Town Wharves. The sum of \$7,800 to be transferred from Free Cash.

YES 139 NO 1

ARTICLE 17: APPROPRIATION FOR EXPENSES ON TAX TITLE LAND ANALYSIS

Voted for the Town to appropriate the sum of \$5,000 from Free Cash for the purpose of doing further testing and analysis of Tax Title Parcels that may be buildable for the purpose of establishing appropriate starting bids for their sale. The sum of \$5,000 to be transferred from Free Cash.

YES 149 NO 1

ARTICLE 18: APPROPRIATION TO FUND NEW OPEN SPACE PLAN

To see if the Town will vote to appropriate the sum of \$5,000 from Free Cash for the purpose of preparing a New Open Space Management Plan for Mattapoisett, or take any action relative thereto.

Motion by Selectman Jordan Collyer to withdraw.

Motion passed unanimously

ARTICLE 19: FUNDS FOR CERTAIN WATERFRONT IMPROVEMENTS

Voted for the Town to appropriate the sum of \$10,000 from Waterways Retained Earnings for the purpose of wharf repairs and dinghy racks, including all costs incidental. The sum of \$10,000 to be transferred from Waterways Retained Earnings.

YES 149 NO 1

ARTICLE 20: EEL POND EAST CHANNEL CLEANING

Voted for the Town to authorize the expenditure of funds in anticipation of grant reimbursement for the purpose of performing work on the cleaning of materials from the east entrance of Eel Pond and vegetation reestablishment to help control erosion in the vicinity, and further approve up \$7,500 from Free Cash to be used as part of Mattapoisett's match to be eligible for Grant Funds for this purpose. The sum of \$7,500 to be transferred from Free Cash.

YES 140 NO 0

ARTICLE 21: TREE SPRAYING

Voted for the Town to appropriate the sum of \$2,500 from Free Cash for the purpose of spraying the Public Shade Trees of the Town to protect them from seasonal infestations. The sum of \$2,500 to be transferred from Free Cash.

YES 138 NO 2

ARTICLE 22: BIKE PATH LEGAL MEETS AND BOUNDS DESCRIPTION AND TAKING

Voted for the Town to take the following described Multi-Use Path Easement by gift, purchase or Eminent Domain and to authorize the Board of Selectmen to acquire such easement, and further to authorize the Board of Selectmen to execute instruments or take such action as is necessary to effectuate the vote taken hereunder; such easement described as follows:

Beginning at a point on the easterly sideline of Reservation Road, thence by a curve to the left, with a radius of 20' and an arc length of 18.87', thence N56 degrees 34'33"E 71.50', thence by a curve to the left with a radius of 2187.03' and an arc length of length of 399.03', thence S51 degrees 14'37"E 20.17', thence by a curve to the right with a radius of 2207.03' and an arc length of 399.22', thence S56 degrees 34'33"W 71.50', then by curve to the right with a radius 40' and an arc length 14.32' to the easterly sideline of Reservation Road, thence running with the easterly sideline of Reservation Road, thence running with the easterly sideline of Reservation Road N38 degrees, 22'01" W 25.87' to the point of beginning, all as shown on a plan on file with the Town Clerk's Office entitled Easement Plan Multi-Use Path, Over Parcels 11-170, and 10-175, Mattapoisett, MA dated 5-5-11, Plan No. 7609-Easement2.

YES 140 NO 2

ARTICLE 23: A/C REPAIR POLICE STATION

Voted for the Town to appropriate a sum of \$30,000 from Free Cash to repair and replace HVAC components at the Police Station. The sum of \$30,000 to be transferred from Free Cash.

YES 139 NO 1

ARTICLE 24: STORM WATER ASSESSMENT AND REMEDIATION EXPENSES

Voted for the Town to appropriate the sum of \$18,000 from Free Cash to take those remedial actions needed to comply with the requirement of MS4 Storm Water Regulations, Development or Remediation Plans with respect to storm water discharges, including all costs incidental and related expenses. The sum of \$18,000 to be transferred from Free Cash.

YES 139 NO 1

ARTICLE 25: EMPLOYEE TRAINING

Voted for the Town to appropriate the sum of \$5,000 from Free Cash for the purpose of funding the Education and Training Account. The sum of \$5,000 to be transferred from Free Cash.

YES 130 NO 10

ARTICLE 26: REPAIRS TO TOWN HALL

Voted for the Town to appropriate the sum of \$20,000 from Free Cash to be used to repair and maintain Town Hall including all costs incidental and related thereto. The sum of \$20,000 to be transferred from Free Cash.

YES 136 NO 4

ARTICLE 27: BALANCE CURRENT FY12 LANDFILL EXPENSES TO PROJECTED REVENUES

To see if the Town will vote to set will vote to amend the budget for the Transfer Station/Sanitary Landfill Operating Budget to balance the Expenses with the Projected Revenue for Fiscal Year 2012 or take any action relative thereto.

Motion by Selectman Jordan Collyer to withdraw
Motion passed unanimously

ARTICLE 28: HOME RULE PETITION AQUACULTURE LICENSE FEES

Voted for the to authorize the Board of Selectmen to file a petition with the General Court of the Commonwealth of Massachusetts for Special Legislation for the purpose 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 approve amendments to the bill prior to enactment by the General Court and to provide further that the Board of Selectmen is hereby authorized to approve amendments which shall be in the scope of the general public objectives of this petition, or any other action relative thereto:

That the Town of Mattapoisett be authorized to charge a fee \$200.00 per acre for Aquaculture Licenses granted under and pursuant to G.L.130 sec. 57, said fee to be equal to the cost to the Town of overseeing, supervising, inspecting and taking appropriate measures to enforce compliance with the terms and conditions of such license, and further that the Town be authorized to require that licensees under G.L.130 sec. 57 post a bond in an amount determined by the Board of Selectmen to be sufficient to meet the cost of any remedial measures necessary should the licensee not remedy deficiencies discovered by the Town, notice of which is provided to the licensee and which notice shall provide a reasonable opportunity to cure the defect or in the event that the licensee abandons the licensed operation and it becomes a danger to navigation, public safety, or health then the Town shall cure said defect.

YES 135 NO 5

ARTICLE 29: SUPPLEMENTAL APPROPRIATIONS – HEALTH INSURANCE

To see if the Town will vote to appropriate a sum of money from Free Cash for the purpose of supplementing the funding as approved within Article 2 of the May 9th Annual Town Meeting, Annual Operating Budget for the line item, Health Insurance, or take any action relative there to.

Motion by Selectman R. Tyler Macallister to withdraw.
Motion passed unanimously

ARTICLE 30: APPROPRIATION TO CAPITAL IMPROVEMENT STABILIZATION FUND

Voted for the Town to appropriate a sum of \$150,000 from Free Cash to the Capital Improvement Stabilization Fund pursuant to G.L. Ch. 40 sec. 5B. The sum of \$150,000 to be transferred from Free Cash.

Motion by Town Account Suzanne Szyndlar to make correction in title of the fund monies being transferred to: from Equipment Stabilization to Capital Improvement Stabilization.
Motion passed 136/3

YES 139 NO 1

ARTICLE 31: APPROPRIATION TO STABILIZATION FUND

Voted for the Town to appropriate a sum of \$100,000 from Free Cash to the Stabilization Fund pursuant to G.L. Ch. 40 sec. 5B. The sum of \$100,000 to be transferred from Free Cash.

YES 139 NO 1

ARTICLE 32: APPROPRIATION TO SPECIAL EDUCATION COST STABILIZATION FUND

Voted for the Town to appropriate a sum of \$60,000 from Free Cash to the Special Education Cost Stabilization Fund. The sum of \$60,000 to be transferred from Free Cash.

YES 139 NO 0

Motion was made, seconded and was passed to adjourn at 9:25PM.

CERTIFIED TO BE A TRUE RECORD

ATTEST:

Barbara A. Sullivan CMC/CMMC
Mattapoisett Town Clerk