

**TOWN OF MATTAPOISETT
SPECIAL TOWN MEETING
March 3, 2009**

The Special Town Meeting was called to order at The Old Hammondtown School Auditorium at 7:07 pm on March 3, 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 Town Administrator, Michael J. Botelho, "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: GIFT OF LAND: Voted for the Town to authorize the Board of Selectmen, acting on behalf of the Town of Mattapoisett, to accept a gift of land together with all and appurtenant easements described as a parcel of land ("Parcel 12A") on Industrial Drive and Bay Club Drive shown as Parcel 12A on plan entitled "Existing Conditions Parcel 12A" dated June 30, 2008 made by Tibbetts Engineering Corp. containing 3.4 acres of land (the "Plan"). .

The conveyance of this parcel shall be by good and sufficient Quitclaim Deed to the Town acting by and through its Board of Selectmen for general municipal purposes (the "Deed"). Said Deed shall convey title, which shall be good and clear record marketable title and shall be free from encumbrances, except the following:

- a. Provisions of existing building, zoning, environmental, health and subdivision control, laws, rules and regulations;
- b. Such taxes for the then current year as are not due and payable on the date of the delivery of such Deed(s);
- c. Any liens for municipal betterments assessed after the date of closing hereunder;
- d. Easements, covenants and restrictions of record so long as the same do not interfere with the use of Parcel 12A for the Town's purposes.

YES 296 NO 24

ARTICLE 2: CONSERVATION RESTRICTION – TOWN OWNED LAND: Voted for the Town to transfer custody of the Town Property from the Board of Selectmen to the Conservation Commission for conservation purposes under G.L. c. 40 Section 8C. The property is described as a parcel located within the Bay Club Subdivision shown as Parcel 13 (the "Town Property"), on plan entitled "Bay Club at Mattapoisett Definitive Cluster Subdivision Amendment #1" recorded with Plymouth County Registry of Deeds in Plan Book 47, Page 119, Sheet L-12.; such conservation restriction to be administered by the Mattapoisett Land Trust for the benefit of Mattapoisett residents through a Grant of Easement from the Bay Club to the Town acting by and through its Conservation Commission, for the benefit of its residents, providing access to the Town Property over Bay Club Road from and to Industrial Drive for pedestrian access and motorized wheelchairs for passive recreation and conservation purposes which Grant of Easement shall be recorded with the Deed to the Club Property, or take any other action relating thereto.

A motion was made by Steven Kelleher to table Article 2 until a later date. Motion was defeated Yes 111 No 121

A motion was made by Russell Chase to indefinitely postpone any action on this article. Motion carries

Yes 190 No 92

ARTICLE 3: SEWER PROJECT – BY PETITION:

To see if the town will vote to raise and appropriate a sum of money for the purpose of financing the construction of a Mattapoisett Neck Sewer Extension Construction project (project is defined to provide and make available connections for sewer service on all or parts of the following streets: Mattapoisett Neck Road, Antassawamock Road, Sagamore Road, Mattakiset Road, Nashawena Road, Anawan Road, Massasoit Road, Camanset Road, Shawmut Road, Samoset Road, King Philip Road, Quansett East, Seaconet Road, Shoreview Avenue, Port Way, Leward Way, Windward Way, Starboard Way) 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: that such bonds or notes shall be general obligations of the town and betterments using the uniform unit method, be assessed so as to provide sufficient funds to ensure that the entire principal and interest payable on any borrowing associated with this project will be assessed to all users of the Mattapoisett Neck Sewer Extension Project, regardless of when or at what time in the future the connection to the said Extension Project is made by the user(s), 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 and take any other action necessary to carry out the project or to take any other action relating thereto.

Article was defeated by 2/3 vote Yes 132 No 100

CERTIFIED TO BE A TRUE RECORD:

ATTEST:

Barbara A. Sullivan CMC/CMMC
Mattapoisett Town Clerk