

**TOWN OF MATTAPOISETT  
SPECIAL TOWN MEETING  
OCTOBER 12, 2010**

The Special Town Meeting was called to order at Old Rochester Regional High School Auditorium at 6:32pm on October 12, 2010 by 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: GENERAL BYLAW AMENDMENT-DOGS TO BE ALLOWED ON GOODSPEED ISLAND BEACH**

Voted for the Town to amend the General By-Laws of the Town by adding the following new section, Section 17.3.1 that provides as follows:

Notwithstanding the provisions of Section 17.3, dogs shall be permitted to be off-leash and/or unchained at the Goodspeed Island beach but shall otherwise be subject to the provisions of Article 17, Dog Licensing and Animal Control

Article Defeated

YES 44 NO 186

**ARTICLE 2: FUNDING ENVIRONMENTAL IMPACT REPORT**

Voted for the Town to appropriate \$40,000 from Sewer Retained Earnings for the completion of an Environmental Impact Report necessary to finalize Mattapoisett's Comprehensive Wastewater Management Plan. The sum of \$40,000 is to be transferred from Sewer Retained Earnings.

YES 228 NO 12

**ARTICLE 3: EEL POND SEWER LIFT STATION UPGRADING** Voted for the Town to raise and appropriate a sum of \$640,000, said amount to be raised by borrowing \$600,000 and further by transferring \$40,000 from Sewer Retained Earnings for the purpose of financing the upgrading of the Eel Pond Sewer Lift and Pump station, including all cost incidental and related thereto, as defined in Section 1 of 29C of the General laws, that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money, and issue bonds or notes therefore under Ch. 44, Sections 7 or 8 of the General Laws or Chapter 29C of the General Law. These bonds and notes shall be general obligations of the town and that the entire principal and interest payable on the borrowing associated with this project will be assessed to the Sewer Enterprise Account 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 CH. 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 for any federal or state aid by loan, grant or other available sources available for the project and financing thereof, 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. The sum of \$40,000 is to be transferred from Sewer Retained Earnings and the sum of \$600,000 by borrowing.

YES 142 NO 54

**ARTICLE 4: DRINKING WATER PROTECTION GRANT LAND ACQUISITION AUTHORIZATION**

Voted for the Town to authorize the Board of Selectmen to utilize state, federal and other outside grants and funds to acquire by purchase, gift, or otherwise for drinking water supply protection purposes and conservation, the fee simple interest in one or both land parcels located on Acushnet Road shown as Lots 9 and 14 on Assessor's Map 22. Should the Town's water and sewer department receives the necessary grant funds to cover the full cost of one or both acquisitions in addition to acquiring Lot 8 on Map 22 with Community Preservation Act funds as authorized by the 2010 Spring Town Meeting, and that the deeds of said lots to be accepted by the Town acting by and through its Board of Selectmen and/or Conservation Commission under the provisions of G.L. Ch. 40, sec. 8c, for conservation purposes and to be protected under Article 97 of the Amendments to the Constitution of the Commonwealth, that the Board of Selectmen are authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the town to effect said purchase, and as funding therefore to raise and appropriate, transfer or borrow the necessary funds pursuant to G.L. Ch. 44 or any other enabling authority, for said purchase ( no expenditure of Town money, in excess of the \$325,000 already appropriated by Spring 2010 Town Meeting for the acquisition of Lot 8 on Map 22, will occur without the town being awarded grants and/or contracts for reimbursement for all funds expended for the purchase of these properties.

YES 159 NO 14

**ARTICLE 5: AMENDMENT TO ARTICLE 35 FROM MAY 10, 2010 NORTH STREET SEWER REPLACEMENT PROJECT**

Voted for the Town to amend Article 35 of the May 10<sup>th</sup>, 2010 Annual Town Meeting, by correcting the spelling of the owners of the benefitted parcels as appears below: To see if the Town will amend Article 35 as voted at the May 10<sup>th</sup>, 2010 Annual Town Meeting which appropriated \$610,000 for the purpose of financing the replacement of existing sewer on North Street from Water Street north to the area of 55 North Street by striking the name of the owners of the benefitted parcels which appears as "Bay Club of Mattapoisett LLC" and replacing said name with "Bay Club Community Association, Inc., Bay Club Real Estate Holdings LLC and Bay Club Members LLC (hereinafter "the Bay Club")"; the purpose of this amendment is to correct the names of the benefitted parcels.

YES 170 NO 0

**ARTICLE 6: FUNDING FOR EMPLOYMENT PHYSICALS AND PRE EMPLOYMENT TESTING**

Voted for the Town to appropriate the sum of \$3,000 from Surplus Revenue for the purpose of performing pre-employment physicals, drug screening and work capacity testing on individuals for consideration of employment with the Town of Mattapoisett. The sum of \$3,000 is to be transferred from Free Cash.

YES 160 NO 0

**ARTICLE 7: FUNDING OF GASB 45 ACTUARIAL ANALYSIS REPORTS**

Voted for the Town to appropriate the sum of \$7,500 from Surplus Revenue for the purpose of performing the federally required Actuarial Study of Long Term Retiree Health Insurance costs. The sum of \$7,500 is to be transferred from Free Cash.

YES 159 NO 1

**ARTICLE 8: REPAIRS TO THE TOWN PIER INFRASTRUCTURE AND THE WATERFRONT AREA**

Voted for the Town to appropriate the sum of \$32,000 from Waterways Retained Earnings for the purpose of performing certain improvements needed at the Town Piers and waterfront including but not limited to electrical power supply system component replacement and upgrades, and the cost of drawing project specifications and bidding of proposed future work. The sum of \$32,000 is to be transferred from Waterways Retained Earnings.

YES 160 NO 0

**ARTICLE 9: SUPPLEMENTAL APPROPRIATION FOR WATERFRONT ENTERPRISE FUND**

Voted for the Town to appropriate the sum of \$12,000 by transfer from the Municipal Waterways Fund, to the Waterfront Expenses for Fiscal Year 2011. The sum of \$12,000 is to be transferred from Municipal Waterways Fund.

YES 160 NO 0

**ARTICLE 10: AUTHORIZATION TO USE INSURANCE RECOVERY FUNDS**

Voted for the Town to transfer \$17,910.77 from the Receipts Reserved for Appropriation Insurance Proceeds-Greater than 20K, to cover the FY10 Appropriation Deficit associated with restoration work for the water damages to the Mattapoisett Police Station.

YES 160 NO 0

**ARTICLE 11: FIRE DEPARTMENT EMERGENCY COMMUNICATION EQUIPMENT**

Voted for the Town to appropriate \$15,000 from Surplus Revenue to complete the replacement of the Fire Department Emergency Communication System, and all cost incidental and related thereto. The sum of \$15,000 is to be transferred from Free Cash.

YES 160 NO 0

**ARTICLE 12: LIBRARY REVOLVING FUND**

Voted for the Town, pursuant to M.G.L. c.44, §53E-1/2, to authorize the use of a revolving fund for the purpose of providing Library services, programs, supplies, equipment, wages, salaries, fringe benefits and any related expenses, which fund shall be credited with receipts from Library fines, under the authority and direction of the Library Director, acting with the approval of the Library Trustees; such expenditures not to exceed \$10,000.00 for FY 2011.

YES 160 NO 0

**ARTICLE 13: BICYCLE PATH EASEMENT**

Voted for the Town to authorize the Mattapoisett Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise the necessary easement for the portion of the Mattapoisett Bicycle Path east of Reservation Road in an area at the southern most portion of Lot 175, of Map 10 of the Mattapoisett Assessor's Maps, and as shown on a plan on file at the Mattapoisett Town Clerk's Office entitled "Mattapoisett Multi-Use Path Phase 1B-2009-Right of Way Plan-Sheet 6 of 8, Project File No. 60577".

YES 145 NO 5

**ARTICLE 14: PRIOR YEAR BILLS**

Voted for the Town to appropriate the sum of \$32,500 from Surplus Revenue for the purpose of paying outstanding prior year invoices. The sum of \$32,500 is to be transferred from Free Cash.

Legal Expenses \$28,118  
General Government Expense \$1,980  
School Expense \$2,402

YES 150 NO 5

**ARTICLE 15: LITIGATION SETTLEMENT FUNDING** Voted for the Town to appropriate \$220,000 from Surplus Revenue for the purpose of funding a proposed settlement in the matter of Firmino Gomes et al, v Town of Mattapoisett Plymouth Superior Court C.C. No. 07-0597A.. The sum of \$220,000 is to be transferred from Free Cash.

YES 150 NO 0

**ARTICLE 16: LOCAL WETLANDS PROTECTION BYLAW** Voted for the Town to amend the Mattapoisett General Bylaws by inserting a new by-law entitled, "Wetlands Protection By-Law" all as printed in the warrant.

A motion was made by Robert Cattley to indefinitely postpone to a later date/Town Meeting. Motion seconded and passed YES 130 NO 20

**ARTICLE 17: LOCAL WETLANDS PROTECTION BYLAW**

To see if the Town will vote to amend the Mattapoisett General Bylaws by inserting a new by-law, "Wetlands Protection By-law", all as printed in the Warrant.

Moderator John A. Eklund declared this article mute.

A motion was made, seconded and passed to adjourn at 9:35 PM

CERTIFIED TO BE A TRUE RECORD

ATTEST:

Barbara A. Sullivan CMC/CMMC  
Mattapoisett Town Clerk