

SPECIAL TOWN MEETING – MONDAY, NOVEMBER 23, 2009
WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 193 – QUORUM REQUIRED 100

Meeting was continued from October 27, 2009

Meeting called to order by the Moderator at 7:00 P.M.

The Moderator stated that the warrant had been properly served and that there was a quorum

Voted that the Moderator be relieved from reading each article in its entirety and that he be allowed to refer to the article by number and title only. Seconded.

Town Meeting Members present: Precinct 1 – 36
 Precinct 2 – 35
 Precinct 3 – 26
 Precinct 4 – 31
 Precinct 5 – 31
 Precinct 6 – 34
 TOTAL 193

ARTICLE 1 – QUINN BILL – MGL CHAPTER 41, SECTION 108L

Moved to Pass Over

ARTICLE 2 – TOWN CHARGES

The following votes were taken to **REDUCE** the amounts from the FY 10 salary and operating expenses:

PUBLIC SAFETY

1. Police Department
 - a. Salary & Wages - \$80,000.00 – *Moved to Pass Over*

SCHOOLS

1. Elementary/High School - \$95,613.00 – *Motion failed*

ARTICLE 3 – UNPAID BILL OF PRIOR YEARS

Voted unanimously the following sums of money be transferred from Surplus Revenue for the payment of unpaid bills of prior years in accordance with Chapter 44, Section 64 of the General Laws, as amended by Chapter 179 of the Acts of 1941:

1. Hawthorne Medical Associates - \$658.00
2. RAD Associates of Greater New Bedford - \$26.00
3. Car Parts of Fairhaven - \$313.00

ARTICLE 4 – AMENDMENT TO TOWN BY-LAWS

Voted unanimously to amend Article 15 of the May 2009 Special Town Meeting by deleting “the General By-Laws Article 2-1, General Provisions Governing all Departments, Section 5 by inserting a new Section 5C”, and replacing it with the following:

“Chapter 50 of the Town Code, Meetings, by inserting a new section 50-9”

ARTICLE 5 – ACCEPTANCE OF STATUTE -
LOCAL ROOM OCCUPANCY EXCISE RATE

Voted unanimously to amend its local room occupancy excise under the provisions of Mass General Laws, Chapter 64G, Section 3A to the rate of six percent (6%).

ARTICLE 6 – ACCEPTANCE OF STATUTE – LOCAL MEALS EXCISE TAX

Voted unanimously to accept the provisions of Mass General Laws Chapter 64L, Section 2(a) to impose a local meals excise tax of point seventy-five percent (.75%).

ARTICLE 7 – ACCEPTANCE OF STATUTE – QUARTERLY TAX PAYMENT SYSTEM

Voted unanimously to accept the provisions of Mass General Laws Chapter 59, Section 57C for the purpose of adopting a quarterly tax payment system, said change to take effect in FY 2011 and to act fully thereon.

ARTICLE 8 – EMERGENCY MANAGEMENT VEHICLE

Moved to Pass Over

ARTICLE 9 – FIRE STATION – 321 HUTTLESTON AVENUE

Voted unanimously the sum of \$6,393 by transferring \$3,527.96 from Article 20 (Town Wide Fire Alarm Replacement) of the May 6, 2006 Special Town Meeting and \$2,868.04 from Article 21 (Fire Station Building Renovations) of the May 5, 2007 Annual Town Meeting for repairs including windows, doors, trim and heating system to Station 2, 321 Huttleston Avenue.

ARTICLE 10 – SENIOR CENTER/RECREATION CENTER EXTERIOR REPAIRS

Voted unanimously the sum of:

A. \$8,000.00 by transferring \$8,000.00 from Surplus Revenue for architectural design drawings and bidding

B. Moved to Pass Over

ARTICLE 11 – WOLF ISLAND WELL #1 REPAIRS

Voted unanimously the sum of \$18,000.00 by transferring \$18,000.00 from Water Retained Earnings to clean, repair and redevelop Wolf Island Well #1 and clean, repair or replace related well piping, valves and equipment as required to Wolf Island Well #1.

ARTICLE 12 – GREEN STREET SEWER

Voted unanimously the sum of \$50,000.00 by transferring \$50,000 from the May 3, 2008 Annual Town Meeting Article 27. A) Sewer Collection Rehabilitation to repair/replace the sewer main on Green Street from Christian Street to Huttleston Avenue in conjunction with the Community Development Block Grant.

ARTICLE 13 – MIDDLE STREET (PEASE PARK) PUMPING STATION

Voted unanimously the sum of \$7,000.00 by transferring \$3,330.00 from Article 4, Section 38E3, Highway Division Capital Outlay, of the May 2, 2009 Annual Town Meeting and \$3,670.00 from Surplus Revenue to replace existing steel channels and steel plates at the Middle Street (Pease Park) Pumping Station.

ARTICLE 14 – ASPHALT AND CONCRETE ROAD PATCH REPAIRS – WATER DEPT

Moved to Pass Over

ARTICLE 15 – REPAIRS TO PIPING AND VALVES – WATER DEPARTMENT

Voted unanimously the sum of \$60,000.00 by transferring \$60,000.00 from Water Retained Earnings for repairs to water piping and valves in the Howland Road, Alden Road and Route 6, Massachusetts Highway Department reconstruction/resurfacing areas.

ARTICLE 16 – WEST ISLAND TREATMENT PLANT

Voted unanimously the sum of \$22,500.00 by transferring \$22,500.00 from the May 3, 2008 Annual Town Meeting Article 27. A) Sewer Collection Rehabilitation to pumpout and clean four preliminary treatment and two equalization tanks.

ARTICLE 17 – LEASE OF TOWN OWNED LAND FOR PURPOSE OF INSTALLING AND OPERATING SOLAR PANELS

Voted unanimously to adopt and amend the article to approve a lease with a term of thirty (30) years and with options exercisable by either party to terminate the lease at the end of the twentieth and twenty-fifth year, a certain portion of town-owned land for the limited purpose of installing and operating solar panels to generate electricity. The subject property will consist of 26± acres of land shown on Assessors Map 24, Lot 9, 15, 17A (the landfill). The Lease will also provide easements for the development of access roads, electrical connection lines and other ancillary equipment or facilities necessary for the delivery, construction and operation of the solar panels and related equipment, subject to the terms and conditions set forth in the Lease.

ARTICLE 18 – WASTEWATER TREATMENT FACILITY IMPROVEMENTS

A. VOTED UNANIMOUSLY THAT \$151,000 IS APPROPRIATED, IN ADDITION TO THE \$500,000 PREVIOUSLY APPROPRIATED, FOR THE COST OF ENGINEERING SERVICES FOR THE STUDY, ENGINEERING AND DESIGN OF IMPROVEMENTS TO THE TOWN'S

WASTEWATER TREATMENT FACILITY INCLUDING, BUT NOT LIMITED TO, ITEMS ADDRESSING NEEDS IDENTIFIED IN THE EXISTING CONDITIONS PLAN, OTHER RELATED UPGRADES TO THE EXISTING WASTEWATER TREATMENT FACILITY, UPDATE OF INFLOW AND INFILTRATION PLANS, AN ANAEROBIC DIGESTION/COMBINED HEAT AND POWER SYSTEM, OTHER CLEAN ENERGY SYSTEMS, PLANNING AND OTHER PROFESSIONAL SERVICES RELATED TO THE PENDING PERMIT NEGOTIATIONS, WITH THE PRIORITIES FOR SUCH WORK TO BE IN COMPLIANCE WITH THE PROFESSIONAL ENGINEERING STUDIES ALREADY UNDERWAY BY THE BOARD OF PUBLIC WORKS; THAT TO MEET THIS APPROPRIATION \$151,000 SHALL BE TRANSFERRED FROM THE UNEXPENDED PORTION OF THE APPROPRIATION VOTED UNDER ARTICLE 9 OF THE SPECIAL TOWN MEETING OF MAY 2008, AS VOTED MAY 3, 2008; THAT THE BOARD OF PUBLIC WORKS WITH THE APPROVAL OF THE BOARD OF SELECTMEN IS AUTHORIZED TO CONTRACT FOR AND EXPEND ANY FEDERAL OR STATE AID, INCLUDING FEDERAL STIMULUS FUNDS, AVAILABLE FOR THE PROJECT; AND THAT THE BOARD OF PUBLIC WORKS IS AUTHORIZED TO TAKE ANY OTHER ACTION NECESSARY TO CARRY OUT THIS PROJECT.

B. VOTED BY TWO THIRDS (2/3) THAT \$267,000 IS APPROPRIATED, IN ADDITION TO THE \$7,600,000 PREVIOUSLY APPROPRIATED, FOR THE PURPOSE OF FINANCING THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN'S WASTEWATER TREATMENT FACILITY, INCLUDING THE DESIGN AND CONSTRUCTION OF THE HIGHEST PRIORITY IMPROVEMENTS TO ITS WASTEWATER TREATMENT FACILITY AS RECOMMENDED BY THE EXISTING CONDITIONS PLAN AND OTHER PLANS COMMISSIONED BY THE BOARD OF PUBLIC WORKS TO UPGRADE THE WASTEWATER TREATMENT PLANT AND PUMP STATIONS AND THE UPDATE OF THE EXISTING CONDITIONS PLAN, INCLUDING THE CONSTRUCTION OF A DIGESTER AND INCLUDING WITHOUT LIMITATION ALL COSTS THEREOF AS DEFINED IN SECTION I OF CHAPTER 29C OF THE GENERAL LAWS AS HERETOFORE OR HEREINAFTER AMENDED; THAT TO MEET THIS APPROPRIATION THE TREASURER WITH THE APPROVAL OF THE BOARD OF SELECTMEN IS AUTHORIZED TO BORROW \$267,000 AND ISSUE BONDS OR NOTES THEREFORE UNDER CHAPTER 44 OF THE GENERAL LAWS AND/OR CHAPTER 29C OF THE GENERAL LAWS OR ANY OTHER ENABLING AUTHORITY; THAT SUCH BONDS OR NOTES SHALL BE GENERAL OBLIGATIONS OF THE TOWN UNLESS THE TREASURER WITH THE APPROVAL OF THE BOARD OF SELECTMEN DETERMINES THAT THEY SHOULD BE ISSUED AS LIMITED OBLIGATIONS AND MAY BE SECURED BY LOCAL SYSTEM REVENUES AS DEFINED IN SECTION 1 OF CHAPTER 29C; 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, INCLUDING ANY ENERGY SUBSIDY, MASSACHUSETTS TECHNOLOGY COLLABORATIVE SUBSIDY OR ANY OTHER SUBSIDY OR FEDERAL STIMULUS FUNDS, AVAILABLE FOR THE PROJECT OR FOR THE FINANCING THEREOF, WHICH AID SHALL BE APPLIED TO REDUCE THE OVERALL BORROWING COST TO THE TOWN OF THE PROJECT; THAT THE BOARD OF SELECTMEN IS AUTHORIZED TO DETERMINE WHICH ELEMENTS OF THE PROJECT SHALL BE UNDERTAKEN PURSUANT TO THIS VOTE; AND THAT THE BOARD OF PUBLIC WORKS IS AUTHORIZED TO ENTER INTO A PROJECT REGULATORY AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO EXPEND ALL FUNDS AVAILABLE FOR THE PROJECT AND TO TAKE ANY OTHER ACTION NECESSARY TO CARRY OUT THE PROJECT; PROVIDED, HOWEVER, THAT NO BORROWING SHALL BE INCURRED PURSUANT TO THIS VOTE FROM THE TRUST, UNLESS THE BOARD OF SELECTMEN DETERMINES (WHICH DETERMINATION SHALL BE FINAL) THAT THE EFFECTIVE INTEREST COST TO THE TOWN ON ANY SUCH BORROWING DOES NOT EXCEED TWO PERCENT PER ANNUM.

ARTICLE 19 – AMENDMENT TO TOWN BY-LAWS

To see if the Town will vote to amend the Town Code by adding thereto the following section:
“Section 37-5 CONTRACT REVIEW BOARD”

Moved to Pass Over

ARTICLE 20 – OTHER BUSINESS

NONE

Motion to adjourn sine die at 8:50 PM on Monday, November 23, 2009. Seconded.

**Eileen M. Lowney
Town Clerk**