

ARTICLE 2. TRASH ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Trash Enterprise for a period commencing July 1, 2009 through June 30, 2010; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town appropriate the sum of \$1,529,761.00 for the Trash Enterprise Fund for the period commencing July 1, 2009 through June 30, 2010, said fund to be raised by transfer from trash receipts and expended in the following manner:

Salaries	\$ 25,461.00
Expenses	\$1,504,300.00

(Recommended by Finance Committee)

ARTICLE 3. WATER ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Water Enterprise for a period commencing July 1, 2009 through June 30, 2010; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town appropriate the sum of \$2,027,937.00 for the Water Enterprise Fund for the period commencing July 1, 2009 through June 30, 2010, said fund to be raised by transfer from water receipts and expended in the following manner:

Water Reserve Fund	\$ 50,000.00
Salaries	\$ 697,119.00
Expenses	\$1,280,818.00

(Recommended by Finance Committee)

ARTICLE 4. SEWER ENTERPRISE

To see what sums the Town will vote to raise and appropriate for the Sewer Enterprise for a period commencing July 1, 2009 through June 30, 2010; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town appropriate the sum of \$786,336.00 for the Sewer Enterprise Fund for the period commencing July 1, 2009 through June 30, 2010, said fund to be raised by transfer from sewer receipts and expended in the following manner:

Sewer Reserve Fund	\$ 25,000.00
Salaries	\$109,021.00
Expenses	\$652,315.00

(Recommended by Finance Committee)

ARTICLE 5. CONVEYANCES AND EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to accept and/or purchase conveyances or easements, sewers, water lines, retaining walls and streets,

and to raise and appropriate a sum of money to carry out said purposes; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to accept and/or purchase conveyances or easements, sewers, water lines, retaining walls and streets, and to raise and appropriate the sum of \$1.00 from Taxation to carry out said purpose.

(Recommended by Finance Committee)

ARTICLE 6. PURCHASE OF SURPLUS EQUIPMENT

To see if the Town will vote to raise and appropriate a sum of money and to authorize the D.P.W. Director, in conjunction with other Town Departments, to purchase surplus government equipment for the Town; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town raise and appropriate the sum of \$1.00 from Taxation and to authorize the D.P.W. Director, in conjunction with other Town Departments, to purchase surplus government equipment for the Town.

(Recommended by Finance Committee)

ARTICLE 7. TOWN PROPERTY AUCTION

To see if the Town will vote to authorize the Board of Selectmen and their successors in office to sell at public auction any of the property which the Town may have acquired or may hereafter acquire through proceedings based upon non-payment of taxes or under proceedings for the sale of lands of low value, to impose upon the property so sold such restrictions, reservations or conditions as shall be deemed expedient, and to execute quitclaim deeds and other instruments thereto; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen and their successors in office to sell at public auction any of the property which the Town may have acquired or may hereafter acquire through proceedings based upon non-payment of taxes or under proceedings for the sale of lands of low value, to impose upon the property so sold such restrictions, reservations or conditions as shall be deemed expedient, and to execute quitclaim deeds and other instruments thereto.

(Recommended by Finance Committee)

ARTICLE 8. HIGHWAY CONSTRUCTION

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of funds to be allotted by the State under authorization of Chapter 90 of the Massachusetts General Laws, (as pertaining to Highway Funds) for the construction, reconstruction, and improvement of Town roads, said funds to be borrowed in anticipation of State Revenue; and expended under the direction of the D.P.W. Director; or act or do anything in relation thereto.

(By: D.P.W. Director)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to accept and enter into contracts for the expenditure of funds to be allotted by the State under authorization of Chapter 90 of the Massachusetts General Laws, (as pertaining to Highway Funds) for the construction, reconstruction, and improvement of Town roads, said funds to be borrowed in anticipation of State Revenue; and expended under the direction of the D.P.W. Director.

(Recommended by Finance Committee)

ARTICLE 9. AMEND ARTICLE 1.

To see if the Town will vote to amend Article 1 of the 2008 Annual Town Meeting by

reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 1; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town amend Article 1 of the 2008 Annual Town Meeting and to raise and appropriate the sum of \$973,330.95 by transferring said amounts from and into various accounts as follows:

Department	Amount Requested	Transfer From
Board of Selectmen Expenses	\$ 15,000.00	Debt-Interest
CFO- Salaries	\$ 7,500.00	Debt-Interest
Treasurer-Salaries	\$ 3,957.02	Debt-Interest
Town Collector-Salaries	\$ 2,500.00	Debt-Interest
Town Clerk Salary	\$ 1,168.80	Debt-Interest
Public Building Salary	\$ 1,185.00	Debt-Interest
Police Salaries	\$ 25,958.75	Debt-Interest
Police Expenses	\$ 7,500.00	Debt-Interest
Fire Salaries	\$ 40,601.32	Fire-Air packs & Radio Equip.
	\$ 21,204.68	Debt-Interest
Town Inspector Salaries	\$ 2,000.00	Debt-Interest
Plumbing Inspector Salaries	\$ 595.35	Debt-Interest
School Transportation	\$109,879.09	Group Insurance Trust
Highway Const. Salaries	\$ 2,000.00	Debt-Interest
Snow & Ice Removal	\$710,000.00	Free Cash
Board of Health Salaries	\$ 2,900.72	Debt-Interest
COA Salaries	\$ 1,717.17	Debt-Interest
Library Salaries	\$ 3,500.00	Debt-Interest

Zoning Board Expenses	\$ 14,163.05	Debt-Interest
TOTAL	\$973,330.95	

(Recommended by Finance Committee)

ARTICLE 10. CAPITAL OUTLAY

To see if the Town will vote to raise and appropriate a sum of money which shall not exceed 1.5 million dollars and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase, construction, reconstruction and/or engineering costs associated with various capital outlay items or improvements proposed by Town Departments, Boards or Committees; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Passed over.

ARTICLE 11. NON-CAPITAL OUTLAY EXPENDITURES (Expenditures of Less Than \$50,000)

To see if the Town will vote to raise and appropriate a sum of money which shall not exceed \$1,000,000 and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase of various non-capital outlay items or improvements proposed by Town Departments, Boards or Committees; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town raise and appropriate the sum of \$68,123.78 for the purpose of financing the purchase of various non-capital outlay items or improvements proposed by Town Departments, Boards or Committees from the stated funds as follows:

TRANSFER TO	TRANSFER FROM	AMOUNT
Assessors-Revaluation	Overlay Surplus	\$45,000.00
School Technology	USSL Fund	\$ 8,623.78

ConCom-Silver Lake Aquatic Treatment	Free Cash	\$ 7,000.00
CFO-Update GASB 45	Free Cash	\$ 7,500.00
TOTAL		\$68,123.78

(Recommended by Finance Committee)

ARTICLE 12. REVOLVING FUNDS

To see if the Town will vote to adopt provisions of Chapter 44, Section 53E-1/2, of the General Laws to allow the following:

1. To allow the Bellingham Public Library Trustees to create a special revolving fund from revenues received from overdue books and video fines and to authorize the use for purchasing books, videos, library materials, and to make payment to temporary or part-time employees and independent contractors, not to exceed \$15,000.
2. To allow the Parks Commission to create a special revolving fund from revenue received from the Arcand Park swim program and to authorize the use for swim program expenses not to exceed \$20,000.
3. To allow the D.P.W. to create a special revolving fund from revenues received from the sale of compost bins and to authorize for the purchase of additional bins, not to exceed \$2,000.
4. To allow the D.P.W. to create a special revolving fund from the revenues received for services provided to open cemetery graves and to make payments for salaries and other related expenses not to exceed \$7,500.
5. To allow the Board of Health to create a special revolving fund from the revenues received for services provided for food inspections and to authorize the use for salaries and other related expenses not to exceed \$35,000.
6. To allow the Commission on Disability to create a special revolving fund from revenues received from gifts, grants and fees and to authorize the use for purchasing equipment and supporting materials, and to make payment to temporary or part-time employees and independent contractors, not to exceed \$10,000.
7. To allow the Bellingham Police Department to create a special revolving fund from revenues received from third party vendors hired by the Police Department, details with assigned vehicles for the detail; and to authorize the use of repair, replacement

and/or for the purchase of equipment or vehicles for the Police Department, not to exceed \$40,000; or act or do anything in relation thereto.

(By: Library Trustees, Parks Commission,
D.P.W., Board of Health, Commission on
Disability and Police Department)

VOTED: Unanimously voted that the Town adopt provisions of Chapter 44, Section 53E-1/2, of the General Laws to allow revolving funds as described:

- 1.. To allow the Bellingham Public Library Trustees to create a special revolving fund from revenues received from overdue books and video fines and to authorize the use for purchasing books, videos, library materials, and to make payment to temporary or part-time employees and independent contractors, not to exceed \$15,000.
2. To allow the Parks Commission to create a special revolving fund from revenue received from the Arcand Park swim program and to authorize the use for swim program expenses not to exceed \$20,000.
3. To allow the D.P.W. to create a special revolving fund from revenues received from the sale of compost bins and to authorize for the purchase of additional bins, not to exceed \$2,000.
4. To allow the D.P.W. to create a special revolving fund from the revenues received for services provided to open cemetery graves and to make payments for salaries and other related expenses not to exceed \$7,500.
5. To allow the Board of Health to create a special revolving fund from the revenues received for services provided for food inspections and to authorize the use for salaries and other related expenses not to exceed \$35,000.
6. To allow the Commission on Disability to create a special revolving fund from revenues received from gifts, grants and fees and to authorize the use for purchasing equipment and supporting materials, and to make payment to temporary or part-time employees and independent contractors, not to exceed \$10,000.
7. To allow the Bellingham Police Department to create a special revolving fund from revenues received from third party vendors hired by the Police Department, details with assigned vehicles for the detail; and to authorize the use of repair, replacement and/or for the purchase of equipment or vehicles for the Police Department, not to exceed \$40,000.

(Recommended by Finance Committee)

ARTICLE 13. APPROPRIATION OF FUNDS-SEWAGE DISPOSAL SYSTEMS, FUEL STORAGE TANKS & DELEADING DWELLINGS

To see if the Town will vote to raise the sum of up to \$300,000 of monies for the purpose of remediating failing residential subsurface sewage disposal systems, underground fuel storage tanks and deleading dwellings with dangerous levels of lead, pursuant to Massachusetts General Laws, Chapter 111, Section 127B ½ and Massachusetts General Laws, Chapter 80 (Betterments) and to determine how such appropriation should be raised whether by taxation, transfer of available funds, borrowing or otherwise and if by borrowing, to authorize the issuance of bonds or notes by the Town at one time or from time to time; or act or do anything in relation thereto.

(By: Board of Health)

VOTED: Unanimously voted that the Town raise and appropriate the sum of \$300,000.00 for the purpose of financing the repair, replacement and/or of upgrading of septic systems, pursuant to agreements with the Board of Health and residential property owners 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 \$300,000.00 and issue bonds or notes therefore under General Laws Chapter 111, Section 127B1/2 and or Chapter 29C of the General Laws, and /or Massachusetts General Laws Chapter 80 (Betterments), that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, and 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 the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

(Recommended by Finance Committee)

ARTICLE 14. HANDICAP PARKING

To see if the Town will vote to delete Section 16.06 of the Town of Bellingham By-Laws: “The penalty for illegally parking in a handicapped parking space or the crosshatched area associated with it, shall be a fine not exceeding one hundred and fifty dollars (\$150.00)” and add Article 16.06 as stated below.

Article 16.06 Handicapped Parking

Section 16.06.010. Violation

It shall be unlawful for the standing or leaving of unattended vehicles unauthorized to occupy parking spaces designated for use by disabled veterans or handicapped persons; or in the “center aisle” or “parking access aisle” areas abutting a handicapped parking space, as may be demarcated by cross-hatched striping; or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way.

Section 16.06.020. Signage

Handicap parking spaces shall be identified by signs with white lettering against a blue background bearing the words “Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner’s Expense” and a sign with the words “\$150 Fine”, or such other standardized signage that may be recognized as a proper means of clearly identifying handicapped parking spaces and describing the penalties for improper use thereof.

The penalty for Section 16.06.010 shall be one hundred and fifty dollars (\$150.00) per offense. For each subsequent offense, in addition to a monetary penalty, the vehicle may also be removed. The Police Department may remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle per this section and 16.06.010, and impose liability for the cost of such removal, and for the storage charges, if any, resulting there from, upon the owner of the vehicle. The fines and penalties hereunder are applicable even if they are not set forth on any signage that identifies a handicapped parking space; or act or do anything in relation thereto.

(By: Petition: Patrick Callahan
25 Overlook Drive)

VOTED: Unanimously voted that the Town delete Section 16.06 of the Town of Bellingham By-Laws: “The penalty for illegally parking in a handicapped parking space or the crosshatched area associated with it, shall be a fine not exceeding One Hundred and Fifty dollars (\$150.00)” and add Article 16.06 as stated below:

Article 16.06 Handicapped Parking

Section 16.06.010. Violation

It shall be unlawful for the standing or leaving of unattended vehicles unauthorized to occupy parking spaces designated for use by disabled veterans or handicapped persons; or in the “center aisle” or “parking access aisle” areas abutting a handicapped parking space, as may be demarcated by cross-hatched striping; or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way.

Section 16.06.020. Signage

Handicap parking spaces shall be identified by signs with white lettering against a blue background bearing the words “Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner’s Expense” and a sign with the words “\$150 Fine”, or such other standardized signage that may be recognized as a proper means of clearly identifying handicapped parking spaces and describing the penalties for improper use thereof.

Section 16.06.030. Penalty

The penalty for Section 16.06.010 shall be One hundred and Fifty dollars (\$150.00) per offense. For each subsequent offense, in addition to a monetary penalty, the vehicle may also be removed. The Police Department may remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle per this section and 16.06.010, and impose liability for the cost of such removal, and for the storage charges, if any, resulting there from, upon the owner of the vehicle. The fines and penalties hereunder are applicable even if they are not set forth on any signage that identifies a handicapped parking space.

(Recommended by Finance Committee)

ARTICLE 15. PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

To see if the Town will vote to adopt the following bylaw:

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

§ 1 Prohibition on Use

- A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.
- B. In a Motor Vehicle: The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

§ 2 Violations and Penalties

Whoever violates this bylaw shall be punished by a fine not exceeding three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, §32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

§ 3 Enforcement

Violations of any provision of this bylaw may be processed pursuant to Chapter 40, section 21 D of the general laws of the Commonwealth and shall be in amount set forth above. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers; or act or do anything in relation thereto.

(By: Police Chief)

VOTED: That the Town adopt the following bylaw:

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

§ 1 Prohibition on Use

- A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.
- B. In a Motor Vehicle: The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

§ 2 Violations and Penalties

Whoever violates this bylaw shall be punished by a fine not exceeding three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, §32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

§ 3 Enforcement

Violations of any provision of this bylaw may be processed pursuant to Chapter 40,

section 21 D of the general laws of the Commonwealth and shall be in amount set forth above. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers.

(Recommended by Finance Committee)

ARTICLE 16. PROCUREMENT – PETITION TO THE GENERAL COURT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact Special Legislation as follows:

“In the Town of Bellingham, every procurement for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost less than \$5,000 shall be obtained through the exercise of sound business practices. The Town shall make and keep a record of each such procurement. Said record shall, at a minimum, include the name and address of the person from whom the services were procured. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost not less than \$5,000 but less than \$10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price quotation; provided, however, that the Town shall seek written price quotations from no fewer than three persons customarily providing the work for which the contract is being made available. When seeking written quotation, the Town shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost not less than \$10,000 but not more than \$25,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The Town shall make public notification of the contract and shall seek written responses from persons who customarily perform such work. The public notification shall include a scope of work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work is to be completed. For purposes of this subsection, “public notification” shall include, but not necessarily be limited to, posting, no less than two weeks before the time specified in the notification for the receipt of responses, the contract and scope of work statement on the website of the public agency and, either on the COMPASS system, so-called, or in the Central Register established under Section 20A of Chapter 9, and in a conspicuous place in or near the primary office of the public agency. Written price quotations submitted in

accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost more than \$25,000 but not more than \$100,000 shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read in accordance with the procedure set forth in said Section 39M of said Chapter 30. The term “pumping station” as used in this section shall mean a building or other structure which houses solely pumps and appurtenant electrical and plumbing fixtures.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost more than \$100,000, except for a pumping station, to be constructed, reconstructed, installed, demolished, maintained or repaired as an integral part of a sewer construction or water construction project bid under the provisions of Section 39M of Chapter 30, shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in General Laws, Chapter 149, Section 44A to 44H, inclusive.

When the General Court has approved the use of alternative modes of procurement of construction for a project pursuant to Section 7E of Chapter 29, the Town shall follow the provisions of this section and of Section 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

Notwithstanding the foregoing paragraph, the Town may undertake the procurement of modular buildings, in accordance with General Laws, Chapter 149, Section 44E. The Town may procure site work for modular buildings, including, but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to General Laws, Chapter 149, Section 44E or on the basis of competitive bids pursuant to the foregoing paragraph. Notwithstanding the foregoing paragraph, the Town may procure energy management services in accordance with Section 11C of Chapter 25A and regulations promulgated there under.”

This Act shall take effect immediately upon passage. The General Court may vary the form and substance of the requested legislation within the scope of the general public objective of the petition; or act or do anything in relation thereto.

(By: School Committee)

VOTED: That the Town authorize the Board of Selectmen to petition the General Court to enact Special Legislation for procurement procedures for the Town of Bellingham as follows:

“In the Town of Bellingham, every procurement for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost less than \$5,000 shall be obtained through the exercise of sound business practices.

The Town shall make and keep a record of each such procurement. Said record shall, at a minimum, include the name and address of the person from whom the services were procured. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost not less than \$5,000 but less than \$10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price quotation; provided, however, that the Town shall seek written price quotations from no fewer than three persons customarily providing the work for which the contract is being made available. When seeking written quotation, the Town shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost not less than \$10,000 but not more than \$25,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The Town shall make public notification of the contract and shall seek written responses from persons who customarily perform such work. The public notification shall include a scope of work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work is to be completed. For purposes of this subsection, “public notification” shall include, but not necessarily be limited to, posting, no less than two weeks before the time specified in the notification for the receipt of responses, the contract and scope of work statement on the website of the public agency and, either on the COMPASS system, so-called, or in the Central Register established under Section 20A of Chapter 9, and in a conspicuous place in or near the primary office of the public agency. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost more than \$25,000 but not more than \$100,000 shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read in accordance with the procedure set forth in said Section 39M of said Chapter 30. The term “pumping station” as used in this section shall mean a building or other structure which houses solely pumps and appurtenant electrical and plumbing fixtures.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building in Bellingham estimated to cost more than \$100,000, except for a pumping station, to be constructed, reconstructed, installed, demolished, maintained or repaired as an integral part of a sewer construction or water construction project bid under the provisions of Section 39M of Chapter 30, shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the

procedure set forth in General Laws, Chapter 149, Section 44A to 44H, inclusive.

When the General Court has approved the use of alternative modes of procurement of construction for a project pursuant to Section 7E of Chapter 29, the Town shall follow the provisions of this section and of Section 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

Notwithstanding the foregoing paragraph, the Town may undertake the procurement of modular buildings, in accordance with General Laws, Chapter 149, Section 44E. The Town may procure site work for modular buildings, including, but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to General Laws, Chapter 149, Section 44E or on the basis of competitive bids pursuant to the foregoing paragraph. Notwithstanding the foregoing paragraph, the Town may procure energy management services in accordance with Section 11C of Chapter 25A and regulations promulgated there under.”

This Act shall take effect immediately upon passage. The General Court may vary the form and substance of the requested legislation within the scope of the general public objective of the petition.

(Recommended by Finance Committee)

ARTICLE 17. BY-LAW AMENDMENT

To see if the Town will vote to amend Chapter 8 of the General By-laws by replacing Articles 8.02 and 8.04 as follows and deleting Article 8.06:

Article 8.02. Members: Terms

The Board of Selectmen shall appoint a Council on Aging consisting of seven (7) members in staggered terms of three (3) years. The members of the Council on Aging shall serve without pay;

Article 8.04. Officers

The Council on Aging in April of each year shall elect from its membership a Chairman, Vice Chairman and Secretary/Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the officers above, the Council on Aging shall elect a replacement at its next regular meeting;

Article 8.06 Hiring Employees;

or act or do anything in relation thereto.

(By: Council on Aging)

VOTED: Unanimously voted that the Town amend Chapter 8 of the General By-Laws by replacing Article 8.02 and 8.04 as follows and deleting Article 8.06:

Article 8.02. Members: Terms

The Board of Selectmen shall appoint a Council on Aging consisting of seven (7) members in staggered terms of three (3) years. The members of the Council on Aging shall serve without pay;

Article 8.04. Officers

The Council on Aging in April of each year shall elect from its membership a Chairman, Vice Chairman and Secretary/Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the officers above, the Council on Aging shall elect a replacement at its next regular meeting.

(Recommended by Finance Committee)

ARTICLE 18. STONEHEDGE ROAD ACCESS EASEMENT ACCEPTANCE

To see if the Town will vote to authorize the Selectmen to accept the donation of a permanent roadway access easement allowing Town vehicles and hired vendors to access, for snow plowing and other municipal purposes, a privately owned section of Stonehedge Road that is within the Woodlands Condominium complex in Franklin; or act or do anything in relation thereto.

(By: DPW)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to accept the donation of a permanent roadway access easement allowing Town vehicles and hired vendors to access, for snow plowing and other municipal purposes, a privately owned section of Stonehedge Road that is within the Woodlands Condominium complex in Franklin.

(Recommended by Finance Committee)

ARTICLE 19. TOWN CENTER ROADWAY EASEMENT TRANSFER TO THE STATE

To see if the Town will vote to authorize the Selectmen to transfer to the State of Massachusetts Highway Department or any subdivision thereof, for consideration of \$1.00, all rights the Town has in the permanent roadway easement shown as Parcel PE-A on the plan titled "Bellingham Town Center Interim Improvements" drafted by Bruce

Campbell & Associates, dated July 2002, and acquired by the Town through Article 23 of the May 28, 2003 town meeting and the order of taking recorded at the Norfolk Registry of Deeds on July 17, 2003, Book 19358 – Page 216, or act or do anything in relation thereto.

(By: DPW)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to transfer to the State of Massachusetts Highway Department or any subdivision thereof, for consideration of \$1.00, all rights the Town has in the permanent roadway easement shown as Parcel PE-A on the plan titled “Bellingham Town Center Interim Improvements” drafted by Bruce Campbell & Associates, dated July 2002, and acquired by the Town through Article 23 of the May 28, 2003 Town Meeting and the order of taking recorded at the Norfolk Registry of Deeds on July 17, 2003, Book 19358 – Page 216.

(Recommended by Finance Committee
Recommended by Planning Board)

ARTICLE 20. DELEGATION OF DESIGNATION OF THE PERMITTING AUTHORITY FOR TRENCH SAFETY

To see if the Town will, pursuant to G.L. c 82A §2, vote to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by G.L. c. 82A §4 and 520 CMR 14.00 (collectively the “Trench Safety Law”) and that the Board of Selectmen may adopt reasonable regulations for the carrying out of said Trench Safety Law; or act or do anything in relation thereto.

(By: DPW)

VOTED: Passed over.

ARTICLE 21. PULASKI BOULEVARD PROJECT TEMPORARY CONSTRUCTION EASEMENTS

To see if the Town will vote to authorize the Selectmen to purchase, or take by eminent domain, and to raise and appropriate a sum of money to fund said purchase or taking along with all legal costs associated with the obtaining of temporary construction easements related to the Pulaski Boulevard Roadway Improvement project (Orchard Street to the Franklin town line) and adjacent storm drainage improvements as shown and identified on the plans entitled “The Commonwealth of Massachusetts Highway Department Roadway Reconstruction of Pulaski Boulevard in the Town of Bellingham, Norfolk County Right-of-Way Plans” drafted by BETA Group, Inc., as revised, which will be delivered to and be made available at the Town Clerk’s Office fourteen (14) days before the date of the town meeting, or act or do anything in relation thereto.

(By: DPW)

VOTED: That the Town authorize the Board of Selectmen to purchase, or take by eminent domain, and to authorize the sum of \$100,000.00 from Chapter 90 to fund said purchase or taking along with all legal costs associated with the obtaining of temporary construction easements related to the Pulaski Boulevard Roadway Improvement project (Orchard Street to the Franklin town line) and adjacent storm drainage improvements as shown and identified on the plans entitled “The Commonwealth of Massachusetts Highway Department Roadway Reconstruction of Pulaski Boulevard in the Town of Bellingham, Norfolk County Right-of Way Plans” drafted by BETA Group, Inc., as revised, which was delivered to and made available at the Town Clerk’s Office fourteen (14) days before the date of this town meeting.

(Recommended by Finance Committee
Recommended by Planning Board)

ARTICLE 22. REVISION TO TOWN ZONING BYLAW SECTION 4900 WATER RESOURCE DISTRICTS

To see if the Town will vote to amend Section 4900 Water Resource Districts of the Zoning Bylaws by deleting subparagraph 4980 (iii) “Uses and Activities Requiring A Special Permit”, which now reads:

- iii. any use that will render impervious any lot or parcel more than 30%. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins, or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and oil, grease, and sediment traps to facilitate removal of contamination shall precede wells. The owner shall permanently maintain any and all recharge areas in full working order.

,and replacing it with the following:

- iii. any use that will render impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater.

Should any use create the need for a Special Permit under this paragraph, the applicant must show plans to construct and maintain a system for groundwater recharge that does not degrade groundwater quality.

- a. For non-residential uses and subdivisions of land,
 - i. A Stormwater Permit Application must be obtained as noted in the Planning Board Procedural Rules.
 - ii. The Massachusetts Wetlands Regulations related to Stormwater recharge and treatment must be adhered to.

- b. For Residential Single Lot or Parcel Uses, which are included in a Special Permit filing, as part of a subdivision plan approval filing with the Planning Board, no individual lot or parcel Special Permit must be obtained.
 - i. The owner shall permanently maintain any and all recharge facilities in full working order.
- c. For Residential Single Lot or Parcel Uses that are not included in a Special Permit filing as part of a subdivision plan approval filing with the Planning Board.
 - i. Recharge shall be by stormwater open infiltration basins, or similar facilities covered with natural vegetation, and dry wells shall be used only where other methods are infeasible.
 - ii. The owner shall permanently maintain any and all recharge facilities in full working order;
 - or act or do anything in relation thereto.

(By: DPW)

VOTED: By hand count.

Yes - 42, No – 37, Total – 79

2/3 of 79 being 53, Motion Failed

(Recommended by Planning Board)
(Not Recommended by Finance Committee)

ARTICLE 23. FEDERAL ECONOMIC STIMULUS PLAN

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of funds to be allotted by the State and Federal government under authorization of the Federal Economic Stimulus Plan for the construction, reconstruction, and improvement of Town infrastructure and buildings, said funds may be borrowed in anticipation of State and or Federal Revenue; and expended under the direction of the D.P.W. Director; or act or do anything in relation thereto.

(By: DPW Director)

VOTED: Passed over.

ARTICLE 24. WATER TREATMENT FACILITIES IMPROVEMENT

To see if the Town will vote to appropriate a sum of money which shall not exceed three hundred and fifty thousand dollars from the settlement received related to the MTBE

groundwater contamination class action suite for the purpose of financing the construction, reconstruction, upgrade, rehabilitation, and/or engineering costs associated with improvements to the Town drinking water supply treatment facilities, wells and pumping stations proposed by the DPW Director; or act or do anything in relation thereto.

(By: DPW Director)

VOTED: Unanimously voted that the Town appropriate the sum of \$224,697.44 from the settlement received related to the MTBE groundwater contamination class action suit for the purpose of financing the construction, reconstruction, upgrade, rehabilitation, and /or engineering costs associated with improvements to the Town drinking water supply treatment facilities, wells and pumping stations proposed by the DPW Director.

(Recommended by Finance Committee)

ARTICLE 25. ACCEPTANCE OF PUBLIC WAYS

To see if the Town will vote to authorize the Board of Selectmen to purchase, take by eminent domain, or accept as a gift certain ways in the town of Bellingham to be accepted as public ways, title to the way and easements appurtenant thereto, and vote to raise and appropriate a sum of money to provide payment of aforesaid acquisitions if said properties are taken by eminent domain, and for the cost of recording; or act or do anything in relation thereto.

Andrew	Street	Edgewood	Road	R. Belanger	Drive
Arbend	Circle	Elaine	Circle	Rakeville	Circle
Auclair	Street	Fairway	Drive	Reservoir	Drive
Beechwood	Road	Gaby	Lane	Robbins	Way
Bellstone	Drive	Garden	Street	Roberta	Lane
Benelli	Street	Gemmur	Lane	Rockland	Circle
Bernier	Lane	Horseshoe	Drive	Romano	Street
Birch Tree	Lane	Irene	Court	Rome	Avenue
Box Pond	Road	John Alden	Circle	Russen	Road
Box Pond	Drive	Joyce	Lane	Sharon	Avenue
Bruce	Road	Judy	Lane	Summer	Street
Chase	Street	Lynn	Court	Sunset	Court
Christine	Drive	Mary	Street	Susan	Lane
Clarence	Road	Monique	Drive	Victor	Street
Common	Street	Morin	Drive	Walter Morse	Road
Cooks	Lane	Morrison	Street	Water	Street
Denault	Drive	Old Log	Lane	Wethersfield	Road
Dupre	Road	Pony	Court		

(By: DPW Director)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to purchase, take by eminent domain, or accept as a gift certain ways in the Town of Bellingham to be accepted as public ways, title to the way and easements appurtenant thereto, and vote to raise and appropriate a sum of \$50.00, said sum to be raised by taxation.

Andrew	Street	Edgewood	Road	R. Belanger	Drive
Arbend	Circle	Elaine	Circle	Rakeville	Circle
Auclair	Street	Fairway	Drive	Reservoir	Drive
Beechwood	Road	Garden	Street	Robbins	Way
Bellstone	Drive	Horseshoe	Drive	Roberta	Lane
Benelli	Street	Irene	Court	Rockland	Circle
Bernier	Lane	John Alden	Circle	Romano	Street
Birch Tree	Lane	Joyce	Lane	Rome	Avenue
Box Pond	Road	Judy	Lane	Sharon	Avenue
Bruce	Road	Lynn	Court	Summer	Street
Chase	Street	Monique	Drive	Sunset	Court
Christine	Drive	Morin	Drive	Susan	Lane
Clarence	Road	Morrison	Street	Walter Morse	Road
Common	Street	Old Log	Lane	Water	Street
		Pony	Court	Wethersfield	Road

(Recommended by Finance Committee
Recommended by Planning Board)

ARTICLE 26. BUFFY ROAD AND PENNY LANE ACCEPTANCE AS PUBLIC WAY

To see if the Town will vote to accept as Public Ways, the roads, easements appurtenant thereto, and the Deed thereto or eminent domain taking thereof, identified as Buffy Road and Penny Lane, Being Shown On A Plan Entitled, "Definitive Subdivision Plans Tax Map 74, Lot 7A Weston Estates Bellingham, Massachusetts" approved and endorsed by the Bellingham Planning Board on December 23, 1998, prepared by McKenzie Engineering Group, Inc. duly recorded with the Norfolk County Registry of Deeds as Plan No. 90 in Plan Book 463, of 1999 and as more particularly described in a deed on file at the Office of the Town Clerk and to authorize the Board of Selectmen to accept the deed thereto or eminent domain taking thereof; or act or do anything in relation thereto.

(By: DPW Director)

VOTED: Passed over.

ARTICLE 27. HIGH RIDGE ROAD AND RHODES WAY ACCEPTANCE AS

PUBLIC WAY

To see if the Town will vote to accept as Public Ways, the roads, easements appurtenant thereto, and the Deed thereto or eminent domain taking thereof, identified as Highridge Road and Rhodes Way, being shown on a Plan entitled, "Definitive Cluster Subdivision Highridge Estates Bellingham, Massachusetts" approved and endorsed by the Bellingham Planning Board on October 4, 2001, prepared by GCG Associates, duly recorded with the Norfolk County Registry of Deeds as Plan No. 28 in Plan Book 492, of 2002 and as more particularly described in a deed on file at the Office of the Town Clerk and to authorize the Board of Selectmen to accept the deed thereto or eminent domain taking thereof; or act or do anything in relation thereto.

(By: DPW Director)

VOTED: Passed over.

ARTICLE 28. AMEND ARTICLE 2

To see if the Town will vote to amend Article 2 of the 2008 Annual Town Meeting by reducing, adding to, deleting,, amending appropriations or transferring funds from various sources into items within Article 2; or act or do anything in relation there.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town amend Article 2 of the 2008 Annual Town Meeting by adding \$2,500.00 to the Trash Salaries and to transfer said sum from the Trash Surplus.

(Recommended by Finance Committee)

ARTICLE 29. AMEND ARTICLE 3

To see if the town will vote to amend Article 3 of the 2008 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 3; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town amend article 3 of the 2008 Annual Town Meeting by adding \$10,000.00 to the Water Salaries and to transfer said sum from the Water Surplus.

(Recommended by Finance Committee)

ARTICLE 30. AMEND ARTICLE 4

To see if the town will vote to amend Article 4 of the 2008 Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 4; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Passed over.

ARTICLE 31. UNPAID BILLS

To see if the Town will vote to raise, appropriate or transfer a sum of money for the payment of certain unpaid bills; or act or do anything in relation thereto.

(By: Finance Committee)

VOTED: Passed over.

Meeting Adjourned at 8:35 P.M

Attendance:

	P-1	P-2	P-3	P-4	P-5	TOTAL
May 27, 2009	22	16	18	31	9	96
June 24, 2009	14	11	20	30	23	98

No Quorum Required.

A True Record.

Attest:

Ann L. Odabashian
Bellingham Town Clerk

