

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BELLINGHAM

WARRANT FOR ANNUAL TOWN MEETING

Norfolk, ss:

To either of the Constables of the Town of Bellingham, in the County of Norfolk;

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs to meet at the

HIGH SCHOOL AUDITORIUM

in said Bellingham, on Wednesday, the twenty-sixth day of May 2010, at 7:30 p.m., then and there to act on the following articles:

ARTICLE 1. OPERATING EXPENSES AND SALARIES

To see what sums the Town will vote to raise and appropriate by taxation, by transfer from available funds and/or otherwise, for the following purposes, to include determining the expenses and salaries of the various elected and appointed Town Officials for the period commencing July 1, 2010 through June 30, 2011; or act or do anything in relation thereto

<u>Account #</u>	<u>Account</u>
114	Town Meeting Moderator
122	Board of Selectmen
123	Town Administrator
131	Finance Committee
132	Reserve Fund
135	Chief Financial Officer
137	Assessors
138	Treasurer
139	Town Collector
151	Town Counsel
152	Personnel Board
154	Management Information System
156	Tax Title Foreclosure
161	Town Clerk

162	Elections
163	Board of Registrars
171	Conservation Commission
172	Planning Board
173	Zoning Board of Appeals
182	Industrial Development Commission
183	Commission on Disability
189	Public Buildings Maintenance
190	OTJ Injury for Deductible
191	Worker's Compensation Agent
192	Employee Sick Day Buy-Back
193	Property & Liability Insurance
194	Retirement Assessment
195	Medicare/Employer Share
196	Town Reports
197	Physical/Occupational Health
198	Insurance Deductible
199	Damage to Persons & Property
210	Police Department
220	Fire Department
251	Town Inspector
252	Sealer of Weights & Measures
253	Inspector of Plumbing & Gas
255	Electrical Inspector
292	Animal Control
294	Tree Warden
299	Auxiliary Police
300	School Department
302	Blackstone Valley Vocational Tech School
303	School Transportation
421	Highway Administration
422	Highway Construction/Maintenance
423	Snow and Ice Removal
424	Street Lighting
425	Highway Maintenance
426	Gas & Oil
433	Solid Waste
439	Sanitary Landfill
491	Cemetery Committee
510	Board of Health
541	Council on Aging
543	Veterans Services
549	Veterans Grave Agent
610	Library
630	Park & Recreation
650	Historical Commission

651	Arts Cultural Commission
660	Memorial Day/Veterans
710	Maturing Debt
715	Interest on Bonds
990	Workers Compensation Trust Fund
991	Unemployment Insurance Trust Fund
992	Group Insurance Claims Trust Fund
996	Transfer to Capital Investment Trust
997	Compensated Absence Trust Fund

(By: Board of Selectmen)

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, 2010 through June 30, 2011; or act or do anything in relation thereto.

(By: Board of Selectmen)

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, 2010 through June 30, 2011; or act or do anything in relation thereto.

(By: Board of Selectmen)

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, 2010 through June 30, 2011; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 5. CONVEYANCES AND EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to accept and/or 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)

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)

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)

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)

ARTICLE 9. AMEND ARTICLE 1.

To see if the Town will vote to amend Article 1 of the 2009 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)

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)

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)

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)

ARTICLE 13. SCHOOL CRITICAL NEEDS

To see if the Town will vote to appropriate, by borrowing the sum of \$300,000.00 for the purposes of:

1. Asbestos tile removal at Macy School;
2. Carpet removal and tile installation at Macy School;
3. Purchase, installation and implementation of critical safety items at Macy School;
4. Repairing water and fire pumps at the High School;
5. Repairing fire pumps at the Middle School;
6. Purchase and installation of a new water heating system at the Stallbrook School;
7. Re-caulking of windows at the Stallbrook School; and
8. Repairing the rear entry curtain wall at the Stallbrook School,

and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose; or act or do anything in relation thereto.

(By: School Committee)

ARTICLE 14. 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)

ARTICLE 15. DEPOT STREET CEMETERY LAND ACQUISITION

To see if the Town will vote to allow the Selectmen to accept a gift of a certain parcel of land on Depot Street for continued use as a cemetery; or act or do anything in relation thereto.

(By: Cemetery Committee)

ARTICLE 16. PURCHASE OF PROPERTY

To see if the Town will vote to raise and appropriate a sum of money and to determine how said sum will be raised whether by borrowing, by transfer from available funds or by taxation and if by borrowing to authorize the issuance and sale of General Obligation Bonds or Notes of the Town, therefore, for the purpose of purchasing or by a friendly eminent domain taking of property owned by Philip J. & Robert Stockton and identified as Map 17, Parcel 3, located near Hixon Street and consisting of 32 acres, more or less; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 17. SALE OF WATER

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for the sale of potable water, said agreement to be on file with the Town Clerk five days prior to Town Meeting; or act or do anything in relation thereto.

(By: Board of Selectmen)

ARTICLE 18. RECOMMENDATIONS OF BYLAW REVIEW COMMITTEE

To see if the Town will vote to adopt the recommendations of the Bylaw Review Committee, said recommendations to be on file with the Town Clerk five days prior to Town Meeting; or act or do anything in relation thereto.

(By: Bylaw Review Committee)

ARTICLE 19. WETLAND PROTECTION

To see if the Town will vote to amend the General Bylaws by adding the following:

Article 3.08. Conservation Commission – Wetland Protection

No person shall remove, fill, dredge or alter any resource areas, or land in or under such areas, within one hundred (100') feet of any isolated or contiguous freshwater wetland, marsh, wet meadow, floodplain, bog, swamp, lake, river, pond, stream, creek, bank, estuary or vernal pool, without filing a Notice of Intent under this Bylaw and the Massachusetts Wetlands Protection Act and obtaining an Order of Conditions approving such work. The Conservation Commission may adopt regulations to implement this bylaw;

or act or do anything in relation thereto.

(By: Conservation Commission)

ARTICLE 20. NON-RESIDENTS- BOARDS/COMMISSIONS/COMMITTEES/AGENCIES

To see if the Town will vote to add Section 3.07 to Chapter 3 (Officers and Employees Generally) of the Town of Bellingham General By-Laws:

No persons, other than legal voters who reside in the Town of Bellingham, shall be appointed and serve as a voting member on any town board, committee, commission and/or other agency of the Town. If a member on a town board, committee, commission and/or agency changes residence outside of the Town, he/she must resign their position within thirty (30) days; or act or do anything in relation thereto.

(By: Petition

**Toni Picariello
76 Standish Road
Bellingham, MA
508-966-2764)**

ARTICLE 21. AMEND ZONING BY-LAW SECTION 3400

To see if the Town will amend its Zoning By-laws by eliminating, in their entirety, Section 3400 and subsections thereunder, along with Section 4451; or act or do anything in relation thereto.

(By: Planning Board)

ARTICLE 22. AMEND ZONING BY-LAW SECTION 2110

To see if the Town will amend Section 2110 of the Town's Zoning By-laws by replacing the third paragraph with the following:

In addition, there are five overlay districts: Floodplain District as established Section 4510, Water Resource District as established at Section 4920, Adult Use Districts #1 and #2 as established at Section 5100, and the Mill Reuse Overlay District as established at Section 5200; or act or do anything in relation thereto.

(By: Planning Board)

ARTICLE 23. AMEND ZONING BY-LAW SECTION 3324

To see if the Town will amend Section 3324 of the Town's Zoning Bylaws by renumbering it to 3224; or act or do anything in relation thereto.

(By Planning Board)

ARTICLE 24. AMEND ZONING BY-LAW SECTION 4500

To see if the Town will amend its zoning bylaws by replacing Section 4500 with the following, or take any other action in relation thereto:

4500 Special Flood Hazard Area Requirements

4510 District Establishment

The Flood Plain District herein also called "Special Flood Hazard Area" (SFHA) is hereby established as an overlay district to all other districts. All development in the SFHA District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses Special Flood Hazard Area and coastal high hazard areas, 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes".

- Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00.
- Inland Wetland Restriction, DEP, currently 310 CMR 13.00
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP, 310 CMR 15, Title 5;

The District also includes all special flood hazard areas within the Town of Bellingham designed as Zone A and AE on the Norfolk County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program NFIP). The map panels of the Norfolk Country FIRM that are wholly or partially with the Town of Bellingham are panel numbers 25021C0138E, 25021C0139E, 25021C0299E, 25021C0301E, 2502CO302E, 25021C0303E, 25021C0304E, 25021C0311E, 25021C0312E, 25021C0313E and 25021C0314E dated (TBD by final letter of Determination in January). The exact boundaries of the District may be defined by the 100 –year base flood elevations shown on the FIRM and further defined by the Norfolk County Insurance Study (FIS) report dated (TBD in January). The FIRM and the FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector.

4520 Development Regulations

The following requirements apply in Special Flood Hazard Area Districts:

- 4521 Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of flood proofing requirements, as appropriate, of the State Building Code.
- 4522 In the floodway designed on the Flood Insurance Rate Map, the following provisions shall apply:
 - (a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered Professional Engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood level during the occurrence of the base flood. The base flood is the flood having a one percent chance of being equaled or exceeded in any given one year.
 - (b) Any encroachment meeting the above standard shall comply with the floodplain (Special Flood Hazard Area) standards of

the State Building Code as well as the Performance Standards in 310 CMR (Wetlands Protection Regulations).

- (c) **Base Flood Elevation Data** is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within the unnumbered A zones.
- (d) **All subdivision proposals must be designed to assure that:**
 - such proposals minimize flood damage;
 - all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - adequate drainage is provided to reduce exposure to flood hazards
- (e) **Notification of Watercourse Alteration**
In a riverine situation, the Building Inspector or Board of Selectmen shall require the applicant to notify the following of any alteration or relocation of a watercourse:
 - **Adjacent communities**
 - **NFIP State Coordinator**
Massachusetts Department of conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
 - **NFIP Program Specialist**
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110
;or act or do anything in relation thereto.

(By: Planning Board)

**ARTICLE 25. REVISION TO TOWN ZONING BY-LAW SECTION
4900 WATER RESOURCE DISTRICT MAP — OTHER
TOWN'S ZONE II**

To see if the Town will vote to amend Section 4900 Water Resource Districts of the Zoning By-laws by, adding to the Water Resource District Map the area of the Town of Franklin Drinking Water Supply Well #7 Zone II shown on the map titled "Bellingham Water Resource District Map Addition Proposed May 26, 2010", which is on file with the Town Clerk's office, said map to be on file with the Town fourteen days prior to the Town meeting; or act or do anything in relation thereto.

(By:DPW)

ARTICLE 26. DRAINAGE, SEWER, AND ROADWAY EASEMENTS AND LAND ACQUISITION, CROSS STREET AND DUPRE ROAD

To see if the Town will vote to allow the Selectmen to accept gifts, purchase, or take by eminent domain, roadway right of ways, sewer pumping station parcels, permanent water, sewer, and storm drain easements, roadway easements, and or temporary construction easements in the area of Cross Street and Dupre Road as shown on the plans titled "Cross Street Drainage, Sewer, and Roadway Land Acquisition Plan Bellingham MA" drafted by Guerriere & Halnon, Inc. a copy of which will be on file with the Town Clerk's Office 14 days before the Town Meeting; and to appropriate or transfer funds to complete said land acquisition; or act or do anything in relation thereto.

(By: DPW)

ARTICLE 27. ROADWAY AND DRAINAGE EASEMENT GIFTS, SILVER LAKE ROAD

To see if the Town will vote to allow the Selectmen to accept gifts, of permanent roadway easements and permanent drainage easements along Silver Lake Road as shown on the plans titled "Easement Plan of Land in Bellingham MA" and "Plan of Land in Bellingham MA" drafted by Guerriere & Halnon, Inc. copies of which will be on file with the Town Clerk's Office 14 days before the Town Meeting; or act or do anything in relation thereto.

(By: DPW)

**ARTICLE 28. BUFFY ROAD AND PENNY LANE ACCEPTANCE
AS PUBLIC WAY**

To see if the Town will vote to take by eminent domain the roadway layout, easements, appurtenant thereto, identified as Buffy Road and Penny Lane, as 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 to authorize the Board of Selectmen to sign an order of eminent domain taking thereof; and to appropriate or transfer any necessary funds to complete said taking; or act or do anything in relation thereto.

(By: DPW)

ARTICLE 29. ACCEPTANCE OF GEMMUR LANE AND DENAULT DRIVE

"To see if the Town will vote to accept the private ways known as Gemmur Lane and Denault Drive, said Gemmur Lane and Denault Drive being shown on a plan entitled "Cluster Definitive of 'Bald Hill Estates', Plan of Land in Bellingham, Mass., Scale: 1" = 40', Dec. 31, 1987, G. R. Brisson, Registered Land Surveyor, Bellingham, Mass.", said plan recorded with Norfolk Deeds as Plan No. 589 A to E of 1988 in Plan Book 368, to which reference is made for a more particular description; said Denault Drive extending from the north side of Pulaski Boulevard to a cul de sac and being fifty feet, more or less in width; said Gemmur Lane extending from the north side of Denault Drive to a cul de sac and being fifty feet, more or less in width; or act or do anything in relation thereto.

(By: Petition
Scott Rhodes
127 Lake Street
Bellingham, MA
508-883-3108)

**ARTICLE 30. HIGHRIDGE ROAD AND RHODES WAY ACCEPTANCE
AS PUBLIC WAY**

To see if the Town will vote to accept as Public Ways, the roads, open spaces, booster station, easements and appurtenances thereto, and the Deed, 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, Inc. of Wilmington, Massachusetts duly recorded with the Norfolk County Registry of Deeds as Plan No. 28 of 2002 in Plan Book 492, 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 act or do anything in relation thereto.

(By: Petition
Highridge Properties, LLC
Timothy Jones, Manager
3 Hambone Farm Road
Franklin, MA 02038
508-509-3001)

ARTICLE 31. AMEND ARTICLE 2

To see if the Town will vote to amend Article 2 of the 2009 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 thereto.

(By: Board of Selectmen)

ARTICLE 32. AMEND ARTICLE 3

To see if the Town will vote to amend Article 3 of the 2009 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)

ARTICLE 33. AMEND ARTICLE 4

To see if the Town will vote to amend Article 4 of the 2009 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)

ARTICLE 34. 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)

And you are directed to serve this Warrant, by posting attested copies thereof at Town Hall and in other municipal buildings throughout Town sixty days, at least, before the time and place of meeting as aforesaid.

Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this day of March in the year of our Lord, Two Thousand Ten

Dawn M. Davies, Chairwoman

Mary E. Chaves, Vice Chairwoman

Lloyd W. Goodnow, Jr.

Jerald A. Mayhew

Michael J. Connor

BOARD OF SELECTMEN

RETURN OF THE WARRANT

Norfolk, ss:

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bellingham by posting attested copies of the same at Town Hall and in other Municipal buildings throughout Town, in accordance with Town By-laws.

Date

Constable of Bellingham