

**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-seventh day of May 2015, 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, 2015 through June 30, 2016; 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
145	Treasurer & Collector
151	Town Counsel
152	Human Resources
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
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
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, 2015 through June 30, 2016; 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, 2015 through June 30, 2016; 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, 2015 through June 30, 2016; 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 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)

#### **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 2014 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. AMEND ARTICLE 2.**

To see if the Town will vote to amend Article 2 of the 2014 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 11. AMEND ARTICLE 3.**

To see if the Town will vote to amend Article 3 of the 2014 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 12. AMEND ARTICLE 4.**

To see if the Town will vote to amend Article 4 of the 2014 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 13. CAPITAL OUTLAY**

To see if the Town will vote to raise and appropriate a sum of money 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 14. 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 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 15. 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 reauthorization and/or creation of the following revolving funds:

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 Trustees to use said funds 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 D.P.W. to create a special revolving fund from the revenues received for services provided to open cemetery graves and to authorize the DPW to use said funds to make payments for salaries and other related expenses not to exceed \$20,000.
3. 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 Board to use said funds for salaries and other related expenses not to exceed \$35,000.
4. To allow the Board of Health to create a special revolving fund from the revenues received from Tobacco Permits and violations and to authorize the use of said funds for tobacco surveillance of the tobacco regulations and for tobacco education and training, not to exceed \$20,000.
5. 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 authorize the Commission to use said funds to make payment to temporary or part-time

employees and independent contractors, not to exceed \$10,000.

6. 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 Department to use funds for the 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.
7. To allow the Bellingham Conservation Commission to create a special revolving fund from revenues received by applicants under the Town's local wetlands protection by-law; not to exceed \$15,000; and to authorize the Commission to use said funds for potential land purchases, in supplementation of funds in the Town's Land Acquisition Trust; or act or do anything in relation thereto.
8. To allow the Board of Selectmen to create a special revolving fund from revenues received from fees and fines issued by the Sealer of Weights and Measures and to authorize the Selectmen to use said funds for purchasing equipment and materials and to make payments for salaries, all in the performance of annual inspections as required by State law, not to exceed \$25,000; or act or do anything in relation thereto.
9. To allow the School Committee to create a special revolving fund from revenues received from the rental of the Anderson Athletic Field; the purchase of commemorative bricks at said field; and the purchase of advertising at said field and to authorize the use of such funds for maintenance of the grounds to include payments to qualifying employees and independent contractors, not to exceed \$50,000; or act or do anything in relation thereto.

(By: Library Trustees, D.P.W., Board of Health, Commission on Disability, Police Department, Conservation Commission, Board of Selectmen, School Committee)

#### ARTICLE 16: APPROVE TAX INCREMENT FINANCING AGREEMENT

To see if the Town will vote to:

1. Approve the Tax Increment Financing (TIF) Agreement between American Ag Energy, Inc. and/or its affiliates and the Town of Bellingham for property off of Depot Street in the Town of Bellingham consisting of 94 acres of land, more or less, which is a portion of the premises more fully described by deed

recorded with the Norfolk County Registry of Deeds in Book 3056, Page 112, the approximate location of which is shown on a plan on file with the Town Clerk. Pursuant to Section 59 of Chapter 40 of the Massachusetts General Laws, the TIF Agreement will provide for real estate tax exemptions at a rate schedule set forth in the Agreement, subject to approval by the Economic Assistance Coordinating Council (EACC) of the Commonwealth of Massachusetts. The TIF Agreement, associated plan and related materials, are on file at the office of the Town Clerk; and

2. Ratify the execution of the TIF Agreement by the Board of Selectmen, and any documents related thereto, and authorize the Board of Selectmen to take such other actions as are necessary or appropriate to implement those documents; and
3. Ratify the acceptance, approval and certification of the American Ag Energy, Inc. Economic Development Incentive Program (EDIP) Preliminary Application by the Board of Selectmen, and authorize the Board of Selectmen to apply to the EACC under the Economic Development Incentive Program for approval and designation of the site-specific American Ag Energy, Inc. Economic Opportunity Area, TIF Plan, TIF Agreement and such certified project; or take any other action relative thereto.

(By: Petition – American Ag Energy,  
Inc.

Contact: Robert Matthews  
Tax Incentives Consultants, LLC  
617-967-6283)

#### **ARTICLE 17. LEASE OF LAND – 26 PEARL STREET**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a lease for the property located at 26 Pearl Street (Pearl Street Mill) identified as Assessor's Map 4, Parcel 60, Book 16877, Page 103 for a period of up to twenty (25) years for a Large Scale Ground Mounted Solar Photovoltaic System (solar panel field); or act or do anything in relation thereto.

(By: Board of Selectmen)

#### **ARTICLE 18. TAX AGREEMENT**

To see if the Town will vote in accordance with G.L. c. 59, Sec. 38H to authorize the Board of Selectmen to enter into a Tax Agreement with Kearsage Energy for a period of up to twenty-five (25) years, and to approve said agreement under which



they will pay the Town a sum of money per year relative to a 66 acre +/- parcel of land located at 119 South Maple Street, Bellingham (former landfill site) and identified as Map 61, Parcel 8A, Book 5032, Page134 related to the proposed construction and operation of a Large Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 3.6 MW, a draft of said Tax Agreement being on file in the Town Clerk's Office, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel so long as the payments reflected in the Tax Agreement rise commensurately; or act or do anything in relation thereto.

(By: Board of Selectmen)

#### **ARTICLE 19. SNETT PARKING AND ACCESS LAND GRANT**

To see if the Town will vote to grant and convey fee ownership to the Massachusetts Department of Conservation and Recreation of a parcel of Town owned land located in the area east of South Main Street, north of Harpin Street, south of the SNET Trail, and west of the South Elementary and Keogh School buildings, as shown on the plans titled "MassDCR Parking & Trail Access Plan, Bellingham MA" copies of which will be on file with the Town Clerk's Office 14 days before the Town Meeting; said grant being intended as an exchange of lands necessary to comply with the transfer of Article 97 lands, and to authorize the Board of Selectmen to execute any and all documents and take any actions necessary to effectuate the purposes of this article; or act or do anything in relation thereto.

(By: DPW Director)

#### **ARTICLE 20. HARTFORD AVE DRAINAGE EASEMENT**

To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts, purchase, take by eminent domain permanent drainage and temporary construction easement adjacent to Hartford Ave, for construction of a stormwater basin, and as shown on the plans titled "Easement Plan Hartford Avenue, Bellingham MA" drafted by Borderland Engineering, Inc., and dated May 1, 2015, 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 Director)

#### **ARTICLE 21. PINE GROVE AVE SEWER PUMP STATION EASEMENT**

To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts, purchase, take by eminent domain permanent drainage and temporary construction easement adjacent to Pine Grove Ave for the construction of a sewer pumping station, and as shown on the plans titled "Easement Plan Pine Grove Avenue, Bellingham MA" drafted by Survey and Mapping Consultants, and dated May 1, 2015, 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 Director)

## ARTICLE 22. ZONING BYLAW AMENDMENT - ARTICLE IX. NOISE

To see if the Town will vote to amend Article IX, sec. 240-48 of the Town's Zoning Bylaw regarding Noise as shown below, with strikethroughs indicating deleted text and underlines indicating added text:

### § 240-48. Noise.

#### A. Noise receiving zones are defined as follows:

- (1) Receiving Zone A: Business and Industrial Districts.
- (2) Receiving Zone B: locations in any other district, but within 200 feet of a Business or Industrial District, or within 200 feet of an arterial street.
- (3) Receiving Zone C: all other locations.
- (4) For purposes of this part, any state or federally owned or managed property shall be treated as Receiving Zone C.

B. Applicability. No development shall be allowed, or activity allowed to take place, unless it is demonstrated that the following standards will not be exceeded at any location outside the property line of the premises, which location includes any contiguous land committed to be conveyed to the Town as open space. ~~The numerical standards of Subsection D of this section shall not be exceeded by more than 20 dB(A) at any time, or by more than 10 dB(A) for more than 10 minutes in an hour, or at all for more than 30 minutes in an hour. The numerical standards of Subsection D of this section shall not be exceeded, except for an allowance of up to one occurrence during any 24 hour period that may exceed the standard by up to 10 dB(A). The duration of the allowance period shall not exceed more than 10 minutes from the time of the first occurrence of the excessive noise.~~ Nothing in this section shall be construed to permit noise in excess of that allowed by any state or federal regulation.

Noise Baselines: No Development shall be allowed that requires a Development Plan Review, unless a noise study provided by a qualified engineer is conducted that includes, but not limited to, documenting the current state ambient noise levels and sources of noise, daily patterns and seasonal adjusted patterns, at any location along the development property line, as they exist prior to the development. The same shall be used as the baseline for comparison at any time in the present or in the future, to

assess compliance with any local, state, or federal regulation that bases its compliance in whole or in part, on not exceeding pre-activity ambient noise levels. Further, for any local, state, or federal regulation that bases its compliance on not exceeding certain noise levels, for purpose of this part, compliance must be met at all points along the noise generating property line.

**C. Exceptions.** This regulation shall not apply to the following:

- (1) Any noise produced by equipment used exclusively in the maintenance or repair of buildings or grounds, provided such equipment is rated at not more than 15 horsepower.
- (2) Human or animal noises unless mechanically or electronically amplified.
- (3) Farm equipment.
- (4) Construction equipment in operation at an active construction site, between the hours of 7:00 a.m. and 9:00 p.m., or at other hours upon determination of reasonable necessity by the Building Inspector. Such determination and authorization shall be valid for not more than any one 24 hours period per determination.
- (5) Snow plowing; emergency repair due to flood, fire or other catastrophe if such work is necessary for the general welfare or to avoid further catastrophe.
- (6) Parades, fairs or outdoor entertainment, provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than 10 days in any calendar year.
- (7) Activities authorized on special permit under § 240-55, where peculiarities of the location or activity assure that there will be no unreasonable adverse disturbance to use and enjoyment of nearby premises.

**D. Standards.** The following standards must be met, with the applicable standard being based upon the Receiving Zone where noise is potentially heard, not the zone where noise is generated. "Daytime" shall be from 7:00 a.m. until 9:00 p.m. on all days except Sundays and legal holidays, when it shall be from 12:00 noon until 9:00 p.m. All sound measurements made pursuant to this section shall be made with a Type 1 A-weighted sound level meter as specified under American National Standards Institute (ANSI) S1.4-1983. Sound level measurements must additionally detect and quantify impulse sound level measurements. There shall be a 5 dB penalty assessed at each Receiving Zone for impulsive noise.

**Maximum Allowable Exterior Noise Level At Any Point Along the Receiving Zone Boundary**

Receiving Zone	Daytime	Nighttime
A	65 dB(A)	60 dB(A)
B	55 dB(A)	50 dB(A)
C	50 dB(A)	45 dB(A)

or act or do anything in relation thereto.

(By: James Dunlea  
57 High Street, Bellingham)

#### **ARTICLE 23. AMEND ZONING BYLAW – ARTICLE VIII - SIGN REGULATION**

To see if the Town will vote to amend Article VIII, sec. 240-43 through sec. 240-46 of the Town's Zoning Bylaws by adding to, deleting and amending various sections all as recommended by the Town's Sign Bylaw Subcommittee, such amendments being available for review in the Office of the Town Clerk; or act or do anything in relation thereto.

(By: Bellingham Sign Bylaw Subcommittee  
Jerry Mayhew, Jim Dunlea,  
Brian Salisbury, Art Paturzo,  
William O'Connell)

#### **ARTICLE 24. OAK HILL CEMETERY**

To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts, purchase, take by eminent domain a parcel of land located on Hartford Avenue which comprises the privately owned portion of the Oak Hill Cemetery, as shown on the plans titled "Plan of Land Oak Hill Cemetery, Hartford Ave., Bellingham, MA" drafted by Land Planning, Inc., and dated May 8, 2015, 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: Cemetery Commission/Board of  
Selectmen)

#### **ARTICLE 25. SOUTH ELEMENTARY SCHOOL ROOF REPLACEMENT**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Bellingham School Building Committee for the Roof Replacement at the South Elementary School, 70 Harpin Street, Bellingham, MA under the Accelerated Repair Program, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational

program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-two point six-nine percent (52.69%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or act or do anything in relation thereto.

(By: School Committee)

#### ARTICLE 26. UNPAID BILLS

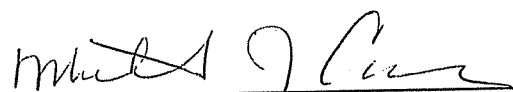
To see if the Town will vote to raise, appropriate or transfer a sum of money for the payment of certain unpaid bills; or act or do anything in relation thereto.


(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.

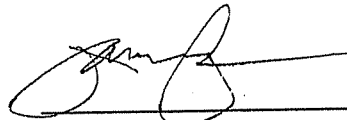
Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this twenty third day of March in the year of our Lord, Two Thousand Fifteen.

  
Michael J. Connor, Chairman

  
Daniel M. Spencer, Vice Chairman

\_\_\_\_\_  
Michael J. Soter



\_\_\_\_\_  
Jerald A. Mayhew


\_\_\_\_\_  
Donald F. Martinis

**RETURN ON 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 Bylaws.

3-26-15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Constable of Bellingham