

ARTICLE 1. AMEND ARTICLE 1 - FY 2014 BUDGET

To see if the Town will vote to amend Article 1 of the 2013 May 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: The Town voted unanimously to amend Article 1 of the May 2013 Annual Town Meeting and to raise and appropriate the sum of \$112,405.00 for fiscal Year 2014 expenditures by transferring said amounts from and into various accounts as follows:

<u>DEPARTMENT</u>	<u>AMOUNT</u>	<u>TRANSFER FROM</u>
Public Buildings Maintenance Expenses Item #189 Boiler/Senior Center	\$11,000.00	Free Cash
Public Buildings Maintenance Expenses Item #189 Generator	\$ 8,000.00	Free Cash
MIS Item Expenses #154 Fire Department Software upgrades	\$ 2,360.00	Free Cash
Fire Department Expenses Item #220 South Station repairs and Air conditioning	\$17,600.00	Free Cash
Public Buildings Maintenance Expenses Item #189 Youth Center Rent	\$10,000.00	Free Cash
MIS Department Expenses Item #154 To replace 17 municipal PC's	\$10,200.00	Free Cash

Board of Health Expenses Item #510 Payment to Health Agent As independent contractor	\$35,245.00	Board of Health Salaries
Parks Department Expenses Item #630 52 rubber mats installed Under playground swings	\$11,000.00	Free Cash
Parks Department Expenses Item #630 Wood chips for play areas	\$ 5,000.00	Free Cash
Treasurer's Department Expenses Item #138 To purchase a heavy Duty shredder	\$ 2,000.00	Free Cash

(Recommended by Finance Committee)

ARTICLE 2. AMEND ARTICLE 2 – TRASH ENTERPRISE

To see if the Town will vote to amend Article 2 of the 2013 May Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 2; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: The Town voted unanimously to amend Article 2 Trash Enterprise of the 2013 May Annual Town Meeting by transferring \$29,414.00 from Trash Enterprise Surplus to Trash Enterprise Expenses.

(Recommended by Finance Committee)

ARTICLE 3. AMEND ARTICLE 3 – WATER ENTERPRISE

To see if the Town will vote to amend Article 3 of the 2013 May Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 3; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Passed over.

ARTICLE 4. AMEND ARTICLE 4 – SEWER ENTERPRISE

To see if the Town will vote to amend Article 4 of the 2013 May Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into Article 4; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Passed over.

ARTICLE 5. CAPITAL OUTLAY – (Expenditures \$50,000 & Over)

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)

Motion to waive a secret ballot is required by General By-Law Section 4.07.130 carried unanimously.

VOTED: The Town voted unanimously to raise and appropriate the sum of \$1,773,700.00 for the purpose of financing the purchase, construction or reconstruction costs of various Town and School projects and purchases from the stated funds as follows.

<u>DEPARTMENT</u>	<u>AMOUNT</u>	<u>TRANSFER FROM</u>
DPW Trackless Sidewalk Plow	\$180,000.00	Free Cash
DPW Plow/Salt Truck	\$175,000.00	Free Cash

DPW Update radio Communications	\$ 95,000.00	Free Cash
DPW Replace aging water Valves on Wrentham Road to Lake Street	\$100,000.00	Water Surplus
DPW Replace aging water Main Break Truck	\$ 67,700.00	Water Expenses
DPW South Main Street Water main replacement At MassDot bridge	\$130,000.00	Water Surplus
DPW Harpin Street water Main replacement	\$ 80,000.00	Water Expenses
Fire Department Replace rescue Ambulance	\$266,000.00	Ambulance Receipts
Fire Department Replace Engine 2 With new pumper	\$530,000.00	Borrowing
School Department Replace boiler at High School	\$ 80,000.00	Free Cash
School Department Install magnetic fire Doors at High School	\$70,000.00	Free Cash

And for the cost associated with the Fire Pumper to authorize the issuance and sale of General Obligation Bonds or Notes of the Town therefore for the purpose of financing said purchase.

Motion carried by a 2/3 voice vote.
(per General By-Law Section 4.07.100 adopted by town on May 28, 1997.)

(Recommended by Finance Committee)
(Recommended by Capital Improvement Committee)

ARTICLE 6. 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)

VOTED: The Town voted unanimously to raise and appropriate the sum of \$210,775.00 for the purpose of financing the purchase of various non-capital outlay items or improvements proposed by Town Department, Boards or Committees from the stated Funds as follows:

<u>DEPARTMENT</u>	<u>AMOUNT REQUESTED</u>	<u>TRANSFER FROM</u>
School Department Compressor for High School HVAC system	\$17,000.00	Free Cash
School Department 2 new Kabota Plow/sanders	\$44,000.00	Free Cash
Police Department To replace aging Unmarked vehicle	\$31,000.00	Free Cash
Police Department Marked Cruiser	\$41,600.00	Free Cash
Police Department AWD Police Marked Cruiser	\$43,500.00	Free Cash
Police Department Speed monitoring	\$ 8,675.00	Free Cash

Radar trailer

MIS Department
GIS mapping
New module

\$25,000.00

Free Cash

(Recommended by Finance Committee)

ARTICLE 7. Chapter 114. Door-To-Door Soliciting

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

Article 1. Door to Door Solicitation

§ 114-1. Title

This article shall be known as the "Door-to-Door Solicitation and No Trespassing Law" of the Town of Bellingham.

§ 114-2. Findings and Intent

This article is intended to regulate door-to-door sales by licensing sales agents; establishing a No Trespassing Registry and setting reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the No Trespassing Registry.

§ 114.3 Definitions

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

DOOR-TO-DOOR SALES PERMIT

A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

NO TRESPASSING REGISTRY

A Registry of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the Registry at the request of the owner or occupant indicating that he or she does not want any person to enter his or her property except for 114-7C.

SALES ORGANIZATION

Any entity engaged in the supervision, recruitment, retention or employment of a

salesperson or salespersons, including any person or representative thereof.

SALESPERSON

Any person engaged in door-to-door sales of goods or services for present or future delivery.

SALES SUPERVISOR

Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

§ 114-4. Administration

The Town of Bellingham door-to-door sales permit process shall be administered by the Bellingham Police Department. The Town of Bellingham No Trespass Registry shall be administered by the Bellingham Town Clerk.

§ 114-5. Application Requirements

A. Each salesperson must apply individually to the Bellingham Police Department during posted administrative hours by submitting a completed application, which shall require:

- (1) Government-issued photographic identification.
- (2) Date of birth.
- (3) Social security number.
- (4) Permanent residential address.
- (5) Home telephone number.
- (6) Temporary local address.
- (7) Current cell phone number.
- (8) Sales organization information.
- (9) Sales supervisor identity.
- (10) Make, model, color and registration number of any vehicle(s) used to transport the sales agent, his/her supervisor, or sales materials.
- (11) Such other verifying information as may be reasonably required.

B. An application fee to be established and adjusted from time to time by the Board of Selectmen shall accompany each Town of Bellingham door-to-door sales permit application.

§ 114-6. Background Check

Subject to the provisions of the Massachusetts Criminal Records Offender Statute, MGL c. 6, § 167 et seq., and regulations set thereunder, the Bellingham Police Department shall conduct a criminal records check of each applicant for a Town of Bellingham door-to-door sales permit to determine the applicant's fitness and suitability to conduct door-to-door sales.

§ 114-7. No Trespassing Registry

A. Residents may submit their property for inclusion on the No Trespass Registry without charge to the Bellingham Town Clerk.

- B. Upon approval and issuance of a Town of Bellingham door-to-door sales permit, each person shall be provided with a copy of the No Trespassing Registry.
- C. The only exceptions to the No Trespassing Registry shall be limited to Bellingham Youth Groups 17 and under, politicians campaigning and religious organizations.

§ 114-8. Door-to-door Sales Regulations.

- A. No person shall engage in door-to-door sales without first having applied for and received a Town of Bellingham door-to-door sales permit.
- B. No sales organization shall allow any salesperson to engage in door-to-door sales who
has not applied for and received a Town of Bellingham door-to-door sales permit.
- C. No sales supervisor shall direct or supervise, direct, or allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bellingham door-to-door sales permit.
- D. No person shall enter within the perimeter of any residential property included on the
No Trespassing Registry except those identified in 114-7C. In addition to the fine(s) established below, inclusion of a residential property on the No Trespassing Registry except those identified in 114-7C shall constitute notice prohibiting trespass under MGL c. 266, § 120.
- E. No person shall solicit sales from a person situated within a residential property included on the No Trespassing Registry from a street, sidewalk or other adjacent property except those identified in 114-7C.
- F. Each salesperson shall carry the Town of Bellingham door-to-door sales permit at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer, Town official or any person present at a residential property where door-to-door sales are solicited.
- G. No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Town of Bellingham door-to-door sales permit application.
- H. Door-to-door sales shall not be conducted except during the hours
between 9 a.m. and 7 p.m.

§ 114-9. Violations and Penalties.

- A. Each violation of any provision of this article shall be punished by a fine not to exceed \$100.
- B. Upon the occurrence of a second violation of this article by any person, the issuing authority may revoke that salesperson's Town of Bellingham door-to-door sales permit.

§ 114-10. Severability.

The invalidity of any portion of this article shall not invalidate any other portion.

;or act or do anything in relation thereto.

(By: Doug Maclachlan)

VOTED: Motion failed

ARTICLE 8. Chapter 114. Door-To-Door Soliciting

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

Article 1. Door to Door Solicitation

§ 114-1. Title

This article shall be known as the "Door-to-Door Solicitation and No Solicitation Law" of the Town of Bellingham.

§ 114-2. Findings and Intent

This article is intended to regulate door-to-door sales by licensing sales agents; establishing a No Solicitation Registry and setting reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the No Solicitation Registry.

§ 114.3 Definitions

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

DOOR-TO-DOOR SALES PERMIT

A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

NO SOLICITATION REGISTRY

A Registry of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the Registry at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

SALES ORGANIZATION

Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

SALESPERSON

Any person engaged in door-to-door sales of goods or services for present or future delivery.

SALES SUPERVISOR

Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

§ 114-4. Administration

The Town of Bellingham door-to-door sales permit process shall be administered by the Bellingham Police Department. The Town of Bellingham No Solicitation Registry shall be administered by the Bellingham Town Clerk.

§ 114-5. Application Requirements

- A. Each salesperson must apply individually to the Bellingham Police Department during posted administrative hours by submitting a completed application, which shall require:
- (1) Government-issued photographic identification.
 - (2) Date of birth.
 - (3) Social security number.
 - (4) Permanent residential address.
 - (5) Home telephone number.
 - (6) Temporary local address.
 - (7) Current cell phone number.
 - (8) Sales organization information.
 - (9) Sales supervisor identity.
 - (10) Make, model, color and registration number of any vehicle(s) used to transport

the sales agent, his/her supervisor, or sales materials.

(11) Such other verifying information as may be reasonably required.

B. An application fee to be established and adjusted from time to time by the Board of Selectmen shall accompany each Town of Bellingham door-to-door sales permit application.

§ 114-6. Background Check

Subject to the provisions of the Massachusetts Criminal Records Offender Statute, MGL c. 6, § 167 et seq., and regulations set thereunder, the Bellingham Police Department shall conduct a criminal records check of each applicant for a Town of Bellingham door-to-door sales permit to determine the applicant's fitness and suitability to conduct door-to-door sales.

§ 114-7. No Solicitation Registry

A. Residents may submit their property for inclusion on the No Solicitation Registry without charge to Bellingham Town Clerk.

B. Upon approval and issuance of a Town of Bellingham door-to-door sales permit, each salesperson shall be provided with a copy of the No Solicitation Registry.

C. The only exceptions to the No Solicitation Registry shall be limited to Bellingham Youth Groups 17 and under, politicians campaigning and religious organizations.

§ 114-8. Door-to-door Sales Regulations.

A. No salesperson shall engage in door-to-door sales without first having applied for and received a Town of Bellingham door-to-door sales permit.

B. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bellingham door-to-door sales permit.

C. No sales supervisor shall direct or supervise, direct, or allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bellingham door-to-door sales permit.

D.No salesperson shall enter within the perimeter of any residential property included on the No Solicitation Registry. In addition to the fine(s) established below, inclusion of a residential property on the No Solicitation Registry except those identified in 114-7C shall constitute notice prohibiting trespass under MGL c. 266, § 120.

E.No salesperson shall solicit sales from a person situated within a residential property included on the No Solicitation Registry from a street, sidewalk or other adjacent property except those identified in 114-7C.

F.Each salesperson shall carry the Town of Bellingham door-to-door sales permit at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer, Town official or any person present at a residential property where door-to-door sales are solicited.

G. No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Town of Bellingham door-to-door sales permit application.

H. Door-to-door sales shall not be conducted except during the hours
Between 9 a.m. and 7 p.m.

§ 114-9. Violations and Penalties.

A. Each violation of any provision of this article shall be punished by a fine not to exceed \$100.

B. Upon the occurrence of a second violation of this article by any salesperson, the issuing authority may revoke that salesperson's Town of Bellingham door-to-door sales permit.

§ 114-10. Severability.

The invalidity of any portion of this article shall not invalidate any other portion.

;or act or do anything in relation thereto.

(By: Doug Maclachlan)

VOTED: The town voted to amend the Town's General By-Laws by adding a new Chapter 114 entitled "Door to Door Solicitation" as follows:

CHAPTER 114. DOOR TO DOOR SOLICITATION

Article 1. Door to Door Solicitation

§ 114-1. Title

This article shall be known as the "Door-to-Door Solicitation and No Solicitation Law" of the Town of Bellingham.

§ 114-2. Findings and Intent

This article is intended to regulate door-to-door sales by licensing sales agents; establishing a No Solicitation Registry and setting reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the No Solicitation Registry.

§ 114.3 Definitions

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

DOOR-TO-DOOR SALES PERMIT

A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

NO SOLICITATION REGISTRY

A Registry of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the Registry at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

SALES ORGANIZATION

Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

SALESPERSON

Any person engaged in door-to-door sales of goods or services for

present or future delivery.

SALES SUPERVISOR

Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

§ 114-4. Administration

The Town of Bellingham door-to-door sales permit process shall be administered by the Bellingham Police Department. The Town of Bellingham No Solicitation Registry shall be administered by the Bellingham Town Clerk.

§ 114-5. Application Requirements

A. Each salesperson must apply individually to the Bellingham Police Department during posted administrative hours by submitting a completed application, which shall require:

- (1) Government-issued photographic identification.
- (2) Date of birth.
- (3) Social security number.
- (4) Permanent residential address.
- (5) Home telephone number.
- (6) Temporary local address.
- (7) Current cell phone number.
- (8) Sales organization information.
- (9) Sales supervisor identity.
- (10) Make, model, color and registration number of any vehicle(s) used to transport the sales agent, his/her supervisor, or sales materials.
- (11) Such other verifying information as may be reasonably required.

B. An application fee to be established and adjusted from time to time by the Board of Selectmen shall accompany each Town of Bellingham

door-to-door sales permit application.

§ 114-6. Background Check

Subject to the provisions of the Massachusetts Criminal Records Offender Statute, MGL c. 6, § 167 et seq., and regulations set thereunder, the Bellingham Police Department shall conduct a criminal records check of each applicant for a Town of Bellingham door-to-door sales permit to determine the applicant's fitness and suitability to conduct door-to-door sales.

§ 114-7. No Solicitation Registry

A. Residents may submit their property for inclusion on the No Solicitation Registry without charge to Bellingham Town Clerk.

B. Upon approval and issuance of a Town of Bellingham door-to-door sales permit, each salesperson shall be provided with a copy of the No Solicitation Registry.

C. The only exceptions to the No Solicitation Registry shall be limited to Bellingham Youth Groups 17 and under, politicians campaigning and religious organizations.

§ 114-8. Door-to-door Sales Regulations.

A. No salesperson shall engage in door-to-door sales without first having applied for and received a Town of Bellingham door-to-door sales permit.

B. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bellingham door-to-door sales permit.

C. No sales supervisor shall direct or supervise, direct, or allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bellingham door-to-door sales permit.

D. No salesperson shall enter within the perimeter of any residential property included on the No Solicitation Registry. In addition to the fine(s) established below, inclusion of a residential property on the No Solicitation Registry except those identified in 114-7C shall constitute notice prohibiting trespass under MGL c. 266, § 120.

E.No salesperson shall solicit sales from a person situated within a residential property included on the No Solicitation Registry from a street, sidewalk or other adjacent property except those identified in 114-7C.

F.Each salesperson shall carry the Town of Bellingham door-to-door sales permit at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer, Town official or any person present at a residential property where door-to-door sales are solicited.

G.No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Town of Bellingham door-to-door sales permit application.

H.Door-to-door sales shall not be conducted except during the hours
Between 9 a.m. and 7 p.m.

§ 114-9. Violations and Penalties.

A.Each violation of any provision of this article shall be punished by a fine not to exceed \$100.

B. Upon the occurrence of a second violation of this article by any salesperson, the issuing authority may revoke that salesperson's Town of Bellingham door-to-door sales permit.

§ 114-10. Severability.

The invalidity of any portion of this article shall not invalidate any other portion.

ARTICLE 9. BYLAW CHANGE – CHAPTER 71, FINANCIAL AFFAIRS

To see if the Town will vote to adopt the following changes to Chapter 71, Financial Affairs, of the General Bylaws:

1. Section 71-2 is amended to change “Director of the Bureau of Accounts” to “Director of Accounts.”
2. Section 71-4D is amended to change “Chapter 268” to ch. 268A.”
3. Section 71-4E is amended to delete the reference to bicycle permits (former MGL c. 85, section 11A);

or act or do anything in relation thereto.

(By: Town Clerk)

VOTED: The Town voted unanimously to adopt the following changes to chapter 71, Financial Affairs, of the General By-Laws:

1. Section 71-2 is amended to change “Director of the Bureau of Accounts” to “Director of Accounts.”
2. Section 71-4D is amended to change “Chapter 268” to ch. 268A.”
3. Section 71-4E is amended to delete the reference to bicycle permits (former MGL c. 85, section 11A).

ARTICLE 10. POLICE STATION CONSTRUCTION

To see if the Town will vote to raise and appropriate a sum of money to construct and furnish a Police Station on land owned by the Town and located on Blackstone Street 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 and to authorize the use of said land on Blackstone Street identified as Assessors Map 60, Parcel 7, for the construction of said Police Station; or act or do anything in relation thereto.

(By: Board of Selectmen,
Police Building Committee)

Motion to waive a secret ballot is required by General By-Law Section 4.07.130 carried unanimously

VOTED: The Town voted to raise and appropriate the sum of \$6,800,000.00 by borrowing under G.L. c. 44 or other enabling authority, to construct and furnish a Police Station on land owned by the Town and located on Blackstone Street and to authorize the Board of Selectmen to undertake any actions necessary for borrowing said amount and carrying out said project, including the issuance and sale of general obligation bonds or notes of the Town and to further authorize the use of a portion of land on Blackstone Street identified on assessors Map 60, Parcel 7, for the construction of said Police Station.

Motion carried by a 2/3 voice vote.
(per General By-Law Section 4.07.100 adopted by Town on May 28, 1997.)

(Recommended by Capital Improvement Committee)
(Recommended by Finance Committee)

ARTICLE 11. OVERLAY DISTRICT

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

ARTICLE XXVI. Hartford Avenue Adaptive Use Overlay District

§ 240-185. *Purpose.*

The purpose of the Hartford Avenue Adaptive Use Overlay District (AUOD) is to promote economic development while maintaining community character by streamlining the permitting process for conversion of existing buildings within the AUOD District to one commercial or mixed one commercial and one-family residential use while maintaining the architectural integrity of the buildings and preserving the character of the neighborhood. The specific purposes of the AUOD are:

- A. To provide for limited business uses within certain portions of residential districts subject to standards designed to preserve community character.
- B. To encourage the reuse of residential buildings by providing economic uses for buildings that may no longer function well as single-family residences.
- C. To implement certain goals of the Master Plan, including encouraging economic development, protecting small town character, and updating zoning to maintain consistency.
- D. To provide compatible use opportunity in residential areas in which the residential component has been overshadowed or impacted by adjacent nonresidential uses.

§ 240-186. *General requirements.*

A. *Location.* The AUOD is hereby established as an overlay district. AUOD is superimposed on that portion of the Residential District along the north side of Hartford Avenue heading west between Route 495 and Farm Street and is more particularly identified on a plan entitled “Hartford Avenue Adaptive Use Overlay District,” dated July 9, 2013, incorporated by reference in the Zoning Bylaw and on file with the Town Clerk and Building Inspector.

B. *Rules and regulations.* The Planning Board may develop Hartford Avenue AUOD Rules and Regulations which shall more fully define the application requirements and design guidelines, identify supporting information needed, and establish reasonable application, review and inspection fees, and construction protocols.

§ 240-187. *Permitted uses.*

A. *Uses allowed as of right.* All uses allowed as of right in the underlying Residential District shall remain as of right within the Hartford Avenue AUOD. Similarly, uses presently allowed in the underlying Residential District shall continue to be allowed by special permit in the AUOD.

B. *Uses allowed by special permit in the AUOD.*

(1) In approving an adaptive use special permit under the provisions of MGL c. 40A, § 9 and these Zoning Bylaws, the Planning Board may provide for the following uses:

- (a) Offices for business or professional uses, including, but not limited to, accountants, architects, attorneys, counselors, engineers, insurance agents, planners, real estate sales, and similar uses.
- (b) Medical offices, including, but not limited to, acupuncture, chiropractors, massage therapy, and similar uses.
- (c) Small electronic repair, such as home computers.
- (d) Studios for artists, photographers, interior decorators, and similar design-related uses.
- (e) Retail sales for handcrafted merchandise and original arts and crafts.
- (f) Personal care services such as barber shops, beauty parlors and nail salons.

(2) The adaptive use special permit shall expressly indicate which of the above-allowed uses is specifically permitted and may impose conditions, safeguards and limitations on the permitted use(s). Changes in allowed uses shall require a new special permit.

C. *Prohibited uses.* The following uses shall be prohibited in the AUOD:

- (1) Motor vehicle sales, repair, or sales of parts; gas stations.
- (2) Manufacturing or industrial uses of any kind.
- (3) Drive-through windows of any kind.
- (4) Exterior storage of equipment or materials.
- (5) Food services, including, but not limited to, bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, sandwich shops, convenience stores, pizza parlors and other fast-food-type restaurants.
- (6) Repair shops for large equipment, appliances or tools and/or the fabrication or repair of machinery.
- (7) General retail of any kind not specified above.

(8) Non-single practioner medical/dental offices.

§ 240-188. *Special permit site development standards.*

The following site development standards shall apply to all Hartford Avenue AUOD developments and shall be reviewed during any special permit proceeding:

A. Each lot subject to the adaptive use special permit shall have a building or buildings located on it that was constructed prior to October 9, 2013.

B. Each adaptive use project must utilize the existing structures but may include restoration, renovation or improvement of the primary existing building to maintain, restore or enhance its original architectural integrity. Construction of an addition to an existing building on the premises may be permitted, provided that it is designed to be compatible with the overall residential character of the adjacent neighborhood and the AUOD.

C. The alteration of, addition to, and/or conversion of an existing building to one residential dwelling unit and one business use listed above may be permitted by special permit, provided that the appearance of the building is characteristic of a single-family dwelling and that the residential unit is occupied by the business owner.

D. Whenever possible, all parking should be limited to the existing driveway, and the applicant shall be required to demonstrate adequate parking for all uses (residential and commercial) with at least one parking space for a residential use. No on-street parking shall be allowed. Parking areas shall be screened from the public way and abutting properties by structures such as fencing and/or landscaping. Adequate provisions for on-site retention and treatment of stormwater shall be included.

E. Lighting shall be of a residential scale, architecturally compatible with the building, and shall be designed to ensure that no glare is produced on abutting properties or the public way.

F. Signage shall include no more than one freestanding sign with a maximum height of four feet and total maximum sign surface area not to exceed 12 square feet. Signs shall be externally illuminated with no spillover onto adjacent properties. Signage placement shall be reviewed by the Safety Officer so as to maintain adequate visual access for vehicles entering and exiting the property.

G. Curb cuts on Route 126 are subject to approval of the state. New curb cuts on Hartford Avenue are subject to recommendations of the Safety Officer and will

require a Bellingham street opening permit from the DPW. The division of state and local roads is shown on the plan.

H. All developments shall include a landscape plan that maintains or enhances the residential character of the property. The landscape plan shall also provide, at the discretion of the Planning Board, a buffer zone (including one or more shrubs, trees, grass and fencing) appropriate for the proposed use along any property boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storage facilities.

§ 240-189. *Procedures for special permit.*

A. Projects that are granted an adaptive use special permit shall be exempt from development plan approval as required in § 240-16 of this Zoning Bylaw. However, only the specific uses and improvements for which an adaptive use special permit is granted shall be exempt from site plan approval.

B. Applications for adaptive use special permits shall be made to the Planning Board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed according to Form K. A complete application shall include the following items:

- (1) Special permit application form.
- (2) Certified abutters list.
- (3) Locus plan showing existing buildings, structures, freestanding signs, driveways and walkways on abutting properties.
- (4) Plan(s) of the property that includes the following existing and proposed site features: buildings with additions, structures, driveways, and parking spaces.
- (5) Design features of the building(s) and structures, including, as appropriate, elevations, materials, colors, etc.
- (6) Signage, lighting, landscaping and fencing details.
- (7) A narrative statement discussing how the proposed project complies with the purposes and requirements of the Hartford Avenue Adaptive Use Special Permit. The narrative should also describe in detail the proposed use, hours of operation, number of employees, and the estimated number of clients/customers per hour, especially during the peak a.m. and p.m. traffic hours.

(8) Form K for distribution.

(9) Stormwater management calculations and plans, as may be applicable, conforming to accepted standards, policy, regulations and best management practices.

(10) Any other information determined to be needed for review.

§ 240-190. *Special permit standards and criteria.*

In considering an application for an adaptive use special permit, the Planning Board shall make the following findings:

A. The proposed use is contemplated under the provisions of this bylaw.

B. The site is adequate for the proposed use in terms of size, configuration, and use of abutting properties.

C. The proposed use will cause minimal adverse impacts to abutting properties and will provide mitigation of any impacts.

D. Provisions for traffic and parking are adequate for the proposed use.

E. The proposal maintains or enhances the aesthetic appeal of the primary building and its site.

F. The impact on neighborhood visual character, including views and vistas, is positive.

G. The provisions for utilities, including sewage disposal, water supply and stormwater management, are adequate.

H. The proposed project complies with the goals of the Master Plan and the purposes of this article of the Zoning Bylaw;

or act or do anything in relation thereto.

(By: Master Plan Implementation
Committee & Planning Board)

VOTED: The Town voted to amend the Zoning By-Laws, by adding a new Article XXVI, entitled “Overlay District”, all as follows:

ARTICLE XXVI. OVERLAY DISTRICT

§ 240-185. *Purpose.*

The purpose of the Hartford Avenue Adaptive Use Overlay District (AUOD) is to promote economic development while maintaining community character by streamlining the permitting process for conversion of existing buildings within the AUOD District to one commercial or mixed one commercial and one-family residential use while maintaining the architectural integrity of the buildings and preserving the character of the neighborhood. The specific purposes of the AUOD are:

- A. To provide for limited business uses within certain portions of residential districts subject to standards designed to preserve community character.
- B. To encourage the reuse of residential buildings by providing economic uses for buildings that may no longer function well as single-family residences.
- C. To implement certain goals of the Master Plan, including encouraging economic development, protecting small town character, and updating zoning to maintain consistency.
- D. To provide compatible use opportunity in residential areas in which the residential component has been overshadowed or impacted by adjacent nonresidential uses.

§ 240-186. *General requirements.*

A. *Location.* The AUOD is hereby established as an overlay district. AUOD is superimposed on that portion of the Residential District along the north side of Hartford Avenue heading west between Route 495 and Farm Street and is more particularly identified on a plan entitled “Hartford Avenue Adaptive Use Overlay District,” dated July 9, 2013, incorporated by reference in the Zoning Bylaw and on file with the Town Clerk and Building Inspector.

B. *Rules and regulations.* The Planning Board may develop Hartford Avenue AUOD Rules and Regulations which shall more fully define the application requirements and design guidelines, identify supporting information needed, and establish reasonable application, review and inspection fees, and construction protocols.

§ 240-187. *Permitted uses.*

A. *Uses allowed as of right.* All uses allowed as of right in the underlying Residential District shall remain as of right within the Hartford Avenue AUOD. Similarly, uses presently allowed in the underlying Residential District shall continue to be allowed by special permit in the AUOD.

B. *Uses allowed by special permit in the AUOD.*

(1) In approving an adaptive use special permit under the provisions of MGL c. 40A, § 9 and these Zoning Bylaws, the Planning Board may provide for the following uses:

- (a) Offices for business or professional uses, including, but not limited to, accountants, architects, attorneys, counselors, engineers, insurance agents, planners, real estate sales, and similar uses.
- (b) Medical offices, including, but not limited to, acupuncture, chiropractors, massage therapy, and similar uses.
- (c) Small electronic repair, such as home computers.
- (d) Studios for artists, photographers, interior decorators, and similar design-related uses.
- (e) Retail sales for handcrafted merchandise and original arts and crafts.
- (f) Personal care services such as barber shops, beauty parlors and nail salons.

(2) The adaptive use special permit shall expressly indicate which of the above-allowed uses is specifically permitted and may impose conditions, safeguards and limitations on the permitted use(s). Changes in allowed uses shall require a new special permit.

C. *Prohibited uses.* The following uses shall be prohibited in the AUOD:

- (1) Motor vehicle sales, repair, or sales of parts; gas stations.
- (2) Manufacturing or industrial uses of any kind.
- (3) Drive-through windows of any kind.
- (4) Exterior storage of equipment or materials.
- (5) Food services, including, but not limited to, bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, sandwich shops, convenience stores, pizza parlors and other fast-food-type restaurants.
- (6) Repair shops for large equipment, appliances or tools and/or the fabrication or repair of machinery.
- (7) General retail of any kind not specified above.

(8) Non-single practioner medical/dental offices.

§ 240-188. *Special permit site development standards.*

The following site development standards shall apply to all Hartford Avenue AUOD developments and shall be reviewed during any special permit proceeding:

A. Each lot subject to the adaptive use special permit shall have a building or buildings located on it that was constructed prior to October 9, 2013.

B. Each adaptive use project must utilize the existing structures but may include restoration, renovation or improvement of the primary existing building to maintain, restore or enhance its original architectural integrity. Construction of an addition to an existing building on the premises may be permitted, provided that it is designed to be compatible with the overall residential character of the adjacent neighborhood and the AUOD.

C. The alteration of, addition to, and/or conversion of an existing building to one residential dwelling unit and one business use listed above may be permitted by special permit, provided that the appearance of the building is characteristic of a single-family dwelling and that the residential unit is occupied by the business owner.

D. Whenever possible, all parking should be limited to the existing driveway, and the applicant shall be required to demonstrate adequate parking for all uses (residential and commercial) with at least one parking space for a residential use. No on-street parking shall be allowed. Parking areas shall be screened from the public way and abutting properties by structures such as fencing and/or landscaping. Adequate provisions for on-site retention and treatment of stormwater shall be included.

E. Lighting shall be of a residential scale, architecturally compatible with the building, and shall be designed to ensure that no glare is produced on abutting properties or the public way.

F. Signage shall include no more than one freestanding sign with a maximum height of four feet and total maximum sign surface area not to exceed 12 square feet. Signs shall be externally illuminated with no spillover onto adjacent properties. Signage placement shall be reviewed by the Safety Officer so as to maintain adequate visual access for vehicles entering and exiting the property.

G. Curb cuts on Route 126 are subject to approval of the state. New curb cuts on Hartford Avenue are subject to recommendations of the Safety Officer and will

require a Bellingham street opening permit from the DPW. The division of state and local roads is shown on the plan.

H. All developments shall include a landscape plan that maintains or enhances the residential character of the property. The landscape plan shall also provide, at the discretion of the Planning Board, a buffer zone (including one or more shrubs, trees, grass and fencing) appropriate for the proposed use along any property boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storage facilities.

§ 240-189. *Procedures for special permit.*

A. Projects that are granted an adaptive use special permit shall be exempt from development plan approval as required in § 240-16 of this Zoning Bylaw. However, only the specific uses and improvements for which an adaptive use special permit is granted shall be exempt from site plan approval.

B. Applications for adaptive use special permits shall be made to the Planning Board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed according to Form K. A complete application shall include the following items:

- (1) Special permit application form.
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- (4) Plan(s) of the property that includes the following existing and proposed site features: buildings with additions, structures, driveways, and parking spaces.
- (5) Design features of the building(s) and structures, including, as appropriate, elevations, materials, colors, etc.
- (6) Signage, lighting, landscaping and fencing details.
- (7) A narrative statement discussing how the proposed project complies with the purposes and requirements of the Hartford Avenue Adaptive Use Special Permit. The narrative should also describe in detail the proposed use, hours of operation, number of employees, and the estimated number of clients/customers per hour, especially during the peak a.m. and p.m. traffic hours.

(8) Form K for distribution.

(9) Stormwater management calculations and plans, as may be applicable, conforming to accepted standards, policy, regulations and best management practices.

(10) Any other information determined to be needed for review.

§ 240-190. *Special permit standards and criteria.*

In considering an application for an adaptive use special permit, the Planning Board shall make the following findings:

A. The proposed use is contemplated under the provisions of this bylaw.

B. The site is adequate for the proposed use in terms of size, configuration, and use of abutting properties.

C. The proposed use will cause minimal adverse impacts to abutting properties and will provide mitigation of any impacts.

D. Provisions for traffic and parking are adequate for the proposed use.

E. The proposal maintains or enhances the aesthetic appeal of the primary building and its site.

F. The impact on neighborhood visual character, including views and vistas, is positive.

G. The provisions for utilities, including sewage disposal, water supply and stormwater management, are adequate.

H. The proposed project complies with the goals of the Master Plan and the purposes of this article of the Zoning Bylaw.

Motion carried by a 2/3 voice vote.

(per General by By-Law Section 4.07.100 adopted by Town on May 28, 1997)

(Recommended by Planning Board)

(Recommended by Master Plan Implementation Committee)

ARTICLE 12. RESIDENTIAL TRASH REMOVAL BYLAW

To see if the Town will vote to amend the Bellingham Code of By-laws by adding the

following section:

No person or entity, other than a qualified trash removal/recycling company, shall be permitted to disturb or remove the trash or recycling, or the containers or receptacles containing the same, that may be placed on the curbside or other designated areas by residents for collection. This prohibition shall apply whether the trash/recycling is placed on private or public property for collection. Violations of this bylaw shall be punishable by a fine of \$100.00 for a first offense and \$300.00 for a second offense and may be imposed via non-criminal disposition per G.L. c 41, Section 21D; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: The Town voted to amend the Bellingham code of General By-Laws by adding the new Article III to Chapter 178 of the By-Laws entitled “Residential Trash Removal” as follows:

RESIDENTIAL TRASH REMOVAL

§178-4. Residential Trash Removal

No person or entity, other than a qualified trash removal/recycling company, shall be permitted to disturb or remove the trash or recycling, or the containers or receptacles containing the same, that may be placed on the curbside or other designated areas by residents for collection. This prohibition shall apply whether the trash/recycling is placed on private or public property for collection. Violations of this bylaw shall be punishable by a fine of \$100.00 for a first offense and \$300.00 for a second offense and may be imposed via non-criminal disposition per G.L. c 41, Section 21D.

ARTICLE 13. 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 Commission on Disability to create a special revolving fund from revenues received from handicap parking fines and to authorize the Commission to use said funds for Police details and projects to aid handicap individuals, not to exceed \$15,000; or act or do anything in relation thereto.
2. To allow the Board of Health to create a special revolving fund from revenues received from Tobacco Permits and violations and to authorize the Board to use said funds for enforcement of the tobacco regulations and for tobacco education and training, not to exceed \$10,000; or act or do anything in relation thereto.

(By: Commission on Disability; Board of Health)

VOTED: Passed over.

ARTICLE 14. TOBACCO PERMITS

To see if the Town will vote to approve the removal of Tobacco Permits from Retail Pharmacies that sell prescription medicine or operate “Minute Clinics” in the Town. The Board of Health considers these stores as wellness centers and believes Tobacco Products cause a myriad of medical problems which is counterproductive to public health in our Town; or act or do anything in relation thereto.

(By: Board of Health)

VOTED: Passed over.

ARTICLE 15. LINDA WAY ACCEPTANCE

To see if the Town will vote to accept as a Public Way the road, easements and appurtenances thereto, and the Deed thereto, identified as Linda Way being shown on a Plan entitled, “Road Acceptance Plan, Linda Way, North Wood II in the Town of Bellingham”, dated January 24, 2013 revised February 15, 2013 and June 26, 2013, prepared by Heritage Design Group, LLC, One Main Street, Whitinsville, MA 01588, said plan to be duly recorded in the Norfolk County Registry of Deeds herewith 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: Mark E. Anderson, Heritage Design Group, One Main St., Whitinsville, MA for Maddi North St. Development, LLC)

VOTED: Motion Failed

ARTICLE 16. ICE CREAM TRUCK VENDOR REGULATIONS

To see if the Town will vote to adopt a new General Bylaw entitled Ice Cream Trucks, as follows:

Section 1 - Purpose

This Bylaw implements the requirements of G.L. c. 270, §25 and the regulations

promulgated thereunder, as may be amended, relative to the permitting of Ice Cream Trucks within the Town of Bellingham.

Section 2 - Definitions

“Ice cream”, any frozen dairy or frozen water-based food product.

“Ice cream truck”, any motor vehicle used for selling, displaying or offering to sell ice cream.

“Ice cream truck vending”, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

“Permitting authority”, the Bellingham Chief of Police or a qualified person authorized by him.

Section 3 - Applicability

No person shall engage in ice cream truck vending in the Town of Bellingham unless he shall have been issued a valid permit to do so by the Permitting Authority. Such permit shall be conspicuously displayed and clearly visible on the windshield of any ice cream truck operated or from which ice cream or any other prepackaged food product is sold. Whoever violates this section shall be assessed a fine of \$500. Each day that such person is in operation in violation of this section may be considered a separate violation.

Permits issued hereunder shall conform to regulations, rules, forms and policies of the Department of Public Safety.

;or act or do anything in relation thereto.

(By: Police Chief)

VOTED: The Town voted unanimously to adopt a new General By-Law, identified as Chapter 103 of the General Code and entitled “Ice Cream Vendor Regulations”, as follows, and to permit the renumbering of said By-Law so as to conform to the format of the Bellingham Code.

ICE CREAM VENDOR REGULATIONS

Section 1 - Purpose

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Permits issued hereunder shall conform to regulations, rules, forms and policies of the Department of Public Safety.

ARTICLE 17. WATER TRANSMISSION MAIN LAND AND EASEMENT ACQUISITION

To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts of, purchase, or take by eminent domain permanent waterworks easements between Well 12 off of Cliff Road and Hartford Ave (west of I-495) generally in the area from Home Depot to the well property and along the Mass Department of Conservation and Recreation old railroad right of way between Cross Street Wells 1 and 2 and Center Street near Fox Run Road, and in as shown on the plans titled “Easement Plan Water Transmission Mains 2013, Bellingham MA” drafted by Wright Pierce, copies of which will be on file with the Town Clerk’s Office 14 days before the Town Meeting; or act or do anything related thereto.

(By: DPW Director)

VOTED: Passed over.

ARTICLE 18. WRENTHAM ROAD DRAINAGE EASEMENTS

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 easements adjacent to Wrentham Road, and in as shown on the plans titled “Easement Plan Wrentham Road, 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 related thereto.

(By: DPW Director)

VOTED: Passed over.

ARTICLE 19. CHARTER REVISION

To see if the Town will vote to approve the Town Charter as amended and to authorize the Board of Selectmen to petition the General Court to accept said amendments; or act or do anything in relation thereto.

(By: Charter Review Commission)

VOTED: The Town voted unanimously to approve the Town Charter proposed texts as prepared by the Town Charter Committee and to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt special legislation in a form suitable to enact said Charter amendments.

(Recommended by Charter Review Committee)
(Recommended by Board of Selectmen)

ARTICLE 20. TRANSFER OF FUNDS TO O.P.E.B. TRUST

To see if the Town will vote to transfer from any available fund a sum of money to be transferred into the O.P.E.B. (Other Post Employment Benefits) Trust; or act or do

anything in relation thereto.

(By: Chief Financial Officer)

VOTED: The Town voted unanimously to raise and appropriate from Free Cash the sum of \$100,000.00 and to transfer said sum to the O.P.E.B. Trust Fund.

(Recommended by Finance Committee)

ARTICLE 21. STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Stabilization Fund; or act or do anything in relation thereto.

(By: Finance Committee)

VOTED: The Town voted unanimously to raise and appropriate the sum of \$100,00.00 from Free Cash and to transfer said sum to the Stabilization Fund.

Motion carried a 2/3 voice vote.

(per General By-Law Section 4.07.100 adopted by Town on May 28, 1997.)

(Recommended by Finance Committee)

ARTICLE 22. TAX STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Tax Stabilization Fund; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: The Town voted unanimously to raise and appropriate the sum of \$50,000.00 from Free Cash and to transfer said sum to the Stabilization Fund.

Motion carried by a 2/3/voice vote.

(per General By-Law Section 4.07.100 adopted by Town on May 28, 1997)

(Recommended by Finance Committee)

ARTICLE 23. CAPITAL IMPROVEMENT TRUST FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding the Capital Improvement Trust Fund; or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: The Town voted to raise and appropriate the sum of \$50,000.00 from Free Cash and to transfer said sum to Capital Improvement Trust Fund.

(Recommended by Finance Committee)

ARTICLE 24. 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: The Town voted to raise and appropriate the sum of \$449.99 and to pay said sum for purchases made to W.B. Mason for a hard drive and to transfer said sum from M.I.S. expenses, Item #154.

(Recommended by Finance Committee)

Adjourned at 9:45 PM

No quorum required.

Attendance:

P – 1	P – 2	P – 3	P – 4	P – 4A	P – 5	TOTAL
38	46	52	42	7	23	208

A true record.

ATTEST:

Ann L. Odabashian
Bellingham Town Clerk