

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF BELLINGHAM**

**WARRANT FOR SPECIAL 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 eighth day of October 2014, at 7:30 p.m., then and there to act on the following articles:**

**ARTICLE 1. AMEND ARTICLE 1 - FY 2014 BUDGET**

**To see if the Town will vote to amend Article 1 of the 2014 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)**

**ARTICLE 2. AMEND ARTICLE 2 – TRASH ENTERPRISE**

**To see if the Town will vote to amend Article 2 of the 2014 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)**

**ARTICLE 3. AMEND ARTICLE 3 – WATER ENTERPRISE**

**To see if the Town will vote to amend Article 3 of the 2014 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)**

**ARTICLE 4. AMEND ARTICLE 4 – SEWER ENTERPRISE**

**To see if the Town will vote to amend Article 4 of the 2014 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)**

**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)**

**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)**

**ARTICLE 7. REVOLVING FUND – CONSERVATION COMMISSION**

**To see if the Town will vote to amend the limits of the revolving fund approved for the Bellingham Conservation Commission under Article 15 of the 2014 Annual Town Meeting, by increasing such amount from \$5,000.00 to \$15,000; or act or do anything**

in relation thereto.

(By: Conservation Commission)

#### **ARTICLE 8. MUNICIPAL AGGREGATION OF ELECTRICITY**

To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation; or act or do anything in relation thereto.

(By: Board of Selectmen)

#### **ARTICLE 9. HAMPTON COURT, KENSINGTON COURT, LEEDS LANE, OXFORD COURT & WHITEHALL WAY ACCEPTANCE**

To see if the Town will vote to accept as Public Ways the roads, easements and appurtenances thereto, and the Deed thereto, identified as Hampton Court (f.k.a. Meg Lane), Kensington Court (f.k.a. Wallis Road), Leeds Lane (f.k.a. Avery Way), Oxford Court (f.k.a. Winthrop Drive) and Whitehall Way (f.k.a. Pierce Crossing), being shown on a Plan entitled, "Pierce Estates Subdivision, Bellingham, Massachusetts issued for Definitive Subdivision," dated March 13, 2003, prepared by Vanasse Hangen Brustlin, Inc., endorsed by the Bellingham Planning Board on March 13, 2003, recorded with the Norfolk Registry of Deeds on May 21, 2003 as Plan No. 310 of 2003, Plan Book 508; as amended by that certain plan entitled: "Pierce Estates Subdivision, Bellingham, Massachusetts," dated April 24, 2003, prepared by Vanasse Hangen Brustlin, Inc., endorsed by the Bellingham Planning Board on April 24, 2003, recorded with said Registry of Deeds on May 21, 2003 as Plan No. 311 of 2003, Plan Book 508 (now known as Bellingham Estates), as further amended by Title Affidavit, dated August 19, 2004, recorded with said Registry of Deeds in Book 21445, Page 28, 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 related thereto.

(By: Bellingham Estates Homeowners  
Association)

Mark A. Kablack Esq., 176 East Main  
Street, Suite 3, Westborough, MA  
01581)

**ARTICLE 10. WATER TRANSMISSION MAIN LAND AND EASEMENT  
ACQUISITION SNETT RAILROAD RIGHT OF WAY**

**To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts, purchase, or take by eminent domain permanent waterworks easements and temporary construction easements along the Mass Department of Conservation and Recreation old railroad right of way known as the Southern New England Transit Trail between Lake Street and Center Street, as shown on the plans titled “Easement Plan Bellingham Department of Public Works South Route Raw Water” 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 in relation thereto.**

**(By: DPW Director)**

**ARTICLE 11. SOUTH MAIN STREET ROADWAY IMPROVEMENT**

**To see if the Town will vote to raise and appropriate or borrow a sum of money to fund an engineered plan and bid preparation, roadway improvements, drainage improvements, sidewalk improvements and pavement reconstruction on the section of South Main Street, and if by borrowing, to authorize the issuance and sale of general obligation bonds or notes of the Town therefore; act or do anything in relation thereto.**

**(By: DPW Director)**

**ARTICLE 12. BENELLI STREET TO CENTRAL BOULEVARD - DRINKING  
WATER DISTRIBUTION MAIN EASEMENT**

**To see if the Town will vote to raise and appropriate a sum of money and allow the Selectmen to accept gifts, purchase, or take by eminent domain a permanent waterworks easement for the installation of a new drinking water distribution main from the end of Benelli Street to Central Boulevard crossing Peter’s River as shown on the plans titled “Easement Plan Benelli Street to Central Boulevard Water Main Easement” prepared by Guerriere & Halnon, Inc. dated September 5, 2014, 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 13. GENERAL BYLAW – FORECLOSED PROPERTY**

**To see if the Town will vote to amend its General Bylaws by adding Chapter 162, as follows:**

### **REGISTRATION AND MAINTENANCE OF ABANDONED AND/ OR FORECLOSED RESIDENTIAL PROPERTIES**

#### **(a) Purpose; Enforcement Authority**

(1) It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, by:

- a. requiring all residential property owners, including lenders, trustees and service companies, to register abandoned and/or foreclosed residential properties with the Town of Bellingham; and by
- b. regulating the maintenance and security of abandoned and/or foreclosed residential properties to help prevent blighted and unsecured residences.

(2) The Building Commissioner or another designee of the Board of Selectmen shall have enforcement authority as to this bylaw and is herein authorized to conduct inspections as authorized under this Bylaw.

#### **(b) Definitions** - When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

(1) “Abandoned” means a residential property which is not being used or occupied as a residence despite containing a residential building. “Abandoned” does not include a residential building that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty. “Abandoned” does not apply to accessory buildings or structures on the premises nor does it apply to residential property that is temporarily vacant due to seasonal absences.

(2) “Town” means the Town of Bellingham

(3) “Commissioner” means the Building Commissioner of the Town of Bellingham or a designee authorized to enforce the terms of this Bylaw.

(4) “Days” means consecutive calendar days.

(5) “Foreclosed” means a property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

(6) “Local” means within twenty miles of the property in question.

(7) “Mortgagee” means the creditor, including but not limited to service companies, lenders, in a mortgage agreement, or any successor in interest of the mortgagee’s rights, interests or obligations under the relevant mortgage agreement.

(8) “Property” means any real, residential property or portion thereof, located in the Town of Bellingham, including but not limited to buildings and structures situated on such property.

(9) “Residential Property” means any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

**(c) Registration**

(1) All owners or mortgagees of abandoned and/or foreclosed residential properties shall register such properties with the Commissioner on forms provided by the Commissioner. If the owner is an out of state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this bylaw.

a. Each registration must state the owner’s, mortgagee’s or agent’s name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code ; the mailing address shall not be a post office box.

b. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is abandoned, and if abandoned, the condition of the property and the status of maintenance thereof. Each registration must designate a local individual or local property management company responsible for the maintenance and security of this property. This designation must state the individual or company’s name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box.

1. If the owner’s inspection determines that the property is abandoned, the registration must be received by the Commissioner within seven days of the owner’s inspection.

2. If the owner's inspection determines that the property is not abandoned, but has been foreclosed, the registration must be received by the Commissioner within seven days of the foreclosure.
  3. If an inspection by the Commissioner's determines that a property is abandoned and improperly maintained, the Commissioner shall notify the owner, mortgagee or their agent accordingly and, subsequently, a registration as an abandoned property must be received by the Commissioner within fourteen days of the Commissioner's notice.
- (2) All property registrations pursuant to paragraph (c) are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of one hundred dollars (\$100.00) must accompany the registration form. Subsequent registrations and fees are due within thirty days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains abandoned and/or remains in foreclosure, and shall restate the current condition of such property as required above.
  - (3) Any owner that has registered a property under paragraph (c) must report any material change in information contained in the registration within ten days of the change.
  - (4) Once the property is no longer abandoned or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

**(d) Maintenance and Security Requirements**

- (1) Properties subject to this bylaw must be maintained in accordance with the State Building Code and with orders issued by the Commissioner in order to ensure the safety thereof. The local owner or local property management company must inspect and maintain the property on at least a monthly basis for as long as the property is abandoned.
- (2) In accordance with state law, including but not limited to Massachusetts General Laws chapter 143 Sections 6-10 and 780 CMR 121.0, property that is abandoned must be safe and must be secured so as not to be accessible to unauthorized persons.
- (3) Compliance with this paragraph (d) does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions,

requirements of the Commissioner, and/or homeowner's association rules and regulations.

**(e) Inspections** - Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this bylaw for compliance with this bylaw and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this bylaw and the State Building Code are enforced.

**(f) Penalties** – In addition to any other means of enforcement available to the Commissioner, the Commissioner or a designee hereunder may enforce this bylaw by means of noncriminal enforcement pursuant to Massachusetts General Laws c. 40, §21D. The following penalties are established for purposes of said noncriminal disposition:

- (1) A failure to initially register with the Commissioner pursuant to paragraph (c): three hundred dollars (\$300.00).
- (2) A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to paragraph (c): three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.
- (3) A failure to maintain and/or to secure the property pursuant to paragraph (d): three hundred dollars (\$300.00) for each week during which the property is not maintained and/or not secured.
- (4) The penalties provided in paragraph (f) shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Violation of this bylaw shall be subject to a fine not to exceed three hundred dollars for each violation; each day shall be considered a new violation, except as may be otherwise stated herein.

**(g) Severability** - If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this bylaw's remaining provisions, which shall remain in full force and effect, to the extent feasible.

**;or act or do anything in relation thereto.**

**(By: Board of Selectmen)**



#### **ARTICLE 14. 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)**

#### **ARTICLE 15. 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)**

#### **ARTICLE 16. 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)**

#### **ARTICLE 17. 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)**

#### **ARTICLE 18. 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 forty-five 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 eighteenth day of August in the year of Our Lord, Two Thousand Fourteen.**

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**Michael J. Connor, Chairman**

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**Daniel M. Spencer, Vice Chairman**

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**Michael J. Soter**

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**Jerald A. Mayhew**

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**Donald F. Martinis**

**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.**

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**Date**

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**Constable of Bellingham**