

TOWN OF BELLINGHAM
SPECIAL TOWN MEETING

of

October 14, 2009

ARTICLE 1. AMEND ARTICLE 1.

To see if the Town will vote to amend Article 1 of the 2009 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: Unanimously voted that the Town amend Article 1 of the 2009 May Annual Town Meeting by reducing, adding to, deleting, amending appropriations or transferring funds from various sources into items within Article 1, as follows:

<u>Transfer To</u>	<u>Amount</u>	<u>Transfer From</u>
C.F.O. Salaries	\$ 5,000.00	Taxation
Police Salaries	\$45,000.00	Police Encumbrance
Total	\$50,000.00	

(Recommended by Finance Committee)

ARTICLE 2. AMEND ARTICLE 3.

To see if the Town will vote to amend Article 3 of the 2009 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 3. AMEND ARTICLE 4.

To see if the Town will vote to amend Article 4 of the 2009 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 4. CAPITAL OUTLAY

To see if the Town will vote to raise and appropriate a sum of money which shall not exceed 3.0 million dollars and to determine how such appropriation shall be raised, whether by transfer of available funds, by taxation, by borrowing or otherwise, and if by borrowing to authorize the issuance and sale of general obligation bonds or notes of the Town therefore for the purpose of financing the purchase, construction, reconstruction and/or engineering costs associated with various capital outlay items or improvements proposed by Town Departments, Boards or Committees; or act or do anything in relation thereto.

(By: Board of Selectmen)

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

VOTED: Unanimously voted that Town raise and appropriate a sum of \$405,500.00 for the purpose of financing the purchase, construction, reconstruction and/or engineering costs proposed by Department, Boards or Committees from the stated funds as follows:

<u>TRANSFER TO</u>	<u>AMOUNT</u>	<u>TRANSFER FROM</u>
D.P.W. Supplement Chapter 90 Funds	\$ 50,000.00	Free Cash
School Bellingham High School Roof Repairs	\$205,500.00	Borrowing
Water Facilities Improvement Chemical Feed Safety & Filtration Plant	\$150,000.00	Water Surplus

Total \$405,500.00

(Recommended by Finance Committee)

ARTICLE 5. NON-CAPITAL OUTLAY EXPENDITURES
(Expenditures of Less Than \$50,000)

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

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town raise and appropriate the sum of \$177,250.00 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>TRANSFER TO</u>	<u>AMOUNT</u>	<u>TRANSFER FROM</u>
Library – Closed Circuit Security System	\$ 7,000.00	Free Cash
North Community Building Repairs	\$30,000.00	Free Cash
D.P.W. MIS/GIS MAPPING	\$25,000.00	Free Cash
D.P.W./DAM REPAIRS	\$40,000.00	Free Cash
Police/Jail Cell Repairs	\$ 7,500.00	Free Cash
Police/ 1 Marked Car	\$32,000.00	Free Cash
Cemetery Committee Gravestone Rehab	\$10,000.00	Free Cash
Parks & Recreation Blackstone Street		

Field Well Improvement	\$15,000.00	Free Cash
Fire/Copy Machine	\$ 5,100.00	Free Cash
Fire/Pump for Extraction Equipment	\$ 5,650.00	Free Cash
Total	\$177,250.00	

(Recommended by Finance Committee)

ARTICLE 6. ZONING AMENDMENT

To see if the Town will vote to amend the Zoning Map such that Assessor's Map 0094, Lots 182, 184A and 185 which are currently zoned partly Residential and partly B-1 Business would be changed to B-1 Business in their entirety; or act or do anything in relation thereto.

(By: MASSREIT, LLC
Sharon Borges
225 Franklin St., 26th Floor
Boston, MA 02110
508-838-7670)

VOTED: Passed over.

ARTICLE 7. ECONOMIC OPPORTUNITY AREA

To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of Hilliard Precision Products, Inc. and affiliates, located at 125 Depot Street, Bellingham, MA 02019, as shown on Assessor's Map 39, Parcel 35A as an Economic Opportunity Area, pursuant to the provision of M.G.L. Chapter 23A; or act or do anything in relation thereto.

(By: Hilliard Precision Products, LLC
Robert L. Couture, Pres.
10 Liberty Way
Franklin, MA 02038
508-541-9100, x129)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of Hilliard Precision Products, Inc. and affiliates, located at 125 Depot Street, Bellingham, MA 02019, as shown on Assessor's Map 39, Parcel 35A as an

Economic Opportunity Area, pursuant to the provision of M.G.L. Chapter 23A.

(Recommended by Finance Committee)

**ARTICLE 8. TAX INCREMENT FINANCING AGREEMENT AND TAX
INCREMENT FINANCING PLAN**

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan with Hilliard Precision Products, Inc. and affiliates, pursuant to the provisions of M.G.L. Chapter 40, Section 59, in connection with the development of said property, and to authorize the Board of Selectmen to take such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Agreement and Tax Increment Financing Plan, or act or do anything thereto.

(By: Hilliard Precision Products, LLC
Robert L. Couture, Pres.
10 Liberty Way
Franklin, MA 02038
508-541-9100, x129)

VOTED: Unanimously voted that the Town authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan with Hilliard Precision Products, Inc. and affiliates, pursuant to the provisions of M.G.L. Chapter 40, Section 59, in connection with the development of property located at 125 Depot Street, Bellingham, MA 02019 and to authorize the Board of Selectmen to take such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Agreement and Tax Increment Financing Plan. Said Tax Increment Financing shall only pertain to building improvements to the property.

(Recommended by Finance Committee)

**ARTICLE 9. REVISION TO TOWN ZONING BYLAW SECTION 4900 WATER
RESOURCE DISTRICTS (SNOW STOCKPILING)**

To see if the Town will vote to amend Section 4900 Water Resource Districts of the Zoning Bylaws by:

Deleting section 4970. Prohibited Uses, paragraph xii, which now reads:

xii. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside of Town;

And replacing it with the following:

xii. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside of the Water Resource District or Zone II;
or act or do anything in relation thereto.

(BY: DPW)

VOTED: Unanimously voted that the Town amend Section 4900 Water Resource Districts of the Zoning Bylaws by:

Deleting section 4970. Prohibited Uses, paragraph xii, which now reads:

xii. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside of Town;

And replacing it with the following:

xii. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside of the Water Resource District or Zone II.

(Recommended by Finance Committee)

ARTICLE 10. REVISION TO TOWN ZONING BYLAW SECTION 4900 WATER RESOURCE DISTRICTS – IMPERVIOUS SURFACE

To see if the Town will vote to amend Section 4900 Water Resource Districts of the Zoning Bylaws by:

Adding the following to the end of section 4970. Prohibited Uses

xvii. The rendering impervious of greater than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot or parcel, whichever is greater, unless a system of storm water management and artificial recharge of precipitation is developed which is designed to prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources.

These standards may be met using the following or similar best management practices:

1. For lots or parcels occupied, or proposed to be occupied, by single or two

family residences recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to reasonably maintain pre-construction stormwater patterns and water quality to the extent practicable. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed over lawn areas via sheet flow for no less than eight feet before discharging to a wetland, surface water, or impervious surface that lead to a street drain system. Dry Well leaching pits can be used in lieu of eight feet of lawn for rooftop runoff. The site design must direct only the added impervious surface run off. No additional site design is needed, if the street drain system has water quality and recharge installed at the outfall.

2. For lots or parcels occupied, or proposed to be occupied by other uses, a Stormwater Management Permit Application shall be filed per Planning Board Rules and Regulations to insure that a system of storm water management and artificial recharge of precipitation is developed.

Deleting subparagraph in Section 4980 - Uses and Activities Requiring A Special Permit, which now reads:

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

or act or do anything in relation thereto.

(BY: DPW)

VOTED: That the Town amend Section 4900 Water Resource Districts of the Zoning Bylaws by:

Adding the following to the end of section 4970. Prohibited Uses

- xvii. The rendering impervious of greater than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot or parcel, whichever is greater, unless a system of storm water management and artificial recharge of precipitation is developed which is designed to prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other

pollutants to improve water quality and provide increased protection of sensitive natural resources.

These standards may be met using the following or similar best management practices:

1. For lots or parcels occupied, or proposed to be occupied, by single or two family residences recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to reasonably maintain pre-construction stormwater patterns and water quality to the extent practicable. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed over lawn areas via sheet flow for no less than eight feet before discharging to a wetland, surface water, or impervious surface that lead to a street drain system. Dry Well leaching pits can be used in lieu of eight feet of lawn for rooftop runoff. The site design must direct only the added impervious surface runoff. No site design is needed, if the street drain system has water quality and recharge installed at the outfall.

2. For lots occupied, or proposed to be occupied by other uses, a Special Permit from the Planning Board to ensure that an adequate system of storm water management and artificial recharge of precipitation is developed.

(Recommended by Finance Committee)

ARTICLE 11. REVISION TO TOWN ZONING BYLAW SECTION 4900 WATER RESOURCE DISTRICT - REVISED MAP

To see if the Town will vote to amend Section 4900 Water Resource Districts of the Zoning Bylaws by, deleting the existing Water Resource District Map, and replace it with a revised Water Resource District Map. Said revised map shall be on file with the Town Clerk's office fourteen days prior to the town meeting; or act or do anything related thereto.

(By: DPW)

VOTED: That the Town amend Section 4900 Water Resource Districts of the Zoning Bylaws by, deleting the existing Water Resource District Map, and replace it with a revised Water Resource District Map. Said revised map has been on file with the Town Clerk's office fourteen days prior to the town meeting.

(Recommended by Finance Committee)

(Recommended by Planning Board)

ARTICLE 12. PULASKI BOULEVARD – TRAFFIC SIGNAL MAINTENANCE EASEMENT

To see if the Town will vote to authorize the Selectmen to accept the gift of permanent roadway easement allowing the Town to maintain traffic control systems in the area of 41, 45, and Pulaski Boulevard (Advanced Auto), said easements are noted as “Proposed Easement A” and “Proposed Easement B” on a plan titled “Plan of Easements in the Town of Bellingham, Massachusetts”, drawn by Control Point Associates, Inc. and dated January 9, 2009, which shall be on file with the Town Clerk fourteen days before the town meeting; or act or do anything in relation thereto.

(By: DPW)

VOTED: Unanimously voted that the Town authorize the Selectmen to accept the gift of permanent roadway easement allowing the Town to maintain traffic control systems in the area of 41, 45, and Pulaski Boulevard (Advanced Auto), said easements are noted as “Proposed Easement A” and “Proposed Easement B” on a plan titled “Plan of Easements in the Town of Bellingham, Massachusetts”, drawn by Control Point Associates, Inc. and dated January 9, 2009, which has been on file with the Town Clerk fourteen days before the town meeting.

(Recommended by Finance Committee)

ARTICLE 13. PULASKI BOULEVARD PROJECT EASEMENTS

To see if the Town will vote to authorize the Selectmen to purchase, or take by eminent domain, and to raise and appropriate a sum of money to fund said purchase or taking along with all legal costs associated with the obtaining of easements related to the Pulaski Boulevard Roadway Improvement Project (Orchard Street to the Franklin town line) and adjacent storm drainage improvements, a plan of which will be delivered to and be made available at the Town Clerk’s Office fourteen (14) days before the date of the town meeting; or act or do anything in relation thereto.

(By: DPW)

VOTED: Passed over.

ARTICLE 14. EXTERIOR VENDING MACHINES

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

Article 14.08. Exterior Vending Machines

Section 14.08.010. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety

and welfare by regulating business activities relating to Exterior Vending Machines, as defined herein. This bylaw sets forth requirements for the review of Exterior Vending Machines so that such machines may be permitted without adversely affecting the public health, safety and welfare.

Section 14.08.020. Definitions

“Exterior Vending Machines” shall mean any automated machine that is placed outside of a fully enclosed building and that designed to allow consumers to insert monies and obtain foods or goods stored within the machine; or to insert goods or other objects in exchange for monies. Exterior Vending Machines shall include, but are not limited to: (i) machines that dispense beverages or foods; and (ii) machines that allow persons to insert recycle-able containers in exchange for monies provided by such machine.

Section 14.08.030. Requirements

The use and/or placement of all Exterior Vending Machines shall require a license from the Board of Selectmen. Application for such licenses shall be on a form prescribed by the Selectmen who shall hold a public hearing on such license. In determining whether to issue such a license, the Selectmen may consider issues pertaining to hours of operation, traffic, lighting, noise and such other issues as may affect the public health, safety and welfare. The Selectmen may impose reasonable conditions upon the issuance of any such license.

Section 14.08.040. Penalties

Any person violating this Bylaw shall be liable to the Town in the amount of \$300.00 per violation. Each day of violation shall be an independent violation which may result in a separate citation;

or act or do anything in relation thereto.

(By: Board of Selectmen)

VOTED: Unanimously voted that the Town amend its General Bylaws by adding the following:

Article 14.08. Exterior Redemption Vending Machines

Section 14.08.010. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare by regulating business activities relating to Exterior Redemption Vending Machines, as defined herein. This bylaw sets forth requirements for the review of Exterior Redemption Vending Machines so that such machines may be permitted

without adversely affecting the public health, safety and welfare.

Section 14.08.020. Definitions

“Exterior Redemption Vending Machines” shall mean any automated machine that is placed outside of a fully enclosed building and that designed to allow consumers to insert goods or other objects in exchange for monies. Exterior Redemption Vending Machines shall include machines that allow persons to insert recycle-able containers in exchange for monies provided by such machine.

Section 14.08.030. Requirements

The use and/or placement of all Exterior Redemption Vending Machines shall require a license from the Board of Selectmen. Application for such licenses shall be on a form prescribed by the Selectmen who shall hold a public hearing on such license. In determining whether to issue such a license, the Selectmen may consider issues pertaining to hours of operation, traffic, lighting, noise and such other issues as may affect the public health, safety and welfare. The Selectmen may impose reasonable conditions upon the issuance of any such license.

Section 14.08.040. Penalties

Any person violating this Bylaw shall be liable to the Town in the amount of \$300.00 per violation. Each day of violation shall be an independent violation which may result in a separate citation.

(Recommended by Finance Committee)

ARTICLE 15. BYLAW AMENDMENT – PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

To see if the Town will vote to amend Article 14.09 of the Town’s General Bylaws by revising Section 14.09.020 thereof to read as follows:

Section 14.09.020 Violations and Penalties

Whoever violates this bylaw shall be punished by a fine of three hundred dollars (\$300) for each offense. Any Penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 321. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings;

or act or do anything in relation thereto.

(By: Police Chief)

VOTED: That the Town amend Article 14.09 of the Town's General Bylaws by revising Section 14.09.020 thereof to read as follows:

Section 14.09.020 Violations and Penalties

Whoever violates this bylaw shall be punished by a fine of three hundred dollars (\$300) for each offense. Any Penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 321. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

(Recommended by Finance Committee)

ARTICLE 16. 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: Passed over.

ARTICLE 17. 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: Passed over.

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)

VOTED: Unanimously voted that the Town raise and appropriate the sum of \$76.00 for the purpose of paying an unpaid bill to Health Resources.

(Recommended by Finance Committee)

ATTENDANCE:

P - 1	P - 2	P - 3	P - 4	P - 5	TOTAL
24	23	24	42	9	122

No quorum required.

Meeting adjourned at 8:56 PM

A true record.

ATTEST:

Ann L. Odabashian
Bellingham Town Clerk