

SPECIAL TOWN MEETING MAY 23, 2011

Pursuant to the warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Aaron Burke opened the meeting at 7:03 PM at Apponequet High School in the Auditorium after 100 registered voters had been checked in. Tellers had been appointed and sworn in by Town Clerk, Janet L. Tracy. They included: Robert Canessa, Gail Evirs, Joanne Upham and Marilyn Hunt.

We began with the Pledge of Allegiance to the Flag and we held a Brief moment of silence in memory of the following: **FLORENCE M. LEWIS-** Council on Aging- 1982-2004; Old Colony Elderly Services; Cultural Council- 1993-1997

Mr. Burke read his usual ground rules of identifying oneself, going to the microphone to speak and submitting motions in writing. Then he entertained a motion that if a two-thirds vote is required by statute, the Moderator be authorized to declare a 2/3 vote in the same manner as a majority vote is declared; provided however, that if a vote so declared is immediately questioned by seven or more voters, the Moderator shall verify it by taking a count - so moved and seconded and passed unanimously.

He then entertained a motion to waive the reading of the entire warrant- so moved. A motion was then made to allow non-residents to speak or to be heard- so moved and seconded and passed unanimously.

Article 1: It was voted that the Town transfer and/ or appropriate from available funds, certain sums of money in order to defray unanticipated costs for Fiscal Year 2011 for various accounts in the General Fund and Water Enterprise Fund and all as set forth on the document entitled, “Article #1 Special Town Meeting Transfers May 23, 2011”.

Article #1- Special Town Meeting Transfers May 23, 2011			
Transfer/Appropriate From:		Transfer/Appropriate To:	
GENERAL FUND			
Water Enterprise Fund Indirect Costs (for SRF Loan)	\$37,695.02	17513-59282 Debt Service-Interest-SRF Loan	\$37,695.02
Free Cash	\$69,000.00	Voke Ed Out of District Tuition & Transportation	\$60,000.00
Unemployment	\$20,000.00	Town Office/Fire Station Expenses	\$6,000.00
Reserve for Further Appropriation	\$15,000.00	Cable Advisory Committee Legal Fees	\$3,000.00
		Legal Fees	\$35,000.00
TOTALS:	\$141,695.02	TOTALS:	\$141,695.02
PARK ENTERPRISE			
TOTALS:	\$0	TOTALS:	\$0
WATER ENTERPRISE			
57002-57002 Indirect Costs-Interest SRF-Loan	\$37,695.02	General Fund	\$37,695.02
TOTALS:	\$37,695.02	TOTALS:	\$37,695.02
LANDFILL ENTERPRISE FUND			
TOTALS:	\$0	TOTALS:	\$0

Unanimous

After a brief discussion, a motion to was made to **amend Article#2** to read \$300,000.00 Dollars instead of \$450,000.00 Dollars.

Article 2: To see if the Town vote that the Selectmen are hereby authorized to **negotiate and/or** acquire by purchase, eminent domain or otherwise, a fee simple interest in all or a portion of 5.87 acres located at 338, 340 and 344 Bedford Street, shown on Lakeville Assessors Map 57 Block 1 Lots 6, 7 and 8 for general municipal purposes and that an amount not to exceed \$450,000.00 Dollars, is appropriated for such purpose and for the payment of the costs of cleanup, remediation, and/or other costs related to such acquisition, including surveying, legal or other costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Selectmen is hereby authorized to borrow an amount not to exceed \$450,000.00 Dollars, under Chapter 44 of the General Laws or any other enabling authority; that the Selectmen are hereby authorized to take all related actions necessary to complete said transaction, provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the funds required to repay any bonds or notes issued hereunder from the limitations of Proposition 2 ½ so called.

Motion Failed by 2/3rds Vote (62 Yes to 53 No)

After a lengthy discussion a motion to **withdraw** the motion to amend the *Article#2* to read \$300,000.00 Dollars instead of \$450,000.00 Dollars) was made and seconded. **Passed by Majority**

A motion was made and seconded from the floor to **amend Article#2** to read for \$1.00 (One Dollars).

After some discussion, a motion to **table** the motion for \$1.00 (One Dollars) was made, and seconded.

Motion Passed by 2/3rds Vote (95 Yes to 2 No)

After the motion was read, and a lengthy discussion, an **amendment** was made so that Article#3 will be brought back to a future town meeting for final disposition. **Passed by Majority**

Article 3: To see if the Town will transfer from the Board of Selectmen for the purposes set forth in G.L.c.40 § 8C to the Board of Selectmen for the purposes of conveyance, the care, custody and control of a parcel of land containing 1 acre, more or less, which land is a portion of the two Town-owned properties located at Long Point Road, identified by the Assessors as Parcels 71-1-1-1 and 71-1-1-2, and described in a deed filed with the Plymouth Registry District of the Land Court as Document No. 508923 and recorded with the Registry in Book 22356, Page 215, and in a deed filed with the Plymouth Registry of District of the Land Court as Document No. 543809, and authorize the Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Selectmen deem appropriate, and further to authorize the Board of Selectmen to petition the General Court for approval of such conveyance under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Board of Selectmen to be needed.

Amended Article 3: To see if the Town will transfer from the Board of Selectmen for the purposes set forth in G.L.c.40 § 8C to the Board of Selectmen for the purposes of conveyance, the care, custody and control of a parcel of land containing 1 acre, more or less, which land is a portion of the two Town-owned properties located at Long Point Road, identified by the Assessors as Parcels 71-1-1-1 and 71-1-1-2, and described in a deed filed with the Plymouth Registry District of the Land Court as Document No. 508923 and recorded with the Registry in Book 22356, Page 215, and in a deed filed with the Plymouth Registry of District of the Land Court as Document No. 543809, and authorize the Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Selectmen deem appropriate, and further to authorize the Board of Selectmen to petition the General Court for approval of such conveyance under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is deemed by the Board of Selectmen to be needed, *and further that prior to the disposition of the property, the Article be brought back to a future town meeting for final disposition.*

106 Yes to 18 No

Article 4: It was voted that the Town vote to transfer the care, custody and control of the 10-acre parcel described below from the Board of Selectmen for recreation purposes to the Board of Selectmen for

conservation purposes and for the purpose of conveying a conservation restriction and/or a declaration of restrictions thereon, and further to authorize the Board of Selectmen to convey to a governmental body or to a nonprofit charitable corporation or foundation a perpetual conservation restriction and/or a declaration of restrictions encumbering a portion of the parcel of land known as the Ted Williams Camp and described in a deed recorded in the Plymouth County Registry of Deeds at Book 7228, Page 61, which portion to be encumbered contains 10 acres, more or less, [*and is shown approximately on a plan entitled "Ted Williams Camp Conservation Plan," on file with the Town Clerk,*] on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate; or take any other action relative thereto.

88 Yes to 15 No

Motion to dissolve came at 8:44 PM.

A true copy of the record

Attest: **Janet Tracy, Town Clerk**