

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

A Special Town Meeting was held on Monday, November 28, 2011. A quorum was present with a total of 594 voters checked in for the evening. Town Moderator, Andrew Martin, called the meeting to order at 7:22 P.M. The Moderator read the opening of the warrant. He asked the Town Clerk if the warrant was posted and returned in the proper fashion. The Town Clerk responded “yes”.

Town Moderator, Andrew Martin led the Pledge of Allegiance. He then introduced the Town Clerk, Board of Selectmen, Town Counsel and Finance Committee.

The counters for the night were Mary-Ann Greanier, Daniel Campbell, Linn Loew-Caprarella, John Molloy, Darleen Scully and John Mutascio.

The Moderator declared the meets and bounds of the hall and gave notice of the emergency exits and procedures. He also gave the following information and instructions:

-
- The last day to register to vote for this Special Town Meeting was November 18, 2011.
 - Anyone watching at home can find the documents for this meeting on line at www.plainville.ma.us.
 - The reading of portions of articles 6 & 7 will be waived.
 - There is an attachment to article 8 at the end of the warrant.
 - Voters will be seated in the center of the hall and must have a red star hand stamp.
 - Non-voters must be seated upstairs in rooms with audio because of the large crowd.
 - Town Meeting will go until 10:00 pm, at which time we will determine whether to continue or adjourn to another date/time.
 - All speakers must be recognized by the Moderator, and are asked to line up to use the microphone, state name and address, limit comments to 3-5 minutes.
 - All motion, amendments, resolutions, and reports must be submitted in writing and handed to the Moderator. Forms are provided at the front of the hall.

Motion by Robert Rose, seconded by Andrea Soucy-The Board of Selectmen recommends, and I so move, that the following individuals who are not registered voters of the Town of Plainville, be authorized to speak at this and subsequent sessions of the Special Town Meeting:

James Alfred	Police Chief
Joseph Fernandes	Town Administrator
Theodore Joubert	Fire Chief
Mary Jo La Freniere	Assessor
Jeanne McKnight	Town Counsel
David Raiche	Plainville School Superintendent
Jean Sarno	Town Accountant
Timothy Higgins	

Unanimous

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

Article 1: Motion by Shannon MacKenzie, seconded by Robert Fennessey—The Finance Committee recommends, and I so move, that the Town Vote to amend and reduce the Fiscal Year 2012 Sewer budget by \$31,983
From:

Sewer Department		\$873,690
Salaries	\$ 72,150	
Expenses	\$791,540	
Equipment	\$ 10,000	

To:

Sewer Department		\$841,707
Salaries	\$ 72,150	
Expenses	\$759,557	
Equipment	\$ 10,000	

Unanimous

Article 2: Motion by Elizbieta Nowakowski, seconded by Robert Fennessey—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$52,316.44 for the payment of bills of a previous year payable to the Town of North Attleboro for Plainville’s share of Operations and Maintenance costs associated with the shared Waste Water Treatment Facility.

(9/10 Vote)

Motion Carried, Voice Vote

Article 3: Motion by Joe Ferney, seconded by Jim Marshall--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$72.98 for the payment of a bill of a previous fiscal year payable to the Sun Chronicle which was incurred by the Sewer Department.

(9/10 Vote)

Motion Carried, Voice Vote

Article 4: Motion by Kevin Clancy, seconded by Ned Merrick--The Finance Committee recommends, and I so move, that the Town vote to transfer \$1,758 from Trash Enterprise Retained Earnings to the Fiscal Year 2012 Trash Salary Account.

Unanimous

**TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011**

Article 5: Motion by Robert Truitt, seconded by Andrea Soucy—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$12,000 to be used in combination with funds previously appropriated for the purpose of funding the Fiscal 2013 Maintenance and Re-inspection Program of all Real and Personal Property valuations within the Town of Plainville as required by the Commonwealth of Massachusetts, such funds to be expended under the direction of the Board of Assessors.

Motion Carried

Article 6: Motion by David Simmons, seconded by Jim Marshall—I move that the Town vote to accept as a Public Way within the Town of Plainville, the following street to be known as Harness Path described as a certain parcel of land situated on the westerly side of Mirimichi Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as is printed in the Warrant for this Special Town meeting under Article 6, and I further move that the reading of that description be waived.

Motion Failed

Warrant Article 6:

ARTICLE 6: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Harness Path described as a certain parcel of land situated on the westerly side of Mirimichi Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the westerly side of Mirimichi Street at the southerly corner of the described premises; thence

Northwesterly and curving to the left along the arc of a curve having a radius of twenty-five and no hundredths feet (25.00'), a length of forty-three and sixty-seven hundredths feet (43.67') to a point of tangency; thence

N69°36' 19"W a distance of one hundred thirty-two and eighty hundredths feet (132.80') to a point of curvature; thence

Northerly and curving to the right along the arc of a curve having a radius of two hundred seventy-five and no hundredths feet (275.00'), a length of four hundred twenty-four and forty-three hundredths feet (424.43') to a point of tangency; thence

N18°49'26"E a distance of one hundred thirty and forty-six hundredths feet (130.46') to a point of curvature; thence

Easterly and curving to the right along the arc of curve having a radius of seventy and no hundredths feet (70.00'), a length of three hundred twenty-two and eighty-six hundredths feet (322.86') to a point of reverse curvature; thence

Southerly and curving to the left along the arc of a curve having a radius of thirty and no hundredths feet

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

(30.00'), a length of forty-four and twelve hundredths feet (44.12') to a point of tangency; thence
S18°49'26"W a distance of thirty and ninety-six hundredths feet (30.96') to a point of curvature; thence
Southerly and curving to the left along the arc of a curve having a radius of two hundred twenty-five and no hundredths feet (225.00'), a length of three hundred forty-seven and twenty-six hundredths feet (347.26') to a point of tangency; thence
S69°36'19"E a distance of one hundred fifty-three and fifty hundredths feet (153.50') to a point of curvature; thence
Easterly and curving to the left along the arc of a curve having a radius of twenty-five and no hundredths feet (25.00'), a length of thirty-four and sixty-four hundredths feet (34.64') to a point of tangency on the westerly side of Mirimichi Street; thence
S31°00'30"W a distance of thirty-four and eighty-seven hundredths feet (34.87') to a point; thence
S32°43'47"W a distance of sixty-four and ninety-eight hundredths feet (64.98') to the point of beginning, the previous two courses bounded by the westerly side of Mirimichi Street.

Meaning and intending to describe that parcel of land shown as Harness Path on a plan entitled, "As-Built Plan of Harness Path, 'Shepardville Woods' Plainville, MA"; dated: May 2010; scale: As Noted, prepared by: Bay Colony Group, Inc., 4 School Street, Foxborough, MA.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

Article 7: Motion by James Throckmorton, seconded by Stanley Widak, Jr.—The Planning Board recommends, and I so move, that the Town vote to accept as a Public Way within the Town of Plainville, the following street to be known as Terry Lane along with municipal infrastructure and other physical improvements thereon, as such land is shown on plans titled "Definitive Subdivision Plans – Eagles Landing, Messenger Street, Plainville, MA" prepared by S.L. Rolfe & Associates, Inc., sealed by Arthur F. Borden, PLS, endorsed by the Plainville Planning Board on December 16, 2002, recorded in the Norfolk County Registry of Deeds as Plan Book 504 at page 63, and on a plan titled "Eagles Landing – Plan of Land" dated March 4, 2003, endorsed by the Plainville Planning Board on April 4, 2003, prepared by Arthur F. Borden & Associates, Inc., recorded in the Norfolk County Registry of Deeds in Plan Book 507 at page 237, with said roadway bounded and described as is printed in the Warrant for this Special Town Meeting under Article 7, and I further move that the reading of that description be waived.

Motion Carried

Warrant Article 7:

ARTICLE 7: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Terry Lane along with municipal infrastructure and other physical improvements thereon, as such land is shown on plans titled "Definitive Subdivision Plans - Eagles Landing, Messenger Street, Plainville, MA" prepared by S.L. Rolfe & Associates, Inc., sealed by Arthur F. Borden, PLS, endorsed by the Plainville Planning Board on December 16, 2002, recorded in the Norfolk County Registry of Deeds as Plan Book 504 at page 63, and on a plan titled "Eagles Landing - Plan of Land" dated March 4, 2003, endorsed by the Plainville Planning Board on April 4, 2003, prepared by Arthur F. Borden & Associates, Inc., recorded in the Norfolk County Registry of Deeds in Plan Book 507 at page 237, with said roadway bounded and described as follows:

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

Beginning at a granite bound located on the westerly sideline of Messenger Street a distance of 53.65' north of the intersection of the westerly Messenger Street sideline and North Attleborough Town Line, said point being the point of curvature of a curve to the left in the sideline of Terry Lane; thence running along said curve left with a radius of 35 feet a distance of 54.98 feet to a granite bound, thence running

N 73° 35' 05" W along the sideline of Terry Lane a distance of 161.15 feet to a granite bound, said point being the point of curvature of a curve to the left in the sideline of Terry Lane; thence running along said curve to the left with a radius of 35.00 feet a distance of 27.64' to a granite bound, said bound being the point of tangency; thence running

N 61° 10' 00" E along the sideline of Terry Lane a distance of 411.73 feet to a granite bound, said point being the point of curvature of a curve to the right in the sideline of Terry Lane, said curve having a radius of 200.00 feet; thence running along said curve to the right a distance of 281.35 feet to a granite bound, said point being the point of tangency; thence running

N 38° 14' 00" W along the sideline of Terry Lane a distance of 422.60 feet to a granite bound, said point being the point of curvature of a curve to the right having a radius of 200.00 feet; thence running along said curve to the right a distance of 565.06 feet, to a granite bound, said point being the point of tangency; thence running

S 56° 21' 19" E along the sideline of Terry Lane a distance of 636.04 feet to a granite bound, said point being the point of curvature of a curve to the left having a radius of 450.00 feet; thence running along said curve to the left a distance of 135.32 feet to a granite bound, said point being the point of tangency; thence running

S 73° 35' 05" E a distance of 162.56 feet to a granite bound, said point being the point of curvature of a curve to the left having a radius of 35.00 feet; thence running along said curve a distance of 54.98 feet to a granite bound located on the westerly sideline of Messenger Street; thence running

S 16° 24' 25" W along the westerly sideline of Messenger Street a distance of 135.00 feet to the point of beginning.

EXCEPTING THEREFROM

All land shown as Lots 15 through 22 inclusive, said lots located within the perimeter of Terry Lane as described above, and said excluded land having a boundary described as follows:

Beginning at a point located on the interior boundary line of Terry Lane, at a granite bound located approximately 298 feet west of the westerly sideline of Messenger Street on the northerly sideline of Lot 15; thence running

N 56° 21' 19" W along the inner sideline of Terry Lane a distance of 659.72 feet to a granite bound, said point being the point of curvature of a curve to the left with a radius of 150.00 feet; thence running along said curve to the left a distance of 423.80 feet to a granite bound, said point being the point of tangency; thence running

S 38° 14' 00" E along the inner sideline of Terry Lane a distance of 422.60 feet to a granite bound, said point being the point of curvature of a curve to the left having a radius of 150.00 feet; thence running along said curve to the left a distance of 211.01 feet to a granite bound, said bound being the point of tangency; thence running

N 61° 10' 00" W a distance of 337.81 feet to a granite bound, said bound being the point of curvature of a curve to the left having a radius of 35.00 feet; thence running along said curve a distance of 71.79 feet to a granite bound, said point being the point of tangency and the point of beginning.

And also EXCEPTING THEREFROM any and all utilities and their appurtenances owned by private utility companies including but not limited to electric, telephone, gas, data, or cable/information services.

All boundaries described above are per the plans of record for Eagles Landing Subdivision referenced above and are intended to be the same as shown thereon.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

Article 8: Motion by James Throckmorton, seconded by Stanley Widak, Jr.—The Planning Board recommends, and I so move, that the Town vote to accept a Drainage Easement to construct, operate, and maintain a Detention Pond and related appurtenances including storm water management and quality devices, located on land identified as Lot 7 on plans titled “Definitive Subdivision Plans – Eagles Landing, Messenger Street, Plainville, MA” prepared by S.L. Rolfe & Associates, Inc., sealed by Arthur F. Borden, PLS, endorsed by the Plainville Planning Board on December 16, 2002, recorded in the Norfolk County Registry of Deeds as Plan Book 504 at page 63.

Said Easement is shown, bounded, and described on Exhibit A attached to the Warrant for this Special Town Meeting.

Motion by James Throckmorton, seconded by Stanley Widak, Jr.—move to amend by dropping the word “will” after town vote and to change “construct” to “reconstruct”.

Motion Carried to amend

A vote was then taken on article 8 as amended.

Motion Carried

After this vote was taken, the Moderator was asked to do a standing count as follows:

Result of Vote Yes – 431 No – 55

Motion Carried, as amended

Article 9: Motion by Maureen Garron, seconded by Gary Madan—I move that the Town vote to amend the determination made under Article 38 of the June 7, 2010 Annual Town Meeting that 100% of all local costs associated with the sewer extension project authorized under Article 38 be repaid by betterment to the bettered properties in the area affected by said project, and to determine instead that 100% of such costs shall be paid by the Town so that the repayment of those funds borrowed for the completion of the project authorized by Article 38 will need to be raised and appropriated, or transferred from available funds.

There was much discussion on this article with both sides having time to express their opinion on how this project should be paid. At one point during the meeting the question was asked if the Town could stop the project and table this article, with the thought that it would kill the article. The Moderator explained that if

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

there was a motion made to table this article that nothing would change and that the article would stay the same because there is no motion to make that would kill this project. Scott Lacey asked if we could recess the town meeting for two days and have the Water & Sewer Commissioners find the answers on liquidated damages and return to have an informed vote. Town Administrator, Joseph Fernandes explained that the Town was already into this project for approximately 1 million dollars and that if we stopped the project we would still owe that money and we would have nothing to show for it. He expressed that this was a bad situation with no easy answers. Town Counsel was asked if a motion could be made to rescind the funding on this project. Town Counsel responded no, it was beyond the scope of the article, and the borrowing that was approved has already been done. After more discussion a motion was made to move the question.

Motion by Steve Melanson, seconded by James Throckmorton—To move the question.

(2/3 Vote)
Motion Carried Voice Vote

Vote on Article 9:
Yes – 317 No – 226
Motion Carried

Motion by Steve, Melanson, seconded my Mary Gibeault to reconsider article 9.

The Moderator explained what this means, once a vote to reconsider is taken it can't be reconsidered again. It locks in this vote. If you vote yes, you wish to revote and the original vote is discarded and new vote is taken. If you vote no on the motion, the vote already taken should stand and no further vote will be taken. It can't come up again at this Special Town Meeting.

(2/3 Vote)
Yes – 107 No – 315
Motion to Reconsider Failed

Article 10: Motion by James Marshall, seconded by Ed McFarland—I move that the Town will vote to amend the vote under article 38 of the June 7, 2010 Annual Town Meeting by adding Valerie Drive to the streets listed in said article 38 as being within the area shown on Phase 2 of the Town of Plainville Sewer System Map, Valerie Drive having been shown on said Phase 2 Sewer System Map and indicated as among those streets in need of sewer service in certain sections of the Town of Plainville, Massachusetts, March 1966, Eastern & Western Study Area Wastewater Facilities Plan, December 1983 and the Final Report Wastewater

TOWN OF PLAINVILLE
PROCEEDINGS OF THE SPECIAL TOWN MEETING – November 28, 2011

Facilities Plan Update Town of Plainville, Massachusetts, March 2007. Valerie Drive having been inadvertently not listed in said article 38 of June 7, 2010 Annual Town Meeting.

Motion by Cheryl Follett, seconded by Amber Follett to call the question.

(2/3 Vote)

Motion Carried, Voice Vote

A vote on article 10 was then taken.

Motion Carried, Voice Vote

At this point, the Moderator thanked the Counters, Guest Moderators, Town Officials and the voters for turning out and for their patience with the logistical problems. The Moderator entertained a motion to dissolve the Special Town Meeting at 10:07 P.M. A motion was made by Robert Fennessey, seconded by Mary Gibeault to dissolve the Special Town Meeting. The motion passed with a unanimous voice vote.

Respectfully submitted,

Ellen M. Robertson, CMC/CMMC
Town Clerk