

**SPECIAL TOWN MEETING
September 26, 2017
Milford, Massachusetts**

COMMONWEALTH OF MASSACHUSETTS

Milford TV recorded the Town Meeting. Recorded copies are available at the Office of the Board of Selectmen.

The Town Moderator, Michael Noferi, called the meeting to order at 7:30 p.m. and announced that the Precinct Captains will take attendance; the quorum was set at 125 Town Meeting Members. The Precinct Captains reported 163 members Present and 85 members Absent. A quorum was attained.

The Town Clerk, Amy E. Hennessy Neves then read the Warrant. A Motion was made to dispense the Reading of the Warrant...*Voice Vote Carried.* The Town Clerk then read the Return of Service.

The Town Moderator asked if there were any Reports to present. Christopher Morin, Chairman of the Finance Committee presented their Report.

A Motion was Made by Richard Heller, Pr. 1 to limit speakers to (10) ten minutes who can then re-address the body a second or third time after all speakers are heard.

Moderator Noferi announced that a 2/3rd Vote will need to be obtained but he will first take a Voice Vote. If the Voice Vote is Not Unanimous then a Standing Vote will be taken. A Voice Vote was taken on the Motion to limit speakers....Voice Vote Not Unanimous, a Standing Vote was Taken...159 For...11 Against. The Necessary 2/3rd Vote was Obtained...Motion Carried.

ARTICLE 1: To see if the Town will vote, pursuant to Section 9 of Chapter 77 of the Acts of 1881, and any other law enabling, to authorize the purchase of the Milford Water Company for the price of \$63,000,000; and further that the Town vote to appropriate said \$63,000,000 and to determine how such sum shall be raised, whether from the current tax levy, by transfer from available funds, or by borrowing said sum pursuant to the provisions of G.L. c. 44, § 8, clause 3, or any other Act enabling, and further that the Town vote to authorize the Board of Selectmen to take any and all action, and execute such documents as are necessary to effectuate the purchase and the transfer of operations to the Town, or take any other action in relation thereto.

(Board of Selectmen)

After our Board of Selectmen spoke the following Town Meeting Members spoke, Michael Visconti (Pr. 8), Donato Niro, Jr. (Pr. 5), Gerald Moody (AL), Joseph Cosentino (Pr. 1), Stephen Trettel (Pr. 3), Renaldo Deluzio (Pr.7), Joseph Arcudi (Pr. 6), Russell Abisla (Pr. 3).Finance Director Zachary Taylor was given the permission of the members to speak to the body.

A Motion was Made by Edward Bertorelli (Pr. 2) to Move the Question.

A Standing Vote was taken on the Motion to Move the Question... 144 For...24 Against...the necessary 2/3rd Vote was Acquired. Motion to Move the Question...Carried.

It was Moved: That the Town vote, pursuant to Section 9 of Chapter 77 of the Acts of 1881, and any other law enabling, to authorize the purchase of the Milford Water Company by the Town of Milford for the price of \$63,000,000; and further that the Town vote to appropriate \$63,000,000 for such purpose, and to meet that appropriation to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$63,000,000 under Chapter 44, § 8, Clause 3 of the General Laws or any other enabling authority, and further that the Town vote to authorize the Board of Selectmen to take all action, and execute such documents as are necessary to effectuate the purchase and transfer of Milford Water Company assets and operations to the Town, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

A Standing 2/3rd Vote was taken on the Motion as Presented: 151 For... 20 Against... The Necessary 2/3rd Vote was Acquired. Motion Carried.

ARTICLE 2: To see if the Town will vote to transfer a sum of money from available funds to be utilized for legal, engineering, and other expert consulting services necessary to effectuate the final transfer of the Milford Water Company and its assets to the Town of Milford, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate the sum of \$295,000, said sum to be utilized with funds previously appropriated, for legal, engineering, and other expert consulting services necessary to effectuate the final transfer of the Milford Water Company and its assets to the Town of Milford.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried

ARTICLE 3: To see if the Town will vote, pursuant to G.L. c. 40, § 39A, to establish a water supply and water distribution system, and maintain and operate the same, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote pursuant to G.L. c. 40, § 39A, to establish a water supply and water distribution system, and maintain and operate the same.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried Unanimously.

ARTICLE 4: To see if the Town will vote, pursuant to the provisions of G.L. c. 44, § 53F ½, to establish an Enterprise Fund for its water supply and distribution operations in compliance with, and in accordance with, the provisions of said Section 53F ½, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote, pursuant to the provisions of G.L. c. 44, § 53F ½, to establish an Enterprise Fund for its water supply and distribution operations in compliance with, and in accordance with, the provisions of said Section 53F ½.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried.

ARTICLE 5: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be utilized by the Board of Water Commissioners, or the Board of Selectmen acting as the Board of Water Commissioners, and as part of the Enterprise Fund authorized by the Town Meeting under this Warrant, in order to ensure the continued financial viability of the water supply system during the transition between the Milford Water Company and ownership and operations by the Town of Milford; said sum to be repaid through the Enterprise Fund authorized above upon terms as may be agreed upon, after establishment of a Board of Water Commissioners, between the Board of Selectmen and such Board of Water Commissioners, or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to raise and appropriate, the sum of \$750,000, said sum to be utilized by the Board of Water Commissioners, or the Board of Selectmen acting as the Board of Water Commissioners, and as part of the Enterprise Fund authorized by the Town Meeting under this Warrant, in order to ensure the continued financial viability of the water supply system during the transition between the Milford Water Company and ownership and operations by the Town of Milford; said sum to be repaid through the Enterprise Fund authorized above upon terms as may be agreed upon, after establishment of a Board of Water Commissioners, between the Board of Selectmen and such Board of Water Commissioners.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried Unanimously.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for Special Legislation to authorize the Town to borrow funds for a period of 40 years for purposes of establishing a water system and acquiring the Milford Water Company, and its assets, which legislation would provide substantially as follows:

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Milford, for the purpose of purchasing and establishing a system for supplying the Town and its inhabitants with water, may incur debt, in accordance with the provisions of G.L. c. 44, § 8, for a period not to exceed forty years.

Section 2. This Act shall take effect upon its passage.

or take any other action in relation thereto.

(Board of Selectmen)

It was Moved: That the Town vote to authorize the Board of Selectmen to petition the legislature for Special Legislation to authorize the Town to borrow funds for a period of 40 years for purposes of establishing a water system and acquiring the Milford Water Company, and its assets, which legislation would provide substantially as follows:

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Milford, for the purpose of purchasing and establishing a system for supplying the Town and its inhabitants with water, may incur debt, in accordance with the provisions of G.L. c. 44, § 8, for a period not to exceed forty years.

Section 2. This Act shall take effect upon its passage.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried Unanimously.

ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for Special Legislation to provide that the Town of Milford may, upon acquisition of the Milford Water Company, dissolve the Milford Water Company and also provide for transfer of assets and related actions which legislation shall provide substantially as follows:

Be it enacted, etc., as follows:

Section 1. At such time as the Town of Milford, pursuant to Section 9 of Chapter 77 of the Acts of 1881, shall acquire all of the corporate property and all of the rights and privileges of the Milford Water Company, the Board of Selectmen of such town are hereby authorized to dissolve the company.

Section 2. Upon the transfer of all of the capital stock of the company to said town, the Board of Selectmen of said town are authorized to vote the shares of the stock of the company at all stock holder meetings and also upon the dissolution of the company to transfer any remaining assets, franchises, corporate property, rights and privileges to said town to be managed thereafter by a Board of Water Commissioners as authorized by applicable law.

Section 3. The land, water rights and other property acquired under Chapter 77 of the Acts of 1881, and all works, aqueducts, pipelines, buildings or other structures directly constructed thereunder shall, upon dissolution of the Company, be managed, improved and controlled by the Board of Water Commissioners of said town in accordance with applicable law, in such manner as they deem in the best interest of said town. Said town may furnish and sell water to other municipalities, which are hereby authorized to purchase water sold.

Section 4. The employees of the Milford Water Company, desiring to continue employment with the Town of Milford on the date of transfer of all of the property and assets of the Milford Water Company to the Town of Milford, may be transferred to the service of the Water Department of said Town and shall not be subject to provisions of G.L. c. 31.

Section 5. This act shall take effect upon its passage.

or take any other action in relation thereto.

(Board of Selectmen)

A Motion was Made by Gerald Moody to waive the reading of the Motion because is was the same as it appears in the Warrant...Voice Vote taken on Motion to Waive the Reading...Carried.

It was Moved: That the Town vote to authorize the Board of Selectmen to petition the legislature for Special Legislation to provide that the Town of Milford may, upon acquisition of the Milford Water Company, dissolve the Milford Water Company and also provide for transfer of assets and related actions which legislation shall provide substantially as follows:

Be it enacted, etc., as follows:

Section 1. At such time as the Town of Milford, pursuant to Section 9 of Chapter 77 of the Acts of 1881, shall acquire all of the corporate property and all of the rights and privileges of the Milford Water Company, the Board of Selectmen of such town are hereby authorized to dissolve the company.

Section 2. Upon the transfer of all of the capital stock of the company to said town, the Board of Selectmen of said town are authorized to vote the shares of the stock of the company at all stock holder meetings and also upon the dissolution of the company to transfer any remaining assets, franchises, corporate property, rights and privileges to said town to be managed thereafter by a Board of Water Commissioners as authorized by applicable law.

Section 3. The land, water rights and other property acquired under Chapter 77 of the Acts of 1881, and all works, aqueducts, pipelines, buildings or other structures directly constructed thereunder shall, upon dissolution of the Company, be managed, improved and controlled by the Board of Water Commissioners of said town in accordance with applicable law, in such manner as they deem in the best interest of said town. Said town may furnish and sell water to other municipalities, which are hereby authorized to purchase water sold.

Section 4. The employees of the Milford Water Company, desiring to continue employment with the Town of Milford on the date of transfer of all of the property and assets of

the Milford Water Company to the Town of Milford, may be transferred to the service of the Water Department of said Town and shall not be subject to provisions of G.L. c. 31.

Section 5. This act shall take effect upon its passage.

Voice Vote Taken on Motion as Presented: Voice Vote...Carried.

A Motion was Made to Dissolve the Warrant at 9:29 pm.

Voice Vote taken on the Motion to Dissolve the Warrant...Voice Vote Carried.

A True Copy of the Record.

Attest:

**Amy E. Hennessy Neves,
Town Clerk**