

MOTION: Move the Town to vote (a) to raise, appropriate, or transfer from available funds, accept gifts and grants and/or borrow the sum of Six Hundred Sixty Thousand Dollars (\$660,000.00) for the purpose of acquiring, for the purposes set forth below, certain property located at Pomeroy Meadow Road, Southamptn, shown as Lot 1E, Lot 2E, Lot 3E, Lot 4E and Lot 5E on a plan entitled "Plan of Land in Southamptn, Massachusetts, Surveyed For John & Donna Gwosch," dated December 27, 2018, prepared by Heritage Surveys, Inc., recorded with the Hampshire Registry of Deeds in Plan Book 243, Page 77, containing approximately 14.382 acres of land, or to acquire one or more of the aforesaid Lots for such lesser sum as the Select Board deems to be in the best interests of the Town; provided, however, Lot 2E may be acquired pursuant to the Town's statutory right of first refusal under Massachusetts General Laws Chapter 61, Section 8;

(b) that, to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow the sum of Six Hundred Sixty Thousand Dollars (\$660,000.00) in accordance with Massachusetts General Laws Chapter 44, Section 7 and/or Chapter 44B, Section 11, and any other enabling authority, and to issue bonds or notes therefor, and, in accordance with Chapter 44, Section 20, any premium received by the Town upon the sale of any bonds or notes thereunder, less any premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for such project shall be reduced by the amount of any such premium so applied;

(c) that the Select Board and/or the Board of Water Commissioners is authorized to acquire said property by gift, negotiated purchase, eminent domain or otherwise, including pursuant to the Town's statutory right of first refusal pursuant to Massachusetts General Laws Chapter 61, Section 8, as may be amended, for water supply protection purposes pursuant to Chapter 40, Sections 38, 39B and 41 and subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; and that said property shall be under the care, custody and control of the Board of Water Commissioners, and further, that pursuant to Chapter 40, Section 15B, before any portion of this property can be transferred from the Town to a different ownership or control, or to a different use, approval of the Massachusetts Department of Environmental Control must be obtained;

(d) that the Select Board and/or the Board of Water Commissioners is authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under a DWSP (Drinking Water Supply Protection) Grant, upon such terms and conditions as the Water Commissioners, with the approval of the Select Board, shall determine to be appropriate, and that said interests in said property be conveyed to the Town, under the provisions of Massachusetts General Laws, Chapter 40, Sections 38, 39B and 41, as they may hereafter be amended, and other Massachusetts statutes relating to water supply purposes, said property to be managed and controlled by the Water Commissioners; and further that the Select Board and/or the Water Commissioners is authorized to submit on behalf of the Town any and all applications deemed

necessary for grants and/or reimbursements from any state and/or federal programs in aid of water supply land acquisition, including but not limited to, all applications deemed necessary for grants and/or reimbursements from the DWSP Grant Program, and to receive and accept such grants and/or reimbursements for this purpose, and/or any grants or reimbursement programs in any way connected with the scope of this article, and to accept and expend any grants and/or reimbursements that may be provided to defray all or a portion of the costs of said acquisition, and to repay all or a portion of the sum borrowed hereunder; and that the Select Board and/or the Water Commissioners be authorized to enter into all agreements and execute any instruments, including a grant of a perpetual water supply restriction to the Commonwealth, or a non-profit corporation or trust that meets the requirements of General Laws, Chapter 184, §§31-33, as may be necessary to effect said acquisition or obtain such grant;

(e) to authorize the Select Board and the Board of Water Commissioners to take all related actions necessary or appropriate to carry out this acquisition and grant of a perpetual water supply restriction;

2/3rds Majority

Finance Committee: Recommends