

DOINGS AT THE OCTOBER 24, 2013 SPECIAL FALL TOWN MEETING

Town Meeting was adjourned to a fixed time by Moderator, Gerald Devine: October 29, 2013
7pm at Hopkins Academy due to lack of quorum.

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

Registrar for this meeting was Karen Czerwinski. The meeting was called to order by the Moderator, Gerald Devine, @ 7:15pm when a quorum of 100 had been reached. Proper return of service for the warrant was noted and the Pledge of Allegiance was given. The Moderator explained the procedure for town meet and that he would be using *Parliamentary Meeting Time* as reference.

Article 1 Motion was made and seconded that the Town amend the Fiscal Year 2013 Budget by amending the vote on Article 5 of the Warrant of the Annual Town Meeting held on May 3, 2013 by amending the following line items:

FROM	TO
122 Selectmen Other Salaries \$42,519	Select Board Other Salaries \$44,534
135 Town Accountant Salaries \$66,490	Salaries \$67,824
141 Assessors Other Salaries \$60,940	Other Salaries \$62,160
145 Town Treasurer Salary \$56,053 Other Salaries \$30,600	Salary \$57,149 Other Salaries \$31,148
146 Tax Collector Salary \$52,308 Other Salaries \$32,174	Salary \$55,212 Other Salaries \$33,928
161 Town Clerk Salary \$48,800 Other Salaries \$12,758	Salary \$51,540 Other Salaries \$13,147
193 Insurance Property Insurance \$125,906 945 Accident \$39,591	Property Insurance \$111,000 Accident \$41,698
210 Police Salaries \$798,429	Salaries \$804,496
220 Fire Salaries \$228,852	Salaries \$204,597
241 Build. Inspector Salaries \$78,658	Salaries \$80,075
242 Gas Inspector Salary \$3,254	Salary \$3,292
422 Highway Const. Salaries \$401,526	Salaries \$421,726
541 Council on Aging Salaries \$61,426	Salaries \$61,367
543 Veterans' Services Expenses \$77,200	Expenses \$104,200
599 Cable TV/Publ Salary \$13,731	Salary \$14,483
610 Public Library Salaries \$123,161 Expenses \$66,817	Salaries \$127,750 Expenses \$67,735
630 Park Commission Other Salaries \$45,589	Other Salaries \$47,492
912 Retirement \$758,285 Workers' Comp. \$108,000 OPEB \$41,222	Retirement \$744,184 Workers' Comp. \$98,000 OPEB \$82,444
440 Sewer Dept. Salaries \$274,370	Salaries \$274,525
450 Water Dept. Salaries \$337,118 Other Expenses \$532,413	Salaries \$337,798 Other Expenses \$538,413
TOTAL	TOTAL
\$14,823,327	\$14,887,054

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

And further that the Town amend the appropriation as follows:

To raise and appropriate	\$12,255,295
appropriate from Sewer Receipts	\$ 822,172
and transfer from Sewer Reserves	\$ 40,000
and appropriate from Water Receipts	\$ 1,241,730
and, transfer from Water Reserves	\$ 10,000
and transfer of Free Cash	\$ 517,857

and take for the maintenance and operation of the town in Fiscal Year 2014 as recommended by the Finance Committee, including debt and interest, or taken any action relative thereto.

The Moderator declared Article 1 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0

Article 2 Motion was made and seconded that the Town ratify the collective bargaining agreements for the Police Department and the Department of Public Works and further take from Free Cash \$68,899.00, transfer from Water Reserves \$9,190.00, transfer from Wastewater Reserves \$5,830.00 for the retroactive pay differential for Fiscal Year 2013, July 1, 2012 through June 30, 2013.

The Moderator declared Article 2 passed unanimously.
Select Board recommends 4-0-1
Finance Committee no recommendation

Article 3 Motion was made and seconded that the Town transfer from Free Cash **\$6,000.00** for expenses and wages associated with electrical inspections associated with the Mill Valley Road solar installation.

The Moderator declared Article 3 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0

Article 4 Motion was made and seconded that the Town transfer from Free Cash **\$244,000.00** to be placed in the Capital Stabilization Account.

The Moderator declared Article 4 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 5-0-0

Article 5 Motion was made and seconded that the Town transfer from funds available **\$56,986.00**(insurance proceeds) and further transfer from Capital Stabilization **\$ 51,853.00** for the following capital projects.

Protective Equipment	Fire Department	\$9,800
Web-Based Fire Reporting System	Fire Department	\$9,900
Fire Fighting Gear	Fire Department	\$3,850
Waste Oil Burner	DPW	\$6,653
Garage Door and Windows	DPW	\$10,150
Emergency Communications System	Police/Dispatch	\$56,986
Sander Unit	DPW	\$11,500

TOTAL:		\$108,839

The Moderator declared Article 5 passed unanimously.
Select Board recommends 4-0-1,
Finance Committee recommends Protective Equipment, Web-Based Fire Reporting System, and Fire Fighting Gear unanimously 3-0-0; Waste Oil Burner recommended by a vote of 2-1-0; Garage Doors and Windows recommendation pending; Emergency Communications System recommended 3-0-0; Sander unit recommended to be purchased in Snow and Ice Budget
Capital Planning Committee recommends Protective Equipment, Web-Based Fire Reporting System, and Fire Fighting Gear unanimously 5-0-0; item 4 recommended by a vote of 3-2-0; Garage Doors and Windows recommended against 4-1-0; Emergency Communications System recommended 5-0-0; Sander unit recommended 5-0-0

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

Article 6 Motion was made and seconded that the Town appropriate **\$192,000.00** for the purpose of purchasing a dump truck for the Department of Public Works including the payment of all costs incidental and related thereto, and that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

The Moderator declared Article 6 unanimously
Select Board recommends 4-0-1
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 5-0-0

Article 7 PASSED OVER Motion was made and seconded that the Town appropriate **\$83,000.00** for the purpose of purchasing a dump truck for the Department of Public Works including the payment of all costs incidental and related thereto, and that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Article 8 PASSED OVER (prior to motion)
To see if the Town will vote to raise and appropriate, transfer from Free Cash, or otherwise provide **\$18,000.00** to purchase a vehicle for the Department of Public Works, or take any action relative thereto.

Article 9 Motion was made and seconded that the Town repurpose excess borrowing associated with the Connecticut River levee repair project as voted at the Annual Town Meeting held on May 7, 2009 to replace the culvert at Russell Brook on River Drive and associated costs.

The Moderator declared Article 9 passed unanimously.
Select Board recommends 4-0-1
Finance Committee recommends 2-0-1
Capital Planning Committee recommends 5-0-0

Article 10 Motion was made and seconded that the Town appropriate \$986,000.00 to pay costs of engineering, permitting, construction and all other costs associated with the rehabilitation of Wastewater Pump Stations 1 and 4 for the Sewer Division including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$986,000.00 and issue bonds or notes therefor under Chapter 44 Section 7 (1), and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Select Board determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, Cc. 78; that the Sewer Commission, is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

The Moderator declared Article 10 passed unanimously.
Select Board recommends 4-0-1
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 5-0-0

Article 11 Motion was made and seconded that the Town transfer from Water Reserves **\$60,900.00** to construct a water line extension on Shattuck Road and associated costs.

The Moderator declared Article 11 passed by majority. Yes = 55. No = 46.
Select Board recommends 4-0-1
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 4-0-1

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

Article 12 Motion was made and seconded that the Town transfer from Water Reserves **\$47,495.00** for water tank mixers and associated installation costs for the Water Division.

The Moderator declared Article 12 passed unanimously.
Select Board recommends 4-0-1
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 5-0-0

Article 13 Motion was made and seconded that the Town rescind the excess borrowing authorization of \$705,213.00 for Hopkins School Building Repairs as authorized in Article 16 of the Annual Town Meeting held on May 1, 2008.

The Moderator declared Article 13 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0

Article 14 Motion was made and seconded that the Town authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems appropriate, an agricultural preservation restriction on all or portions of the parcel of land, containing approximately 8 acres, located at Aqua Vitae Road, shown on Assessors Map 4D as Parcel 15 and Assessors Map 4A as Parcel 24, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 10831, Page 285, and, further, to appropriate **\$6,200.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto.

The Moderator declared Article 14 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 8-0-1

Article 15 Motion was made and seconded that the Town authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems appropriate, an agricultural preservation restriction on all or portions of the parcel of land, containing approximately 21.4 acres, located at Route 47, shown on Assessors Map 6B as Parcel 4 and Assessors Map 6A as Parcel 10B, and described in a deed recorded with the Hampshire County Registry of Deeds in Book 5673, Page 0064 and Hampshire County Probate PBHS1090452E, and, further, to appropriate **\$19,900.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto.

The Moderator declared Article 15 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 8-0-1

Article 16 Motion was made and seconded that the Town transfer from Community Preservation Act general funds **\$10,000.00** for the preservation and protection of the historic Hadley School Bell on Hopkins Academy School grounds.

The Moderator declared Article 16 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 8-0-1

Article 17 Motion was made and seconded that the Town transfer from Community Preservation Act historical set aside funds **\$23,100.00** to preserve and restore Town Hall by repointing the Town Hall foundation; parge coating the foundation; weather stripping windows and doors; replacing cellar windows; and performing associated restoration work.

The Moderator declared Article 17 passed unanimously.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 8-0-0

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

Article 18. “TAKE NO ACTION” (after discussion) (Take no action has same meaning as Passed Over) Motion was made and seconded that the Town direct the Select Board to take the following actions regarding North Hadley Hall.

1. Preserve and Modernize-Estimated Cost \$636,000; Current Valuation \$299,400 building; \$724, 500 land, *OR*
2. Sell the property with a historic preservation restriction, *OR*
3. Demolish the building and retain the land for future Town use

And that the Town direct the Select Board to take the following actions regarding Russell School

1. Preserve and Modernize-Estimated Cost \$839,000; Current Valuation \$404,000 building; \$443,600 land, *OR*
2. Sell the property with a historic preservation restriction, *OR*
3. Demolish the building and retain the land for future Town use.

And that the Town direct the Select Board to take the following actions regarding the Town Hall

1. Preserve and Modernize-Estimated Cost \$30,000; Current Valuation \$299,400 building; \$384,700 land, *OR*
2. Sell the property with a historic preservation restriction, *OR*
3. Demolish the building and retain the land for future Town use

(OR) Friendly amendment added by Town Council for motion to make sense

***Select Board vocally promises to actually make some decisions on these buildings ASAP*

Article 19 Motion was made and seconded that the Town amend the Code of the Town of Hadley to adopt the Business Certificate Bylaw as followed:

Section 36-2.Business Certificates.

The Building Inspector shall be the enforcement officer for violations of operating a business without a business certificate as required under MGL Chapter 110, Section 5.

The Moderator declared Article 19 passed unanimously.

Select Board recommends 5-0-0

Article 20 Motion was made and seconded that the Town amend the Code of the Town of Hadley to adopt the Line of Sight Bylaw as delineated in Article 20 of the warrant of the Special Town Meeting session October 29, 2013 and incorporated by reference herein.

AMENDMENT: Motion was made and seconded to amend the motion in Article 20 by adding the following *(in red)*

Article VII Line of Sight

Section 218 – 21.Line of Sight Restrictions.

A fence, hedge, wall or other enclosure may be maintained on any premises. In order to preserve and promote the safety of the public, any fence, hedge, or shrub or other growth or enclosure wall *hampering visibility* on the corner lot, boundary on a public way, driveway, or curb obstructing the view of motorists and situated within 15 feet of *the paved portion of* a public ~~street~~ *way* or curb or side line thereof shall not be permitted by the owner or occupant of the premises to exceed the height of three feet above road grade, and any and all trees within said fifteen-foot area (shade trees to be subject to the provisions of MGL Chapter 87, Section 3) shall have limbs trimmed to the height of six feet above road grade, provided that on a corner lot no structure or vegetation shall be over three feet in height.

Section 218-22.Enforcement.

The Building Inspector shall enforce this bylaw.

Section 218-23.Violations and Penalties.

The penalty for violation of this bylaw shall be as follows: for the first offense, \$100; for the second and subsequent offenses, \$300.

Section 218-23.Noncriminal Disposition.

The violations set forth in this bylaw may be disposed of in keeping with the non-criminal disposition procedures set forth in MGL Chapter 40, Section 21D.

The Moderator declared Article 20 passed as amended.

Select Board recommends 5-0-0

DOINGS AT THE OCTOBER 29TH SESSION OF SPECIAL FALL TOWN MEETING

Article 21 Motion was made and seconded that the Town petition the Great and General Court to enact special legislation to expand the Town's quota for liquor licenses as delineated in Article 21 of the warrant of the October 24, 2013 Special Town Meeting and incorporated by reference herein:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding [section 17 of chapter 138](#) of the General Laws, the licensing authority of the town of Hadley may grant 6 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 6 additional licenses for the sale of wines and malt beverages to be drunk on the premises, pursuant to [section 12 of chapter 138](#), to establishments located in the Route 9 business zone and the Route 47 limited business zone and the local business zone in the town of Hadley. The licensing authority shall not approve the transfer of the licenses to any other location nor transfer to any other new entity. The licenses shall be subject to all of said chapter 138 except said section 17.

Notwithstanding sections 12 and 77 of chapter 138 of the General Laws, the select board may restrict the all alcoholic beverage license to a holder of a common victualler license.

The board of selectmen shall determine reasonably whether an applicant or licensee meets the criteria set forth herein.

Notwithstanding any general or special law or any rule or regulation to the contrary, the select board shall not approve the transfer of such license to any other location or any other entity. The license may be re-issued by said select board at the same location if an applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the select board. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the select board may then grant the license to a new applicant at the same location and under the same conditions as specified in the preceding paragraph.

SECTION 2. This act shall take effect upon its passage.

The Moderator declared Town Meeting dissolved @ 9:53pm.

ATTEST:

Jessica Spanknebel
Town Clerk
Hadley, MA