

# **DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG**

Registrars Karen Czerwinski and Gladys Nicholson were checkers for this meeting. The meeting was called to order by Moderator, Gerald Devine @ 7:25pm @ Hopkins Academy. A total of 286 voters were checked off for this meeting. Proper return of service for the warrant was noted and Pledge of Allegiance was given. Select Board member Joyce Chunglo read the 2013 Annual Report dedications. The Moderator explained the procedure for town meeting and that he would be using *Town Meeting Time* for reference. David Tudryn gave an update of Town Buildings **MOTION: Motion was made and seconded that the Town take Articles 1, 2, 3, 9 and 16 out of order and that they be “Passed by Consent” in accordance with the Motions shown on the Consent Agenda distributed this evening.**

**Article 1 Motion as shown in Consent agenda:** Moved that the Town authorize the Select Board to apply for and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application. The Moderator declared all articles included in the Consent Agenda passed unanimously.

**Article 2 Motion as shown in Consent agenda:** Moved that the Town appropriate funds provided to the Town by the State under Chapter 90 Type money and such other funds as the Massachusetts Department of Transportation Highway Division may provide, and to authorize the Select Board to enter into contracts with Massachusetts Department of Transportation Highway Division for Chapter 90 Type money allocated to the Town by the State. The Moderator declared all articles included in the Consent Agenda passed unanimously.

**Article 3 Motion as shown in Consent agenda:** Moved that the Town vote to authorize the Treasurer with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2014 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17. The Moderator declared all articles included in the Consent Agenda passed unanimously.

**Article 9 Motion as shown in Consent agenda:** Moved that the Town transfer **\$10,000.00** from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of MGL Chapter 40, Section 5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses. The Moderator declared all articles included in the Consent Agenda passed unanimously.

**Article 16 Motion as shown in Consent agenda:** Moved that the Town accept the report of the Community Preservation Committee on the fiscal year 2015 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund FY 2015 estimated annual revenues:

Open Space	\$30,000.00
Historic Resources	\$30,000.00
Housing	\$30,000.00

And appropriate **\$5,000.00** from the FY 2015 Community Preservation estimated annual revenues for the administrative expenses of the Committee. The Moderator declared all articles included in the Consent Agenda passed unanimously.

**Article 4** Motion was made and seconded that the Town authorize revolving funds under Massachusetts General Law Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2014 as printed in the warrant. The Moderator declared Article 4 passed unanimously.

**Article 5.** Motion was made and seconded that the Town transfer from Free Cash **\$43,000.00** to cover unemployment expenses and further make the following transfer in the FY 2014 budget:  
And further, Transfer \$19,250.00 from (Accountant # 423-5130) Snow and Ice Overtime to (Account # 423-5533) Snow Supplies and Ice expenses. The Moderator declared Article 5 passed unanimously.

DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG

**Article 6.** Motion was made and seconded that the Town amend the vote taken under Article 3 of the October 24, 2013 Special Town Meeting by inserting the phrase “and the University of Massachusetts project” as printed in the warrant.  
The Moderator declared Article 6 passed unanimously.

**Article 7.** Motion was made and seconded that the Town vote to transfer from Stabilization **\$84,668.00** to pay the Estate of Dennis Hukowicz for contractual buyout of accrued leave.  
The Moderator declared Article 7 passed unanimously.

**Article 8.** Motion was made and seconded that the Town raise and appropriate the sum of \$ 12,782,069.00\_\_\_\_\_,  
and appropriate from Sewer Receipts \$ \_\_\_\_\_864,068\_\_\_\_\_,  
and appropriate from Water Receipts \$ \_\_\_\_\_ 1,211,964\_\_\_\_\_,  
and transfer from certified Free Cash \$ \_\_\_\_\_133,231\_\_\_\_\_,  
and take from MSBA Debt Fund Reserve \$ \_\_\_\_\_2,444\_\_\_\_\_,  
for the maintenance and operation of the town in fiscal year 2015 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Treasurer, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board, and Park and Recreation Commission, and to provide a reserve fund.  
The Moderator declared Article 8 passed unanimously.

Motion #1

**Article 10.** Motion was made and seconded that the Town transfer from **Capital Stabilization \$404,359.00** for capital expenses associated with capital equipment for town departments:

Capital Purchase	Department	Cost	Funding Source
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Master Plan update	Select Board	\$40,000	Capital Stab.
Computer upgrades	Public Safety	\$25,000	Capital Stab.
Heating System upgrade	Public Safety	\$38,160	Capital Stab.
Fire Arms Equipment	Police	\$7,700	Capital Stab.
Ballistic Vests	Police	\$17,600	Capital Stab.
Furniture	Public Safety	\$13,800	Capital Stab.
Two Cruisers	Police	\$69,499	Capital Stab.
Air Packs	Fire	\$5,100	Capital Stab.
Carpeting and Painting	Public Safety	\$32,000	Capital Stab.
*John Deere Loader	DPW	\$60,000	Capital Stab.
*Staff vehicle	DPW	\$6,000	Capital Stab.
*Road Paving	DPW	\$10,000	Capital Stab.
Levee Free Board Survey	DPW	\$30,500	Capital Stab.
Interior Painting	Library	\$9,000	Capital Stab.
Shelving/Archival Storage	Library	\$20,000	Capital Stab.
Information Technology	Library	\$10,000	Capital Stab.
West Library Steps	Library	\$10,000	Capital Stab.

The Moderator declared Motion 1 of Article 10 passed 260-1.

Motion #2

**Article 10.** Motion was made and seconded that the Town transfer **\$45,000.00** from Wastewater Reserves and transfer **\$87,000.00** from Water Reserves for capital expenses associated with capital equipment for town departments:

Capital Purchase	Department	Cost	Source
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Vehicle	Wastewater	\$45,000	Reserves
Water Master Plan Update	Water	\$54,500	Reserves
Valve Replacement Program	Water	\$32,500	Reserves

The Moderator declared Motion 2 of Article 10 passed by majority.

Article 11. Motion #1

Motion was made and seconded that the Town appropriate \$880,000.00 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

## **DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG**

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, transfer **\$225,000.00** from the Sewer Impact Fund Account and further that the Treasurer with the approval of the Select Board is authorized to borrow **\$655,000.00** 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, c. 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 Motion #1 of Article 11 passed unanimously.

**Article 11. Motion #2** Motion was made and seconded that the Town appropriate \$60,000.00 to pay costs of engineering, permitting, construction and all other costs associated with the rehabilitation of the water tank altitude valve for the Water 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 **\$60,000.00** and issue bonds or notes therefor under Chapter 44 Section 8 (7C), 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, c. 78; that the Water Commission, is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

**AMENDMENT:** Motion was made and seconded to amend Motion #2 in Article 11 to change funding source from borrowing to take from Water Reserves.  
The Moderator declared the amendment passed unanimously.

Motion was made and seconded that the Town appropriate \$60,000.00 to pay costs of engineering, permitting, construction and all other costs associated with the rehabilitation of the water tank altitude valve for the Water Division and to meet this appropriation the Town transfer \$60,000.00 from the Water Reserves.  
The Moderator declared Motion #2 of Article 10, as amended, now requiring a majority vote, passed unanimously.

**Article 12. Motion #1** Motion was made and seconded that the Town appropriate **\$761,250.00** for the purpose of purchasing a heavy rescue/pumper for the Fire Department 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 therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.  
The Moderator declared Motion #1 of Article 12 passed unanimously.

**Article 12. Motion #2** Motion was made and seconded that the Town appropriate **\$179,500.00** for the purpose of purchasing and upgrading radio equipment for the Police Department and Fire Department and Communications Center 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 therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.  
The Moderator declared Motion #2 of Article 12 passed unanimously.

**Article 12. Motion #3** Motion was made and seconded that the Town appropriate **\$135,000.00** for the purpose of purchasing and installing emergency generators for the School Department 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

# **DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG**

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 therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.

The Moderator declared Motion # 3 of Article 12 passed unanimously.

**Article 12. Motion #4** 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 therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.

The Moderator declared Motion #4 of Article 12 passed unanimously.

**Article 12. Motion #5** Motion was made and seconded that the Town appropriate **\$85,000.00** 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 therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.

The Moderator declared Motion #5 of Article 12 passed 250 yes, 4 no.

**Article 14.** Motion was made and seconded that the Town vote to transfer from Overlay Surplus **\$9,908.00** to pay assessments mandated by the Massachusetts Division of Insurance to MEGA Property & Casualty Group, Inc.

The Moderator declared Article 14 passed unanimously.

**Article 15** Motion was made and seconded that the Town authorize and approve an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and any other enabling legislation, between the Town and BWC Origination Huntington Road, LLC for a solar facility to be installed, owned, and operated by BWC Origination Huntington Road, LLC on land located on Mill Valley Road; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder.

**AMENDMENT:** Motion was made and seconded that the Town authorize and approve an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and any other enabling legislation, between the Town and BWC Origination Huntington Road, LLC, **or its successors**, for a solar facility to be installed, owned, and operated by BWC Origination Huntington Road, LLC, **or its successors** ~~on land located on Mill Valley Road~~; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder.

The Moderator declared the amendment passed.

Motion was made and seconded to vote on Article 15 as amended.

The Moderator declared Article 15 passed.

**Article 17.** 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 two parcels of land, one containing approximately 4.9 acres, located at West Street, and shown on Assessors Map 4D as Parcel 28, and the other containing 4.7 acres, located on Honey Pot Road, and shown on Assessors Map 1 as Parcel 38, which parcels are described in a deed recorded with the Hampshire County Registry of Deeds in Book 10831, Page 285, and, further, to appropriate **\$33,800.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto.

The Moderator declared Article 17 passed unanimously.

## **DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG**

**Article 18.** 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 three parcels of land, containing approximately 8.4 acres in total, located off Cemetery Road, shown on Assessors Map 4G as Parcels 22,36, and 48, and described in deeds recorded with the Hampshire County Registry of Deeds in Book 2379, Page 68, and Book 2256, Page 102, and, further, to appropriate **\$14,300.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto.

The Moderator declared Article 18 passed unanimously.

**Article 19** 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 parcels of land, containing approximately 135 acres in total, located off Mill Valley Road and South Maple Street, shown on Assessors Map 10A as Parcels 2-2 through 2-11 inclusive, and 2-19 through 2-71 inclusive, and associated roadways, and which lands is described in a deed recorded with the Hampshire County Registry of Deeds in Book 948, Page 507 and shown on Plan Book 225, Page 32, and, further, to appropriate **\$230,000.00** from the Community Preservation Act general funds for the foregoing acquisition and costs related thereto.

The Moderator declared Article 19 passed unanimously.

**Article 20.** Motion was made and seconded that the Town authorize the Trustees of Goodwin Memorial Library to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of Goodwin Memorial Library and to further vote to appropriate **\$25,000.00** from Community Preservation Act general funds for the preservation and/or rehabilitation of the historic Goodwin Memorial Library, specifically, to fund a feasibility study thereof, such funds to be granted to the Trustees of the Goodwin Memorial Library pursuant to a grant agreement entered into with the Select Board, the grant of such funds enabling the Trustees to apply for matching state grant funds for a Library Planning and Design Grant.

The Moderator declared Article 20 passed unanimously.

**Article 21.** Motion was made and seconded that the Town appropriate **\$85,000.00** from Community Preservation Act general fund for the preservation and/or rehabilitation of the historic Goodwin Memorial Library, specifically to fund the lighting and electrical work and ceiling restoration, which funds are to be granted to the Trustees of the Goodwin Memorial Library pursuant to a grant agreement between the Select Board and said Trustees.

The Moderator declared Article 21 passed unanimously.

**Article 22.** Motion was made and seconded that the Town appropriate and transfer **\$25,000** from Community Preservation Act Historical Set Aside Funds for the preservation and/or rehabilitation of the historic North Hadley Village Hall, as recommended by the Historical Buildings Preservation Plan, and the historic Russell School Building, as recommended by the Hadley Historical Buildings Preservation Plan.

The Moderator declared Article 22 passed by majority 105 yes, 97 no.

**Article 23.** Motion was made and seconded that the Town appropriate and transfer **\$5,000.00** from Community Preservation Act Historical Set Aside Funds to retain a consultant to assist and guide town officials in acquiring historic preservation restrictions to protect historic properties preserved and/or rehabilitated with the use of Community Preservation Act funds.

The Moderator declared Article 23 passed by majority.

**Article 24.** Motion was made and seconded that the Town appropriate **\$100,000.00** from Community Preservation Act general funds to preserve and/or restore the historic Lake Warner Dam, said funds to be granted pursuant to a grant agreement entered into by the Select Board, which agreement shall state that the grant is contingent on the dam owner securing additional funding by May 1, 2015 from state and/or private sources to cover the costs of this project and that the project be completed by December 31, 2016, and further, to authorize the Select Board and/or the Historic Commission to accept a historic preservation restriction on said dam.

The Moderator declared Article 24 passed by majority

## **DOINGS AT THE MAY 1, 2014 ANNUAL TOWN MTG**

**Article 25.** Motion was made and seconded that the Town authorize the imposition of liens on real property for unpaid sewer improvement fees as authorized pursuant to C. 9 of the Acts of 2008, An Act Establishing A Sewer System Capital Improvement Fund For The Town Of Hadley.

The Moderator declared Article 25 passed by majority.

**Article 26.** Motion was made and seconded that the Town authorize the Select Board to enter into an easement agreement to maintain certain Town-owned improvements and structures on the property located at 107 Middle Street (Assessors Map 4I, Lot 3), which easement was donated to the Town and is recorded at the Hampshire Registry of Deeds in Book 11539, Page 45.

The Moderator declared Article 26 passed unanimously.

**Article 27.** Motion was made and seconded that the Town amend Section 17.15 of the Hadley Zoning Bylaw by deleting it in its entirety.

*17.15 The Planning Board shall conduct a biannual review of this bylaw at an advertised public meeting in order to assess the bylaw. The Planning Board shall make recommendations to the Town for any changes needed in the bylaw structure or process*

The Moderator declared Article 27 passed unanimously.

**Article 28.** Motion was made and seconded that the Town amend the Zoning Bylaw of the Code of the Town of Hadley relating to the establishment of medical marijuana facilities as delineated in Article 28 of the Annual Town Meeting warrant for May 1, 2014 and incorporated by reference herein.

The Moderator declared Article 28 passed unanimously.

**Article 29** Motion was made and seconded that the Town amend the Zoning Bylaw of the Code of the Town of Hadley relating to common driveways as delineated in Article 29 of the Annual Town Meeting warrant for May 1, 2014 and incorporated by reference herein.

The Moderator declared Article 29 passed unanimously.

**Article 30.** Motion was made and seconded that the Town amend the Zoning Bylaw of the Code of the Town of Hadley relating to use regulations as delineated in Article 30 of the Annual Town Meeting warrant for May 1, 2014 and incorporated by reference herein.

The Moderator declared Article 30 passed unanimously.

The Moderator declared the meeting dissolved @ 10:28pm.

ATTEST:

Jessica Spanknebel  
Town Clerk  
Hadley, MA