

DOINGS AT THE MAY 3, 2018 ANNUAL TOWN MTG

Registrars Karen Czerwinski, Beverly Rhodes and Susan Glowatsky were checkers for this meeting. The meeting was called to order by Moderator, Brian West @ 7:30pm @ Hopkins Academy, due to a large turnout. A total of 507 voters were checked off for this meeting. Proper return of service for the warrant was noted and Pledge of Allegiance was given. The 2017 Annual Report dedications were read. The Moderator explained the procedure for town meeting and that he would be using *Town Meeting Time*. The Moderator announced that Citizen Petitioned Articles # 23 and #24 would be moved out of order, addressed immediately after the Articles on the Consent Agenda.

Motion was made and seconded that the Town take Articles 1, 2, 3, 4, 5, 6 and 7 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, 2018 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 4 Motion as shown in Consent agenda: Moved that the Town adjust the accounts as printed in the warrant as delineated in Article 4 of the Annual Town Meeting warrant for May 3, 2018 and incorporated by reference herein.

The Moderator declared all articles included in the Consent Agenda passed unanimously.

Article 5 Motion as shown in Consent agenda: Moved that the Town amend Section 86-9 Article V of Chapter 86 of the Code of the Town of Hadley, relating to revolving funds, pursuant to the provisions of G.L. c.44, §53E½ ,by adding the following new revolving funds pursuant to Massachusetts General Law Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2018 and transfer from Free Cash **\$5,000.00** into the tax liens revolving account, as printed in Article 5 in the warrant:

| Description | Responsible Department | Purpose | Source of Funds | Annual Expenses Allowed | Maximum Allowable Balance as of June 30 |
|-----------------------------|--|--|--|-------------------------|---|
| Lost Books | Trustees of the Goodwin Memorial Library | Replace lost or damaged library materials. | Fines and fees associated with lost or damaged library materials | \$1,000 | \$1,000 |
| Tax Liens | Treasurer | Underwrite legal expenses associated with collecting tax liens | Fines and fee associated with collecting tax liens. | \$5,000 | \$10,000 |
| Conservation Administration | Conservation Commission | Support operations in the Conservation Commission. | Fees associated with plan review. | \$1,000 | \$1,000 |

And further to raise and appropriate, transfer from Free Cash, or otherwise provide **\$5,000.00** to provide initial funding to the tax lien revolving account, or take any other action relative thereto.
The Moderator declared all articles included in the Consent Agenda passed unanimously.

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Article 6 Motion as shown in Consent agenda: Moved that the Town transfer **\$26,000.00** 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 7 Motion as shown in Consent agenda: Moved that the Town accept the report of the Community Preservation Committee on the fiscal year 2019 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

| | |
|--------------------|-------------|
| Open Space | \$36,000.00 |
| Historic Resources | \$36,000.00 |
| Housing | \$36,000.00 |

And appropriate the sum of **\$15,000.00** from the Community Preservation estimated FY19 annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year

The Moderator declared all articles included in the Consent Agenda passed unanimously.

Motion was made and seconded to take Articles 23 & 24 out of order, to be addressed immediately after the consent agenda

Article 23 Motion was made and seconded that the Town move the location of the new proposed Senior center project from the “Hooker School” 2.6 acre site located behind the current Senior Center and to a new location described as the “River Drive and Stockbridge Road Site” with approximately 9 acres or take any action thereto.

Town Council announced his determination that Articles 23 & 24 were non-binding questions. He states 1) Town already in contract with 3rd party 2) funds are certified and available and 3) it is outside the authority of Town Meeting. John Mieczkowski disagrees and states “no contract on either project” and finds the timing of the determination suspect. Amendment to place this project on hold fails. Much discussion and secret ballot votes continue so the Select Board can “get a feel for what the Voters want”.

The Moderator declared Article 23 failed by secret ballot: Yes: 124, No: 323

Article 24 Motion was made and seconded the town rescind the vote that was taken on October 27, 2016 Art. 7 to build a new Senior Center on a 2.6 acre of Town owned land known as “The Hooker School Lot” and appropriate \$5,300,000.00 to pay the cost of design, construction and equipping a new Senior Center and rescind the August 29, 2017 Art 1 requesting 1,800,000.00 in additions funds and deduct any funds expended up to date or take any action thereto.

The Moderator declared Article 24 failed by secret ballot: Yes: 117, No: 299

Article 8 Motion was made and seconded that the Town adjust the accounts as printed in the warrant as delineated in Article 8 of the Annual Town Meeting warrant for May 3, 2018 and incorporated by reference herein:|

To see if the Town will vote to amend vote taken on Article 1 of the **special town meeting** held on **October 5, 2017** relative to the FY 2018 budget as follows

| Account | From | To |
|------------------------------|-------------|-------------|
| 710 Long Term Debt Principal | \$1,111,380 | \$1,148,441 |
| 750 Long Term Debt Interest | \$143,695 | \$106,634 |

The Moderator declared Article 8 passed unanimously.

Article 9 Motion was made and seconded that the Town raise and appropriate the sum of \$15,772,656____,
and appropriate from Sewer Receipts \$1,117,603_____,
and appropriate from Water Receipts \$1,234,492_____,
and transfer from Sewer Reserve \$10,000_____,
and transfer from Water Reserve \$10,000_____,
and take from MSBA Debt Fund Reserve \$2,444_____,
and appropriate from Hadley Public Access Cable Franchise Receipts \$72,261_____,
and transfer from Hadley Public Access Cable Franchise Reserve \$20,000_____.

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And transfer from Stabilization \$ _53,316_____,
and transfer from the November 2014 Premium Balance \$ _928_____,
for the maintenance and operation of the town in fiscal year 2019 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.

Moderator declared Article 9 as read by finance committee passed. (\$18,293,700)

Article 10 Motion #1

Motion was made and seconded that the Town transfer **\$13,000.00** from Free Cash for school zone lights for the Department of Public Works and associated expenses and **\$5,000.00** from Free Cash for website re-design for the Select Board.

The Moderator declared Motion #1 of Article 10 passed unanimously.

Article 10 Motion #2

Motion was made and seconded that the Town transfer **\$100,000.00** from Sewer Impact Fees for a septage vehicle and associated expenses for the Department of Public Works.

The Moderator declared Motion #2 of Article 10 passed unanimously.

Article 10 Motion #3

Motion was made and seconded that the Town appropriate **\$170,000.00** to pay costs of designing and building a HVAC system for the Elementary School 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(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Any premium received by the Town 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.

The Moderator declared Motion #3 of Article 10 passed 185-03.

Article 10 Motion #4

Motion was made and seconded that the Town appropriate **\$855,400.00** to pay costs of designing and building a fire station 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(1) 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.

Any premium received by the Town 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.

The Moderator declared Motion #4 of Article 10 passed 160-6.

At 10:50pm the Moderator announced Town Meeting would adjourn until May 10, 2018 @7pm in the Hopkins Academy Café.

Registrars Karen Czerwinski, Beverly Rhodes and Gladys Nicolson were checkers for this continuation of the May 3, 2018 Annual Town Meeting. The meeting was called to order by Moderator, Brian West @ 7:10pm. A total of 130 voters were checked off for this meeting.

Article 11 Motion was made and seconded that the Town charge for each written demand issued by the collector a fee of \$30.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of July 1, 2018.

The Moderator declared Article 11 passed.

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Article 12. Motion was made and seconded that Town amend the vote taken under Article 14 of the Annual Town Meeting held on May 4, 2017 to accept the provisions of MGL Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the increased rate of three (3) percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

The Moderator declared Article 12 passed.

Article 13. Motion was made and seconded that the Town adopt the provisions of MGL Chapter 59, Section 5, Clause 17D starting Fiscal Year 2019.

The Moderator declared Article 13 passed unanimously.

Article 14. Motion was made and seconded that the Town appropriate **\$35,000.00** from Community Preservation Act historic set aside funds for the preservation and/or rehabilitation of the historic four pillars in front of Town Hall, said expenditure to be conducted within two years of the date of the 2018 spring Town Meeting (May 1, 2020).

The Moderator declared Article 14 passed.

Article 15. Motion was made and seconded that the Town appropriate **\$55,675.00** from Community Preservation Act historic set aside funds for the preservation and/or rehabilitation of the historic North Hadley Congregational Church Board of Trustees for the preservation and restoration of the weather vane, steeple, bell structure and front façade on the condition that an architectural preservation restriction be approved for the property before CPA funds are spent, said expenditure to be conducted within two years of the date of the 2018 spring Town Meeting (May 1, 2020).

Discussion that this is within CPA guidelines and on a Scenic Byway muted opposition on concerns of non-town owned building and church vs state issue. Concerns regarding the legality of the motion an amendment by Andy Morris Friedman was made.

AMENDMENT: Motion was made and seconded that the Town appropriate **\$55,675.00** from Community Preservation Act historic set aside funds for the preservation and/or rehabilitation of the historic North Hadley Congregational Church Board of Trustees for the preservation and restoration of the weather vane, steeple, bell structure and front façade ~~on the condition that an architectural preservation restriction be approved for the property before CPA funds are spent,~~ said expenditure to be conducted within two years of the date of the 2018 spring Town Meeting (May 1, 2020).

The Moderator declared Article 15, as amended, passed.

Article 16. Motion was made and seconded that the Town authorize the Select Board to petition the General Court for special legislation creating the appointed position of Treasurer as delineated in Article 16 as printed in the warrant of the annual town meeting held on May 3, 2018 and incorporated by reference herein, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and further that the Select Board is authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Most of those that spoke to this article were not in favor of this change although there was support of Select Board to make these important decisions. Discussion was regarding both Article 16 & Article 17.

The Moderator declared Article 16 passed.

Article 17 Moved that the Town authorize the Select Board to petition the General Court for special legislation creating the appointed position of Collector as delineated in Article 17 as printed in the warrant of the annual town meeting held on May 3, 2018 and incorporated by reference herein, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and further that the Select Board is authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

The Moderator declared Article 17 passed.

Article 18 Motion was made and seconded that the Town amend the General Bylaws of the Code of the Town of Hadley as delineated in Article 18 of the Annual Town Meeting warrant for May 3, 2018 and incorporated by reference herein.(**Animal Control Bylaw**)

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Discussion regarding “what is properly restrained” led to amendment by Shel Horowitz cautioned by Town Counsel that AG would have to approve consistency.

AMENDMENT: Motion was made and seconded that the Town amend Article 18 by inserting “with a leash, voice control or other effective method” at the end of Section 24-3:2:1
The Moderator declared Article 18, as amended, passed.

Article 19 Motion was made and seconded that the Town authorize the Select Board to join the Pioneer Valley Mosquito Control District and to execute any contracts related thereto in accordance with MGL Chapter 252 Section 5A, and other applicable sections of said law.

Needing assurance from the Select Board that this Article is about monitoring not spraying from Edwin Matusko, Dina Freidman made an amendment.

AMENDMENT: motion was made and seconded that the Town authorize the Select Board to join the Pioneer Valley Mosquito Control District *for monitoring purposes only* and to execute any contracts related thereto in accordance with MGL Chapter 252 Section 5A, and other applicable sections of said law
The Moderator declared Article 19, as amended, passed.

Article 20 Motion was made and seconded that the Town amend the General Bylaws of the Code of the Town of Hadley as delineated in Article 20 of the Annual Town Meeting warrant for May 3, 2018 and incorporated by reference herein. **(Nuisance/Blight Bylaw)**

Concern from voters the bylaw is too broad. Fire Chief Spanknebel says they are bound by MGL regulation.

The Moderator declared Article 20 passed.

Article 21 Motion was made and seconded that the Town amend the Zoning Bylaws of the Code of the Town of Hadley as delineated in Article 21 of the Annual Town Meeting warrant for May 3, 2018 and incorporated by reference herein.**(Section XXV Inclusionary & Section XXVII Senior Housing)**
The Moderator declared Article 21passed unanimously.

Article 22 Motion was made and seconded to **TABLE** Citizen Petition Article 22.
(Rank Choice Voting)

More information needed.

The Moderator declared Article 22 tabled.

The Moderator declared the meeting dissolved @ 9:38pm.

ATTEST:

Jessica Spanknebel
Town Clerk
Hadley, MA