

**TOWN OF HADLEY
ANNUAL TOWN MEETING WARRANT**

Hampshire, ss.

To the Constable of the Town of Hadley in the County of Hampshire:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the third day of May 2018 at 7:00 p.m. to act on the following articles:

Article 1

To see if the Town will vote to 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, or take any action relative thereto.

Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 2

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 Type money and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 Type money allocated to the Town by the State, or take any action relative thereto.

Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 3

To see if the Town will 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, or take any action relative thereto.

Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 4

To see if the Town will vote to transfer the following balances:

Meeting	Description	Account Number	Balance	Transfer To
ATM 2014	DPW Road Paving	30-422-5891-A10	32.50	Capital Stabilization
STM 2001	Historic Records Preservation	02-691-5300-A#5	\$1,879.45	Stabilization

And further to adjust borrowing authorizations as follows:

Meeting	Description	Account Number	Original Authorized Borrowing Amount	Amended Authorized Borrowing Amount
ATM 2014	School Generators	30-300-5880-A12	\$135,000.00	\$129,430.43
STM 8/24/17	Land Acquisition	02-122-5580-218	\$405,000.00	\$403,278.62
ATM 2016	Public Safety HVAC System	30-215-5840-S46	\$45,000.00	\$36,555.00

Or take any action relative thereto.

Finance Committee recommends 4-0-0

Select Board recommends 4-0-0

Article 5

To see if the Town will vote to 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:

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.

Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 6

To see if the Town will vote to 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, or take any votes in relation thereto.

Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 7

To see if the Town will vote to act on 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 Preservation	\$36,000.00
Historic Preservation	\$36,000.00
Housing	\$36,000.00

and appropriate the sum of **\$15,000.00** from the Community Preservation Fund estimated FY19 annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, including payment to the Pioneer Valley Planning Commission for the Hadley CPA plan, and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as may be recommended by the Community Preservation Committee, or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1
Finance Committee recommends 4-0-0
Select Board recommends 4-0-0

Article 8

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

Or take any action relative thereto.

Finance Committee recommends 4-0-0
Select Board recommends 5-0-0

Article 9

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, 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, or take any action relative thereto.

Finance Committee recommendation pending
Select Board recommendation pending

Article 10

To see if the Town will vote to raise and appropriate, transfer from funds available, transfer from Free Cash, transfer from Capital Stabilization, or authorize the Treasurer to borrow, **\$1,143,400.00** for the following capital projects:

Department	Project	Expense	Source
School Department	HE HVAC	\$170,000	Borrow
Fire Department	Fire Substation	\$855,400	Borrow
DPW – Sewer Division	Septage Vehicle	\$100,000	Sewer Impact Fees
Select Board	Website Redesign	\$5,000	Free Cash
DPW – Highway Division	Route 9 School Zone Lights	\$13,000	Free Cash
Total		\$1,143,400	

Or take any action relative thereto.

Capital Planning Committee recommends the HVAC, Website, and School Zone Lights, and has no recommendation for the Fire Substation or the Septage Truck 4-0-0

Finance Committee recommends the HVAC, Website, and School Zone Lights, and has no recommendation for the Fire Substation or the Septage Truck 4-0-0

Select Board recommends the HVAC, Website, and School Zone Lights, Septage Truck, and the Fire Substation 5-0-0

Article 11

To see if the Town will vote to 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, or take any action relative thereto.

Finance Committee recommendation pending
Select Board recommends 4-1-0

Article 12

To see if the Town will vote to 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, or take any action in relation thereto.

Finance Committee recommends 4-0-0
Select Board recommends 5-0-0

Article 13

To see if the Town will vote to adopt the provisions of MGL Chapter 59, Section 5, Clause 17D starting Fiscal Year 2019, or take any action relative thereto.

Select Board recommends 5-0-0

Finance Committee recommends 4-0-0

Article 14

To see if the Town will vote to transfer **\$35,000.00** from the Community Preservation Act Historic Preservation set-aside to the Hadley Municipal Building Committee for the preservation and restoration of the four pillars in front of Hadley Town Hall, located at 100 Middle Street, Hadley, MA 01035. Said expenditure to be conducted within two years of the date of the 2018 spring Town Meeting (May 3, 2020), or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1

Select Board recommends 5-0-0

Finance Committee recommends 4-0-0

Article 15

To see if the Town will vote to transfer **\$55,675.00** from the Community Preservation Act Historic Preservation set-aside to the North Hadley Congregational Church Board of Trustees for the preservation and restoration of the weather vane, steeple, bell structure and front façade located at 243 River Drive, Hadley, MA 01035 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 3, 2020), or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1

Select Board recommends 3-2-0

Finance Committee recommends 3-0-1

Article 16

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation creating the appointed position of Treasurer in the form set below, 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 hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action relative thereto.

An Act Relative to the Position of Appointed Treasurer in the Town of Hadley.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, it is hereby established that there shall be an appointed treasurer in the Town of Hadley. The treasurer shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town treasurers. The treasurer shall be appointed and may be removed by a majority vote of the select board of the town. The Select Board may establish an employment agreement with the treasurer for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of the office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave. A vacancy in the office shall be filled in a like manner.

SECTION 2. Notwithstanding the provisions of section one, the incumbent holding the office of town treasurer on the effective date of this act shall continue to hold such office and to perform the duties thereof until the expiration of the term for which she was elected, unless she sooner vacates such office. After the term of the incumbent town treasurer holding such office on the effective date of this act has expired, or is sooner vacated, the Select Board shall appoint a treasurer in the manner set forth in section 1 of this act. In the event an incumbent town treasurer vacates her position prior to the expiration or vacating of office by the town treasurer, an interim town treasurer shall be appointed to serve.

SECTION 3. This act shall take effect upon its passage.

Finance Committee recommends 4-0-0

Select Board recommends 4-1-0

Article 17

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation creating the appointed position of Tax Collector in the form set below, 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 hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action relative thereto.

An Act Relative to the Position of Appointed Tax Collector in the Town of Hadley.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, it is hereby established that there shall be an appointed collector of taxes in the Town of Hadley. The collector of taxes shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town collectors of taxes. The collector of taxes shall be appointed and may be removed by a majority vote of the select board of the town. The Select Board may establish an employment agreement with the collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of the office, liability insurance

and conditions of discipline, termination, dismissal, reappointment, performance standards and leave. A vacancy in the office shall be filled in a like manner.

SECTION 2. Notwithstanding the provisions of section one, the incumbent holding the office of collector of taxes on the effective date of this act shall continue to hold such office and to perform the duties thereof until the expiration of the term for which she was elected, unless she sooner vacates such office. After the term of the incumbent collector of taxes holding such office on the effective date of this act has expired, or is sooner vacated, the Select Board shall appoint a collector of taxes in the manner set forth in section 1 of this act. In the event an incumbent collector of taxes vacates her position prior to the expiration or vacating of office by the collector of taxes, an interim collector of taxes shall be appointed to serve.

SECTION 3. This act shall take effect upon its passage.

Finance Committee recommends 4-0-0

Select Board recommends 4-1-0

Article 18

To see if the Town will vote to delete Chapter 24 of the Code of the Town of Hadley relating to animals and substitute the following:

Article I: Administration.

§ 24-1 Administration.

- A. In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL c. 140, §§ 136A to 174E, inclusive, as may be amended from time-to-time.
- B. The Select Board, upon recommendation from the Chief of Police, shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his assistants are not required to be a resident of the Town. The Animal Control Officer may be a salaried employee of the Town. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Select Board, or their appointed designee.
- C. The Animal Control Officer shall function under the supervision of the Chief of Police or their appointed designee.

Article II: Dog Licensing.

§ 24-2 License fee; registration of dogs.

- A. The fee for every license shall be set by the Town Clerk in accordance with MGL c. 40, § 22F. The fee for a license for any dog that has been neutered or spayed and for which a certificate from a registered veterinarian has been presented to the Town Clerk shall be set at no more than half ($\frac{1}{2}$) of the fee set by the Town Clerk in accordance with this section. The appropriate license fee, proof of rabies vaccination and neutering/spaying certificate, if any, must be presented to the Town Clerk at the time of application for a license, and, in addition, a stamped, self-addressed envelope must accompany an application for a license by mail.
1. In accordance with MGL c. 140, § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, the Office of the Town Clerk, who shall issue dog licenses and tags.
 2. In accordance with MGL c. 140, § 138, any person who during any license period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice in writing to the Town Clerk, that he has become such owner or keeper. The Town Clerk, shall change the record of such license to show the name and address of the new owner or keeper.
 3. In accordance with MGL c. 140, § 138, any person bringing or causing to be brought from another town, state or country any dog which is six (6) months old or over or will be six (6) months old before the expiration of thirty days shall register the dog with the Town of Hadley within (30) thirty days of the dogs arrival.
 4. In addition to the requisite license fees, a penalty of \$20 shall be imposed upon all owners/guardians or keepers of dogs failing to renew licenses before June 1 of each year. This penalty shall take effect on June 1 of each year.
 5. No license fee shall be charged for license issued under MGL c. 140, § 139 for a service animal as defined by the Americans with Disabilities Act and MGL c. 272, § 98a. Provided one of the following is presented: a doctor's prescription, a doctor's letter on office letterhead, a letter from a service animal training program, or a photo ID of said service animal is shown that such an animal is currently being/has been trained to assist an individual with a disability.
 - i. Application shall be made for a license as provided in this bylaw, and license tags issued by the Office of the Town Clerk must be

worn by any such service dog.

6. No license fee or portion thereof shall, be refunded because of subsequent death, loss, spaying, neutering, removal from the Town of Hadley, or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
7. All fees collected shall be turned over to the Treasurer and deposited into the Town treasury in accordance with Town bylaw.

B. Kennel Licenses:

1. Issuance:

In accordance with MGL c. 140 § 137A, before a kennel license can be issued, the kennel must be inspected by an Animal Control Officer, to ensure that it is being maintained in a sanitary and humane manner and that all records are up to date. Upon completion of inspection, the kennel license will be approved or denied.

2. Inspections:

In accordance with MGL c. 140 § 137C, an Animal Control Officer or Police Officer may inspect, or cause to be inspected, any licensed kennel. If, in the judgment of the Animal Control Officer or Police Officer, the kennel is not being maintained in a sanitary or humane manner, or if records are not being properly kept as required by law, the inspecting authority shall, by order, revoke or suspend the license for the kennel.

3. Renewal:

A kennel license shall be renewed annually upon completion of an annual inspection and payment of the appropriate fee, provided that the license holder has not been in violation of this Bylaw or Massachusetts General Laws pertaining to dogs in the past twelve months as determined by the Animal Control Officer.

Article III: Control of Animals.

§ 24-3 Humane care and treatment; Running at large; Removal of Waste.

1. Humane care and treatment.

1. Every owner or keeper of a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold,

veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.

2. In accordance with MGL c. 140 § 174F, It shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold..
3. No owner or keeper shall abandon any animal. For the purpose of this section, "abandonment" shall be defined as the willful desertion of an animal, which shall include but not be limited to the failure to claim an impounded animal upon receipt of notice that the period of impoundment has ended.

2. Running at large.

1. No owner or keeper of any dog within the Town shall allow such dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog properly restrained.
2. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
3. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all cost of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this Bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any Police Officer of the Town, and impounded pursuant to MGL c. 140, §§ 151A and 167.
 - i. Nothing in this Bylaw shall be deemed to prohibit the use of any dog lawful hunting, sporting, or working purposes as long as said

dogs are properly restrained.

- ii. This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140, § 139.

3. Removal of Waste.

1. It shall be the duty of the owner or keeper of any dog to remove and dispose of any feces left by his or her dog on any sidewalk, street, or other public area. It shall further be the duty of the owner or keeper of any dog to remove and dispose of any feces left by his or her dog on any private property neither owned nor occupied by said person. This section shall not apply to a dog accompanying any handicapped person, who by reason of his or her handicap is physically unable to comply with the requirements of this section.

§ 24-4 Complaint of Nuisance and Dangerous Dogs.

A. Complaint of Nuisance and Dangerous Dogs.

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a Nuisance Dog or a Dangerous Dog, as those terms are defined in M.G.L. Chapter 140, Section 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss livestock or fowl in a manner described in said section 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in M.G.L. c.140, Section 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fail to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a

nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary, provided, however, that the Selectmen shall not order the banishment and tethering.

6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

§ 24-5 Impoundment; Kenneling; Release; Disposition of Animals

A. Impoundment.

- a. The Animal Control Officer or Police officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of the Bylaw if such owner or keeper is known by him/her.
- b. If the animal is not licensed or the owner or keeper of the animal is not known by the Animal Control Officer or Police officer, no notice shall be necessary.
- c. The animal shall be secured in the town kennel or other such approved holding facility.

B. Kenneling:

- a. The kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation and signs a release form.
- b. Animals secured in the town kennels shall be done so under one of the following conditions.
 - a. Stray Holds: Animals found running at-large will be confined in the town's kennels.
 - b. Quarantine Holds: At the discretion of the animal control officer, an animal that found outside its quarantine order, may be confined at the Town Kennel. A non-refundable hold fee will be assessed.
 - c. Municipality Holds: At the discretion of the animal control officer, an animal in the custody of another municipality may be held at the town's kennel facility. A non-refundable hold fee will be assessed.

- d. Emergent Holds: At the discretion of the animal control officer, an animal that is rendered owner/keeper less due to an unexpected situation, i.e., Medical, Fire, Car accident, Arrest.
- e. Animal Surrenders: Animals that have been surrendered by their owner or keeper to the Animal Control Officer, may be housed in the kennel until their final disposition is decided upon.
- c. The Town of Hadley's kennels will not be used for commercial or for-profit animal holds.
- d. In the event that Town's kennel facility is not adequate for the animal, is over populated, or is not adequate for the conditions. Animals may be boarded at an approved commercial facility.
 - i. If an animal is required to be boarded at a commercial facility the owner/keeper shall be responsible for any fees imposed by the commercial facility.

C. Release:

1. License:

A valid license shall be obtained prior to the release of a dog from the kennel facility.

- a. If the owner/keeper is a Hadley resident, they can complete an application, provide the appropriate paperwork and pay the appropriate fees (in exact cash or personal check) to the Animal Control Officer. The Animal Control Officer shall tender said payment to the Town Clerk.
 - i. Fees shall include the licensing fee, late fees, and cost of postage to mail the license to the owner/keeper.
- b. If the owner/keeper is NOT a Hadley resident, he/she must provide a valid license before the animal shall be released. If the owner/keeper is unable to provide a valid license, the Animal Control Officer shall make available to the Animal Control Officer and or Licensing Authority from which the owner/keeper resides, identifying information on the animal and the Owner/Keeper.
 - i. This information shall include but not be limited to: Owner/Keeper address, identification, and contact information. Animal information, to include any identifying information, which can be used to later identify the animal.

2. Rabies Certificate:

In accordance with MGL c.140 § 145b, a valid rabies certificate must be

presented prior to the release of any dog, cat, or ferret from the kennel facility.

- a. If the animal is not currently vaccinated, it will be vaccinated at an in-town veterinarian practice at the owner's expense.
- b. If the animal has a medical condition preventing the vaccination of rabies, a letter of waiver on the veterinarian's letterhead must be produced.
- c. If the animal is vaccinated, the animal will be held until the certificate can be produced. Additional kennel fees may apply.

D. Disposition of Animals:

1. Animal Surrenders:

Are done at the discretion of the Animal Control Officer. At the time of surrender, the Owner/keeper forfeits all rights to the animal, and the ownership of the animal is transferred to the Town of Hadley. The final disposition of the animal will be at the discretion of the Animal Control Officer.

2. Unclaimed animals:

In accordance to MGL c140 § 151A, any dog unclaimed after seven (7) days from pickup/confinement shall become the property of the Town of Hadley and be handled at the discretion of the Animal Control Officer.

- i. This Bylaw shall be extended to include cats and ferrets.

3. Adoptions:

At the discretion of the Animal Control Officer, upon completion of the mandatory (7) day hold period, an animal may become eligible for adoption.

- i. In accordance with MGL c.140 § 139a, No cat or dog shall be given away or sold that has not been spayed or neutered, unless a written agreement is entered into and a deposit for spaying or neutering such dog or cat has been tendered.

1. The deposit shall be as defined in **§ 24-7 (D)** of this bylaw.

- ii. Adoption Fee:

The adoption fee will be set to reflect the amount of care and services the animal needed in order to be eligible for adoption.

- iii. During the adoption of a dog, the licensing authority in that town or city that the adopter resides, will be notified of the date of adoption.

§ 24-6 Rabies Control.

A. Rabies Control:

1. All dogs, cats, and ferrets owned by a resident of the Town of Hadley shall be properly vaccinated in accordance with, Massachusetts General Laws Chapter 140 §145B.
2. Any dog or cat without current proof of rabies vaccination that is impounded by the Animal Control Officer will be vaccinated at the owner's expense vaccinated by a licensed veterinarian prior to release by the Animal Control Officer.
3. Any owner or keeper of any animal in the Town of Hadley who has received written notice of quarantine and does not comply with said quarantine order, will be fined per occurrence.
 - a. If the animal bites another person or animal while on quarantine. The animal will be seized and secured at an approved facility at the owner/keeper's expense for the remainder of the quarantine period. In lieu of boarding, the Owner/Keeper may opt to have animal euthanized and sent for testing.
 - b. If the animal, while on quarantine is repeatedly allowed to roam free. The animal will be seized and secured at an approved facility at the owner/keeper's expense for the remainder of the quarantine period. In lieu of boarding, the Owner/Keeper may opt to have animal euthanized and sent for testing.
 - c. If the Town of Hadley will be holding the animal, the non-refundable fee shall be tendered as in **§ 24-7 (D)**. If the animal will be boarded at the private facility, the facility must be approved by the Animal Control Officer or the Animal Inspector before the animal may be placed in their care. While pending approval, the animal may be held by Animal Control if it is deemed a risk to public safety.

§ 24-7 Fees, Enforcement, Violations, Penalties.

- A. The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.
- B. In addition to the remedies set forth in this Bylaw and in GL c. 140, §§136A to 174E, inclusive, including but not limited to GL c. 140, §157A, or any other applicable provision of law, this bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D, by any police officer.

- C. If non-criminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties: \$100 for the first offense and \$300 for each subsequent offense unless otherwise specified herein.
- D. In accordance with MGL c.40 § 22F, all fees shall be set by the police department and approved by the Select board.
- E. Stray Dogs/ Running-at-large:
Any dog found in violation of section B of §24-3 Control of Animals shall be fined on the following schedule:
\$15.00 first offense
\$25.00 second offense \$50.00 third offense in a
\$50.00 Subsequent offenses
- F. Kenneling Fees:
Any animal that is picked up by the animal control officer or a police officer/ or brought to and secured in the town kennels will be charged a kenneling fee on the following schedule:
Stray – Early Pickup: \$10.00 if the animal is collected with the first 6 hours.
Stray – Daily Housing: \$25.00/day will be applied for all animals.
Emergent Hold – Short Term: \$ 2.00 per hour animal is held, up to 6 hours.
Emergent Hold – Long Term: \$25.00/ day or past 6 hours.
Municipality Hold: \$2.00 per hour animal is held.
10 Day Quarantine Hold: \$3.00 per day.
45 Day Quarantine Hold: \$10.00 per day
6 Month Quarantine Hold: \$15.00 per day
- G. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. A separate offense is not limited to an offense within a calendar year from the first offense.
- H. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

Article IV: Definitions.

§24-8 Definitions.

- A. **Definitions** - The terms used herein shall be as defined in MGL Chapter 140, section 136A.

Or take any action relative thereto.

Select Board recommends 4-0-1

Article 19

To see if the Town of Hadley will vote to become a member of the Pioneer Valley Mosquito Control District for a minimum of three-year period in accordance with MGL Chapter 252 Section 5A, and other applicable sections of said law, or take any action in relation thereto.

Select Board recommends 5-0-0

Article 20

To see if the Town will vote to amend Chapter 104 of the Code of the Town of Hadley relating to health and sanitation by adding the following Section 104-5:

NUISANCE/BLIGHT BY-LAW

Town of Hadley By-Laws, “Health and Safety”

Nuisance Bylaw

Authority and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, this bylaw is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town, which nuisances constitute a hazard of blight, or adversely affect property values. Any person who allows a nuisance as defined and regulated by this Bylaw to exist on his or its property shall be in violation of this Bylaw.

Definitions

Blight

Any condition that seriously impairs the value, condition, strength, durability, or appearance of real property, or is otherwise detrimental to property values or neighboring properties including real property owned or occupied by an Interested Party as defined below.

Building

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. See “structure” below.

Dilapidated

A condition of decay or partial ruin due to neglect, misuse, or deterioration. The term includes, but is not limited to:

- a) Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or inadequately secured windows or doors;
- b) Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering.
- c) Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.
- d) Property having a paved parking lot or a parking area in a deteriorated condition causing hazardous conditions to automobiles, bicycles, or pedestrians. Such conditions may include but are not limited to potholes, broken pavement, and/or insufficient drainage so as to cause flooding.

Hazard

A condition likely to expose persons to injury, or property to damage, loss or destruction.

Interested Parties

In connection with the notification requirements of this bylaw Interested Parties are the Building Commissioner; owner(s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of abutting property, and that is within 300 feet of the property line of the subject property. Other persons who own or occupy property and who demonstrate to the satisfaction of the Building Commissioner that they are affected by the condition of the property or building that is the subject of proceedings under this bylaw may be regarded as Interested Parties by the Building Commissioner.

Nuisance

Any substantial interference with the common interest of the general public in maintaining decent, safe and sanitary structures that are not dilapidated and neighborhoods, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the zoning bylaw does not create an exemption from the application of this bylaw. The term includes but is not limited to:

- a) Burned structures not otherwise lawfully habitable or usable,

- b) Dilapidated real or personal property including but not limited to real or personal property containing graffiti, tagging or similar markings,
- c) Dilapidated real or personal property including parking lots or parking areas,
- d) Dangerous or unsafe structures or personal property,
- e) Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values,
- f) Dead, decayed, diseased or hazardous trees,
- g) Personal property that is exposed to the elements without protection against deterioration, rust or dilapidation,
- h) Vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that are likely to result in the destruction of vegetation or contamination of soil,
- i) In any Residence District, keeping, storing or allowing to remain on the premises more than one unregistered motor vehicle, body, chassis, or other component of a vehicle, without a permit or license from the Select Board, or unless that same is stored or kept in a garage,
- j) Trash, debris or personal property that has been placed for collection as rubbish or refuse in violation of Town of Hadley policies as approved by the Director of Public Works.

Occupant

A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner

Every person who alone or jointly or severally with others:

- a) Has legal title to any building, structure or property to this Bylaw
- b) Has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title
- c) Is a lessee under a written letter agreement
- d) Has a mortgagee in possession
- e) Is an agent, trustee or other person appointed by the courts.

Responsible Party

The owner or occupant (in the case of real property) of property that is the subject of proceedings under this bylaw. The singular use of the term includes the plural when the context so indicates.

Structure

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Enforcement

This Bylaw shall be enforced by the Building Commissioner, the Fire Chief and/or their designees (collectively, the “Enforcing Authority”). If the Enforcing Authority is informed or has reason to believe that any provision of this Bylaw has been, is being, or is likely to be violated, the Enforcing Authority shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If the Enforcing Authority finds any violation he/she shall give immediate notice in writing to the Owner and to the Occupant of the premises to immediately cease such violation. In making such inspection, the Enforcing Authority shall have such right of access to premises that may be lawfully exercised by him/her under the laws and constitution of the Commonwealth or of the United States.

If, after such notice and order, such violation continued, or if any Owner or Occupant fails to obey any lawful order of the Enforcing Authority with respect to any violation of the provisions of the Bylaw, the Enforcing Authority may make complaint to the Superior Court or any court of competent jurisdiction for any injunction or order restraining any further use of the premises and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this Bylaw.

In addition to the foregoing remedy, whoever violates any provision of this Bylaw or fails to obey any lawful order issued by the Enforcing Authority in enforcing this Bylaw shall be liable to a fine of not more than three hundred dollars (\$300) for each violation. Each violation of this Bylaw shall constitute a separate offense.

The Enforcing Authority may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Enforcing Authority may require that such complaint be made under oath or subject to the penalties of perjury. If the Enforcing Authority determines that a reported condition may warrant immediate action, constitute a substantial violation of this Bylaw, or adversely affect protected interests of others than the complainant, the Building Commissioner may commence action under this Bylaw without requiring the disclosure of the identity of the complainant.

If the Enforcing Authority determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation,

in addition to enforcing this Bylaw, he/she shall refer the matter to the Board of Health of the town or other appropriate state or town officials for action.

During the Enforcing Authority's investigation of the matter, he/she may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Bylaw without the need to issue a notice of violation.

The Enforcing Authority shall take any action with regard to a farm in compliance with Massachusetts General Laws chapter 111, section 125A.

Notice to Complainant

In any matter in which a complaint has been made by a person other than the Enforcing Authority, the Enforcing Authority, if requested, shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action, and the complainant shall be allowed to be present and to be heard.

Removal of Nuisance by Select Board

If the Responsible Party fails to remedy the nuisance caused by a burnt or dangerous building or structure, upon notice from the Enforcing Authority to do so, the Select Board may take appropriate legal action to remedy the violation.

Review by the Town Administrator

Any Interested Party who has filed a written complaint of a nuisance with the Enforcing Authority upon which complaint the Enforcing Authority has determined that the condition is not a nuisance, or has taken other action that the Interested Party claims is inadequate shall have a right to a review of the matter by the Town Administrator. At the request of such an Interested Party, the Town Administrator shall confer with the Enforcing Authority and shall recommend appropriate action to the Enforcing Authority and to the Select Board.

Reports by the Enforcing Authority

The Enforcing Authority shall file with the Town Administrator each month a report that shall include all complaints of nuisance made to him/her during the prior month; all proceedings begun by him under this Bylaw; all pending complaints and all investigations and enforcement actions taken by him/her or referred to the Board of Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter.

Or take any action relative thereto.

Select Board recommends 5-0-0

Article 21

Editorial Note: Italics are only for clarity on what is added; normal font intended to be part of zone amends.

To see if the Town will vote to amend Section XXV Inclusionary Zoning and Section XXVII Senior Housing Overlay District per the following amendments:

Amend § 25.2 by adding the following after 99 years: *(affordable senior units shall, by deed restriction, remain affordable in perpetuity).*

Amend § 25.2.4 Affordable Housing Trust Fund by deleting this definition entirely

Amend Affordable Housing Unit by adding the following after Local Initiative Program. *Affordable senior rental units shall be rent restricted, as such term is defined in the Federal Low-Income Housing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than 30% of the income limit.*

Amend § 25.3.3 by adding the following after accompanying services *and any projects developed under Section XXVII. Senior Housing Overlay District.*

Amend § 25.4.2 by adding the following after (see § 25.6). *This section shall not apply to projects developed under Section XXVII. Senior Housing Overlay District.* And deleting the word *or* after (see § 25.6)

Amend § 25.4.3 and § 25.4.4 by deleting them in their entirety.

Amend § 25.5.4 by adding after approval from DHCD. *The property owner shall be responsible for retaining the services of a qualified entity (in compliance with the Massachusetts Department of Housing and Community Development's most recent Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines), subject to the Planning Board's approval, to seek buyers and/or renters for the affordable units and shall submit an annual report to the Planning Board detailing compliance with the affordable housing provisions of the housing development approval. Said approved qualified entity shall be responsible for monitoring the long-term affordability of the units and shall report any deviations from these provisions to the Building Inspector and the Planning Board.*

Amend § 25.6 by adding the following after approval process. *This section shall not apply to projects developed under Section XXVII. Senior Housing Overlay District.*

Amend § 25.7 by deleting it in its entirety.

Amend § 25.8 by deleting the words *; restrictions on resale.*

Amend § 25.8 by adding a new subsection § 25.8.4 *If the affordable senior units are part of a condominium, the condominium documents shall, at a minimum, ensure that the owners of the affordable senior units will not be required to pay for capital improvements they cannot afford and that they will have fair and sufficient voting rights.*

Amend § 27.5.8 deleting the words in the existing section in its entirety and replacing it with the following: *Affordability requirement. All projects must comply with the requirements and provisions of Section XXV. Inclusionary Zoning.*

Or take any action relative thereto.

Article 22 Submitted by Petition

A Home Rule Petition for a Special Law Relative to Elections in the Town of Hadley

*Under Article LXXXIX Section 8(1) of the Amendments to the Constitution of the
Commonwealth*

Purpose: To petition the Massachusetts General Court to enact a special law relating to the town of Hadley for the purpose of establishing that elections for all officials of the town of Hadley, which currently include the Select Board, School Committee, Library Trustees, Planning Board, Housing Authority, Park Commission, Board of Health, Board of Assessors, Constables, Treasurer, Moderator, Clerk, Collector, Board of Councilors, and Elector Under Oliver Smith Will, shall henceforth be conducted by the method known as ranked choice voting.

Ranked choice voting maximizes the preferences of Hadley voters and ensures that their votes are not wasted on candidates who have already received enough support to win or who have no possibility of being elected. Voters can rank all candidates for an office in the order of their choice (e.g. first, second, third choice, etc.). They can rank as many or as few of the candidates as they wish, and ranking more than one candidate does not affect the chances of winning for a higher-ranked choice.

In each election the threshold, the minimum vote requirement to be elected to office, can be determined so as to limit the number of winners to the number of available seats. When counting votes, if all of the available seats have not been filled by candidates that have reached or surpassed the election threshold, then the candidate with the least number of votes is eliminated. All of the voters who ranked the eliminated candidate as their top choice will have their vote transferred to their next-highest-ranked candidate instead, and the votes are recounted.

Ordered: That a petition to the General Court, accompanied by a bill for a special law relating to the town of Hadley to be filed with an attested copy of this order be, and hereby is, approved under Clause (1) of Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

AN ACT PROVIDING FOR THE USE OF RANKED CHOICE VOTING IN LOCAL ELECTIONS IN THE TOWN OF HADLEY

SECTION 1: Notwithstanding any other general or special law to the contrary, in the town of Hadley a local election will be conducted using ranked choice voting in which voters rank the candidates for an office in order of preference. Ranked choice voting will be used for both single- and multiple-seat elections. Ranked choice voting elections shall be tabulated in rounds using the single transferable vote method. The “election threshold” is the minimum vote requirement to be elected to office and shall be calculated based on the number of countable votes and the number of seats to be filled so as to limit the number of winners to the number of available seats. Preliminary elections for these offices shall not be held.

SECTION 2: A ranked choice voting ballot shall allow voters to rank as many choices as there are candidates. Ballots will also allow voters to rank at least 1 write-in candidate. In the event that the voting equipment cannot accommodate this number of rankings on the ballot, the town clerk may limit the number of choices a voter may rank to the maximum number allowed by the equipment. In a single-winner election with 3 or more candidates, the limit shall not be less than 3 choices. In a multi-winner election, the number of choices shall not be less than the number of seats to be elected.

SECTION 3: General provisions for ranked choice elections shall be specified by a by-law; provided, however, that a voter’s lower ranked choice shall not impact the likelihood of a voter’s higher ranked choice being elected. The by-law shall be enacted by the town meeting with the input of the town clerk. The by-law shall specify, at a minimum: (i) the method of calculating the election threshold; (ii) how surplus votes above the election threshold for a candidate shall be transferred to alternate choices in a multiple-winner election; (iii) how candidates with the fewest votes shall be eliminated before a subsequent round of the tally; (iv) how a vote for eliminated candidates shall be transferred to the voter’s next valid choice; (v) how a tie shall be resolved; (vi) how a ballot that skipped a ranking or is otherwise mismarked shall be counted.

SECTION 4: The town of Hadley shall conduct a voter education and outreach campaign to familiarize voters with ranked choice voting.

SECTION 5: Not sooner than 4 years after first use of this special law, the town of Hadley may return to its prior voting method by a by-law repealing this special law.

Article 23 Submitted by Petition

We the undersigned residents of the Town of Hadley petition the Board of Selection to place the following article on the May 3, 2018 annual Town Meeting with the following question:

To see if the Town will 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.

Article 24 Submitted by Petition

We the undersigned residents of the Town of Hadley petition the Board of Selectmen to place the following article on the May 3, 2018 annual Town meeting to read as follows:

To 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.

And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, and in said Town, seven days at least, not including the day of posting, before the time of holding said meeting.

Given under your hands this _____ day of _____ 2018

Joyce A. Chunglo, Chair

Molly A. Keegan

John C. Waskiewicz, II

David J. Fill, II

Christian Stanley
HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date:_____