

**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 fourth day of May 2017 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 5-0-0

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 5-0-0

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, 2017 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 5-0-0

Article 4

To see if the Town will vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53 E½ for the fiscal year beginning July 1, 2017:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2018 Spending Limit	Surplus Cap
Burial	Cemetery Committee or Public Works Department	Interment fees	Wages and expenses of interment specialists and Department of Public Works expenses associated with services related to burials.	\$7,000.00	\$2,000.00
Electrical Inspection	Electrical Inspectors	90% of electrical inspection fees	Wages of inspectors or contractual services related to electrical inspections and services.	\$20,000.00	\$1,000.00
Tax Title	Collector and Treasurer	Tax title fees and charges	Expenses associated with initiating and managing tax title processes.	\$10,000.00	\$2,000.00
Recyclables	Select Board	State recycling payments	Contracted recycling vendor's costs	\$15,000.00	\$7,000.00
Dog Control	Dog Officer	50% of fines, fees, and reimbursements associated with dog control, but excluding dog license fees.	Expenses associated with controlling dogs.	\$2,000.00	\$500.00
Russell School	Select Board	Rental income from use of Russell School	Expenses associated with repairs and operations of the Russell School	5,000.00	\$1,000.00
Sealer of Weights and Measures	Select Board	Fees and fines for weights and measures.	Sealer of Weights and Measures services.	\$20,000.00	\$1,000.00
Park and Recreation	Park and Recreation Commission	Program Fees	Wages and expenses associated with Park and Recreation programs	\$50,000.00	\$20,000.00
TOTAL SPENDING				\$129,000.00	

Or take any action relative thereto.

Finance Committee recommends 5-0-0

Select Board recommends 5-0-0

Article 5

To see if the Town will vote to rescind a portion of the transfer of the October 2016 Special Town Meeting, Article 3, related to the balance of the Laurana Lane Sewer Project in the amount of \$24,796.62. This item is duplicative of an adjustment made on the October 2015 Special Town Meeting, Article 7, and further to rescind \$1,513.38 of the October 2015 Special Town Meeting, Article 7, as related to the \$26,310 decrease, so that the balance allocated to this project from all Town Meetings is reduced to \$250,203.38 from the original \$275,000.

And further to see if the Town will vote to transfer the following balances:

Meeting	Description	Account Number	Balance	Transfer To
ATM 2016	Police Surplus Vehicles	30-210-5870-S21	3,000.00	Capital Stabilization
ATM 2014	Heating System Upgrade Public Safety Complex	30-222-5825-A10	\$160.00	Capital Stabilization
STM 2015	DPW Trucks	30-422-5800-C01	\$2,916.63	Capital Stabilization
STM 2016	Fuel Pump Upgrade	02-422-5831-S36	\$2,523.00	Free Cash
STM 2001	Historical Records Cleaning	02-691-5300-A#5	\$1,879.45	Stabilization
STM 2015	Water Truck	31-450-5800-C04	\$526.72	Water Reserves
STM 2015	Sewer Pickup	32-440-5800-C02	\$5,564.27	Sewer Reserves
STM 2013	Town Hall Doors & Windows	21-196-5300-A17	\$23,100.00	CPA Funds

And further to see if the Town will vote to adjust borrowing authorizations as follows:

Meeting	Description	Account Number	Original Authorized Borrowing Amount	Amended Authorized Borrowing Amount
STM 2001	HA Elevator Lift	30-300-5300-ENC	\$72,000.00	\$70,918.82
STM 2015	School Bus	30-300-5850-A#8	\$140,000.00	\$95,508.90
ATM 2015	School Bus	30-300-5850-E12	\$65,000.00	\$61,921.90
STM 2016	DPW Loader	30-429-5850-A#5	\$75,000.00	\$73,672.50
ATM 2015 Art 5	DPW International 7600	30-422-5870-C13	\$200,000	\$199,936.76

Or take any action relative thereto.

Finance Committee recommends 5-0-0

Select Board recommends 5-0-0

Article 6

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 2018 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 7

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 5-0-0

Select Board recommends 5-0-0

Article 8

To see if the Town will vote to raise and appropriate, transfer from funds available, transfer from Free Cash, transfer from the Hadley Public Access Television Enterprise funds, authorize the Treasurer to borrow, **\$95,915.00** for the following capital projects:

<u>Department</u>	<u>Project</u>	<u>Expense</u>
DPW	Town Hall Parking Lot Paving	\$26,000
HPAT	Facilities & Equipment	69,915

TOTAL		\$95,915

Or take any action relative thereto.

Capital Planning Committee recommends 5-0-0

Finance Committee recommends 4-0-0

Select Board recommends 5-0-0

Article 9

To see if the Town will vote to rescind the vote taken on Article 16 of the town meeting of October 27, 2005, which created a nine-member Long Range Plan Implementation Committee and further to dissolve the Long Range Plan Implementation Committee, or take any votes in relation thereto.

Select Board recommends 5-0-0

Article 10

To see if the Town will vote to withdraw from the Hampshire Council of Governments effective July 1, 2018; and that all obligations of the Town of Hadley to the council shall be met up to that date; and the share allocable to the Town before July 1, 2018 of the fiscal obligations of the council will remain a responsibility of the Town, or take any action relative thereto.

Finance Committee recommends 2-1-1

Select Board recommendation pending

Article 11

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5K, establishing a senior tax work-off program for Fiscal Year 2018, or take any action relative thereto.

Finance Committee recommends 4-0-0

Select Board recommends 5-0-0

Article 12

To see if the Town will vote to authorize the Select Board to negotiate and enter into an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and Nexamp, Inc. (or its successors or assigns), for real and personal property attributable to solar photovoltaic facilities to be owned, installed and operated by Nexamp, Inc. (or its successors or assigns) in the Town of Hadley on land located near the Hampshire Mall and as shown on Assessors' Map10D, Parcel 29B for a term of 20 years and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder, or take any action in relation thereto.

Finance Committee recommends 5-0-0

Select Board recommends 5-0-0

Article 13

To see if the Town will vote to authorize the Select Board to negotiate and enter into an agreement for Payment-in-Lieu-of-Taxes (PILOT) pursuant to the provisions of

MGL Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, between the Town and Nexamp, Inc. (or its successors or assigns), for real and personal property attributable to solar photovoltaic facilities to be owned, installed and operated by Nexamp, Inc, (or its successors or assigns) in the Town of Hadley on land located at the intersection of South Maple Street and Moody Bridge Road and as shown on Assessors' Map 10D, Parcel 1 for a term of 20 years and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and further to authorize the Select Board to take such action as may be necessary to carry out the vote taken hereunder, or take any action in relation thereto.

Finance Committee recommends 5-0-0

Select Board recommends 5-0-0

Article 14

To see if the Town will vote to adopt the provisions of MGL Chapter 64N, Section 3, or any other enabling authority, 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 rate of 2 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, or at any higher rate as authorized by law, or take any action in relation thereto.

Finance Committee recommends 4-0-0

Select Board recommends 4-1-0

Article 15

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2018 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

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

and appropriate the sum of **\$15,000.00** from the Community Preservation Fund estimated FY18 annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, 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 8-0-0

Finance Committee recommends 4-0-0

Article 16

To see if the Town will vote to transfer **\$10,000.00** from the Community Preservation Act Historical Set Aside Fund for historic preservation purposes to restore and rehabilitate the property known as the Hampshire County Court House, 99 Main Street, Northampton, MA 01060, said expenditure to be conducted within two years of the date of the 2017 Annual Town Meeting, and further on the condition that Hampshire Council of Governments receives funding from the Commonwealth for this project, or take any action relative thereto.

Community Preservation Act Committee recommends 6-2-0

Select Board recommends against 4-1-0

Finance Committee recommends against 2-1-1

Article 17

To see if the Town will vote to transfer **\$500.00** from the Community Preservation Act Historical Set Aside Fund for historic preservation purposes to fund a study to restore and rehabilitate the property known as Smith Charities, 51 Main Street, Northampton, MA 01060, said expenditure to be conducted within two years of the date of the 2017 Annual Town Meeting, or take any action relative thereto.

Community Preservation Act Committee recommends 6-2-0

Select Board recommends 4-1-0

Finance Committee recommends 2-1-1

Article 18

To see if the Town will vote to 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 a portion of two parcels of land containing a total of approximately 107 acres, located off South Maple Street, and shown on Assessors Map 9, Parcels 56 and 56A, and further, to transfer **\$25,000.00** from the Community Preservation Act General Fund for the foregoing acquisition and costs related thereto and to authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth and other sources to defray all or a portion of the costs of acquiring said parcels, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, said expenditure to be conducted within two years of the date of the 2017 Annual Town Meeting, or take any other actions relative thereto.

Community Preservation Act Committee recommends 7-0-1

Select Board recommends 5-0-0

Finance Committee recommends 5-0-0

Article 19

To see if the Town will vote to 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 a portion of two parcels of land containing a total of approximately 17 acres, located off Lawrence Plain Road, and shown on Assessors Map 3, Parcels 67 and 69 (partial), and further, to transfer **\$4,500.00** from the Community Preservation Act General Funds for the foregoing acquisition and costs related thereto and to authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth and other sources to defray all or a portion of the costs of acquiring said parcels, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, said expenditure to be conducted within two years of the date of the 2017 Annual Town Meeting, or take any other actions relative thereto.

Community Preservation Act Committee recommends 7-0-0

Select Board recommendation pending

Finance Committee recommends 5-0-0

Article 20

To see if the Town will vote to transfer **\$25,000.00** from Transfer of Development Rights Fund for the acquisition of an agricultural preservation restriction on all or a portion of two parcels of land containing a total of approximately 107 acres, located off South Maple Street, as described in Article 18 and costs related thereto and to authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth and other sources to defray all or a portion of the costs of acquiring said parcels, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, or take any other actions relative thereto.

Capital Planning Committee recommends 4-0-1

Finance Committee recommends 5-0-0

Select Board recommends 5-0-0

Article 21

To see if the Town will vote to transfer **\$4,500.00** from the Transfer of Development Rights Fund for the acquisition of an agricultural preservation restriction on all or a portion of two parcels of land containing a total of approximately 17 acres, located off Lawrence Plain Road, as described in Article 19 and costs related thereto and to authorize the Select Board to apply for, accept and expend any funds which may be provided by the Commonwealth and other sources to defray all or a portion of the costs of acquiring said parcels, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, or take any other actions relative thereto.

Capital Planning Committee recommends 5-0-0

Finance Committee recommends 5-0-0

Select Board recommendation pending

Article 22

To see if the Town will vote to amend the Zoning Bylaws of the Code of the Town of Hadley, Section 6.1.1 by changing “six months” to “twelve months” and amend Section 6.2.1.2 by changing “two years (2) years” to “three (3) years”, or take any action relative thereto.

Article 23

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section XXI, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 21, “Temporary Moratorium on Recreational Marijuana Establishments:”

§21.1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

§21.2 Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

§21.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.

Article 24

To see if the Town will vote to amend the Zoning Bylaws of the Code of the Town of Hadley, Section 23.4.2 by deleting this sub-section in its entirety, or take any action relative thereto.

Article 25 (Submitted by Petition)

Resolution Supporting State and Federal Legislation to Provide Greater Transparency
In Political Donations and Limit the Influence of Money in Politics

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as "Represent.Us" is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the "American Anti-Corruption Act" (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization's local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to building support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of of the above mentioned district were given the opportunity to be hard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of Hadley, Massachusetts that we support tough new anti-corruption laws to close loopholes in Massachusetts' campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the citizens of the Town of Hadley implores our elected representatives in Boston, State Senator Stan Rosenburg and Rep. John Scibak, and In Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. James McGovern (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Hadley is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

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 _____ 2017

Molly A. Keegan, Chair

Joyce A. Chunglo

Gerald T. Devine

John C. Waskiewicz, II

Donald J. Pipczynski

HADLEY SELECT BOARD

A true copy attest:

Constable of Hadley

Date: _____