

**TOWN OF LONGMEADOW
ANNUAL TOWN MEETING
Tuesday – April 28, 2009
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, HAMPDEN, ss

To Town Clerk Katherine Ingram, or any of the Constables of the Town of Longmeadow, in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Longmeadow, qualified to vote in elections and Town affairs, to meet in the GYMNASIUM of the LONGMEADOW HIGH SCHOOL in said Town on TUESDAY, the TWENTY-EIGHTH day of APRIL, 2009, at seven o'clock in the evening and if the GYMNASIUM of the LONGMEADOW HIGH SCHOOL, shall not, in the opinion of the Moderator, be adequate to contain such Inhabitants who shall meet, then to meet also in the AUDITORIUM and such other locations in the LONGMEADOW HIGH SCHOOL as the Moderator deems appropriate, at such time and place then and there to act on the following articles to wit:

ARTICLE 1.

To see if the Town will vote to hear and act on the reports of all officers and committees whose duty it may be to report at said meeting as printed in the Annual Town Report, or take any other action relative thereto.

Hearing and acting on the reports of Town Officers was historically one of the purposes of an Annual Town Meeting. This article is included to allow Town Meeting attendees to ask questions on reports appearing in the Annual Town Report and provides boards/committees an opportunity to make verbal reports to Town Meeting.

ARTICLE 2.

To see if the Town will vote to choose three trustees to administer the William Goldthwait Bequest, or take any other action relative thereto.

The Goldthwait Bequest is an endowment fund left to the Town of Longmeadow for assistance to "the worthy poor of Longmeadow". The Board of Trustees administers this fund and makes expenditures, from the accruing interest, for applicants experiencing financial hardship. The trustees are chosen annually by Town Meeting.

ARTICLE 3.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$140,000, or a greater or lesser sum, for the FY09 snow and ice removal deficit, or take any other action relative thereto.

Recommended by the Finance Committee

Towns may overspend snow and ice removal budgets, but must still make provisions to cover these expenses through an appropriation. In this case, the Town is asking the approval of Town Meeting to cover the cost by amending the FY2009 budget. Snow removal costs for FY2009 are approximately \$140,000 in excess of the appropriation as of the publication of the warrant.

ARTICLE 4.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$138,119, or a greater or lesser sum, to pay for unanticipated FY09 special education costs, or take any other action relative thereto.

Recommended by the Finance Committee

This article addresses shortfalls in the FY09 school Special Education budget.

ARTICLE 5.

To see if the Town will vote to raise and appropriate a sum of money for the Fiscal Year 2010 operating budget, and to fix the salary and compensation of the Select Persons at \$2,000 each, and to provide for a reserve fund, or take any other action relative thereto.

Recommendation by the Finance Committee to be Made on Town Meeting Floor

An annual operating budget must be adopted and funded for the fiscal year beginning on July 1, 2009. The budget was approved by the Select Board and reviewed by the Finance Committee, as required under the Charter. The budget as printed is a balanced budget as required under the General Laws and the Town Charter. Detailed line item budgets can be reviewed on the Town and School websites. The Finance committee will present its recommendations to Town Meeting.

ARTICLE 6.

To see if the Town will vote to establish a revolving fund for the School Department, pursuant to General Laws Chapter 44, Section 53E½, said fund to receive commissions paid from sales from vending machines located in various locations under the jurisdiction of the School Department, said funds to be deposited with the Town Treasurer and with payments from the fund to be expended by the School Department, up to the limit to be established by the Town, to support the school lunch and athletic programs and other school-related activities, or take any other action relative thereto.

Recommended by the Finance Committee

Massachusetts General Laws requires revenues to be deposited in the General Fund in most cases. Adoption of this provision will allow the School Department to keep and expend these funds solely for school purpose without turning them over to general revenue, as was the original intent of the vending agreement. The appropriation can not exceed those funds received in the prior fiscal year. The FY09 amount received was \$13,250.

ARTICLE 7.

To see if the Town will vote to appropriate funds to be received from the state for highway improvements under the authority of M.G.L. Chapter 90, or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, expend and borrow in anticipation of state aid for such projects, or take any other action relative thereto.

Recommended by the Finance Committee

The state annually allocated to the Town a sum of money to be spent on Town roads. This amount must be appropriated by Town Meeting. The Town spends the money first and is reimbursed by the state upon completion of the project. Amount is unknown at the time of publication.

ARTICLE 8.

To see if the Town will vote to raise and appropriate the sum of \$681,311, or a greater or lesser sum, and transfer from the Capital Stabilization Fund the sum of \$71,989, or greater or lesser sums, for the following capital projects:

- \$35,000 for purchase of a fire truck
- \$40,000 for exterior repairs of Police and Fire buildings
- \$17,500 for gutter replacement at Town Hall
- \$80,000 for window replacement at Glenbrook
- \$15,000 for replacing exterior doors at the Middle School and the High School
- \$41,000 for repair of decking and repair/replacement of fencing at Greenwood pool
- \$160,000 for information technology network upgrades to town and school operations
- \$44,000 for purchase of a backhoe
- \$10,000 to replace auditorium curtains at Williams Middle School
- \$10,000 to replace auditorium curtains at Longmeadow High School
- \$15,000 for replacement of carpet at Glenbrook Middle School
- \$10,000 for a study evaluating cost effectiveness of purchasing of streetlights from WMECO
- \$10,000 for purchase of musical instruments for the middle school music program, contingent upon continued program funding 2009-2010 school year
- \$57,000 for purchase of a dump truck with plow
- \$13,000 for an over-seeder
- \$25,000 for a capital reserve
- \$100,000 for the final phase of the town-wide communications system
- \$17,000 for upgrades to campsheds
- \$36,300 for pick-up truck with plow
- \$17,500 for purchase of cafeteria tables for Williams Middle School

, and that all unspent funds from these projects are to be returned to the capital stabilization account, or take any other action relative thereto.

Recommended by the Finance Committee

Articles 8 through 10 – the Capital Planning Committee annually evaluates capital needs of the community and recommends projects for funding. Capital Planning Committee has posted its complete report on their recommendations on the town website at www.longmeadow.org. The list above has been approved by the Select Board. A 2/3 vote is required to transfer funds in and out of the Capital Stabilization Fund. A 2/3 vote is required to authorize borrowing.

ARTICLE 9.

To see if the Town will vote to transfer the sum of \$276,000, or a greater or lesser sum, from the Water Retained Earnings Account for the following purposes:

\$80,000 for a water supply emergency connection
 \$61,500 to complete interior painting of the water tank
 \$22,000 for purchase and installation of a pressure relief valve at the pumping station
 \$30,000 for evaluation and specifications for painting and refurbishment of the exterior of the water tank
 \$15,000 for continued GIS implementation
 \$22,000 for purchase of a backhoe
 \$45,500 for purchase of a dump truck with plow

, or take any other action relative thereto.

Recommended by the Finance Committee

ARTICLE 10.

To see if the Town will vote to transfer the sum of \$164,500, or a greater or lesser sum, from the Sewer Retained Earnings Account for the following purposes:

\$32,000 for manhole refurbishment
 \$50,000 for line repairs
 \$15,000 for continued GIS implementation
 \$22,000 for purchase of a backhoe
 \$45,500 for purchase of a dump truck with plow

, or take any other action relative thereto.

Recommended by the Finance Committee

ARTICLE 11.

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$442,500, or a greater or lesser sum, for the replacement of sewer lines on Maple Road and related bonding costs to be repaid from sewer receipts, and to raise and appropriate the sum of \$61,625, or a greater or lesser sum, from sewer receipts to pay principal and interest in FY10, or take any other action relative thereto.

Recommended by the Finance Committee

Articles 11 and 12 will fund repairs to water and sewer lines on Maple Road from Longmeadow Street to Norway Street. Maple Road sewer line replacement was identified as a high priority project in the 2008 Tighe and Bond sewer system evaluation due to multiple sewer blockages and back-ups. The Town wants to replace the aged water lines as well, while the street is excavated, because of the high degree of corrosion and tuberculation resulting in decrease fire flow capability, identified the 2008 Tighe and Bond water system evaluation.

ARTICLE 12.

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$203,000, or a greater or lesser sum, for replacement of water lines in Maple Road, to be repaid from water receipts, and to raise and appropriate the sum of \$29,000, or a greater or lesser sum, from sewer receipts to pay principal and interest in FY10, or take any other action relative thereto.

Recommended by the Finance Committee

ARTICLE 13.

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$1,530,000, or a greater or lesser sum, for the purpose of converting to an electronic remote-read water meter system and related project and bonding costs, to be repaid from water receipts, and to raise and appropriate the sum of \$142,500, or a greater or lesser sum, from water receipts to pay principal and interest in FY10, or take any other action relative thereto.

Implementation of a remote meter reading system will ensure accurate water metering and reading, allow the Town to send out billings simultaneously for all customers and reduce labor costs involved in reading meters. Many meters are more than 20 years old and need replacement.

Recommended by the Finance Committee

ARTICLE 14.

To see if the Town will vote to transfer from the Operating Stabilization Fund the sum of \$18,000, or a greater or lesser sum, to complete slope stabilization at Fenwood Road and Mill Road, or take any other action relative thereto.

Recommendation by the Finance Committee to be Made on Town Meeting Floor

These sites were damaged by flooding in October 2005. In 2008, the Town received funds from the Natural Resources Conservation Service (NRCS) for repair of the flood damage. However, actual costs exceed the amount NRCS was willing to fund.

ARTICLE 15.

To see if the Town will vote to reduce the amount appropriated for the Greenwood Center roof repair voted in Article 21 of the April 29, 2008 Annual Town Meeting from \$375,000 to \$240,000, or take any other action relative thereto.

Recommended by the Finance Committee

The project was completed in the Fall of 2008 and came in under the original estimate. This vote will eliminate the excess of the bonded amount authorized over the actual project cost.

ARTICLE 16.

To see if the Town will vote to transfer from the Ambulance Fund the sum of \$20,000, or a greater or lesser sum, for the purchase of a new cardiac defibrillator/monitor/12 lead EKG, or take any other action relative thereto.

Recommended by the Finance Committee

This cardiac defibrillator/monitor will replace a 7-year old defibrillator/monitor as part of a scheduled equipment replacement program. Additionally, the new defibrillator incorporates newer technology (biphasic defibrillation), 12 lead EKG technology, and non-invasive pacing, all of which increase the efficiency of paramedicine and increases the chances of survival for heart attack patients.

ARTICLE 17.

To see if the Town will vote to amend the General Bylaws of the Town by inserting the following new section 4-218, or take any other action relative thereto:

4-218. Winter Parking Ban. A person shall not leave a vehicle unattended on any way from which the Town performs snow removal from the time that winter precipitation begins until eight (8) hours after the precipitation has ceased. A person who violates this bylaw shall be subject to the penalties described in Section 1-106 of the General Bylaws of the Town and the vehicle left on the public way shall be subject to removal and towing at the violator's expense to the extent that the vehicle impedes the free flow of traffic or snow removal operations by the Town. The Department of Public Works shall keep records of the registration number of each vehicle so removed and of the place to which it was removed.

The Town moves quickly to open streets during snow storms for public safety, school openings and the safety and convenience of residents. Snow removal operations are impeded by vehicles parked on the street. The town presently has no enforceable means of ensuring that vehicles are not parked on the street during snow removal. This bylaw will give the town the means to enforce winter parking bans.

ARTICLE 18.

To see if the Town will vote to amend Section 4-310 ("Snow Removal") of the general bylaws of the Town as follows, or take any other action relative thereto:

1. By changing twenty-four (24) hours to twelve (12) hours in Section 4-310(a) so that, as revised, the first sentence of this section shall read as follows:

"A person who is a resident or an owner of property on which or adjacent to which there is a hard surface sidewalk that is under the control of the Town shall clear the sidewalk of ice and snow within twelve (12) hours after the precipitation ceases to fall."

2. By inserting the following new second sentence to Section 4-310(a):

"This Bylaw applies to both sidewalks on property with sidewalks on two sides and also to ramps or walks which lead to crosswalks and intersection crossings."

3. By inserting a new Section 4-310(c) as follows:

"No person other than an employee of the Town or an employee in the service of an independent contractor with the Town shall pile, push or plow snow or ice into a way on which the Town performs snow removal."

These amendments are intended to improve public safety after a winter storm event. Section 1 decreases the time for clearing sidewalks from 24 to 12 hours after a storm event so that pedestrians, particularly students, can walk safely after a storm. Section 2 requires that sidewalk ramps to intersections or crossings also be cleared of snow and ice. Section 3 addresses the problem of

contractors clearing driveways by pushing snow across the street after it has been plowed, leaving snow and other debris in the street (requiring the town to clear the street again) and depositing snow in tree belts, sidewalks and neighbors' yards.

ARTICLE 19.

To see if the Town will vote to amend Article One, Section 106 of the General Bylaws to read as follows:

1-106 Penalties.

A penalty provided for the violation of these General Bylaws shall be for each violation. In the case of a continuing violation, each day in which the violation occurs shall be considered a separate violation. Whoever violates any provision of these General Bylaws shall, unless otherwise provided in these General Bylaws, pay a fine of twenty-five dollars (\$25) on the first offense, and a fine of one-hundred dollars (\$100) on the second offense and subsequent offenses for each violation.

, or take any other action relative thereto.

The Long Range Plan recommended updating fines for bylaw violations. The present fine is \$50 for second and subsequent offenses. The Town has had difficulty getting compliance from repeat violators, and it is hoped that a higher fine will assist in compliance.

ARTICLE 20.

To see if the Town will vote to amend Article Two, Section 316 of the General Bylaws regarding to Town audit by deleting the following language:

“ , but the services of the independent auditor shall always be terminable by the Select Board upon thirty (30) days notice.”

, or take any other action relative thereto.

The Audit Committee believes this language is detrimental to retaining qualified auditors at cost-effective rates. Termination language is best left for inclusion in the contract, rather than as a bylaw.

ARTICLE 21.

To see if the Town will vote to adopt Section 20 of General Laws 32B, providing for the establishment of a Other Post-Employment Benefits (OPEB) Liability Trust Fund, or take any other action relative thereto.

This new local option law allows the Town to set up a special trust fund for appropriations made to cover the unfunded actuarial determined liability of health care and other post employment benefits for its retirees. The Town is not required to make appropriations into the fund but any appropriations made are held in trust for OPEB obligations. The Town Treasurer is custodian of the fund. Interest earned remains within the fund.

ARTICLE 22.

To see if the Town will vote to transfer from the Community Preservation Act (CPA) Undesignated Fund Balance the sum of \$278,232 as follows: to the CPA Fund Balance Reserved for Open Space \$92,744.00, to the CPA Fund Balance Reserved for Community Housing \$92,744 and to the CPA Fund Balance Reserved for Historic Preservation \$92,744, or take any action relative thereto

The Community Preservation Act requires Town Meeting to appropriate or reserve for future appropriation at least 10% of the estimated annual CPA revenues for acquisitions and initiatives in each of the following categories: Open Space, Community Housing and Historic Preservation. This article would satisfy the requirement for FY 2008 and FY 2009. Upon the approval of Articles 22 to 27 the balances in these accounts will be as follows: Open Space \$108,523; Community Housing \$104,123; Historic Preservation \$44,944; Undesignated Balance \$242,642.

ARTICLE 23.

To see if the Town will vote to appropriate the sum of \$8,192, or a greater or lesser sum, from the FY2010 Community Preservation local surcharge and trust fund for administration costs for the Community Preservation Committee, or take any other action relative thereto.

Not Recommended by the Finance Committee

These funds are for an expenses incurred by the Community Preservation Committee. This is the same amount as approved for FY2009. In FY2009 the Committee spent \$2,250. Any funds not used during the year are returned to the Community Preservation Undesignated Fund Balance account.

ARTICLE 24.

To see if the Town will vote to fund the Community Preservation project for restoration of the interior of the Community House through painting and restoration of the following items:

Ballroom (excluding the lobby) walls and ceiling plaster restoration and painting in an amount not to exceed \$33,800.

Balcony pillar restoration and painting – amount not to exceed \$2,500.

Stage trim restoration – amount not to exceed \$1,500.

, and that all funds for this project be appropriated from the Community Preservation Historic Preservation Fund Balance, or take any other action relative thereto.

Recommended by the Finance Committee

Last year CPA funds were used for work on the exterior of the Community House including replacing the balustrade. This project will restore parts of the main ballroom.

ARTICLE 25.

To see if the Town will vote to fund the Community Preservation project to preserve the Stephen Williams Diaries and other Town records transcribed by the WPA by creating a digital version in an amount not to exceed \$10,000 to be funded from the Community Preservation Historic Preservation Fund Balance account. This project to be complete within one year of funding approval, or take any other action relative thereto.

Recommended by the Finance Committee

This article would provide CPA funds to digitize the Stephen Williams Diaries and other Town records which were transcribed as a WPA project during the 1930s. The only current copy available to the public is kept in Storrs Library. A digitized version would allow access through the internet allowing far greater use of the information. A searchable index would also make it easier to find specific information in the diaries.

ARTICLE 26.

To see if the Town will vote to fund the Community Preservation project to preserve the Fannie Stebbins Memorial Wildlife Refuge and other areas of the meadows through control of Japanese Knotweed Center in an amount not to exceed \$7,500 to be funded from the Community Preservation Open Space Fund Balance account, provided the project will be complete by December 31, 2011, and provided that all herbicides must be applied by a licensed applicator in accordance with all state and federal laws, or take any other action relative thereto.

Recommended by the Finance Committee

This article would provide CPA funds to complete control of the invasive species Japanese Knotweed in the Fannie Stebbins Memorial Wildlife Refuge and the meadows. If not controlled, Japanese Knotweed would threaten to crowd out the native species in the areas. The Fannie Stebbins Memorial Wildlife Refuge organization has spent \$10,683 for the initial phases of Japanese Knotweed control. This remaining amount would fund initial treatment of one remaining area and allow for follow-up inspections and treatments for all areas.

ARTICLE 27.

To see if the Town will vote to fund the Community Preservation project to create a Community Housing Production Plan and implementation work on up to three strategies identified in the plan in an amount not to exceed \$11,900 to be funded from the Community Preservation Community Housing Fund Balance account, provide that the project will be complete by May 31, 2010, or take any other action relative thereto.

Not Recommended by the Finance Committee

The Community Preservation Act requires that 10% of the funds collected by allocated to Community Housing. This article would provide CPA funds to create a plan for future housing projects. The plan will analyze the current un-met housing needs of Longmeadow and develop plans to meet those needs.

ARTICLE 28.

To see if the Town will vote to amend Article 41 of the April 25, 2006 town meeting by reducing the annual Community Preservation Act surcharge assessment from 1% to 0.25%, effective July 1, 2009, or take any other action relative thereto.

This roll-back in the CPA assessment will reduce the amount property owners pay on their real estate tax bills. Approval at Town Meeting and by ballot referendum is required to reduce the assessment.

ARTICLE 29.

To see if the Town will vote to amend ARTICLE SIX, Chapter 600, Section 11C, of the general bylaws of the Town, as adopted pursuant to Article 9 on the warrant for the special town meeting on October 28, 2008, by changing the amount of the fine from five hundred dollars (\$500) to three hundred (\$300), or take any other action relative thereto.

Articles 29 – 31 will correct an error in fines for stormwater bylaw violations adopted in October 2008. The Attorney General ruled that fines could not exceed \$300.

ARTICLE 30.

To see if the Town will vote to amend ARTICLE SIX, Chapter 700, Section 11C, of the general bylaws of the Town, as adopted pursuant to Article 10 on the warrant for the special town meeting on October 28, 2008, by changing the amount of the fine from five hundred dollars (\$500) to three hundred (\$300), or take any other action relative thereto.

ARTICLE 31.

To see if the Town will vote to amend ARTICLE SIX, Chapter 700, Section 13, of the general bylaws of the Town, as adopted pursuant to Article 10 on the warrant for the special town meeting on October 28, 2008, by changing the amount of the fine from five hundred dollars (\$500) to three hundred (\$300), or take any other action relative thereto.

ARTICLE 32.

To see if the Town will vote to adopt the following Chapter 900 to be inserted in ARTICLE FIVE of the general bylaws of the Town, or take any other actions relative thereto:

CHAPTER 900

Outdoor Water Use By-Law

5-901 Authority

This By-law is adopted by the Town of Longmeadow (the “Town”) under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36.00.

5-902 Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a State of Water Supply Conservation or “State of Water Supply Emergency” by ensuring an adequate supply of water to support and protect quality and quantity of local water resources. This purpose will be accomplished by providing for the imposition and enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

5-903 Applicability

All Town residents that are customers of the public water supply system and private well users shall be subject to this by-law. This by-law shall be in effect year round.

5-904 Definitions

(a) Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A.

(b) Automatic sprinkler system shall mean any system for watering vegetation other than a hand-held hose or a bucket.

(c) DEP shall mean the Massachusetts Department of Environmental Protection.

(d) Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;

3. for the production of food and fiber;
4. for the maintenance of livestock; or

to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling.)

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of public parks and recreation fields outside the hours of 9AM to 5PM and;
- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9AM to 5PM and;
- Irrigation outside the hours of 9AM to 5PM with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by the Town through its Select Board or its designee:

- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
- Filling of privately owned outdoor pools

(e) Person shall mean any individual, corporation trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

(f) State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

(g) State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 5 of this by-law.

(h) Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

(i) Water Users shall mean all persons using water within the Town.

5.905 Declaration of a State of Water Supply Conservation

The Town, through its Select Board or designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of drinking water and fire protection, to meet contractual obligations of the Town's contract with its water supplier, to support and protect water quality and quantity of local water resources and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The Select Board may designate the Town Manager or DPW Director to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under section 8 of this by-law before it may be enforced.

5-906 Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency.

5-907 Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users) as necessary to control the volume of water delivered each day, except as provided as acceptable in Section 5-

904(d). The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 5-908.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days per week or less.
- b) Nonessential outdoor water use hours: nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Nonessential outdoor water use method restriction: nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic sprinkler system ban: The use of automatic sprinkler systems is prohibited.

5-908 Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

- a) Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users.
- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of the Department’s declaration of a State of Water Supply Emergency. Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users of the State of Water Supply Emergency.
- c) Any restriction imposed under Section 9-505 or Section 9-506 or in the DEP’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

5-909 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Select Board or by a decision of its designee upon a determination by either or both that the conditions requiring the State of Water Supply Conservation no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 9-508(a) for notice of its imposition.

5-910 Termination of a State of Water Supply Emergency; Notice

Upon notification to the Town or their designee that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 9-508(b) for notice of its imposition.

5-911 Penalties

The Town] through its Select Board, acting as Water and Sewer Commissioners or its designee including the Director of Public Works, building inspector and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) First violation: \$25.00
- 2) Second and subsequent violations: \$100.00

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the Director of Public Works or the Director's designee. If a State of Water Supply Emergency has been declared the Director of Public Works or his designee may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop..

5-912 Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

The Town purchases water from the Springfield Water and Sewer Commission. Under this arrangement, the Town is bound by the water permit issued to the Springfield Water and Sewer Commission by the Department of Environmental Protection. One of the requirements is that the Town have in place a mechanism to restrict non-essential outdoor water use in the event of a water emergency. Failure to comply with these requirements could result in material costs, including fines. This by-law provides an enforceable mechanism for restricting non-essential outdoor water use during water emergencies.

ARTICLE 33.

To see if the Town will vote to transfer the following property from the custody of the Treasurer to the Conservation Commission:

<u>Parcel ID</u>	<u>Square Feet</u>	<u>Location</u>
147-030-030	10,000	Chiswick Street

, or take any other action relative thereto.

This parcel was taken by the Town for non-payment of taxes and is unsuitable for development. The Conservation Commission voted to accept the land for conservation and wetland protection purposes.

ARTICLE 34.

By Petition

To see if the Town will vote to amend the Longmeadow Home Rule Charter enacted 3/9/04 and revised 6/28/07 as follows:

Section 3-1(a) shall read "The offices to be filled by the voters shall be the select board, school committee, planning board, moderator, water and sewer commission, and housing authority and such members of any regional authorities or districts as may be established by statute or interlocal agreement."

Section 3-2 is amended to delete the words "select board shall be the water and sewer commissioners of the town."

The following is added:

Section 3-7 Water and Sewer Commission

(a) Composition and Term – There shall be a water and sewer commission consisting of three members elected for three-year terms arranged so that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties – The water and sewer commission shall have those powers and duties given to water and sewer commissions under the constitution and general laws of the Commonwealth, except those powers and duties specifically assigned by this charter to the town manager, and shall also have such additional powers and duties as may be authorized by the charter, by by-law, or by other vote of town meeting.

Recent events have shown that the members of the Select Board do not have the time or expertise to oversee the town's water and sewer infrastructure. This article amends the Town Charter to establish an independently elected three-member water and sewer commission. By Petitioners

ARTICLE 35.

By Petition

To see if the Town will vote to direct the appropriate town official, on the last working day of each fiscal year or as otherwise allowed by law, to transfer the monetary balance of the ambulance fund that is in excess of 1.2 times the purchase price of the most recently acquired ambulance to the Town General Fund as "Revenue – Other (excess ambulance funds)".

1. These monies shall then be available for budgetary appropriation in the subsequent fiscal year.

2. Subsequent to the adoption of this article, all Fire / Safety services' operating expenses shall be paid from the general fund. For the fiscal year following the annual meeting at which this reallocation of the ambulance fund takes place, the funding appropriation for Fire / Safety services from the General Fund shall be increased by the amount of income provided in the prior year from the ambulance fund in order to reflect a continuity of the overall funding level for that department.
3. The Ambulance Fund shall be used only for the purchase of materials, equipment, and vehicles that provide emergency medical services to the Town of Longmeadow. Expenditure of these funds shall require approval at the Town Meeting, or for equipment replacement, by approval of both the Finance Committee and the Select Board.

, or take any other action relative thereto.

If approved, this article will allow the Town to recover excess monies from the Ambulance fund while maintaining both the letter and the spirit of the fund's original purpose. This article will keep the Fire/EMT budget intact, make the sources and uses of Ambulance fund monies subject to the same review and appropriation as all other budgetary expenditures, and provide a needed source of additional revenue to the general town budget. By Petitioners.

AND you are hereby directed to serve this Warrant by posting attested copies thereof in five (5) public places in said Town seven (7) days, at least, before the time of holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given UNDER our hands this 6th day of April, 2009, A.D.

SELECT BOARD OF LONGMEADOW

*Paul P. Santaniello, Chair Person
Robert E. Barkett, Vice Chair Person
William G. Scibelli, Clerk
Kathleen E. Grady
Brian M. Ashe*

Note: This publication is for informational purposes only. The Town makes no representation that this is the legal document. The legal warrant is posted and is on file with the Town Clerk's office.