Remote
Select Board Public Forum
Monday, June 22, 2020
7:00 PM

AGENDA

1. Arrangements for remote participation by Select Board members and members of the public are being made in accordance with Governor Baker’s Emergency Order Modifying the State’s Open Meeting Law

2. Join Zoom Meeting
   HTTPS://ZOOM.US/J/99221719492?PWD=MXVJU3PSSFGVZFNLZG4VQZBYZ1OZZZ09
   Meeting ID: 992 2171 9492 Password: 043610
   Or call: 1 646 558 8656 Meeting ID: 992 2171 9492 Password: 043610

3. Open Meeting, Announce Remote Participation Method and Meeting Conduct

4. Annual Town Meeting Warrant Articles Information/Questions/Answers
   Documents:
   WARRANT 2020 ATM FINAL.PDF

5. Adjourn

~ The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. ~
TOWN OF LONGMEADOW
ANNUAL TOWN MEETING
TUESDAY – JUNE 23, 2020 – 6:00 P.M.
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 at the LONGMEADOW HIGH SCHOOL in said Town on TUESDAY, the TWENTY-THIRD day of JUNE, 2020, at 6:00 p.m. o’clock in the evening with a rain date of Wednesday, June 24, 2020, at 6:00 p.m. o’clock in the evening. If 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 and such other locations of 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 choose three trustees, Frances Miffitt, William McGurk, and Erin Koebler 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.

CONSENT AGENDA 1 will consider Articles 2, 3, 4, 5, 6, and 7 in a grouping, unless Town Meeting decides to pull an article out of the Consent Agenda for separate discussion.

ARTICLE 2.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $75,000.00, or a greater or lesser sum, for the purpose of supplementing the FY 2020 budget for Legal Expenses to cover costs associated with protecting the Town’s interests dealing with the distribution of natural gas in Town and other legal matters associated with the site for the new DPW facility, or take any other action relative thereto.

The Town has and will continue to engage legal experts in the field of natural gas distribution to protect the Town’s interests in public safety and public health. The Town is also dealing with the legal remedies to associated with the clean-up of the new DPW site. This appropriation supplements the $125,000.00 appropriated at the Fall 2019 Special Town Meeting.

Recommended by the Finance Committee

ARTICLE 3.
To see if the Town will vote to transfer $50,000.00, or a greater or lesser sum from available funds in the Treasury, and $50,000.00, or a greater or lesser sum from the Ambulance Fund for the purpose of supplementing the FY 2020 budget Fire Overtime, or take any other action relative thereto.

The Fire Department has had three vacancies; one due to a retirement, one due to a resignation and one due to a military deployment. During the last year the department has continued to see a significant increase in emergency call volume. The combination of the staffing deficit and the increased call volume has resulted in a significant increase of overtime usage in order to provide emergency services to the community.

Recommended by the Finance Committee

ARTICLE 4.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $62,000.00, or a greater or lesser sum, and $25,000.00, or a greater or lesser sum from the FY 20 budget or Recreation Day Care salaries, for the purpose of supplementing the FY 2020 Snow and Ice removal deficit, or take any other action relative thereto.

The FY 2020 Snow and Ice removal costs exceeded the $125,000.00 originally appropriated. This transfer would fully fund the costs for the fiscal year.

Recommended by the Finance Committee
ARTICLE 5.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $50,000.00, or a greater or lesser sum, for the purpose of providing the Town matching share on energy saving projects, or take any other action relative thereto.

Periodically the Town is offered energy saving projects such as efficiency studies, insulation installation, installation of EV chargers, etc… and matching funds are required to take advantage of such offerings however because of a lack of funds must pass on these opportunities. This appropriation will allow the Town to take advantage of these energy saving projects.  

 Recommended by the Finance Committee

ARTICLE 6.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $25,000.00, or a greater or lesser sum, for the purpose of funding ancillary costs associated with converting the Town’s existing street lights over to high efficiency LED lighting, or take any other action relative thereto.

The Town authorized the borrowing of $870,000.00 at the November 5, 2019 Special Town Meeting. To date the Town has completed a pole and light fixture inventory, purchased poles and fixtures from Eversource, contracted for the purchase and installation of LED lighting and secured a contractor in case repairs are needed to the poles and lights just purchased. Additional up-front costs need to be addressed in order to complete this Town wide project which is estimated to save the Town approximately $130,000.00 over the next 10 years as the Town pays off the debt service on the borrowing and over $200,000.00 thereafter. The additional costs include Police extra duty while the contractor replaced light fixtures on the Town’s main roads, dumpster costs for the proper disposal of both the packing material and the old lighting fixtures and potential tree trimming.

 Recommended by the Finance Committee

ARTICLE 7.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $18,600.00, or a greater or lesser sum, for the purpose of supplementing the FY 2020 Police Department budget for Training and Uniforms, or take any other action relative thereto.

Due to the unanticipated retirement of three officers and the resignation of a fourth, the Police has determined it was essential to enroll 4 student officers in the Western Massachusetts Police Training Recruit Academy. This unanticipated expenditure includes $3,000.00 in tuition and $81,650.00 in equipping each of the four officers.

 Recommended by the Finance Committee

ARTICLE 8.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $1,460.92, or a greater or lesser sum, for the purpose of paying bills of prior year, or take any other action relative thereto.

Additional FY 2019 invoices were presented to the Town after the close of the FY 2019 Town financial records and after the November 5, 2019 Special Town Meeting. This appropriation will fund the Town’s prior year’s obligations.

Four-fifths vote required.  

Recommended by the Finance Committee

ARTICLE 9.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $100,000.00, or a greater or lesser sum, for the purpose of producing preliminary survey and design work for the possible reconstruction / reconfiguration of Longmeadow Street / Route 5, or take any other action relative thereto.

In order to be considered for State funding for the reconstruction / reconfiguration of Longmeadow Street / Route 5 the Town must prepare preliminary survey and design work. This appropriation is the second $100,00.00 request of an estimated total $400,000.00 Engineering project that will allow the Town to satisfy that requirement.

 Recommended by the Finance Committee

ARTICLE 10.
To see if the Town will vote to transfer from available funds in the Treasury the sum of $7,975.00, or a greater or lesser sum, to the Town’s Operational Stabilization Fund previously established by vote of Article #15 at the November 18, 2003 Special Town Meeting, or take any other action relative thereto.

This transfer to the Town’s Operation Stabilization Fund is to comply with the Select Board policy to transfer any remaining fiscal year’s Free Cash at year end to the Operational Stabilization Fund.  

Recommended by the Finance Committee
ARTICLE 11.
To see if the Town will vote to transfer from the Solid Waste / Recycling Retained Earnings the sum of $41,165.00, or a greater or lesser sum, to cover a portion of the Town’s costs associated with the purchase of the new trash barrels made in the fall, or take any other action relative thereto.

As a means of enforcing existing limitations on the quantity of weekly trash the town will pick up and dispose of at no additional costs to the residents, the town purchased uniform 35-gallon trash containers. A state grant picked up 79% of the costs of the containers. The remaining 21% was the Town’s responsibility. This amount was going to paid from the existing budget through reduced disposal costs and additional trash bag revenue (which would go directly to a revenue accounts and could not be used against the expenditures). This appropriation is a cautionary measure to assure a timely payment should the reduced disposal costs not be adequate enough to cover the Town’s obligation. The motion that is read on the floor of Town meeting is likely to be different from the printed article above due to changes that may develop in the budget from the time this warrant was posted to the actual Town Meeting date.

Recommended by the Finance Committee

ARTICLE 12.
To see if the Town will vote to transfer from Water Retained Earnings the sum of $40,000.00, or a greater or lesser sum, for the purpose of supplementing the FY 2020 water Enterprise budget for Purchase of Water from the City of Springfield, or take any other action relative thereto.

The City of Springfield reconciles water consumption with the Town months after the actual usage takes place. This is known as the “true up” costs and can be either favorable or unfavorable to the town depending on the Town’s actual consumption. This additional appropriation will ensure there is an ample appropriation to cover Springfield’s costs through the end of the fiscal year.

Recommended by the Finance Committee

**********FY 2021 BELOW ************

ARTICLE 13.
To see if the Town will vote to fix the Fiscal Year 2021 salary and compensation of the Moderator at $100.00 and the Select Persons at $2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2021 operating budget totaling $72,573,610.00, or a greater or lesser sum, and itemized as follows:

<table>
<thead>
<tr>
<th>Select Board’s March Budget</th>
<th>Select Board’s Modified Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation with School Committee’s February Budget Recommendation</td>
<td>$65,230,700.00</td>
</tr>
<tr>
<td><strong>Budget</strong></td>
<td></td>
</tr>
<tr>
<td>General Government</td>
<td>$1,700,510.00</td>
</tr>
<tr>
<td>Public Safety</td>
<td>$5,774,907.00</td>
</tr>
<tr>
<td>Planning &amp; Community Development</td>
<td>$90,870.00</td>
</tr>
<tr>
<td>Schools</td>
<td>$36,027,268.00</td>
</tr>
<tr>
<td>Department of Public Works (General Fund)</td>
<td>$3,248,534.00</td>
</tr>
<tr>
<td>Community and Cultural Services</td>
<td>$1,778,985.00</td>
</tr>
<tr>
<td>Debt Service &amp; Town/School Employee/Retiree Benefits</td>
<td>$16,509,626.00</td>
</tr>
<tr>
<td><strong>Subtotal General Fund</strong></td>
<td><strong>$65,230,700.00</strong></td>
</tr>
<tr>
<td>Solid Waste / Recycling Enterprise Fund</td>
<td>$1,334,779.00</td>
</tr>
<tr>
<td>Water Enterprise Fund</td>
<td>$2,952,778.00</td>
</tr>
<tr>
<td>Sewer Enterprise Fund</td>
<td>$2,165,663.00</td>
</tr>
<tr>
<td>Stormwater Enterprise Fund</td>
<td>$889,690.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$72,573,610.00</strong></td>
</tr>
</tbody>
</table>

And to fund the General Fund $64,511,255.00 be raised and appropriated as follows: $64,511,255.00 from general taxation; and to fund the Solid Waste / Recycling Enterprise Fund $1,379,779.00 be raised and appropriated as follows: $320,000.00 from Solid Waste / Recycling receipts and $1,059,779.00 from general taxation; and to fund the Water Enterprise $2,952,778.00 be raised and appropriated as follows: $2,952,778.00 from Water receipts; and to fund the Sewer Enterprise Fund $2,165,663.00 be raised and appropriated as follows: $2,165,663.00 from Sewer receipts; and to fund the Stormwater Enterprise Fund $889,690.00 be raised and appropriated as follows: $378,120.00 from Stormwater receipts and $511,570.00 from general taxation, or take any other action relative thereto.
An annual operating budget must be adopted and funded for Fiscal Year 2021 that begins on July 1, 2020. The budget was originally approved by the Select Board in March and reviewed by the Finance Committee, as required by the Town Charter. The Select Board’s March budget included the School budget as voted by the School Committee in February. Subsequently, as a result of the economic impact of the Covid 19 virus on municipal finance, certain revenue projections were reduced and thus the Select Board modified their recommended budget by reducing the all funds operating budget by $674,445.

Finance Committee Recommendation to be given on Town Meeting Floor

ARTICLE 14.
To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts to permit the Town, subject to approval at a town-wide referendum vote, to exempt the Town of Longmeadow from the requirements of paragraphs (b), (d), and (e) of Section 21C of Massachusetts General Law Chapter 59 by adding paragraph (f) as follows:

(f) The local appropriating authority of any city or town may, by two-thirds vote, seek voter approval at a regular or special election to accept this paragraph f, thereby rejecting the limit set forth in paragraph (b) and not be subject to it provided however that the question submitted shall be as follows:

"Shall the (city/town) of ___ adopt paragraph f of MGL Chap 59 section 21C thereby rejecting the 2.5% of assessed market value tax ceiling limit set forth in paragraph b of MGL Chap50 Sec 21C?"

Yes ___ No ___

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

or in other ways modifying Chapter 51 section 21C to affect this local exemption from the 2.5% of assessed market value tax ceiling limit, or take any other action relative thereto.

This warrant article allows the Town to request from the Massachusetts legislature the option to allow towns to waive the tax ceiling imposed by Proposition 2-1/2 if property values drop to a level that would cause the local tax rate to exceed the current maximum allowable rate. Such a decline in property values would not allow the Town budget to sustain services in Longmeadow. Even if this requested legislation is enacted, the town of Longmeadow would have to accept the option by voting “yes” at both a town meeting (2/3 vote) and a referendum ballot of a town-wide election.

Longmeadow is requesting that the town be allowed an option to, while retaining the 2 ½ annual cap in year-to-year increases, not tie our taxes to a valuation limitation. Longmeadow, along with other small towns in Western Massachusetts are handicapped by this section of the law compared to towns in the eastern part of the state because of the smaller increase in property values since the 1984 adoption of Proposition 2 ½. Town leaders are concerned that a decline in property values resulting from the COVID-19 induced fiscal crisis will, within a few years, reduce property values to a level that will require a drastic decrease in the Town budget, requiring severe cuts in services to be forced upon us in both the school and town portions of the budget.

This proposed legislation does NOT allow taxes to change differently from how they are now controlled. Residents vote each year to increase the budget by no more than 2 ½% over the prior year town-wide tax levy. This annual vote puts the power of how much taxes are levied in the hands of the resident. In the past few years the Town of Longmeadow has not raised taxes the full 2 ½ % allowed by law to avoid the problem of hitting the rate ceiling of $25/$1000. If property values decline as they did during the 2009-2011 recession, no level of prudent budgeting would enable the town to avoid the fiscal crisis that would result.

This legislative relief option is a tool that town leaders believe is necessary to allow the town to retain the level of services expected by our residents. Due to the length of the legislative process, especially in these difficult times, our expected timeline is to bring this option back before a town meeting in 2-3 years for adoption of this local option. The residents would still be required to adopt this option at a town-wide referendum, and can always say “no” to a budget that moves beyond the cap when the budget is presented for voter approval at the annual town meeting.

Two-thirds vote required

ARTICLE 15.
To see if the Town will vote to raise and appropriate the sum of $44,089.00, or a greater or lesser sum, for the purposes of establishing a Wage Settlement Account to cover FY 2021 non-school, non-union wage adjustments, or take any other action relative thereto.
All School and Town collective bargaining agreements are current and wages allotted in such are built into the FY 2021 budget. Wage adjustments for non-school, non-union personnel are not built into the FY 2021 budget presented. This appropriation will provide funds to cover wage adjustments as determined by the Town Manager under the Town Charter 5-2(d). The Finance Director will only release funds from the Wage Settlement Account to the proper budgetary line items upon notification from the Town Manager of the wage adjustments allotted. Recommended by the Finance Committee

**ARTICLE 16.**
To see if the Town will vote to raise and appropriate, and / or transfer from available funds, the following amounts, or a greater or lesser sum, for capital projects and that any remaining amounts from the capital projects be returned to the Capital Stabilization Fund where applicable:

### From Raise and Appropriate (FY2021)

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Development</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Project Reserve</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Fire Replacement of Car #2</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>High School Fire Door Replacements</td>
<td>$47,000.00</td>
</tr>
<tr>
<td>Williams Energy Management System</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>Blueberry Hill Drainage &amp; Parking Lot Improvements</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>Glenbrook Energy Management System</td>
<td>$42,000.00</td>
</tr>
<tr>
<td>Wolf Swamp Boiler Replacement</td>
<td>$175,000.00</td>
</tr>
<tr>
<td>School District Wide Exterior Door Replacements</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Parks Glenbrook Irrigation</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Town Hall Replace Boiler, Tank Removal Asbestos Removal</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>Community House Door Replacements – Lower Level</td>
<td>$25,100.00</td>
</tr>
<tr>
<td>Greenwood Exterior Door Replacement – Final Phase</td>
<td>$41,000.00</td>
</tr>
<tr>
<td>DPW Grounds Two (2) 4WD Pickups w/Plows</td>
<td>$94,000.00</td>
</tr>
<tr>
<td>DPW Grounds Double Folding Wing Mower</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>Guardrail Replacement</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Pavement Preservation</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Sidewalk Replacement</td>
<td>$400,000.00</td>
</tr>
<tr>
<td>Turner Park Dam</td>
<td>$117,000.00</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>$1,810,100.00</strong></td>
</tr>
</tbody>
</table>

**Multi Fund**

<table>
<thead>
<tr>
<th>Project</th>
<th>Water Retained Earnings</th>
<th>Sewer Retained Earnings</th>
<th>Raise &amp; Appropriate FY 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPW Shoring System</td>
<td>$12,500.00</td>
<td>$12,500.00</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

or take any other action relative thereto.

Annually the Town appropriates funds for capital expenditures. The FY 2021 General Fund allocation for capital decreased slightly from 3.03% of net General Fund operating revenues to its current level of 2.95%. The reduction is a result of the projected reduction of revenues as a result of the Covid 19 virus. It is likely that the Town’s capital appropriations will be reviewed and supplemented in the fall. Finance Committee Recommendation to be given on Town Meeting Floor

**ARTICLE 17.**
To see if the Town will vote to authorize the Treasurer to borrow the sum of $300,000.00, or a greater or lesser sum, for the purposes of replacing a portion of Sewer lines on Converse Street and the related bond costs, to be paid in the first instance from sewer receipts, or take any other action relative thereto.

The proposed work will replace the existing 12” clay sanitary sewer main with new 12” PVC pipe. Two new manholes and sewer laterals will also be replaced. Videotaping shows that the current piping has started to flatten and crack. Further deterioration will result in blockages that will require emergency resources. This section of the road is part of the FY 2022 State TIP project and it would be prudent to repair the pipes before that work begins.

Two-thirds vote required in the case of borrowing. Recommended by the Finance Committee

**ARTICLE 18.**
To see if the Town will vote to authorize the Treasurer to borrow the sum of $433,000.00, or a greater or lesser sum, for the purposes of replacing Water mains on Birch Road and the related bond costs, to be paid in the first instance from water receipts, or take any other action relative thereto.
ARTICLE 19.
To see if the Town will vote to authorize the Treasurer to borrow the sum of $510,000.00, or a greater or lesser sum, for the purposes of replacing Culverts on Pondside Road and the related bond costs, to be paid in the first instance from stormwater receipts, or take any other action relative thereto.

The culverts are over fifty years old and are in need of replacements with increased capacity. Failure in the drainage system leads to sinkholes, potholes and degraded pavement. The DPW is in the process of submitting a grant application with the Eastern Federal Lands Access Program Project (FLAP) to assist in the needed repairs along Pondside Road.

Two-thirds vote required in the case of borrowing.  

ARTICLE 20.
To see if the Town will vote to transfer from the Ambulance Fund the sum of $322,000.00, or a greater or lesser sum, for the purchase and equipping of a new ambulance, or take any other action relative thereto.

This appropriation will allow the Town to order a new ambulance and stretcher system in a timely manner as there is about a six-month lead time before the actual delivery is made and the ambulance placed in service. The new ambulance will replace “Medic-3”, a 2005 medium-duty ambulance with over 131,000 miles and over 20,400 hours of service, Comparatively Medic-1 has just over 2,600 hours of service and Medic-2 has just over 8,300 hours of service. Both Medic 1 & 2 have heavy duty chassis. This will allow the Fire Department to enhance its ambulance service and reduce the Town’s reliance on third party providers. Additional grant opportunities will be sought to equip the ambulance, thus supplementing the final costs of fully equipping. This appropriation will strengthen the application.

Recommended by the Finance Committee

ARTICLE 21.
To see if the Town will vote to raise and appropriate the sum of $180,025.00, or a greater of lesser sum for the purposes of paying the FY 2021 District Improvement Financing (DIF) Debt Service, or take any other action relative thereto.

The District Improvement Financing (DIF) statute, M.G.L. Ch. 40Q requires the Town to annually budget for the debt service related to the Dwight Road / Maple Street DIF Program. In FY 2021 90% of the incremental property tax revenues associated with the Town’s Dwight Road Improvement District will be used as the funding source of the DIF Fund. Any excess in the DIF fund at fiscal year-end will be returned to the General Fund. An estimated $35,000.00 in excess taxes and other DIF allotments will flow directly into the General Fund in FY 21.

Recommended by the Finance Committee

ARTICLE 22.
To see if the Town will vote to appropriate $47,836.00, or a greater or lesser sum, from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2020, or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, and borrow in anticipation of state aid for such projects, expend, or take any other action relative thereto.

The state annually allocates to the Town a sum of money to be spent on Town roads. This amount represents a secondary appropriation of the FY 2020 CH 90 funding. 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.

Two-thirds vote required in the case of borrowing.  

ARTICLE 23.
To see if the Town will vote to appropriate $478,362.00, or a greater or lesser sum, from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2021, or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, and borrow in anticipation of state aid for such projects, expend, or take any other action relative thereto.

The state annually allocates 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.

Two-thirds vote required in the case of borrowing.  

Recommended by the Finance Committee
CONSENT AGENDA 2 will consider Articles 24, 25, 26, 27, 28, and 29 in a grouping, unless Town Meeting decides to pull an article out of the Consent Agenda for separate discussion.

ARTICLE 24.
To see if the Town will vote to raise and appropriate the sum of $8,000.00, or a greater or lesser sum, from the FY 2021 Community Preservation local surcharge and trust fund for administrative costs for the Community Preservation Committee, or take any other action relative thereto.

These funds are for any expenses incurred by the Community Preservation Committee. In FY 2020 the Committee spent approximately $3,000.00 for the annual dues for the state organization and administrative matters. Any funds not used during the year are returned to the Community Preservation Undesignated Fund Balance account.

Recommended by the Finance Committee

ARTICLE 25.
To see if the Town will vote to fund the Community Preservation Project for the Repair of the Storrs Library roof in the amount of $223,000.00, or a greater or lesser sum, funded first from the Community Preservation Historic Preservation Fund Balance, and then from the Undesignated Fund balance, or take any other action relative thereto.

Over the last several years the Storrs Library building has suffered water damage from roof leaks, which affects the collection. The majority of the current roof was installed when the library was expanded in 1992, and needs to be replaced. Last year the CPC provided funding in the amount of $27,000.00 for repair of a portion of the roof. This application will enable the entire roof to be repaired.

Recommended by the Finance Committee

ARTICLE 26.
To see if the Town will vote to fund the Community Preservation Project for the repair of the Community House roof and gutters in the amount of $120,000.00, or a greater or lesser sum, funded from the Undesignated Fund Balance, or take any other action relative thereto.

The roof and gutters are failing and causing damage to the wall cavities of the building. Last year the CPC provided funding in the amount of $68,000.00 for repair of a portion of the roof, but the damages to the roof and gutters are more extensive than initially estimated, and the cost of the repairs are higher. This application will enable the roof and gutters to be repaired.

Recommended by the Finance Committee

ARTICLE 27.
To see if the Town will vote to fund the Community Preservation Project for the improvement of the softball field at Russell Field in the amount of $40,545.00, or a greater of lesser sum, to be funded from the Recreation/Open Space Fund Balance, or take any other action relative thereto.

In prior years the CPC funded improvements for the softball field at Turner Park. This project will fund improvements to the softball field at Russell Field, which is used by the Longmeadow Softball Association and the LHS varsity softball team. This application will fund improvements to the field, including improved fencing, bleachers, and two dugouts.

Recommended by the Finance Committee

ARTICLE 28.
To see if the Town will vote to fund the Community Preservation Project for Phase II of remediation of Russell Field in the amount of $20,000.00, or a greater or lesser sum, to be funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

Phase I of the project is addressing the erosion on the east side of the field by replacing the railroad tie retaining walls that have deteriorated, replacing them with tiered, interlocked stone walls around the backstop, so fans can view the games. This application for Phase II is for the purchase and installation of netting and seating.

Finance Committee Recommendation to be given on Town Meeting Floor

ARTICLE 29.
To see if the Town will vote to fund the Community Preservation Project for Japanese Knotweed eradication in the amount of $4,800.00, or a greater or lesser sum, to be funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

The Town owns approximately 1.2 acres of conservation land on Chestnut Road that is infested with Japanese Knotweed, an invasive species that crowds out native plants. This application will enable the Conservation Commission to eradicate the knotweed from this location.

Recommended by the Finance Committee
ARTICLE 30.
To see if the Town will vote to fund the Community Preservation Project for a Feasibility / Design Study for a Skate Park in the amount of $15,000.00, or a greater or lesser sum, to fund a study for the feasibility and design of a skate park to be funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

The construction of a skate park will provide additional outdoor recreational opportunities for children in town. This application will provide funding to provide design work, to identify the best location for a skate park, and to address any concerns about legal liability to the Town. Not Recommended by the Finance Committee

ARTICLE 31.
To see if the Town will vote to establish a funding limit for the Town’s Council on Aging Revolving Fund with payments from the fund to be expended by the Director of the Council on Aging up to $85,000.00, or take any other action relative thereto.

Effective November 2016, as part of the Municipal Modernization Act, Revolving Funds created pursuant to Massachusetts General Law Chapter 44 Section 53E ½ as established in the Town’s Bylaws, must have an annual expenditure limit set at the Town’s Annual Town Meeting. This article sets the annual expenditure limit.

ARTICLE 32.
To see if the Town will vote to amend Article Two, Chapter 700 Wetlands Control of the General Bylaws of the Town to reflect current administrative practices for processing wetlands permits by deleting:

2-701. Wetlands Control.

(a) Purpose. The purpose of this By-Laws is to protect the flood plains and wetlands of the Town of Longmeadow by controlling activities deemed to have a significant effect upon wetland values which include but are not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife, recreation and threatened or endangered species (collectively, the “interests protected by this by-Laws”).

No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, beach, flat, marsh, wet meadow, bog, swamp or upon or within one hundred (100) feet of any brook, creek, river, stream (intermittent or otherwise), pool or lake, or upon or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any land subject to flooding or inundation, or within one hundred (100) feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services, without filing written application with the Longmeadow Conservation Commission for a Permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a Permit issued to this By-Law. The provisions of this Section shall not apply to work performed for maintenance of land in agricultural use.

(b) Application. Application for a Permit may be identical in form to a Notice of Intent filed pursuant to Massachusetts General Laws, Chapter 131, Section 40, and shall be sent by certified mail or hand delivered the Longmeadow Conservation Commission. The Commission shall set a filing fee by regulation; such filing fee shall be payable to the Town of Longmeadow. Application must be filed concurrently with or after application for all other variances and approvals required by Zoning by-Law, the Subdivision Control Law or any other by-Law or Regulation have been obtained. No filing fee is required when the Town of Longmeadow files an application for a Permit. Copies of the application shall be set at the same time by certified mail or hand delivered to the Town Manager, the Planning Board, the Board of Health, the Building Commissioner, the Director of Public Works, the abutters and the Department of Environmental Protection (“DEP”) or any successor agency. The Conservation Commission may require other forms of filing. Upon written request of any person, the Commission shall, within twenty-one (21) days of receipt of this request make a written Determination of Applicability as to whether this By-Law applies to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner as well as to the requesting person.

The Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior Determination or for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

(c) Hearing. The Commission shall hold a public hearing on the application for a Permit within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to hearing, by publication in the Springfield Newspapers and by mailing
a notice to the applicant, the Town Manager, the Board of Health, the Planning Board, the Building Commissioner, the Director of Public Works, the abutters and the Department of Environmental Protection (“DEP”) or any successor agency and to such other persons as the Commission may by regulation require. Notice published for a hearing under the Wetlands Protection Act may be expanded to include the Town's Wetlands By-Law.

(1) Permit and Conditions. If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one (21) days of such hearing, issue or deny a Permit for the work requested. If it issues a Permit after making such determination, the Commission shall impose such conditions as it determines are necessary to desirable for protection of those interests, and all work shall be done in accordance with those conditions or it may deny the application. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire one (1) year from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two (2) weeks prior to date of expiration.

(2) Denials. The Conservation Commission is empowered to deny permission for any removal, dredging, filling or altering of subject lands within the Town if, in its judgment, such denial is necessary to preserve the interests described in this By-Law of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

(3) Emergency projects. The notice required in this By-Law shall not apply to emergency projects necessary for the protection of health or safety of the citizens of Longmeadow and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

(d) Pre-Acquisition Violation. Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any Permit issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, that no action, civil or criminal, shall be brought against such person unless commenced within three (3) years following the date acquisition of the real estate by such person.

(e) Regulations. After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the By-Law.

(f) Burden of Proof. The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

(g) Definitions. The following definitions shall apply in the interpretation and implementation of this By-Law:

(1) “Person”. The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

(2) “Alter”. The term “alter” shall include, without limitation, the following actions when undertaken in areas subject to this by-Law:

(a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
(b) Changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
(c) Drainage or other disturbance of water level or water table;
(d) Dumping, discharging or filling with any material which may degrade water quality;
(e) Driving of piles, erection of buildings or structures of any kind;
(f) Placing of obstructions whether or not they interfere with the flow of water;
(g) Destruction of plant life, including cutting of trees and shrubs;
(h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.
(3) “Banks”. The term “banks” shall mean that part of land adjoining any body of water which confines the water.

(4) “Freshwater Wetlands”. The term “freshwater wetlands” as used in this By-Laws shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting sub state for a plant community for at least five (5) months of the year; emergent or submergent plant communities in island waters; that portion of any bank which touches any inland waters.

(5) “Agricultural Practices”.

(a) The term “land in agricultural use” shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A, Sections 1-5;

(b) The term “qualifying wetland” shall mean only areas which are seasonally flooded basins of flats or inland freshwater meadows;

(c) The term “normal maintenance of land in agricultural use” shall have the same meaning as the definition contained in regulations of the Department of Environmental Protection found at 310 CMR 10.04(b). (Revised at Annual Town Meeting April 25, 2006, Article 29; approved by the Attorney General August 31, 2006)

(6) Additional Definitions. The Commission may adopt additional definitions not inconsistent with subsection (g), in its regulations promulgated pursuant to subsection (e) of this By-Law.

(h) Security. The Commission may require, as a Permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Longmeadow;

(2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

(i) Enforcement. Any person who violates any provision of this By-Law or of any Condition of a Permit issued pursuant to it shall be punished by a fine of not more than Three Hundred ($300) Dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This By-Law may be enforced pursuant to Massachusetts General Laws Chapter 40, Section 210, by a Town police officer or other officer having police powers. Upon the request of the Commission, the Select Board and Town Counsel shall take such legal action as may be necessary to enforce this By-Law and Permits issued pursuant to it. When the Conservation Commission determines that an activity is in violation of this By-Law, the regulations or a final order, the Commission may issue an enforcement order.

And replacing with the following:

2-701. Wetlands Control.

(a) Purpose. The purpose of this By-Law is to protect the flood plains and wetlands of the Town of Longmeadow by controlling activities deemed to have a significant effect upon wetland values which include but are not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife, passive recreation and threatened or endangered species (collectively, the "interests protected by this Bylaw").

(b) Jurisdiction. No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, beach, flat, marsh, wet meadow, bog, swamp or upon or within one hundred (100) feet of any pool or lake or intermittent brook, stream, creek, or river, or within two hundred (200) feet of any perennial brook, stream, creek or river or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any land subject to flooding or inundation, or isolated wetlands, or within one hundred (100) feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services, without filing written application with the Longmeadow Conservation Commission for a Permit to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a Permit issued to this By-Law. For all projects, a buffer of naturally occurring, undisturbed vegetation measuring fifty (50) feet from the edge of all wetlands is required. The provisions of this Section shall not apply to work performed for maintenance of land in agricultural use.

(c) Application. Application for a Permit may be identical in form to a Notice of Intent filed pursuant to Massachusetts General Laws, Chapter 131, Section 40, and shall be sent by certified mail or hand delivered to the Longmeadow
Conservation Commission. The Commission shall set a filing fee by regulation; such filing fee shall be payable to the Town of Longmeadow. Application must be filed concurrently with or after application for all other variances and approvals required by Zoning Bylaw, the Subdivision Control Law or any other By-Law or Regulation have been obtained. No filing fee is required when the Town of Longmeadow files an application for a Permit. A copy of the application shall be sent at the same time by certified mail or hand delivered to the Department of Environmental Protection (“DEP”) or any successor agency and abutter notification of the application shall be sent by certified mail. Upon written request of any person, the Commission shall, within twenty-one (21) days of receipt of this request make a written Determination of Applicability as to whether this By-Law applies to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner s as well as to the requesting person.

The Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior Determination or for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

(d) **Hearing.** The Commission shall hold a public hearing on the application for a Permit within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to hearing, by publication in the local newspapers and by notifying the Town Clerk at least forty-eight (48) hours in advance with the time and place of the hearing along with the agenda for posting in the Town Hall and the Town website. The Conservation Commission may, at its option, combine the hearing under this By-Law and the hearing conducted under the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40.

(1) **Permit and Conditions.** If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one (21) days of such hearing, issue or deny a Permit for the work requested. If it issues a Permit after making such determination, the Commission shall impose such conditions as it determines are necessary to desirable for protection of those interests, and all work shall be done in accordance with those conditions or it may deny the application. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire three years from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two (2) weeks prior to date of expiration.

(2) **Denials.** The Conservation Commission is empowered to deny permission for any removal, dredging, filling or altering of subject lands within the Town if, in its judgment, such denial is necessary to preserve the interests described in this By-Law of either or both the subject lands and contiguous lands. Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

(3) **Emergency projects.** The notice required in this By-Law shall not apply to emergency projects necessary for the protection of health or safety of the citizens of the Town and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

(e) **Pre-Acquisition Violation.** Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any Permit issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person, pursuant to the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40.

(f) **Regulations.** After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the By-Law.

(g) **Burden of Proof.** The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.
(h) Definitions. The following definitions shall apply in the interpretation and implementation of this By-Law:

(1) “Person”. The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

(2) “Alter”. The term “alter” shall include, without limitation, the following actions when undertaken in areas subject to this by-Law:

(a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
(b) Changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
(c) Drainage or other disturbance of water level or water table;
(d) Dumping, discharging or filling with any material which may degrade water quality;
(e) Driving of piles, erection of buildings or structures of any kind;
(f) Placing of obstructions whether or not they interfere with the flow of water;
(g) Destruction of plant life, including cutting of trees and shrubs;
(h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

(3) “Banks”. The term “banks” shall mean that part of land adjoining any body of water which confines the water.

(4) “Freshwater Wetlands”. The term “freshwater wetlands” as used in this By-Laws shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting sub state for a plant community for at least five (5) months of the year; emergent or submersed plant communities in island waters; that portion of any bank which touches any inland waters.

(5) “Isolated Wetlands”. Isolated Wetlands are Freshwater Wetlands that do not border on creeks, rivers, streams, ponds and lakes. Some isolated depressions which hold standing water for extended periods of time, perhaps continuously, such as certain kettle holes too small to be called ponds or lakes are isolated wetlands.

(6) “Agricultural Practices”.

(a) The term “land in agricultural use” shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A, Sections 1-5;
(b) The term “qualifying wetland” shall mean only areas which are seasonally flooded basins of flats or inland freshwater meadows;
(c) The term “normal maintenance of land in agricultural use” shall have the same meaning as the definition contained in the Wetlands Protection Act Regulations of the Department of Environmental Protection found at 310 CMR 10.04(b).

(7) Additional Definitions. The Commission may adopt additional definitions not inconsistent with sub-section (g), in its regulations promulgated pursuant to sub-section (e) of this By-Law.

(i) Security. The Commission may require, as a Permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Longmeadow;
(2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered and).

(j) Enforcement. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected this By-Law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this By-Law.

The Commission, it agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this By-Law, its regulations and Permits issued thereunder by violation notices, orders and civil and criminal court actions. Any person who violates any provisions of this
By-Law or any condition of a Permit issued pursuant to this By-Law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both. When the Conservation Commission determines that an activity is in violation of this By-Law, the regulations or an order, the Commission may issue an enforcement order.

Upon request of the Commission, the Select Board and Town Counsel shall take legal action for enforcement under civil law. Town boards and officers, including any Town police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this By-Law, or regulations, Permits, or orders issued thereunder, or has failed to obtain the necessary Commission approval, shall be punished by a fine of not more than three hundred ($300) dollars pursuant to Massachusetts General Laws Chapter 40, Section 21D. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of this By-Law, regulations, Permits, or orders violated shall constitute a separate offense.

(k) Appeals. A decision of the Commission shall be reviewable in the Superior Court in accordance with Massachusetts General Laws Chapter 249, Section 4.

(l) Relation to Wetlands Protection Act. This By-Law is adopted under the Home Rule Amendments of the Massachusetts Constitution and the Home Rule statutes, independent of the Massachusetts Wetland Protection Act, Massachusetts General Laws Chapter 131, Section 40 and the Wetlands Protection Act Regulations of the Department of Environmental Protection, 310 CMR 10.00.

(m) Severability. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit or determination which previously has been issued pursuant to this By-Law.

This revision proposed by the Conservation Commission includes the requirements of the Riverfront Protection Act which established a 200-foot regulated riverfront area on either bank of a perennial stream. Other revisions include the details of processing permit requests to reflect current practice, rewriting of the Enforcement section and addition of new sections on Appeals, Relation to Wetlands Protection Act and Severability.

ARTICLE 33.
To see if the Town will vote to amend the Town’s Zoning Bylaws by amending the following sections:

   Proposed amendment to Article IV. Sec. B. 6.6. of the Longmeadow Zoning By-law: Add (as a second sentence), "A connected facility is any facility for receiving, processing, and otherwise handling natural gas for sale to consumers."

Or take any other action relative thereto.

In its approval of the amendments to Article XV approved at the August 20, 2019 Special Town Meeting, the Massachusetts Attorney General’s office noted then that the term “connected facilities” was not defined. This proposed by-law amendment defines “connected facility.” Recommended by the Planning Board

Two-thirds vote required

ARTICLE 34.
To see if the Town will vote to amend the Town’s Zoning Bylaws by amending the following sections:

   Proposed amendment to Article XI. Section D. 1 (m) of the Longmeadow Zoning By-law:
      Delete 1 (m) “A traffic study to include:"
      Replace with 1 (m) "At its discretion, the Planning Board may commission an independent traffic study, to be paid for by the Applicant, which shall include:"  

Or take any other action relative thereto.

This proposed by-law amendment makes more explicit the Planning Board’s already existing authority to order an independent traffic study of any proposed development. Recommended by the Planning Board

Two-thirds vote required

ARTICLE 35.
To see if the Town will vote to amend the Town’s Zoning Bylaws by amending the following sections:

1. Add Article XV (B) (8) DEFINITIONS: "Facilities of natural gas utilities and facilities of pipeline operators include: Pressure regulating, pressurizing, odorizing, heating and fire suppressing equipment and associated building, pipes, valves, tanks and all other equipment and materials for handling and distributing natural gas."
2. Delete Article XV (E) (5) "Testing and Low Frequency Noise"
3. Add a last sentence in Article XV (I) PENALTIES AND FINES: "Fines, payable to the Town, shall be imposed at the rate of $300.00 per day, for each day that such violation continues, pursuant to M.G.L.c. 40, Section 21."

Or take any other action relative thereto.

In its approval of Longmeadow Zoning By-law’s Article XV approved at the May 2019 Annual Town meeting, the Massachusetts Attorney General’s office suggested strengthening the definitions section. This amendment does that.

Two-thirds vote required.  

Recommended by the Planning Board

ARTICLE 36.  

Citizen Petition-1

To see if the Town will vote to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property with the following regulations:

1. The solar panels shall be in a single row parallel to the building foundation; the single row may include multiple solar panels in height and length. The highest position of the array of solar panels and supporting structure shall not be more than 8'-6" above grade; the lowest upward edge of the solar panel(s) shall be a minimum of 1'-0" above grade to allow snow and water runoff;

2. The minimum pitch of the solar panels shall be 20° above the horizontal; the maximum pitch shall be 70° above the horizontal;

3. The total power rating of the ground-mounted photovoltaic panels shall not exceed 9.0 kilowatts per property;

4. Solar panels and supporting structures shall be located in 15’ wide zones that are offset a minimum of 5’ from the building foundation. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not be placed in front of egress doorways. Such solar panel structures shall not be closer than within 10’ of the front and side property lines, public road curbs, tree belts, or public sidewalks, and not within 30’ of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];

5. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with tan, green, gray, or wood lattice and evergreen shrubbery to soften aesthetic appearance; the evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than 3'-0” on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);

6. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment to comply with applicable Commonwealth building, mechanical, electrical, plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner that the solar panels or any of the related equipment would create a condition that jeopardizes the public health, safety, or welfare,

Or take any other action relative thereto.
Diagram 1
Solar Panel Zone Diagram

Rear Lot Line

[Back Yard]

Secondary Setback Line

Primary Setback Line

Front Solar Panel Zone

House

[Side Yard]

Primary Setback Line

Secondary Setback Line

[Sidewalk]

Tree Belt

10'

Paved Public Street

Diagram 1
Solar Panel Zone Diagram

Shrubbery and Lattice Fence Details
[Plan View]
The installation of ground-mount solar panels on the side or front of a home are in conflict with Longmeadow Zoning Bylaws “Section B. Uses in Residence Zones.” If passed, this article would enable a greater utilization of solar energy for ground-mount solar panels in ways that comply with MGL Chapter 40A, Section 3 by establishing reasonable regulations that also abide by building, electrical, mechanical, and plumbing code standards.

ARTICLE 37. Citizen Petition
To see if the Town will vote to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property with the following regulations:

1. Solar panels and supporting structures shall be located in zones up to 15’ (fifteen feet) wide that are offset a minimum of 5’ from the building foundation; the maximum parallel distance from the foundation to the edge of a solar panel zone shall be 20’. There shall be an 8’ separation in any solar panel zone at least every 23’ to allow access. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not obstruct doorway egress. Such solar panel structures shall not be closer than within 15’ of the front or side property lines, public road curbs, tree belts, public sidewalks, easements, or right of way, and not within 30’ of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];

2. The solar panels in each zone shall form a single row and be parallel to the correlating building foundation; the single row may include multiple solar panels in height and width/length. The highest position of the array of solar panels and supporting structure(s) shall not be more than 8’-6” (eight feet plus six inches) above grade; the lowest upward edge of the solar panel(s) shall be a minimum of 1’-2” above grade to allow snow and water runoff. The minimum pitch of the solar panels shall be 20° (20 degrees) above the horizontal; the maximum pitch shall be 70° above the horizontal; panels shall pitch downward and away from the foundation [see Diagram 2, Cross-Sectional View];

3. The total power rating of the ground-mounted photovoltaic panels shall not exceed 9.0 kilowatts per property;

4. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with natural wood lattice, or tan, green, or gray vinyl lattice, and evergreen shrubbery to soften the aesthetic appearance. The evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than 3’-0” on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);

5. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment shall comply with applicable Commonwealth building, mechanical, electrical,
plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner, fire department, or the police department that the subject solar panels or any of the related equipment would create a condition that could jeopardize the public health, safety, or welfare, Or take any other action relative thereto.
It is proposed to allow solar panels to be installed on side yard and front yards and soften the aesthetics by shrouding the solar panels with lattice and shrubbery.
Solar panels to be shrouded with vinyl or wood lattice fence material to conceal support structure and underside of solar panels as typical photograph demonstrates above.
Evergreen shrubbery to be placed in front of lattice @ three foot on-center spacing.

Vinyl Diamond Lattice

Close-up of Lattice

The installation of ground-mount solar panels on the side or front of a home are in conflict with Longmeadow Zoning Bylaws “Section B. Uses in Residence Zones.” If passed, this article would enable a greater utilization of solar energy for ground-mount solar panels in ways that comply with MGL Chapter 40A, Section 3 by establishing reasonable regulations that also abide by building, electrical, mechanical, and plumbing code standards.

ARTICLE 38.  
To see if the Town will vote to amend 6-314 of the General Bylaws (Billboards, Signs, and Other Advertising Devices) by adding to allow for business advertising on Longmeadow Parks and Recreation Athletic Fields listed below in italics.

(g) Temporary signs related to sponsorship for purposes of generating funding for Park and Recreation shall be limited to park zoned areas as found within the Towns Zoning Laws,

(i) It is the intent of the Longmeadow Parks and Recreation Department to preserve its full rights and discretion to reject or refuse placement or require removal of any or all commercial messages or advertisements that do not comply with the guidelines set forth by the Parks and Recreation Department.

(ii) To the extent that any such messages and advertisement are accepted, it is the intent of the Parks and Recreation Department to reserve and exercise the right of full editorial control over the placement, content, size, appearance, and wording, and to determine and prohibit those that are deemed inappropriate.

or take any other action relative thereto.

The purpose of this policy and its related practices and guidelines is to define the conditions upon which commercial messages advertisements may be placed in park zoned areas for the purposes of providing additional financial resources to support the following: 1. Sponsorship fee will assist in the upkeep and maintenance cost which could potentially lessen the taxpayer impact. 2. Additional revenue can help offset or support families of hardship with sport fees. 3. With sponsorship, the additional funding that is currently declined for budget reasons would be available upon discussions, i.e. new goal nets, new LSA equipment to name a few.
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 16th day of March, 2020, A.D.
Welcome! Longmeadow Town Meeting is conducted in accordance with the Commonwealth of Massachusetts General Laws, our Charter, Bylaws, *Town Meeting Time*, tradition, and Moderator discretion and policies. Wherever possible the Moderator will explain to Town Meeting her rulings, keeping in mind the flow of the deliberation and an eye on the clock. If citizens have questions about Town Meeting, please contact rtownsend@longmeadow.org.

Rules of procedure for the 2020 Annual Town Meeting require some modifications to accommodate public health and safety. These are the rules as of May 6, 2020. Should other procedures be required, the Moderator will provide updates and explain at Town Meeting. We are trying to limit the time exposure spent in a large group gathering as much as possible. Your cooperation will be greatly appreciated.

### Attendance
1. If you are sick, or show signs of illness, you should stay home.
2. All people who enter the space designated as Town Meeting will be required to have a covering of their nose and mouth. Masks will be provided if you do not bring your own covering.
3. Longmeadow registered voters are allowed on the floor of Town Meeting. Visitors and the press must be seated in the designated areas. In most Town Meetings, children are welcome and may sit with parents or guardians. Given the pandemic, we are trying to keep Town Meeting primarily to voters and staff and respectfully ask that unless absolutely necessary, children stay home.
4. Once voting has begun and is in process, no one is to be allowed into the Town Meeting space. Voters should stay until the vote is called.
5. There will be no distribution, dissemination, or solicitation of any materials of any kind within Town Meeting without first obtaining permission from the Moderator.

### Speech
1. All questions and discussions must be directed through the Moderator.
2. To speak to an issue at Town Meeting, wait to be recognized by the Moderator and identify yourself by name and address.
3. Be brief. Speakers are encouraged to add new points to the deliberation as opposed to repeating what others have already stated. Most speech should be ≤ 2 minutes. Speech must be civil, respectful, and ethical.
4. People in line who have not yet had a chance to speak will be given preference over repeat-speakers whenever feasible. A voter may speak twice on a given issue and shall wait until others have had an opportunity to speak before he or she speaks a third time (except for clarification or explanation). Any speaker wishing to speak a fourth time must gain approval of Town Meeting.

### Motions
1. All motions for amendments must be in writing. The motion is then available for general deliberation— in favor, opposed, or questions.
2. Remember to listen closely to the motion as orally stated. Articles printed in the warrant provide a “warning” to voters about what will be presented. Motions may vary slightly from the printed article in the warrant, and must be within the scope of the article. The motion activates the article; voters vote on motions, not on warrant articles.
3. After a motion has been made and seconded, the chief proponent of the motion speaks first, followed by a representative from appropriate Town Boards, who state the board’s majority opinions, if applicable.
4. Non-debatable motions (e.g., to move the previous question/come directly to a vote, or to lay or remove from the table) must be made directly after speaker identification. If such a motion comes at the end of a speech, it will be ruled out of order.
5. Some motions require explanation.
   1. Motion of Doubtful Legality: Votes on motions at Town Meeting are subject to review by the Commonwealth’s Attorney General’s Office. Should Town Counsel advise in a preliminary review of the warrant articles, that a particular article could not be approved if moved as printed in the warrant, he or she will make that information available to voters at Town Meeting. Voters may still vote on it. They are cautioned that it may not have the effect of law but nevertheless express the will of the Meeting.
   2. Motion to consider as a consent agenda (as a group): Sometimes motions ask the voters to consider more than one article at a time. If this motion is made and seconded, the Moderator will call out the article numbers in the proposal. Any voter who wants to consider an article separately will call out “hold,” and the Moderator will remove that article from the consent agenda. Voting will proceed for the motion to approve (or reject) all the articles in the group.
   3. There are many other kinds of motions and procedures. Should any voter want to understand how to take a certain action, or what something means, she or he should email the Moderator in advance, or ask on the floor when the issue arises.

### Votes
1. Only those registered voters issued a colored card may vote at Town Meeting. Voters shall raise this card so that it may be seen by the Moderator.
2. Town Meeting voters must be seated in order to have their votes counted.
3. If there is a question or doubt about the result that the Moderator announces, that doubt should be raised immediately after the announcement. A voting card count shall be conducted upon doubt by seven voters.
1. Counted votes will be conducted by tellers appointed by the Moderator. Tellers will work in pairs and only count in the section assigned to them. One will have a hand-clicker. The other will have a clipboard, pen, and tally sheet.

2. **Voters must pay attention to the directions the tellers make.** They will instruct voters in a given row to raise their cards at a given time and will individually count each section. They will compare the subtotal immediately. If there’s a discrepancy, they will recount that section right away, otherwise they will move on to the next row.

3. “Yes” votes will be counted and reported first; “no” votes will be counted and reported second. Each pair of tellers will report their section’s total votes to the Moderator via a microphone. The Moderator, Clerk, and Town Counsel will tally the votes, and the Moderator will announce the outcome.

- Citizens may also consult to the Secretary of State’s Office for the “Citizen’s Guide to Town Meetings” [http://www.sec.state.ma.us/cis/cistwn/twnidx.htm](http://www.sec.state.ma.us/cis/cistwn/twnidx.htm)

**Relevant Sections of the Bylaws**

3-313. **Order and Decorum.** The Moderator has the duty to preserve order and decorum in a Town Meeting and to this end he has authority to direct a police officer or constable of the Town to do any act that he believes is appropriate.

3-316. **Precedence of Motions.** When a question is before a Town Meeting, the Moderator shall not receive a motion that does not relate to that question, except a motion to adjourn or some other motion that is privileged in its nature. The Moderator shall not receive a motion relating to the question except: (a) A motion to lay on the table; (b) A motion for the previous question; (c) A motion to postpone to a time set; (d) A motion to commit or re-commit; (e) A motion to postpone indefinitely; or (f) A motion to amend. These motions have precedent in the order in which they are here arranged. The Moderator shall permit debate upon the merits of the main question upon a motion to postpone indefinitely or upon a motion to amend.

3-317. **Motion to Cut Off Debate.** The Moderator shall not receive a motion to cut off debate on any motion that is before a meeting until at least five (5) voters have spoken for, and five (5) voters have spoken against, the pending motion; but if fewer than five (5) voters have asked to speak for or against the pending motion, the Moderator may receive a motion to cut off debate after the voters who have asked to speak, not to exceed five on either side, have had an opportunity to do so. [If a voter believes that enough information has been heard to make a decision, she or he may move to “call the question” and bring the motion to a vote. This means that if there are 10 people in line to speak in favor (or opposed) to a motion, and no one who wishes to speak on the other side, a motion to call the question becomes in order once five have spoken. A motion to call the question is not debatable. Should two-thirds of voters approve a motion to call the question, a vote on the main motion is taken immediately.]

3-318. **Limits on Speech.** Except when the Moderator has recognized a voter for the correction of an error or to state an explanation, a voter is not entitled to speak more than two (2) times on one question until others who have not spoken have had an opportunity to do so, and a voter is not entitled to speak more than three (3) times on one question, without first obtaining leave of the meeting to do so.

3-319. **Written Motion.** The Moderator has the authority to require that a motion be reduced to writing.

3-321. **Use of Names.** The Moderator is authorized to refer to a person by name for the purpose of identification or recognition; but otherwise, one person shall not refer to another person by name in a Town Meeting.

3-322. **Debate Question.** A person who desires to ask of another person a question relating to debate shall put the question to the Moderator.

“Stand up to be seen. Speak up to be heard. Sit down to be appreciated”

---John Wheeler, Moderator, Plymouth, VT for 28 years (cited by Frank Bryan in *Real Democracy*)