

**TOWN OF LONGMEADOW
ANNUAL TOWN MEETING
TUESDAY – MAY 14, 2019 – 7:00 P.M.
LONGMEADOW HIGH SCHOOL
MINUTES**

Acting under the authority of the posted warrant, the qualified voters of the Town met at the time and place appointed. At 7:00 PM o'clock in the evening the Moderator declared the Annual Town Meeting open, there being a quorum (50 registered voters) present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, Steven Marczak to give the invocation. The Town Manager recognized those officials and staff resigning or retiring during the year and expressed appreciation for their years of service. Select Board Chair Person Mark Gold presented the Citizen of Year award to Venessa O'Brien.

ARTICLE 1.

It was a Unanimous Affirmative vote to choose three trustees to administer the William Goldthwait Bequest, and that Dawn Barkman, Frances Miffitt, and William McGurk be chosen as trustees.

ARTICLE 2.

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$179,923.00 for the purpose of supplementing the FY 2019 Snow and Ice removal deficit.

ARTICLE 3.

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$55,000.00 to supplement the FY 2019 DPW Grounds Forestry account for the purpose of continuing to remove or prune potentially hazardous trees on Town property or rights of way.

ARTICLE 4.

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$10,000.00 to supplement the FY 2019 Fire Vehicle Maintenance account for the purpose of providing continued scheduled preventive maintenance on the Fire apparatus.

ARTICLE 5.

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$135.61 for the purpose of paying bills of prior year.

ARTICLE 6.

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$155,100.00 to the Town's Operational Stabilization Fund previously established by vote of Article #15 at the November 18, 2003 Special Town Meeting.

ARTICLE 7.

A motion was moved and seconded to vote to fix the Fiscal Year 2020 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 2020 operating budget totaling \$69,062,742.00 and itemized as follows:

General Government	\$ 1,620,161.00
Public Safety	\$ 5,411,845.00
Planning & Community Development	\$ 193,284.00
Schools	\$35,153,129.00
Department of Public Works (General Fund)	\$ 3,176,359.00
Community and Cultural Services	\$ 1,800,114.00
Debt Service & Town/School Employee/Retiree Benefits	<u>\$14,983,051.00</u>
Subtotal General Fund	<u>\$62,337,943.00</u>
Solid Waste / Recycling Enterprise Fund	\$ 1,188,431.00
Water Enterprise Fund	\$ 2,701,607.00
Sewer Enterprise Fund	\$ 1,991,772.00

Stormwater Enterprise Fund
Total

\$ 842,989.00
\$69,062,742.00

And to fund the General Fund \$62,337,943.00 be raised and appropriated as follows: \$62,337,943.00 from general taxation; and that to fund the Solid Waste / Recycling Enterprise Fund \$1,188,431.00 be raised and appropriated as follows: \$285,000.00 from Solid Waste / Recycling receipts and \$903,431.00 from general taxation; and to fund the Water Enterprise Fund 2,701,607.00 be raised and appropriated as follows: \$2,701,607.00 from Water receipts; and to fund the Sewer Enterprise Fund \$1,991,772.00 be raised and appropriated as follows: \$1,991,772.00 from Sewer receipts, and that to fund the Stormwater Enterprise Fund \$842,989.00 be raised and appropriated as follows: \$292,000.00 from Stormwater receipts and \$550,989.00 from general taxation.

A motion was moved and seconded to amend the main motion to now read:

I move that the Town vote to fix the Fiscal Year 2020 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 2020 operating budget totaling \$69,078,817.00 and itemized as follows:

General Government	\$ 1,620,161.00
Public Safety	\$ 5,427,920.00
Planning & Community Development	\$ 193,284.00
Schools	\$35,153,129.00
Department of Public Works (General Fund)	\$ 3,176,359.00
Community and Cultural Services	\$ 1,800,114.00
Debt Service & Town/School Employee/Retiree Benefits	\$14,983,051.00
Subtotal General Fund	\$62,354,018.00
Solid Waste / Recycling Enterprise Fund	\$ 1,188,431.00
Water Enterprise Fund	\$ 2,701,607.00
Sewer Enterprise Fund	\$ 1,991,772.00
Storm-water Enterprise Fund	\$ 842,989.00
Total	\$69,078,817.00

And to fund the General Fund \$62,338,018.00 be raised and appropriated as follows: \$62,338,018.00 from general taxation; and,

that to fund the Solid Waste / Recycling Enterprise Fund \$1,188,431.00 be raised and appropriated as follows: \$285,000.00 from Solid Waste / Recycling receipts and \$903,431.00 from general taxation; and,

to fund the Water Enterprise Fund 2,701,607.00 be raised and appropriated as follows: \$2,701,607.00 from Water receipts; and,

to fund the Sewer Enterprise Fund \$1,991,772.00 be raised and appropriated as follows: \$1,991,772.00 from Sewer receipts; and,

that to fund the Storm-water Enterprise Fund \$842,989.00 be raised and appropriated as follows: \$292,000.00 from Storm-water receipts and \$550,989.00 from general taxation.

It was a Majority Affirmative vote to amend the main motion as read.
The main motion as amended was approved by Unanimous Affirmative vote.

ARTICLE 8.

It was a Unanimous Affirmative vote to raise and appropriate the sum of \$162,000.00 for the purpose of establishing a Salary Settlement Account to cover FY20 Collective Bargaining Agreements and other wage settlements.

ARTICLE 9.

A motion was moved and seconded to vote to raise and appropriate, or transfer from available funds, the following amounts 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 (FY2020)

Project Development	\$ 25,000.00
Capital Reserve	\$ 10,000.00
Fire Truck Reserve	\$ 60,000.00
Fire Refurbish Marine One	\$ 32,000.00
School / Town Network Improvements	\$ 300,000.00
High School HVAC Upgrades	\$ 26,000.00
Blueberry Hill School Boiler Replacement Phase II	\$ 125,200.00
Center School Fire Alarm System	\$ 250,000.00
Greenwood Center Gutters & Snow Guards	\$ 52,820.00
DPW Grounds Sidewalk Plow / Utility Machine	\$ 55,000.00
Guardrail Replacement	\$ 25,000.00
Sidewalk Preservation	\$ 400,000.00
Pavement Preservation	\$ 337,454.00

Subtotal **\$1,698,474.00**

From Capital Stabilization Fund

Pavement Preservation	\$ 87,546.00
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Multi Fund

	<u>Water Retained</u>	<u>Sewer Retained</u>	<u>Raise & Appropriate</u>
	<u>Earnings</u>	<u>Earnings</u>	<u>FY 2020</u>
DPW Class 6 Dump Truck	\$42,500.00	\$42,500.00	\$85,000.00
DPW Backhoe / Loader Replacement	\$22,525.00	\$22,525.00	\$45,050.00

A motion was moved and seconded to divide the question. It was a Majority Affirmative vote.

9a. It was a Majority Affirmative vote to raise and appropriate \$1,698,474.00.

9b. It was a Unanimous Affirmative vote to take \$87,546.00 from the Capital Stabilization Fund.

ARTICLE 10.

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$100,000.00 for the purpose of producing preliminary survey work for the possible reconstruction / reconfiguration of the southern end of Longmeadow Street / Route 5.

ARTICLE 11.

The Moderator Declared a 2/3rd Majority Affirmative vote to transfer \$313,000.00 from the Sewer Retained Earnings account and vote to authorize the Treasurer to borrow the sum of \$800,000.00 for the purpose of Phase 1 of replacing the North Interceptor Sewer and the related bond costs, to be paid in the first instance from sewer receipts.

A motion was moved and seconded to advance Article 42 to after Article 31.

The Moderator Declared a 2/3rd Majority Affirmative vote to advance Article 42 after Article 31.

ARTICLE 12.

The Moderator Declared a 2/3rd Majority Affirmative vote to authorize the Treasurer to borrow the sum of \$425,000.00 for the purpose of Improving Drainage on Willow Brook Road and related bonding costs, to be paid in the first instance from stormwater fees.

ARTICLE 13.

The Moderator Declared a Unanimous Affirmative vote to authorize the Treasurer to borrow the sum of \$200,000.00 for the purpose of Improving Drainage on Magnolia Circle and related bonding costs, to be paid in the first instance from stormwater fees.

A motion was moved and seconded to advance Article 41 to after Article 31.

The Motion Failed to meet the 2/3rd required by a hand count vote of 196 yes and 123 no.

ARTICLE 14.

The Moderator Declared a 2/3rd Affirmative vote to authorize the Treasurer to borrow the sum of \$800,000.00 for the purpose of permanently capping the former municipal solid waste landfill located on Birnie Road/Tina Lane and related bonding costs.

ARTICLE 15.

The Moderator Declared a 2/3rd Affirmative vote to authorize the Treasurer to borrow the sum of \$870,000.00 for the purpose of purchasing Town Street Lights and the Replacement of the lights with high efficiency LED lighting and related bonding costs.

ARTICLE 16.

It was a vote to authorize the Treasurer to borrow the sum of \$1,541,000.00 for the purpose of making Improvements to the Wolf Swamp Fields and Parking Areas and that, to meet said appropriation, the Treasurer is authorized to borrow said sum of money and provided further that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (otherwise known as Proposition 2 ½).

A motion was moved and seconded to require that the redesigned fields must retain two baseball fields. The amendment passed by a Majority Affirmative vote.

The Moderator Declared that the main motion as amended was approved by a 2/3rd Majority Affirmative vote.

ARTICLE 17.

It was a Majority Affirmative vote to raise and appropriate the sum of \$183,625.00 for the purpose of paying the FY 2020 District Improvement Financing (DIF) Debt Service.

ARTICLE 18.

It was a Unanimous Affirmative vote to appropriate \$478,362.00 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.

ARTICLE 19.

The Moderator Declared a 2/3rd Majority vote to appropriate \$94,667.00 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.

ARTICLE 20.

It was a Majority Affirmative vote to transfer \$1,178.50 from the Receipts Reserved for Appropriation account / Transportation Infrastructure Enhancement Trust Fund to the Special account for Traffic Improvements at the Williams / Bliss Triangle.

A motion was moved and seconded to move Articles 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 as part of a Consent Agenda. It was approved by Majority Affirmative vote to approve a consent agenda for Articles 21-31.

ARTICLE 21.

It was Majority Affirmative vote to raise and appropriate the sum of \$8,000.00 from the FY 2020 Community Preservation local surcharge and trust fund for administrative costs for the Community Preservation Committee.

ARTICLE 22.

It was a Majority Affirmative vote to fund the Community Preservation Project for the Repair of the Storrs Library roof in the amount of \$27,000.00 funded from the Community Preservation Historic Preservation Fund Balance.

ARTICLE 23.

It was a Majority Affirmative vote to fund the Community Preservation Project for resurfacing of the playground area at Bliss Park in the amount of \$109,000.00 funded from the Community Preservation Undesignated Fund Balance.

ARTICLE 24.

It was a Majority Affirmative vote to fund the Community Preservation Project for development of a landscape master plan for Bliss Park and Laurel Park in the amount of \$12,000.00 funded from the Community Preservation Recreation/Open Space Fund Balance.

ARTICLE 25.

It was a Majority Affirmative vote to fund the Community Preservation Project for the purchase of, and planting of, trees along the tree belt in Bliss Park and Laurel Park in the amount of \$14,000.00 funded from the Community Preservation Recreation/Open Space Fund.

ARTICLE 26.

It was a Majority Affirmative vote to fund the Community Preservation Project for Wolf Swamp Field Leveling, Field Improvements, and an Irrigation System in the amount of \$100,000.00 funded from the Community Preservation Undesignated Fund Balance.

ARTICLE 27.

It was a Majority Affirmative vote to fund the Community Preservation Project to acquire and install screen doors and batten doors at the Storrs House Museum in the amount of \$5,460.00 funded from the Community Preservation Historical Fund Balance.

ARTICLE 28.

It was a Majority Affirmative vote to fund the Community Preservation Project to obtain historical surveys of structures built before 1901 in the amount of \$10,000.00 funded from the Community Preservation Historical Fund Balance.

ARTICLE 29.

It was a Majority Affirmative vote to fund the Community Preservation Project to re-fund the Residential Home Modification Fund, in the amount of \$125,000.00 to be funded from the Community Housing Fund Balance.

ARTICLE 30.

It was a Majority Affirmative vote to fund the Community Preservation Project for the improvement of the softball field at Turner Park in the amount of \$33,000.00 to be funded from the Recreation/Open Space Fund Balance.

ARTICLE 31.

It was a Majority Affirmative vote to fund the Community Preservation Project for remediation of the erosion at Russell Field in the amount of \$90,000.00 to be funded from the Community Preservation Undesignated Fund Balance.

ARTICLE 32.

It was a Majority Affirmative 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.

ARTICLE 33.

It was a Majority Affirmative vote to accept Park Drive.

ARTICLE 34.

It was a Unanimous Affirmative vote to revise the Town's Home Rule Charter, created March 9, 2004 and revised June 28, 2007, by amending the following sections of the Charter. (changes are shown in italics).

Section 1-7 Continuation of Existing Laws (*Moved from 9-1*)

All special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to the town in force ~~when this charter takes effect and not specifically or by clear implication repealed in this charter~~, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

The proposed deleted language is not necessary since the charter was in fact adopted and has been in effect since its adoption.

Section 2-5 Rules of Procedure

- (a) The conduct of the town meeting shall be governed by *the most recent edition of Town Meeting Time* and such other rules and procedures as, from time to time, may be adopted by town meeting vote.

The procedural manual "Town Meeting Time" is revised periodically and the proposed revision makes it clear that the most recent edition is to be followed.

Section 2-8 Publication of Warrants

- (a) Following receipt by the select board of any subject for a town meeting warrant article, initiated by petition or by the select board, the town clerk shall post a copy of such subject on the town bulletin board *and the town web site* and otherwise distribute as may be provided by by-law. The town clerk shall make additional copies available in printed form and on the town web site.

The town web site was not in common use when the charter was adopted. The proposed revision directs that the modern technology be used in addition to conventional methods of communication.

Section 3-1 General Provisions

- (b) Eligibility** - Any individual registered to vote in Longmeadow ~~voter~~ shall be eligible to hold any elective town office, but no person holding any elective town office shall simultaneously hold any other elective town office.

Currently, this section simply provides that any "voter" is eligible to serve in an elective office of the town. The review committee decided that this prerequisite be clarified by specifying "any individual registered to vote in Longmeadow."

Section 4-4 Other Committees

There shall be such other town committees as the town may establish by by-law, by vote of town meeting or as may otherwise be established by the select board or school committee. Such committees shall be monitored and dissolved as appropriate by their appointing authorities. *The identity and purpose of such other committees shall be listed in the office of the town manager.*

Given the number of various town committees, the review committee decided that there should be a central location, specifically the office of the town manager, where these panels and their purposes would be listed.

Section 6-3 Department of Public Works

~~(b) The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the charter by or under the authority of the water and sewer commissioners, the school committee, the park commissioners, and the select board.~~

- (e) (b) Director of Public Works** - The department of public works shall be under the direct control of a director of public works who shall be appointed by, and directly responsible to, the town manager. The director of public works shall serve at the pleasure of the town manager and shall be a person especially fitted by education, training and previous experience to perform the duties of the office. The director of public works shall be responsible for the supervision and coordination of all divisions within the department in accordance with state statutes, town by-laws, administrative code and directives of the town manager.

Since the department of public works has been functioning as contemplated by the charter, the review committee is calling for deletion of this section which specified those boards whose duties the public works department would assume upon implementation of the charter.

Section 6-5 Department of Parks and Recreation

- (b) The department of parks and recreation shall be under the direct control of a director of parks and recreation, who shall be appointed by, and directly responsible to the town manager. The director shall serve at the pleasure of the town manager and shall assume all of the administrative duties and responsibilities for parks and recreation ~~formerly performed by the park and recreation commission~~, except those duties assigned by the charter to the department of public works, and shall further perform such additional functions and duties as may be assigned by the town manager. The director shall further provide staff support to the parks and recreation commission and shall coordinate departmental programs with the commission.

The same reasoning which applied to the proposed revision of Section 6-3(b), above, should apply to the deletion of the reference to former duties of the park and recreation commission prior to adoption of the charter.

Section 8-7 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meanings:

(j) Town Bulletin Board - The words "town bulletin board" shall mean the bulletin board on which official town notices are posted and those at other locations within the town as the select board may from time to time designate, and may also include the official town web site, *all as consistent with Massachusetts open meeting law.*

In the time since adoption of the town charter, the Massachusetts Open Meeting Law has clarified the manner of giving notice for town meetings. The proposed new language simply incorporates the mandates of that law.

Section 8-8 Notice of Vacancies

Whenever a vacancy occurs and is to be filled in any town office or town employment or in any multiple-member body, ~~except for positions covered under the civil service law of the Commonwealth,~~ whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the select board or other appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards for fifteen days.

The reference to the civil service laws, with respect to notice of vacancies, can be deleted for the same reason given with respect to the change in Section 5-2(b), i.e. those laws do not apply to positions in the town.

Section 9-1 Continuation of Existing Laws (Moved to Section 1-7)

All special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to the town in force ~~when this charter takes effect and not specifically or by clear implication repealed in this charter,~~ shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 9-2 Continuation of Government

~~All town agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred.~~

Section 9-3 Continuation of Personnel

~~Any person holding employment under the town, at the time the charter is adopted, shall retain such office or employment and shall continue to perform the position's duties until provisions shall have been made in accordance with the charter for the performance of the duties by another person or agency. Persons in the full-time service or employment of the town shall not, as a result of this charter, have their pay reduced or time in service altered. Every person shall be retained in a capacity as similar to his or her former capacity as is practical.~~

Section 9-4 Transfer of Records and Property

~~All records, property and equipment whatsoever of any agency or part of such agency, the powers and duties of which are assigned in whole or in part to another agency, shall be transferred immediately to such assigned agency.~~

Section 9-5 Time of Taking Effect

~~The charter shall become fully effective upon its approval by the voters, except as otherwise provided in this section:~~

~~(a) **Select Board**— Upon adoption of the charter, the select board, registrars of voters, the town clerk, and other election officials of the town shall conduct a special election to be held on October 5, 2004. At the special election two additional select persons shall be chosen as follows: the candidate receiving the largest number of votes shall be elected to the select board for a term ending on the day of the annual town election in 2007; and the candidate receiving the second largest number of votes shall be elected to the select board for a term ending on the day of the annual town election in 2006. Annually thereafter there shall be elected a select person or select persons equivalent to the number of vacant positions to be filled at each annual election. Persons elected to the select board at the special election shall be sworn into office immediately upon certification of the vote by the town clerk.~~

~~(b) **Town Clerk, Treasurer, Collector**— The town clerk, the treasurer and the tax collector, who have previously been elected and who will now be appointed under the provisions of this charter, shall serve for the balance of their terms, but their successors shall be appointed, and should there be a sooner vacating of said offices, their successors shall be appointed.~~

~~(c) **Board of Assessors**— Beginning with the election in the year following the year in which the charter is adopted, members of the board of assessors shall be appointed as provided for in section 4-3. It being the intent of this provision that a transition from an elected board of assessors to an appointed board of assessors be phased over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected assessor his or her successor shall be appointed.~~

~~(d) **School Buildings and Grounds**— It is the intent of this provision that the transfer and assumption of duties for the maintenance and repair of school buildings and school grounds shall be phased over a period of time to allow the department of public works and the school committee to develop a plan for this transfer of responsibility. Said transfer shall take effect on July 1 in the year following the year in which the charter is adopted; however, the town manager may request an additional year before the department of public works shall assume the said functions.~~

- ~~(e) **Park and Recreation Commissioners**—Beginning with the annual town election in the year following the year in which the charter is adopted, members of the board of park and recreation commissioners shall be appointed as provided for in section 4-2, it being the intent of this provision that a transition from an elected board of park and recreation commissioners to an appointed board of park and recreation commissioners be phased over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected park commissioner, his or her successor shall be appointed.~~
- ~~(f) **Water and Sewer Commissioners**—The board of water and sewer commissioners in office at the time the charter is adopted, shall continue to perform their duties until December 1 in the year the charter is adopted. At such time these offices shall be abolished. It is the intention of this provision that the select board will become the water and sewer commission, and should there be a sooner vacating of a previously elected water and sewer commissioner, a successor shall not be elected.~~
- ~~(g) **Town Manager**—The select board shall, immediately following the election at which the select board is expanded to five members, initiate procedures to recruit a town manager.~~
- ~~(h) **Town Administrator**—The position of town administrator is abolished, effective not later than two weeks following the appointment and assumption of office by the town manager. The incumbent town administrator may be eligible for the position of town manager.~~
- ~~(i) **Budget Submission Date**—Until such time as the town meeting acts, by by law, to establish a different time for submission, by the town manager, of a proposed budget as provided in section 7-3, the proposed budget shall be submitted to the select board not later than one hundred and twenty days before the start of the fiscal year.~~
- ~~(j) **Review of By laws**—Within forty five days after the election at which the charter is adopted, the moderator shall appoint a special committee of seven members to review the existing by laws of the town. The committee shall report, to the next annual town meeting, its recommendations to bring the town by laws into conformity with the town charter. Where by laws conflict with the charter, the charter provisions shall prevail.~~
- ~~(k) **Procedures for Appointments to Multiple Member Bodies**—Upon adoption of the charter and until provisions are made by by law as provided for in Section 4-5, all appointments to boards, commissions and committees, by multiple member appointing authorities, shall be made in accordance with the following procedures: (1) vacancies and/or openings shall be advertised or posted; (2) all letters and/or resumes of interested volunteers shall be acknowledged and considered by the appointing authority; (3) public interviews shall be conducted; and (4) appointments shall be made at public meetings of the appointing authority.~~

ARTICLE 35.

It was a Majority Affirmative vote to accept the provisions of Massachusetts General Laws Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018, and to set the excise tax on short-term rentals at 6.00%.

ARTICLE 36.

It was a Majority Affirmative vote that the Town accept the provisions of Massachusetts General Law Chapter 51, Section 16A creating a four (4) member board of election commissioners that would be the lawful successor of the current board of registrars. The election commissioners would have all the same powers, rights, duties and liabilities of the board of registrars except as otherwise provided in the statute.

ARTICLE 37.

It was a Majority Affirmative vote to amend Section 5-804 (e) of the General Bylaws of the Town (part of the demolition delay bylaw) by inserting the following new wording (in italics) to the end of the section:

- 1) (e) If, after such hearing, the Longmeadow Building Demolition Committee determines that the structure is a significant structure and the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town, then it shall file written notice with the findings of its determination to the applicant and the Building Commissioner, and no demolition permit shall be issued until nine (9) months after the date of such determination by the Longmeadow Building Demolition Committee; *provided, however, that the committee may, for cause shown, reduce the delay period.*

ARTICLE 38.

It was a Unanimous Affirmative vote to amend Section 2-805 of the General Bylaws of the Town (Historic District Commission) by replacing 2-805 in its entirety with the following:

2-805. Longmeadow Historic District Commission.

- (a) The Historic Districts Act, Massachusetts General laws, Chapter 40C, governs the Historic District Commission. The Commission shall adopt rules and regulations for the conduct of its business not inconsistent

with the provisions of the Historic Districts Act; or this By-Law, as the case may be. These rules and regulations will be on file with the Town Clerk.

(b) The purpose of this bylaw, as stated in the Historic Districts Act, Section 2, “is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.”

(c) There is hereby established under the provisions of the Historic Districts Act, as amended, a historic district to be known as the Longmeadow Historic District, bounded as shown on a map entitled “Plan Showing Longmeadow Historic District, Longmeadow, Massachusetts”, map dated June 2012 prepared by the Town Engineer attached to and made part of the by-Laws, a copy of which is on file with the Town Clerk.

(d) As authorized by the Historic District Act, Section 4, the Town has authorized the appointment of seven full voting members and three alternate members. Appointments to be made per the Historic Districts Act. No member may serve on the Commission for more than two consecutive three year terms, nor more than three consecutive terms if either of the first two terms is for less than three years.

ARTICLE 39.

A motion was moved and seconded that the Town vote to amend the General Bylaws by adding Article 6, Chapter 400, Section 6-417 Open Burning. No person shall cause, suffer, allow, or permit the open burning of any combustible material. Open Burning is burning under such conditions that the products of combustion are emitted directly to the ambient air. Open burning includes above or underground smoldering fires, including fires for the disposal of brush, cane, driftwood, forestry debris, grass, hay and leaves. This bylaw shall not apply to:

- (a) open burning for the purpose of combating or backfiring an existing fire by persons affiliated with an official firefighting agency
- (b) open burning conducted primarily for cooking purposes:
- (c) training or research in fire protection or prevention with specific approval by the Department of Environmental Protection
- (d) activities associated with the normal pursuit of agriculture which have been determined by the Department of Environmental Protection as necessary and which include but are not limited to, open burning of blueberry patches for pruning purposes, dead raspberry stalks, fruit tree prunings, and infected beehives for disease control;
- (e) open burning of brush and trees resulting from agricultural land clearing operations;
- (f) the disposal of fungus-infected elm wood provided that no suitable alternative method of disposal is available;
- (g) Ceremonial fires, only as permitted by the authority having jurisdiction.

A motion was moved and seconded to amend (b) to read: Grass, hay and other debris not be used for cooking. The motion to amend failed by Majority Negative vote.

The Main Motion as read passed by Majority Affirmative vote.

ARTICLE 40.

It was a Majority Affirmative vote move that the Town vote to amend Chapter 400, Public Order and Decency, of the Town’s General Bylaws by inserting the following quoted language as a new section following Chapter 400, Section 6-416 to read as follows:

“Section 6-417. Excessive Noise From Certain Vehicular Braking Mechanisms Prohibited.

Notwithstanding anything to the contrary contained in Chapter 400, Section 6-407, and without limiting the effect of Chapter 400, Section 6-407, except in the case of an emergency, it is unlawful for the driver of any vehicle to use or operate, or cause to be used or operated within the limits of the Town, any compression brake, engine brake, so-called “jake brake”, dynamic brake, or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, if such device or devices result in excessive, loud, obnoxious or otherwise offensive or unusual noise. Violators of this section shall be subject to a fine of \$300 per violation of this section.”

ARTICLE 41.

The Moderator Declared a 2/3rds Majority Negative vote to amend the Zoning Bylaws by deleting the text of Article IV, Section B, Sub-section 1.2a in its entirety and replacing it with the following.

A totally enclosed private garage must be used for the overnight vehicular storage of vehicles registered as Commercial or Bus, as defined by the Code Massachusetts Regulations, except those that are registered in the Town of Longmeadow, do not exceed a gross vehicle weight of 7,000 lbs., have no more than two axles, and have six wheels or fewer.”

ARTICLE 42.

Citizen Petition

It was moved in terms of the Article that the Town vote to adopt bylaws to provide that the Town’s planning and zoning bylaws are used to ensure that there is adequate protection of its citizens and its environment from noise, pollutants, emissions, discharges, leaks, and other risks and hazards that are associated with facilities of natural gas utilities.

ARTICLE XV **RESTRICTIONS FOR FACILITIES OF** **NATURAL GAS UTILITIES**

A. PURPOSE

The purpose of this by-law is to provide that the Town’s planning and zoning by-laws are used to ensure that there is adequate protection of its citizens and its environment from noise, pollutants, emissions, discharges, leaks and other risks and hazards that are associated with facilities of natural gas utilities. Facilities of natural gas utilities (hereinafter referred to as “facilities”) are defined herein.

In addition to site and design review, these facilities are required to obtain a special permit from the Planning Board. Such proceedings are to be consolidated.

B. DEFINITIONS

1. **Compressor Station:** A Facility designed and constructed to compress natural gas in its function as a midstream Facility for the delivery of gas to a transmission pipeline, distribution pipeline, or processing plant, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
2. **Gate Station:** Point at which a local gas *utility* receives gas from a pipeline company.
3. **Metering Station:** A Facility that is a pipeline station designed for the continuous and simultaneous analysis of the quantity and quality of the natural gas being transported in the pipeline, and is used to branch off the pipeline, meter the gas and reduce pressure.
4. **Operator:** Any private or public entity which operates a Facility.
5. **Pigging Station:** This is the Facility that controls the devices known as "pigs" (pipeline inspection gadget) to perform various maintenance operations. These operations include but are not limited to cleaning and inspecting the pipeline, storing and removing waste and other products found in the natural gas pipelines.
6. **Protected Structure:** Any occupied residence, commercial, business, school, religious institution or other public building located within one mile of the surface location of a Facility, including structures such as garages and barns or other accessory buildings and structures which may be impacted by noise and/or emissions generated by any of the facilities.
7. **Valve Station:** This is the junction where pipes in a network have a central control system.

C. COMPREHENSIVE HEALTH IMPACT ASSESSMENT (CHIA):

As a component of the Special Permit Application, an independent Comprehensive Health Impact Assessment (CHIA) shall be required within a designated perimeter of any proposed Facility in order to identify potential health threats as a means of mitigating negative health impacts on residents. The CHIA shall be prepared by an independent health and safety expert in accordance with nationally recognized standards, to be paid for by the Operator and specifically designed to identify and evaluate potential short-term and long-term human health impacts by identifying potential pathways for Facility-related contaminants to harm human health, quantifying the cumulative risks posed by any contaminants, and recommending necessary avoidance, minimization, or mitigation. An ongoing annual monitoring of resident health shall be required after infrastructure is built which may have any health impact.

D. EMISSIONS:

1. Any Special Permit issued hereunder shall require that the emissions from any Facility and accessory equipment shall be monitored monthly, to ascertain whether they equal or exceed the threshold of toxic air pollutants or hazardous air pollutants designated as such by state or federal Environmental Protection Agency classifications.
2. Any applicant hereunder shall demonstrate that the best available engineering, inspection, oversight and monitoring practices shall be used to minimize any emissions and ensure public safety.

E. NOISE:

1. **Residential/Business/Agricultural Districts:** Any Facility contemplated hereunder shall be designed such that, at no point beyond the boundary of any lot within these districts, shall the exterior noise level resulting from any use or activity located on such lot, at any time, exceed a maximum of 55 Dba.
2. **Sound Barriers:** Any Special Permit issued hereunder many require the temporary or permanent erection and use of sound barriers to minimize the impact of noise from the facilities on residents.

3. **Monitoring:** Any Special Permit issued hereunder shall include the following protocol for complaints: if a signed complaint is received by the issuing body of the Special Permit or any other town official, designated pursuant the Special Permit, from any resident using a Protected Structure for any lawful purpose regarding noise generated from any Facility and its activities, the Operator shall, within 48 hours of receipt of the complaint, continuously monitor for a 72 hour period at a point which is the closer to the complainant's Protected Structure to:

- a. The property line nearest to the Facility generating the noise; or
- b. One hundred (100) feet from the property line of the Protected Structure.

The Operator shall provide the final result to the Town Manager or designee within 10 business days of the Operator's receipt of the final results to determine compliance.

4. **Exhaust Muffler or Exhaust Box:** Any internal combustion engine or compressor used in any Facility shall be equipped with 1) an exhaust muffler or 2) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. All such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

5. **Testing and Low Frequency Noise:** As a condition of approval of any Special Permit, the Planning Board shall require that independent baseline testing of background noise shall be done prior to construction of any site which may have a high impact on noise within a designated perimeter of one mile to the site, and such testing must address low frequency noise (LFN) and pure tones as well as mid and high frequency noise.

F. LIGHTING:

The Operator shall take steps to direct site lighting downward and inward toward the Compressor Station so as to attempt to minimize glare on property nearby the Facility site. No exterior lighting at any proposed Facility location shall project above the horizontal plane or project beyond property lines, and be restricted to a minimum. Any permanently installed exterior lighting shall comply with bylaws to protect abutters.

G. FIRST RESPONDERS:

1. In deliberating upon any application for a Special Permit hereunder, the Planning Board may consider whether first responders, including but not limited to the Longmeadow Fire Department and the Longmeadow Police Department, have the requisite training and equipment to adequately respond to any potential dangerous conditions that may result due to unique aspects of the operation of a Facility station.

2. Prior to construction of the Facility, Operator shall provide to the Town's First Responders, including the Fire Department, Police Department, Ambulance service and the Town Clerk, a copy of its Preparedness, Prevention Contingency Plan, which shall address methods to handle the following:

- a. Pipeline leakage
- b. Spill containment
- c. Vandalism creating unknown conditions
- d. Defective pipelines
- e. Potential contamination of the public water supply and well water of residents, and streams and wetlands

H. SETBACKS:

The site plan submitted by any applicant for a Special Permit hereunder shall include a showing of the location of structures on neighboring properties within 1 mile of property lines upon which the Facility will be located. The site plan and other submitted materials shall also detail the effects of an explosion or other emergency situation involving such structures on properties within the Town's boundaries, including measures taken to minimize such effects. The Planning Board, as a condition of approval, may impose setback requirements that are reasonably necessary to address potential emergencies at the locus.

I. PENALTIES AND FINES:

In the event of any violation of this by-law that results in harm to residents, property or Town's resources, including, but not limited to, public water supply and well water of residents, and streams and wetlands, vegetation, or Protected Structures, the Operator shall be responsible for payment of clean-up costs as well as reimbursement of all costs incurred by the Town in responding to such violations. Fines, payable to the Town, shall be imposed at the rate of \$1000 per day for each day that such violation continues.

A motion was moved and seconded to amend the Article to now read:

ARTICLE XV

**RESTRICTIONS FOR FACILITIES OF
NATURAL GAS UTILITIES**

A. PURPOSE

The purpose of this by-law is to provide that the Town's planning and zoning by-laws are used to ensure that there is adequate protection of its citizens and its environment from noise, pollutants, emissions, discharges, leaks and other risks and hazards that are associated with facilities of natural gas utilities. Facilities of natural gas utilities (hereinafter referred to as "facilities") are defined herein.

In addition to site and design review, these facilities are required to obtain a special permit from the Planning Board, as designated in Articles II and X of the Longmeadow zoning by-laws. Such proceedings are to be consolidated

B. DEFINITIONS

1. Compressor Station: A Facility designed and constructed to compress natural gas in its function as a midstream Facility for the delivery of gas to a transmission pipeline, distribution pipeline, or processing plant, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

2. Gate Station: Point at which a local gas *utility* receives gas from a pipeline company.

3. Metering Station: A Facility that is a pipeline station designed for the continuous and simultaneous analysis of the quantity and quality of the natural gas being transported in the pipeline, and is used to branch off the pipeline, meter the gas and reduce pressure.

4. Operator: Any private or public entity which operates a Facility.

5. Pigging Station: This is the Facility that controls the devices known as "pigs" (pipeline inspection gadget)to perform various maintenance operations. These operations include but are not limited to cleaning and inspecting the pipeline, storing and removing waste and other products found in the natural gas pipelines.

6. Protected Structure: Any occupied residence, commercial, business, school, religious institution or other public building located within one mile of the surface location of a Facility, including structures such as garages and barns or other accessory buildings and structures which may be impacted by noise and/or emissions generated by any of the facilities.

7. Valve Station: This is the junction where pipes in a network have a central control system.

C. COMPREHENSIVE HEALTH IMPACT ASSESSMENT (CHIA):

As a component of the Special Permit Application, an independent Comprehensive Health Impact Assessment (CHIA) shall be required within a designated perimeter of any proposed Facility in order to identify potential health threats as a means of mitigating negative health impacts on residents. The CHIA shall be prepared by an independent health and safety expert in accordance with nationally recognized standards, to be paid for by the Operator and specifically designed to identify and evaluate potential short-term and long-term human health impacts by identifying potential pathways for Facility-related contaminants to harm human health, quantifying the cumulative risks posed by any contaminants, and recommending necessary avoidance, minimization, or mitigation. An ongoing annual monitoring of resident health shall be required after infrastructure is built which may have any health impact. The Town of Longmeadow Select Board shall receive copies of all monitoring and environmental reports required under this provision.

D. EMISSIONS:

1. Any Special Permit issued hereunder shall require that the emissions from any Facility and accessory equipment shall be monitored monthly by the Operator, to ascertain whether they equal or exceed the threshold of toxic air pollutants or hazardous air pollutants designated as such by state or federal Environmental Protection Agency classifications. The Town of Longmeadow Select Board shall receive copies of all

monitoring and environmental reports, including but not limited to, reports submitted to federal and state regulatory agencies.

2. Any applicant hereunder shall demonstrate that the best available engineering, inspection, oversight and monitoring practices shall be used to minimize any emissions and ensure public safety.

E. NOISE:

1. **Residential/Business/Agricultural Districts:** Any Facility contemplated hereunder shall be designed such that, at no point beyond the boundary of any lot within these districts, shall the exterior noise level resulting from any use or activity located on such lot, at any time, exceed a maximum of 55 Db.

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3. **Monitoring:** Any Special Permit issued hereunder shall include the following protocol for complaints: if a signed complaint is received by the issuing body of the Special Permit or any other town official, designated pursuant the Special Permit, from any resident using a Protected Structure for any lawful purpose regarding noise generated from any Facility and its activities, the Operator shall, within 48 hours of receipt of the complaint, continuously monitor for a 72 hour period at a point which is the closer to the complainant's Protected Structure to:

- c. The property line nearest to the Facility generating the noise; or
- d. One hundred (100) feet from the property line of the Protected Structure.

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H. SETBACKS:

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I. PENALTIES AND FINES:

In the event of any violation of this by-law that results in harm to residents, property or Town's resources, including, but not limited to, public water supply and well water of residents, and streams and wetlands, vegetation, or Protected Structures, the Operator shall be responsible for payment of clean-up costs as well as reimbursement of all costs incurred by the Town in responding to such violations. Fines, payable to the Town, shall be imposed at the rate of \$1000 per day for each day that such violation continues.

J. SEVERABILITY:

It is the intention of this law that each separate provision of this Article shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this Article be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Article shall remain valid and enforceable.

It was a Majority Affirmative vote to amend the article as presented.

A motion to call the question was approved by a 2/3rds Declared Majority Affirmative vote.

The Moderator declared the Main Motion as amended passed by a 2/3rd Affirmative vote.

The meeting dissolved at 11:11 p.m.

The number of registered voters in attendance was 449 (3.93% of eligible voters), there being 11,412 registered voters as of April 24, 2019.

Katherine T. Ingram
Town Clerk