

**TOWN OF LONGMEADOW
ANNUAL TOWN MEETING
TUESDAY – MAY 10, 2016 – 7:00 P.M.**

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 present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Gerry Nolet to give the invocation. Select Board Chair Person Richard Foster recognized Michael Kallock, the former Town Moderator for his nine years of service to the Town. 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 Richard Foster presented the Citizen of Year award to Dr. John Carey and James Law.

Special Motions

It was a Majority Negative vote that when the meeting concludes the business which is pending at 10:30 pm, we adjourn the town meeting until Wednesday, May 11, 2016, at 7:00 pm in the High School Gymnasium.

It was a Majority Affirmative vote that the Town Meeting recess the Annual Town Meeting at the conclusion of Article 9, for the purposes of holding a Special Town Meeting. That Annual Town Meeting, shall resume at the dissolution of the Special Town Meeting.

The Moderator Declared a 2/3rds Majority Affirmative vote to approve Articles 6, 13, 17, 23 and 25 as written in the warrant, in one vote (Consent Agenda).

ARTICLE 1.

It was a Majority Affirmative vote that the Town 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 that the Town transfer from available funds in the Treasury the sum of \$60,000.00 for the purposes of funding the FY 2016 Snow and Ice removal deficit.

ARTICLE 3.

It was a Unanimous Affirmative vote that the Town transfer from available funds in the Treasury the sum of \$1,078.00 for the purposes of paying Bills of Prior Fiscal Year.

ARTICLE 4.

The Moderator Declared a 2/3rds Majority vote that the Town transfer from available funds in the Treasury the sum of \$135,716.00 to the Town's Operational Stabilization Fund established pursuant to MGL Chapter 40, S5B.

ARTICLE 5.

It was a Majority Affirmative vote that the Town transfer from available funds in the Treasury the sum of \$78,205.69 for the purposes of paying off a portion the Town's final share of the Longmeadow High School project.

ARTICLE 6.

The Moderator Declared a 2/3rds Majority vote (Consent Agenda) that the Town transfer from available funds in the Treasury the sum of \$75,000.00 for the Fiscal Year 2018 Department of Revenue mandated triennial update of all properties in Town.

ARTICLE 7.

It was a Majority Affirmative vote after a hand count of 507 votes in favor and 470 votes against that the Town transfer from available funds in the Treasury the sum of \$50,000.00 for the purposes of consulting services to assist the Town in investigating the development of a fair and equitable "Storm Water Enterprise Fund" to be voted on at a future Town Meeting.

ARTICLE 8.

It was a Majority Affirmative vote that the Town fix the Fiscal Year 2017 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 2017 operating budget totaling \$62,344,591.00 and itemized as follows:

General Government	\$ 1,489,589.00
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Public Safety	\$ 4,828,955.00
Planning & Community Development	\$ 184,992.00
Schools	\$33,153,629.00
Department of Public Works (General Fund)	\$ 3,445,417.00
Community and Cultural Services	\$ 1,567,106.00
Debt Service & Town/School Employee/Retiree Benefits	<u>\$12,346,938.00</u>
Subtotal General Fund	\$57,016,626.00
Solid Waste / Recycling Enterprise Fund	\$ 1,055,929.00
Water Enterprise Fund	\$ 2,356,075.00
Sewer Enterprise Fund	<u>\$ 1,915,961.00</u>
Total	\$62,344,591.00

And to fund the General Fund \$57,016,626.00 be raised and appropriated as follows: \$56,352,591.00 from general taxation, \$555,000.00 from Ambulance receipts, \$9,035.00 be transferred from Fund Balance Reserve for Future Years Debt Service and \$100,000.00 from available funds in the Treasury; and that to fund the Solid Waste / Recycling Enterprise Fund \$1,055,929.00 be raised and appropriated as follows: \$270,000.00 from Solid Waste / Recycling receipts and \$785,929.00 from general taxation; and to fund the Water Enterprise Fund \$2,356,075.00 be raised and appropriated as follows: \$2,356,075.00 from Water receipts; and to fund the Sewer Enterprise Fund \$1,915,961.00 be raised and appropriated as follows: \$1,915,961.00 from Sewer receipts, or take any other action relative thereto.

ARTICLE 9.

It was moved and seconded that the Town 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 that were funded through general taxation or the Capital Stabilization Fund be returned to the Capital Stabilization Fund:

From Raise and Appropriate (FY2017)

Project Development	\$ 25,000.00
Project Reserve	\$ 10,000.00
Replace / Install IT Battery Backup System	\$ 30,000.00
Fire Truck Replacement Contribution	\$ 65,110.00
DPW Grounds – Russell Field Safety Netting	\$ 5,000.00
DPW Utility Work Machine	\$ 60,000.00
DPW Rack Body	\$ 54,000.00
DPW Facilities Director Vehicle	\$ 28,362.00
Pavement Preservation	\$ 550,000.00
Sidewalk Reconstruction	\$ 440,000.00
Guardrail Replacement	\$ 50,000.00
Elmwood Road Drain Outlet Repair	<u>\$ 122,015.00</u>
Subtotal	\$1,439,487.00

Multi Fund

	Raise and Appropriate FY17	Water Retained Earnings	Sewer Retained Earnings	Capital Stabilization
DPW Working Foreman Utility Body	\$21,113.00	\$10,556.00	\$10,556.00	
DPW Asphalt Reclaimer / Hot Box	\$ 7,900.00	\$19,450.00	\$19,450.00	\$31,000.00
DPW Assistant Director Vehicle Water/Sewer		\$14,181.00	\$14,181.00	

An amendment was moved and seconded to increase the funding to the Fire Truck Replacement Contribution by \$34,890 from \$65,110 to \$100,000 and to reduce the Pavement Preservation appropriation by an equal amount from \$550,000 to \$515,110.

The amendment failed by a Majority Negative vote.

The Moderator Declared a 2/3rds Majority Affirmative vote on the main motion.

*The Annual Town Meeting recessed at 9:01 until the dissolution of the Special Town Meeting.

It was a Majority Affirmative vote to dissolve the Special Town Meeting at 9:09 pm and to resume the Annual Town Meeting.

*A motion was moved and seconded to advance Article 32.

The Moderator Declared a 2/3rds Majority Affirmative vote to advance Article 32.

*After the advanced Article 32 was voted upon a motion was moved and seconded to advance articles 29, 30 and 31.

The Moderator Declared a 2/3rds Majority Affirmative vote to advance Articles, 29, 30 and 31.

ARTICLE 10.

The Moderator Declared a 2/3rds vote that the Town authorize the Treasurer to borrow the sum of \$144,205.00 for the purposes of upgrading water mains on Sunset Lane and related bonding costs, to be paid in the first instance from water receipts.

A motion was moved and seconded to advance Articles 27 and 28 prior to Article 11.

The Moderator Declared a 2/3rds vote to advance Articles 27 and 28 prior to Article 11.

A motion was moved and seconded to group Articles 11 and 12.

The Moderator Declared a 2/3rds Majority Affirmative vote to group Articles 11 and 12.

A motion was moved and seconded to group Articles 14, 15 and 19.

The Moderator Declared a Unanimous Affirmative vote to group 14, 15 and 19.

ARTICLE 11.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town authorize the Treasurer to borrow the sum of \$187,275.00 for the purposes of upgrading water mains and the water loop on Branch Street and related bonding costs, to be paid in the first instance from water receipts.

ARTICLE 12.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town authorize the Treasurer to borrow the sum of \$141,745.00 for the purposes of installing a siphon on Elmwood Drive and related bonding costs, to be paid in the first instance from sewer receipts.

ARTICLE 13.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town appropriate \$476,652.00 from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2017 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, and expend.

ARTICLE 14.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town establish a revolving fund for the School Department, pursuant to General Laws Chapter 44, Section 53E ½, said fund to receive commissions paid from sales from vending machines located in various locations under the jurisdiction of the School Department, said funds to be deposited with the Town Treasurer and with payments from the fund to be expended by the School Department, up to \$5,000.00, to support school-related activities.

ARTICLE 15.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town raise and appropriate the sum of \$212,500.00 to a Salary Settlement Account to fund approved collective bargaining and wage settlements.

ARTICLE 16.

It was moved and seconded that the Town vote to transfer \$50,000.00 from prior warrant article #9 approved at the Fall Town Meeting dated November 3, 2015 for tasks including, but not limited to, additional site analysis, conceptual site plan, and conceptual building renderings for the development of the Turner parcel along with the new Adult Center.

After discussion a Motion was moved and seconded to move the question.

The Moderator Declared a 2/3rds Majority Affirmative vote to move the question.

The Moderator Declared that the main motion Failed by a Majority Negative vote.

ARTICLE 17.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town and appropriate the sum of \$8,000.00 from the FY2017 Community Preservation local surcharge and trust fund for administration costs for the Community Preservation Committee.

ARTICLE 18.

The Moderator Declared that No Affirmative Action was taken on this Article.

I move that the Town vote to fund the Community Preservation Project to fund the Longmeadow History Finding Aid project, in an amount of \$35,700.00 to be funded from the Historic Preservation Fund Balance.

ARTICLE 19.

The Moderator Declared a 2/3rds Majority Affirmative vote (Consent Agenda) that the Town fund the Community Preservation Project to preserve personnel/payroll records, in an amount of \$60,000.00 to be funded from the Community Preservation Undesignated Fund Balance.

A motion was moved and seconded to group articles 20, 21, 22 and 24.

The Moderator Declared a 2/3rds Affirmative vote to group articles 20, 21, 22 and 24.

ARTICLE 20.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town transfer the sum of \$125,000.00 from the Community Preservation Housing Reserve to provide additional funds for support of Community Housing through the Residential Home Modification Fund, and to modify and supplement actions taken pursuant to Article 20 at the May 11, 2010 town meeting which established the Residential Home Modification Fund as follows:

- a. Funds will only be provided to town residents with income below 80% of the HUD median income for Longmeadow.
- b. Funds will only be used for items which meet the definition of housing support provided in the CPA guidelines.
- c. A committee of at least three individuals will review and approve all applications for funds.

ARTICLE 21.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town fund the Community Preservation Project to replace the Center School Terrace and Balustrade, in an amount of \$136,000.00. \$4,000.00 to be funded from the Historic Preservation Fund Balance and \$132,000.00 to be funded from the Community Preservation Undesignated Fund Balance.

ARTICLE 22.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town fund the Community Preservation Project to make repairs to the Greenwood pool, in an amount of \$235,000.00. \$78,000.00 to be funded from the Recreation/Open Space Fund Balance and \$157,000.00 to be funded from the Community Preservation Undesignated Fund Balance.

ARTICLE 23.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town adopt a \$15.00 demand fee, pursuant to Chapter 60, Section 15 of the Massachusetts General Laws, to be added to and collected as part of the tax, to be effective as of July 1, 2016.

ARTICLE 24.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town adopt a \$30.00 lien fee for water and a \$30.00 lien fee for sewer, pursuant to Chapter 40, Section 58 of the Massachusetts General Laws, that would be added as a lien to the third quarter Real Estate tax bills.

ARTICLE 25.

The Moderator Declared a 2/3rds Affirmative vote (Consent Agenda) that the Town amend General Bylaw 2-804(f) relating to the Conservation Commission by correcting two typographical errors in the transcription of the first two sentences by (a) striking the words “contgrift of” in the second line and substituting the words “control of” and (b) by striking the word “noeaseme” in the fourth line and substituting the words “not limited to” so that, as amended, the first and second sentences of Section 2-804(f) will read as follows:

- (f) To the extent necessary to pursue the goals of this section, the Town is authorized to acquire, hold, manage and control of the interest, it may purchase the interest, or within limits stated in the General Laws, Chapter 40, Section 8C, it may use its power of eminent domain. An interest that can be acquired in land or water includes but is not limited to an easement and a right arising out of contract.

ARTICLE 26.

It was moved and seconded that the Town vote to amend General Bylaw Chapter 600, Section 2-603 Tree Warden as follows:

Remove:

- (a) The Tree Warden shall maintain records that show the activities of his office, including a record of receipts and expenditures. He shall from time to time make recommendations to the Select Board and Town Manager regarding the care of trees in the Town.
- (b) Harming Trees. A person shall not trim, cut down or remove a tree or shrub from land that is owned or controlled by the Town of Longmeadow unless he has first obtained written authorization from the Tree Warden.

Replace with:

Such aforementioned duties shall include, but not be limited to, the following as may be further specified in this bylaw:

- (1) The Tree Warden shall maintain records that show the activities of his office, including a record of receipts and expenditures. He shall from time to time make recommendations to the Select Board and Town Manager regarding the care of trees in the Town;
- (2) Expending funds, in coordination with the Tree Committee, appropriated for planting trees on Town land under the jurisdiction of the Tree Warden;

- (3) Work in conjunction with the Tree Committee to seek grants or other assistance concerning the preservation and maintenance of trees in Town;
- (4) Development of rules, regulations, tree inventory, manuals and other data, in conjunction with the Tree Committee, to carry out the purposes and intent of this bylaw for approval and promulgation by the Select Board;
- (5) Enforcement of this bylaw;
- (6) The Tree Warden shall recommend persons to be appointed as Deputy Tree Wardens to the Town Manager, who shall be the appointing authority;

And amend Chapter 800, Advisory, policy and Regulatory Agencies by adding a new Section 2-809 Tree Committee as follows:

§2-809. Tree Committee.

A. The Town shall have a Tree Committee that consists of seven members. The members shall be the Tree Warden and the Director of Parks and Recreation and five (5) public members as appointed by the Select Board. For the first appointments, two members will serve one-year terms; one member will serve a two-year term; and one member shall serve a three-year term. All members up for renewal will then serve three-year terms.

B. The Tree Committee shall have the following duties and responsibilities as may be further specified in this bylaw:

- (1) Development of rules, regulations, tree inventory, manuals and other data, in conjunction with the Tree Warden, to carry out the purposes and intent of this bylaw, for approval and promulgation by the Select Board;
- (2) Public education and coordination with other Town Committees and civic groups to promote the purposes and intent of this bylaw;
- (3) Work in conjunction with the Tree Warden to seek grants or other assistance concerning the preservation and maintenance of trees in Town.

An amendment was made to section A to change the members from one member to two members.

It was a Unanimous Affirmative vote to amend section A to read:

A. The Town shall have a Tree Committee that consists of seven members. The members shall be the Tree Warden and the Director of Parks and Recreation and five (5) public members as appointed by the Select Board. For the first appointments, two members will serve one-year terms; two members will serve a two-year term; and one member shall serve a three-year term. All members up for renewal will then serve three-year terms.

It was a Majority Affirmative vote to approve the Main Motion as amended.

ARTICLE 27.

It was a Majority Negative vote that the Town accept a bylaw for setting the speed limit on side streets that reads, the speed limit for all motor vehicles on side streets within the Town of Longmeadow shall be 20 miles per hour. For purposes of this section, the term “side streets within the Town of Longmeadow” shall mean all public ways within the Town of Longmeadow with the exception of Longmeadow Street, Forest Glen Road, Laurel Street, Converse Street, Burbank Road, Bliss Road, Emerson Road, Pondsides Road, Birnie Lane, Bark Haul Road, Williams Street, Shaker Road, Maple Road, Hazardville Road, Frank Smith Road, Redfern Drive, Dwight Road, and Wolf Swamp Road.

ARTICLE 28.

It was a Majority Negative vote that the Town retain Quinnehtuk Road as a through road.

ARTICLE 29.

The motion was moved and seconded that the Town vote to accept a bylaw for gun control on town property that reads: Whoever, with the exception of federal, state, or local law enforcement officers, possesses a firearm, rifle, or shotgun in any building owned by the Town, or on recreation area, conservation area, or other grounds owned by the Town, shall pay a fine of \$300. The terms “firearm,” “rifle,” and “shotgun” shall have the meanings found in Massachusetts General Laws, Chapter 140, section 121.

A motion to lay the article on the table was moved and seconded.

It was a Majority Negative vote to lay the article on the table.

A motion was moved and seconded to call the question.

The Moderator Declared a 2/3rds Affirmative vote to call the question.

The article failed by a Majority Negative vote.

ARTICLE 30.

It was moved and seconded that the Town vote to accept a bylaw for gun licensing requirements that reads, each person applying for, or seeking to renew, a license to carry a firearm or a firearm identification card with the Chief of Police or Police Department shall describe in writing each firearm, rifle or shotgun possessed by the prospective license holder. Such description shall include the serial number, make, model, and caliber of each firearm, rifle, or shotgun. The prospective license holder shall also certify that he/she understands and complies with the safe storage requirements of Massachusetts General Laws, chapter 140, section 131L. Whoever

fails to provide a description for each firearm, rifle, or shotgun shall pay a fine of \$300 for each firearm, rifle, or shotgun which has not been so described. Whoever fails to certify, or falsely certifies, his/her compliance with the safe storage requirements of Massachusetts General Laws, chapter 140, section 131L shall pay a fine of \$300.

A motion was moved and seconded to call the question.
The Moderator Declared a 2/3rds Affirmative vote to call the question.

The article failed by a Majority Negative vote.

ARTICLE 31.

It was moved and seconded that the Town vote to accept a bylaw for an assault weapon ban that reads, whoever possesses an assault weapon or a large capacity feeding device shall pay a fine of \$300 for each day such assault weapon or large capacity feeding device is possessed within the Town. The possessor of an assault weapon or a large capacity feeding device shall pay a separate fine for each assault weapon and each large capacity feeding device. The term “assault weapon” and “large capacity feeding device” shall have the meanings found in Massachusetts General Laws, chapter 140, section 121. The possession of an assault weapon or a large capacity feeding device is unlawful even if such assault weapon or large capacity was lawfully possessed on or before September 13, 1994. The effective date of this bylaw shall be September 1, 2016.

A motion was moved and seconded to call the question.
The Moderator Declared a 2/3rds Affirmative vote to call the question.

The article failed by a Majority Negative vote.

ARTICLE 32.

It was moved and seconded that the Town vote to protect and preserve the Wolf Swamp fields, in the Town of Longmeadow, MA, as designated recreational use only, in perpetuity, and in accordance with their intended use by the sellers to the Town of Longmeadow on September 19, 1977. Furthermore, we ask the Select Board not to consider the use of any or all of these fields for the relocation of the DPW facility or for any future town or commercial development.

An amendment was moved and seconded to add language to the end of the article to read as follows:

That the Town vote to protect and preserve the Wolf Swamp fields, in the Town of Longmeadow, MA, as designated recreational use only, in perpetuity, and in accordance with their intended use by the sellers to the Town of Longmeadow on September 19, 1977. Furthermore, we ask the Select Board not to consider the use of any or all of these fields for the relocation of the DPW facility or for any future town or commercial development. Only if the Select board cannot provide suitable space for the fields that may be necessary for development. The use of the Wolf Swamp fields will save at least \$3,000,000.00 plus.

The Amendment failed by a Majority Negative vote.

The Main Motion was approved by a Majority Affirmative vote.