

**TOWN OF LONGMEADOW
SPECIAL TOWN MEETING MINUTES
Tuesday, October 16, 2018 – 7:00 p.m.
Longmeadow High School**

Acting under the authority of the posted warrant, the qualified voters of the Town met at the Longmeadow High School Auditorium. At 7:00 PM o'clock in the evening the moderator declared the Special Town Meeting open, there being more than a quorum present and all provisions of the law having been met.

ARTICLE 1.

It was a Unanimous Affirmative Vote that the Town transfer from the Solid Waste / Recycling Enterprise Retained Earnings account the sum of \$55,920.69 for the purposes of paying Bills of Prior Year.

ARTICLE 2.

It was a Unanimous Affirmative Vote that the Town raise and appropriate the sum of \$547.35 for the purposes of paying Bills of Prior Year.

ARTICLE 3.

The Moderator Declared a Unanimous Affirmative Vote that the Town raise and appropriate the sum of \$132,300.00 from the FY 2019 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$44,100.00, CPA Fund Balance Reserve for Community Housing \$44,100.00, and CPA Fund Balance Reserve for Historic Preservation \$44,100.00.

ARTICLE 4.

The Moderator Declared a Unanimous Affirmative Vote that the Town (A1) appropriate \$1,345,000.00 from the premium paid to the Town upon the issuance of the bonds for the Department of Public Works Facility project issued on August 28, 2018 to pay costs of such capital project; (A2) appropriate \$110,000.00 from the premium paid to the Town upon the issuance of the bonds for the Dwight Road Improvement District infrastructure project issued on August 28, 2018 to pay costs of such capital project and to reduce the amount authorized for such project by the same amount; (A3) transfer any remaining premiums, net of issuance costs, to the Premiums Reserved for Capital Projects account; and (B) supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

ARTICLE 5.

The Moderator Declared a Unanimous Affirmative Vote that the Town raise and appropriate or transfer from available funds, the amounts from the below listed sources, all to the FY 2019 Operating Budget accounts, to cover the FY 2019 debt service on the new DPW facility.

General Fund

Raise and appropriate	\$ 50,000.00	Retirement of Long Term Debt
Raise and appropriate	\$367,096.00	Interest on Long Term Debt

Sewer Enterprise Fund

Sewer Retained Earnings	\$ 55,173.00	Interest on Long Term Debt
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Water Enterprise Fund

Water Retained Earnings	\$ 67,495.00	Interest on Long Term Debt
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ARTICLE 6.

The Moderator Declared a Unanimous Affirmative Vote that the Town transfer from available funds in the Treasury the sums from the below listed sources, to the Operating Stabilization Fund.

Available funds in the Treasury	\$ 250,000.00
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ARTICLE 7.

It was a Majority Affirmative Vote that the Town raise and appropriate the sum of \$130,000.00 for the purposes of supplementing the FY 2019 budgetary accounts as listed below.

Health Insurance – Employee	\$ 75,000.00
Liability Insurance	\$ 55,000.00

ARTICLE 8.

It was a Majority Affirmative Vote that the Town transfer from available funds in the Treasury the sum of \$37,000.00 for the purchase of five (5) in-car video systems for the Police Department.

ARTICLE 9.

It was a Unanimous Affirmative Vote that the Town transfer from the Sewer Retained Earnings account the sum of \$40,000.00 for the purposes of replacing two (2) channel grinders at the Emerson Road Pump Station.

ARTICLE 10.

The Moderator Declared a 2/3rd Majority Vote that the Town transfer from the Water Retained Earning account the sum of \$28,800.00, from the Sewer Retained Earnings account the sum of \$28,800.00, and from the Capital Stabilization Fund the sum of \$28,800.00 for a total of \$86,400.00, for the purposes of purchasing a Department of Public Works replacement skid steer.

Moderator Rebecca Townsend recused herself from Article 11.

The Town Clerk, Katherine Ingram held an election and a motion was moved and seconded to elect Michael Kallock to moderate Article 11.

ARTICLE 11.

It was moved in terms of the article that the Town amend the General Bylaws of the Town of Longmeadow by adding a new Article 2, Chapter 500, Section 2-516 to read as follows:

Subsection 2-516. Prohibition on Single-Use Plastic Bags

1. Purpose

Longmeadow has adopted this bylaw by town meeting to combat the devastating long-term environmental effects and a need to reduce dependence on fossil fuels. Within six months of this bylaw taking effect, no store shall provide a single-use carryout bag to a customer at the point of sale.

2. Definitions

As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

- A. Director means the Health Director, or other administrator assigned by the Town Manager.
- B. ASTM D6400 means the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.
- C. ASTM D7081 means the ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.
- D. Compostable plastic bag means a plastic bag that:
 - 1. conforms to the current ASTM D6400 for compost ability;
 - 2. is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and
 - 3. conforms to any other standards deemed acceptable by this section.
- E. Department means the Longmeadow Department of Health.
- F. Marine-degradable plastic bag means a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional Department-approved standards are as stringent as ASTM D7081.

- G. Postconsumer recycled material means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- H. Recyclable Paper Bag means a paper bag that is:
 - 1. 100 percent recyclable including the handles;
 - 2. contains at least 40% post-consumer recycled paper content; and
 - 3. displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.
- I. Reusable grocery bag means a sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.
- J. Single-use plastic bag means a bag made of plastic or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag. A single-use carryout bag does not include the following:
 - 1. a newspaper bag;
 - 2. a bag provided to contain an unwrapped food item; or
 - 3. a non-handled bag that is designed to be placed over articles of clothing on a hanger.
- K. Store means a retail establishment store, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers' markets, public markets, jewelry stores, and household goods stores.

3. Plastic Bag Reduction

- A. In keeping with the intent and purpose of this bylaw, Stores shall be permitted to make available to customers at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the Store only reusable shopping bags or recyclable paper bags as provided in this bylaw or cardboard boxes, with or without charge.
- B. Customers are encouraged to bring their own reusable shopping bags to stores. Grocery stores are to make reusable checkout bags available for sale to customers at a reasonable price. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible, but Stores are encouraged to seek out alternative environmentally friendly options.
- C. List of Approved Alternatives Not later than 180 days following the adoption of this bylaw, the Longmeadow Board of Health or its designee shall adopt a list that it shall periodically update of approved and available alternatives for each product type, including those cited in this bylaw as well as any approved additional ones.

The approved alternatives shall be

- 1. appropriate for the respective product type; and
- 2. consistent with the other provisions of this bylaw.

4. PENALTIES AND ENFORCEMENT

- A. The Director of the Longmeadow Department of Health, or other administrator as assigned by the Town Manager shall have the authority to enforce this bylaw.
- B. Each Store shall comply with this bylaw.
- C. If it is determined that a violation has occurred the Director shall issue a warning notice to the Store for the initial violation.
- D. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - 1. \$25 for the first offense
 - 2. \$50 for the second offense and all subsequent offenses.
 - 3. No more than one penalty shall be imposed upon a Store within a seven (7) calendar day period.
 - 4. The Store shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

5. EFFECTIVE DATE

All of the requirements set forth in this bylaw shall take effect within six months of passage. In the event that compliance with the effective date of this bylaw is not feasible for a small Store because of undue economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representation to the Board of Health.

6. SEVERABILITY

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

A motion was moved and seconded to amend the article to read: 5. Effective Date: All of the requirements set forth in this bylaw shall take effect within twelve months of passage.

The motion to amend failed by a vote of NO = 56 and YES = 54 after the Moderator asked for a hand count.

It was a Majority Affirmative vote on the main motion.

The Special Town Meeting was dissolved at 7:44 pm.

The number of registered voters in attendance was 143, which represents 1.19% of the eligible voters, there being 12,027 total registered voters as of the deadline to register to vote, October 5, 2018.

Katherine T. Ingram, Town Clerk