

TOWN OF LONGMEADOW
SPECIAL (Fall) TOWN MEETING
October 27, 2020 – 7:00 p.m.
Longmeadow High School
WARRANT

COMMONWEALTH OF MASSACHUSETTS, HAMPDEN, ss

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Longmeadow, qualified to vote in elections and Town affairs, to meet in the GYMNASIUM, CAFETERIA, AND AUDITORIUM of the LONGMEADOW HIGH SCHOOL in said Town on TUESDAY, the 27th day of OCTOBER, 2020 at 7:00 p.m. o'clock in the evening and if the GYMNASIUM, CAFETERIA, AND AUDITORIUM of the LONGMEADOW HIGH SCHOOL, shall not, in the opinion of the Moderator, be adequate to contain such Inhabitants who shall meet, then to meet also in and such other locations in the LONGMEADOW HIGH SCHOOL as the Moderator deems appropriate, at such time and place then and there to act on the following articles to wit:

ARTICLE 1.

To see if the Town will vote to raise and appropriate \$151,212.00, or a greater or lesser sum, from the FY 2021 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$50,404.00, CPA Fund Balance Reserve for Community Housing \$50,404.00, and CPA Fund Balance Reserve for Historic Preservation \$50,404.00, or take any other action relative thereto.

The Community Preservation Act (CPA) requires Town Meeting to appropriate or reserve for future appropriation at least 10% of the estimated annual CPA revenue for acquisition and initiatives for each of the following three categories: Open Space, Community Housing and Historic Preservation. Approval of this article will satisfy the requirement for FY 2021. Currently, the FY 21 State matching share is estimated at 17.7% of our current year's estimated revenues; surcharge, \$407,000.00, other miscellaneous revenues \$25,000.00, and State match \$72,039.00.

Recommended by the Finance Committee

ARTICLE 2.

To see if the Town will vote to raise and appropriate the sum of \$225.00, or a greater or lesser sum, for the purpose of paying prior year's bills, or take any other action relative thereto.

Nine-tenths vote required.

It was discovered around the time the Town was closing its FY 2020 financial records that certain commitments involving training of staff had not been paid. This appropriation will allow the Town to make good on those commitments.

Recommended by the Finance Committee

Consent Agenda I (to include Articles 3, 4, 5, 6, 7)

ARTICLE 3.

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, to the FY 2021 Operating Budget for Legal Expenses to cover costs associated with protecting the Town's interests in the construction of a natural gas facility and site remediation at the DPW facility, or take any other action relative thereto.

The Town has and will continue to hire legal experts and consultants to protect the interest in public health and safety along with pursuing legal remedies to help offset the costs associated with the cleanup of the new DPW site.

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 \$20,000.00, or a greater or lesser sum, to the FY 2021 Operating Budget for Human Resources Clerical Overtime \$10,000.00 and Human Resources Other Expenses \$10,000.00, or take any other action relative thereto.

Ever since the coronavirus pandemic started in mid-March of 2020 the Human Resources Department has been inundated with additional tasks including but not limited to: interpretation of legislation dealing with the added coronavirus benefits; Town/School furloughs, furlough extensions, layoffs and the administrative tasks that come with them; auditing of unemployment claims for legit and the influx of fraudulent claims: informational requests and the processing of Family Medical Leave Act and American with Disabilities Act requests; etc... Much of this time was spent down a 1.00 FTE employee of the 4.00 staff budgeted in the Department. Managerial staff have worked excessive hours during this time. Clerical OT for FY 20 was covered with funds resulting from the staff vacancy. The FY 21 OT budget of \$1,000.00 was exhausted in August. The request for Other Expense dollars is for temporary contracted help.

Recommended by the Finance Committee

ARTICLE 5.

To see if the Town will vote to raise and appropriate the sum of \$108,218.00, or a greater or lesser sum, to supplement the FY 2021 Operating Budget - \$1,000.00 for Retirement of Long Term Debt and \$107,218.00 for Interest on Long Term, Debt, or take any other action relative thereto.

The Town refinanced \$11.45 million of principal from a 2011 Longmeadow High School Bond Issue. The savings amounted to over \$172K in FY 2021 and over \$2.24 million over the life of the refinanced debt. At the same time the Town refinanced this bond the Town also issued General Fund debt for the Wolf Swamp Fields \$1.34 million, the DPW \$2.41 million and for the Phase II of the land fill closing \$700K. The amount appropriated above is the net amount of FY 2021 debt service, the original FY 21 budget was short covering the debt service on the new issues.

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 \$105,000.00, or a greater or lesser sum, for the purpose of paying for emergency work related to the tropical storm Isaias on August 4, 2020, or take any other action relative thereto.

Tropical Storm Isaias uprooted trees, downed power lines and caused considerable damage throughout the Town. Emergency crews from Police, Fire and DPW along with the Town's tree service contractor worked tirelessly through the storm and the following days to provide a safe community. This appropriation covers the costs of the emergency work needed.

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 \$55,000.00, or a greater or lesser sum, for the purpose of replenishing the FY 2021 Operating Budget for Forestry Trimming and Removal costs incurred from the curbside pickup of storm debris from tropical storm Isaias, or take any other action relative thereto.

Massachusetts General Laws allows for deficit spending where there exists an immediate threat to persons and or property. Deficit spending resulting from tropical storm Isaias was addressed in the previous article. The Town incurred substantial additional costs within its FY 21 budget for Forestry Trimming and Removal. This appropriation supplements the FY 21 budget for those subsequent costs in order that the Town be able to continue with its regular forestry services through the fiscal year.

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 \$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 \$100,000.00 request of an estimated total \$400,000.00 Engineering project that will allow the Town to satisfy that requirement.

Recommended by the Finance Committee

Consent Agenda II (to include Articles 9, 10, 12)

ARTICLE 9.

To see if the town will vote to transfer from available funds in the treasury the sum of \$28,000.00, or a greater or lesser sum, for the purpose of evaluating the Department of Public Works' operations, organizational structure, staffing, technology and overall cost effectiveness to improve services provided to the residents of the town, or take any other action relative thereto.

The responsibility of the Department of Public Works includes town parks, playgrounds, athletic fields, building maintenance, water, sewer, stormwater, roadwork and the public shade tree canopy. In the near future two new facilities and the renovation of Wolf Swamp Fields will be completed and fall under the maintenance responsibility of the DPW. To help inform the future needs of the department and ensure we are adequately staffing and allocating resources, an evaluation of the DPW's operations, organizational structure, staffing levels and efficiency of providing services is needed. The objective of the assessment is to identify opportunities for improvement in the operational effectiveness and efficiency of the Department and practical opportunities for enhancing the quality of its product and services for the future.

Recommended by the Finance Committee

ARTICLE 10.

To see if the Town will vote to raise appropriate and / or transfer from available funds in the treasury the sum of \$450,000.00, or a greater or lesser sum, to be transferred into the Operational Stabilization Fund, or take any other action relative thereto.

The FY 2021 budget directives established by the Select Board included a deposit of \$250,000.00 into the Town's Operational Stabilization established by vote of Town Meeting on November 18, 2003 pursuant to Massachusetts General Law Chapter 40 Section 5B. Originally this vote was to take place at the June 23, 2020 Annual Town Meeting but was postponed as a result of the financial uncertainty created by the COVID 19 pandemic. As a result of temporarily halting certain services (School Crossing Guards, Council on Aging, Recreation, Library, etc...) larger than average unexpended funds were witnessed at the end of FY 20 creating a greater than normal amount of Free Cash. This amount will enhance the Town's reserves in order to maintain / improve the Town's current Standard and Poor's credit rating of AA+. The Town's General Reserve (summation of Free Cash and Stabilization Funds as of July 1st) policy requires a 5–10% reserve when compared to operating revenues. The July 1, 2020 percentage of reserves to operational revenue is approximately 8.58%.

Recommended by the Finance Committee

ARTICLE 11.

To see if the Town will vote to transfer from available funds in the treasury, the sum of \$300,000.00, or a greater or lesser sum, for the purpose of funding the FY 2021 budget as adopted at the June 23, 2020 Annual Town Meeting, or take any other action relative thereto.

As a result of the lingering pandemic some FY 2021 revenue sources still remain uncertain – mainly the amount of State Aid the Town is to expect. This authorization may be needed in order to assist the Select Board's / Town Manager's / Finance Committee's commitment of raising \$311,000.00 less than the maximum amount allowed under Proposition 2 ½.

Recommended by the Finance Committee

ARTICLE 12.

To see if the Town will vote to rescind \$182,500.00 of the \$200,000.00 originally budgeted in the FY 2021 Operating Budget for Recreation - Day Care Salaries, or take any other action relative thereto.

In the midst of the COVID 19 pandemic it was decided to close the Town’s Day Care operations run by the Parks and Recreation Department. State guidelines for operations at the time made it financially impossible to operate anywhere near a breakeven point. The rescension of the appropriation is necessary to maintain a balanced budget because of the offsetting loss of revenue generated by the Day Care operations.

Recommended by the Finance Committee

ARTICLE 13.

To see if the Town will vote to revoke its acceptance of its November 27, 2007 Article #14 vote establishing a Solid Waste / Recycling Enterprise Fund under MGL Ch. 44 Section 53F½. This vote would take effect for the upcoming fiscal year beginning July 1, 2021, or take any other action relative thereto.

Over the last several years the Town annually has had an audit finding regarding the accounting of the solid waste and recycling operations as an Enterprise Fund. The finding is based on the fact that the operations involved are annually more than 75% subsidized by General Fund taxation, as opposed to user fees, and therefore does not meet the accounting criteria for an Enterprise Fund. This is an accounting matter only and will have no impact of the services provided to the residents of Town. The fiscal year ending June 30, 2021 will be the last fiscal year for this enterprise fund operations, thereafter the accounting will be within the General Fund.

ARTICLE 14.

To see if the Town will vote to authorize the Select Board to acquire the following easements for the purpose of constructing, using and maintaining the infrastructure installations known as the North Interceptor Relocation Project (the “Project”).

	Total # Parcel	Area (Square Feet)
Temporary Easements	9	6,123
Permanent Easements	4	12,396

Further that the Select Board is authorized to acquire these easements, or modification(s) of these easements or other required interests in land for the Project through all legal means, which include, without limitation, donation(s), purchase(s), or eminent domain taking(s).

The subject parcels are each currently identified as Parcel PE-1, Parcel PE-2, Parcel PE-3, Parcel PE-4, Parcel TE-1, Parcel TE-2, Parcel TE-3, Parcel TE-4, Parcel TE-5, Parcel TE-6, Parcel TE-7, Parcel TE-8, and Parcel TE-9 on a plan of land entitled “Plan of Land in Longmeadow, MA prepared for the Town of Longmeadow, Easement Plan, Western Drive & Severn Street” dated September 16, 2020 by SHERMAN & FRYDRYK, LLC, Land Surveying and Engineering, or take any other action relative thereto.

Two-thirds vote required.

The North Interceptor conveys sewage from the area west of Longmeadow Street from the Springfield line down to Emerson Road. This section of the sewer system is mostly inaccessible as it is located on the slope abutting I-91. It is old and in poor condition and very difficult to maintain when it blocks and overflows. The new design moves the sewer line off the piers and into the backyards of the homeowners on Severn Street. By doing this the pipe will be protected and more accessible for line maintenance.

ARTICLE 15.

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 64G Section 3A which deals with short-term rentals operating in the Town of Longmeadow and to set the excise tax on such rentals at 6.00%, or take any other action relative thereto.

This article was approved at the May 14, 2019 Annual Town Meeting in Article 35, however through a procedural matter was never implemented by the State. This new law, MGL Chapter 64G Section 3A as amended, allows municipalities to adopt local room occupancy excise taxes up to 6.00% of total rent on short-term rentals (e.g. Airbnb, VRBO, etc...). The Town has been made aware of a growing number of homes being offered for short term rentals and wants to be able to have the regulatory resources to address any impacts on the community.

ARTICLE 16.

To see if the Town will vote to amend Section 3-303 of the General Bylaws of the Town (Warrants) by adding the following sections:

(c) The last Monday in January shall be the last day for filing petitions with the Town Clerk for the insertion of articles in the Warrant for the following Annual Town Meeting: and the warrant shall be closed no later than fifteen days prior to the date of the Annual Town Meeting

(d) The last day for filing petitions with the Town Clerk for insertion of articles into the Warrant for a Special Town Meeting shall be forty-five days prior to the date of the meeting and the Warrant shall be closed no later than fifteen days prior to the date of the Special Town Meeting

(e) All petition articles that mention Federal, State, Town or any other laws or refer to any parcel of land or road or any other pertinent information must have a copy of such law, map or pertinent information showing the location of the parcel of land or roads or any other pertinent information attached to the petition article submitted to the Town Clerk. Copies of these documents shall also be appended to the printed recommendation of the Finance Committee.

Or take any other action relative thereto.

Sections (c) & (d) of this proposed bylaw amendment will allow Town officials to finalize warrant content without the complexity of having last minute additions to the warrant be submitted while the warrant is being finalized. These sections eliminate the ongoing opening and closing of the warrant that has occurred in recent years to make adjustments to warrant articles under development prior to the finalization of the warrant, Section (e) makes the identification of the parcel under discussion more apparent to voters than the current practice of describing a parcel by longitude and latitude (degrees, minutes, seconds).

ARTICLE 17.

To see if the Town will vote to amend Section 2-805 of the General Bylaws of the Town (Historic District Commission) by deleting:

2-805. Longmeadow Historic District Commission

(a) The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings, their architecture and places significant to the encouragement of design compatible therewith.

(b) There is hereby established under the Historic District Act, General laws, Chapter 40C, as amended by Chapter 359 of the Acts of 1971, with all the powers and duties of an historic commission a Longmeadow Historic District commission consisting of seven (7) members to be appointed by the Select Board, all being residents of Longmeadow, including one (1) member, where possible from two (2) nominees, one of whom shall be submitted by the Chapter of American Institute of Architects covering Longmeadow, and one (1) member, where possible from two (2) nominees of the Board of Realtors covering Longmeadow. Two or more of the foregoing shall be residents of the Historic district established in Longmeadow pursuant to the Historic District Act. When the Commission is first established, one member shall be appointed for a term of one (1) year, three shall be appointed for a term of two (2) years and three shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. The Select Board may appoint one alternate member for a term of one (1) year and two alternate members may be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. No member may serve on the 42 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.

(c) There is hereby established under the provisions of the Historic District Act, as amended, an 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 bylaws, a copy of which is on file with the Town Clerk.

(d) The Historic District Commission established hereunder shall have all the powers and duties of an historical commission as provided in Section 80 of Chapter 40, of the Massachusetts General Laws.

(e) The Commission shall have all of the powers and duties of an historic district commission and all of the powers and duties of an historical commission and may in the exercise of any of the powers and duties accept money gifts and expend the same and, subject to appropriation or receipt of such gifts, employ clerical and technical assistance or consultants and the aforesaid powers and duties may include, but not be limited to, the following:

(1) To conduct a survey of Longmeadow buildings and sites for the purpose of determining those of historic significance, architecturally or otherwise, and pertinent facts about the, acting in collaboration with the Planning Board, conservation Commission and the Longmeadow Historical Society to the extent each may from time to time be able to undertake such work and to maintain, and from time to time revise, detailed listings of historic sites and buildings in Longmeadow and data about them appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;

(2) To propose, from time to time as they deem appropriate, the establishment, in accordance with the provisions of the Historic District Act, if additional historic districts and changes in historic districts;

(3) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers and to arrange for care of historic markers;

(4) To arrange for preparation and publication of maps and brochures and descriptive material about Longmeadow historic sites and buildings, arrange for convenient walks or tours, or otherwise;

(5) To cooperate with and advise the Planning Board, Board of Park Commissioners, the Department of Public Works and other town departments in matters involving historic buildings, sites and historic district boundaries.

(6) To cooperate with and enlist assistance for Longmeadow from the Massachusetts Historical Commission, the National Register, the National Park Services, the National trust for Historic Preservation, the Society for the Preservation of New England Antiquities and other agencies, public and private, concerned with historic buildings and sites. 43

(7) To advise owners of historic buildings in Longmeadow on matters of preservation.

(f) The Commission may recommend to the Select Board, from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist in a manner comparable to the National Park Service Advisory Board or Consulting Committee.

(g) The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of Chapter 40 Section 8D, the Historical Commission Act; or this By-Law, as the case may be.

And replacing 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.

Or take any other action relative thereto.

Two-thirds vote required.

The current by-law refers to the functions and duties of two distinct Town bodies; the Longmeadow Historic District Commission and the Longmeadow Historical Commission. The proposed version of by-law 2-805 contains language relating only to the Longmeadow Historic District Commission while a future proposed by-law 2-810 will contain language relating only to the Longmeadow Historical Commission. This necessary update will allow for more clarity in the by-laws relating to the functions of both commissions.

ARTICLE 18.

To see if the Town will vote to amend Article I, Section E. of the Zoning Bylaws of the Town by adding the following:

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

SECTION E. ENFORCEMENT

6. Any violation of the provisions of the Bylaw, the conditions of a permit granted under this Bylaw, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Bylaw shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense. In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one-hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to MGL. c. 40, sec. 58.

Or take any other action relative thereto.

Two-thirds vote required.

The current zoning bylaw provides for non-criminal disposition, however, if those fines go unpaid there is very little recourse to collect said fines. Adoption of MGL ch. 40, sec. 58 provides a mechanism to lien the property for those unpaid violations. This same section of MGL was adopted for the General Bylaw Article Five, Section 900, "Registration and Maintenance of Foreclosed Properties".

ARTICLE 19.

To see if the Town will vote to amend Article II. DEFINITIONS of the Zoning Bylaws of the Town by adding the following:

ARTICLE II. DEFINITIONS

"Commercial Vehicle." Any vehicle registered for commercial use which has a gross vehicle weight rating of 12,000 or more pounds, or is a van, truck, or SUV of any weight that has decals or painted lettering that represents a commercial enterprise.

Or take any other action relative thereto.

Two-thirds vote required.

There is no definition of "commercial vehicle" in the zoning bylaw definitions. Adding a definition provides clarity and consistency in zoning compliance and enforcement.

Consent Agenda III (to include Articles 20 and 21)

ARTICLE 20.

To see if the Town will vote to amend the Town's Zoning Bylaws Article IV, Section E, Subsection 1(b) by deleting:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it shall not be rebuilt as a non-conforming building and any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located.

And replacing with:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it may be rebuilt on the same footprint within a two-year time frame but any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located.

Or take any other action relative thereto.

Two-thirds vote required.

In reading this section as it is written today, if a non-conforming building was destroyed to an extent of over 50%, the building could not be rebuilt as a nonconforming building. A big percentage of the homes in Longmeadow are non-conforming due to lack of frontage, lot size or proximity to lot lines. Banks and other lenders question this bylaw regularly and are reluctant to loan money on such properties.

ARTICLE 21.

To see if the Town will vote to amend the Town's Zoning Bylaws Article IV, Section B, Subsection 1.2(a) by deleting:

Private garage, of such size and construction as to accommodate no more than three automobiles. A detached garage shall be permitted in lieu of, but not in supplement to, any existing like facility. A totally enclosed garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon.

And replacing with:

Private garage, of such size and construction as to accommodate no more than three automobiles. A detached garage shall be permitted in supplement to an existing like facility, but in no case should the total number of spaces be greater than three. A totally enclosed garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon.

Or take any other action relative thereto.

Two-thirds vote required.

As presently written the bylaw does not allow for a detached garage to supplement an existing like facility. A three car garage is allowed by right in the bylaws. It does not seem fair that a resident with a small one car garage cannot build a detached two car garage so the total spaces would be three as long as it meets the requirements for location and setbacks from the main structure and the lot lines.

ARTICLE 22.

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.

Two-thirds vote required.

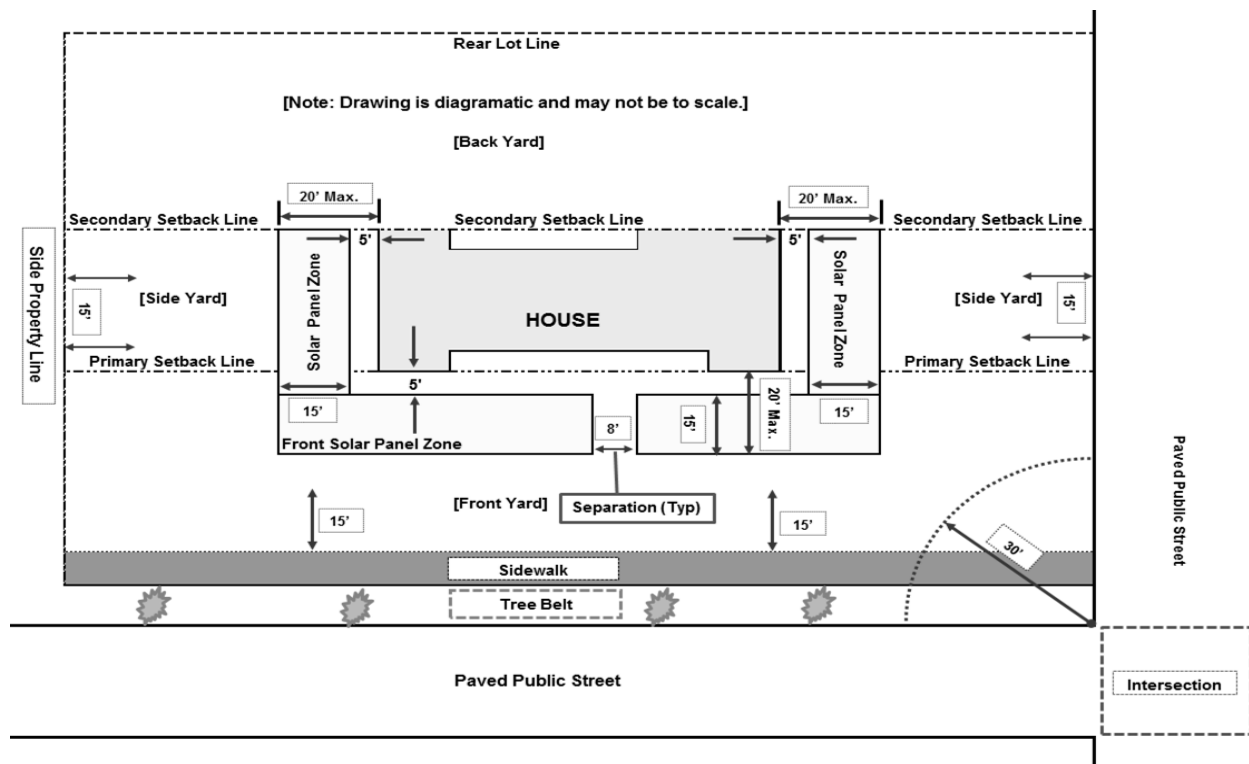


Diagram 1
Solar Panel Zone Diagram

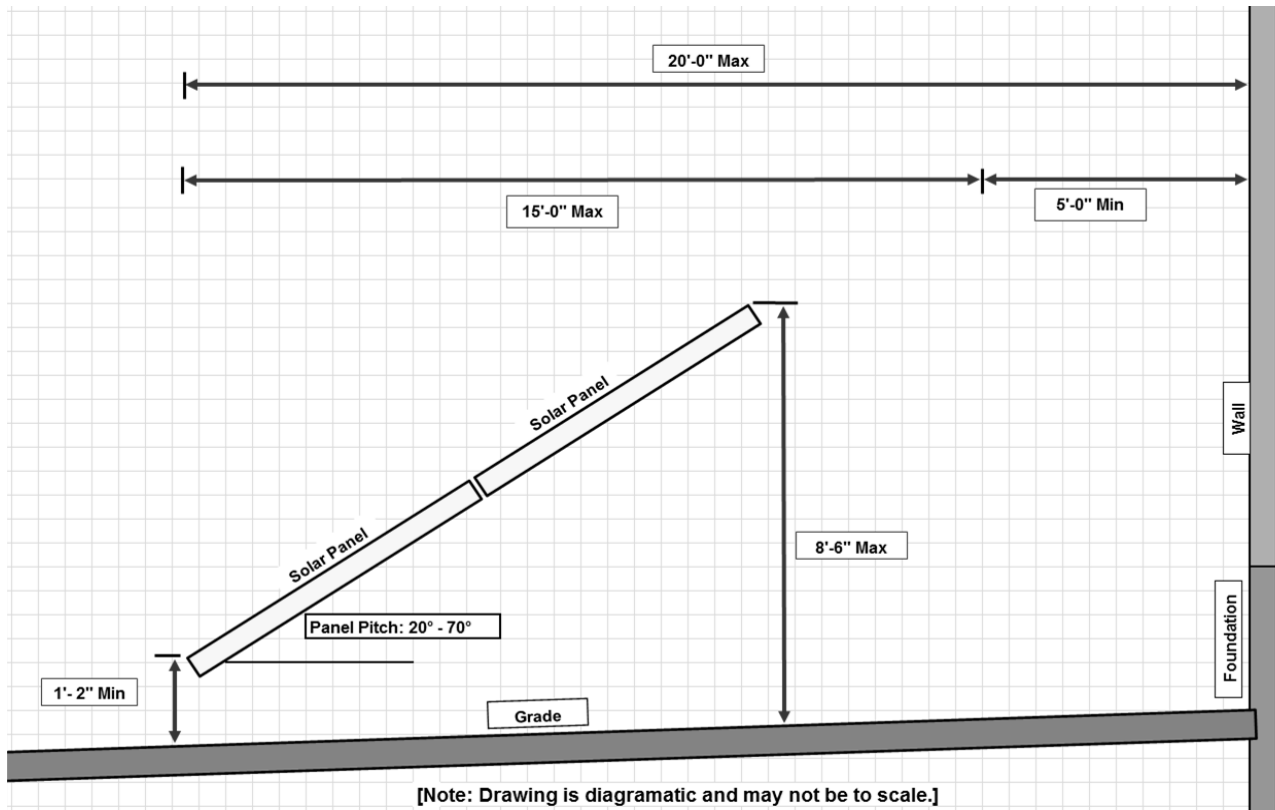
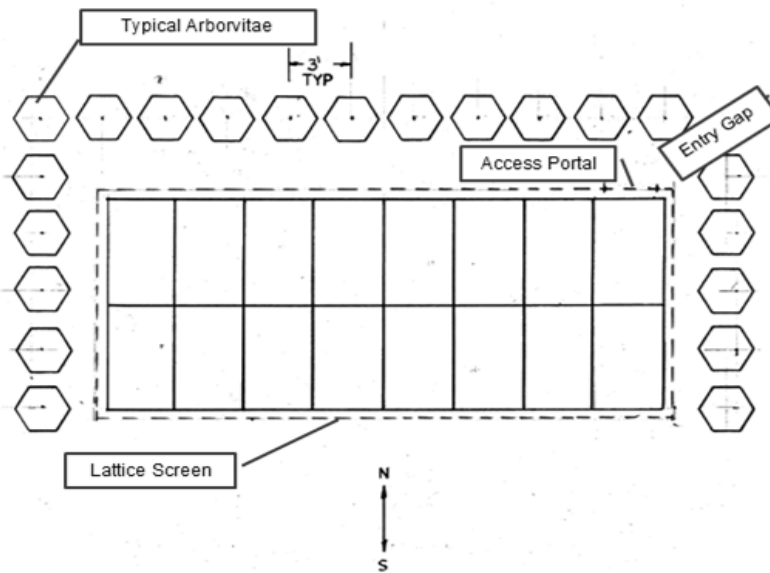
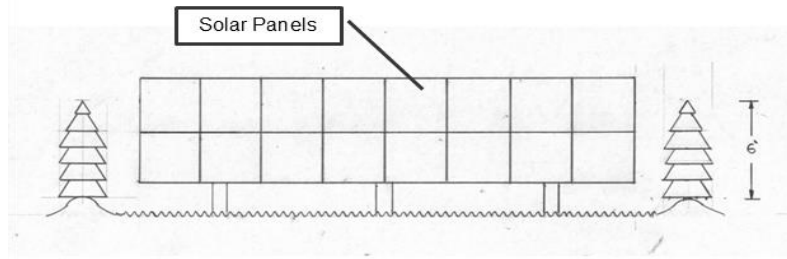


Diagram 2

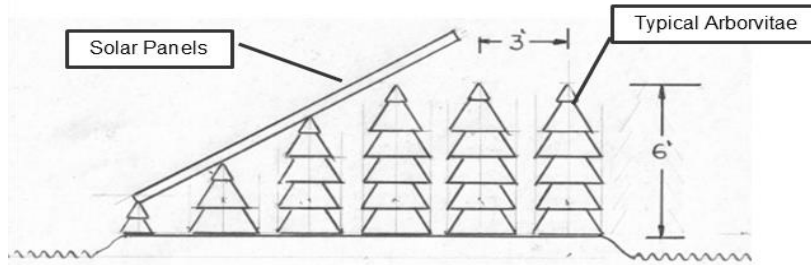


Cross-Sectional View

**Shrubbery and Lattice Fence Details
[Plan View]**

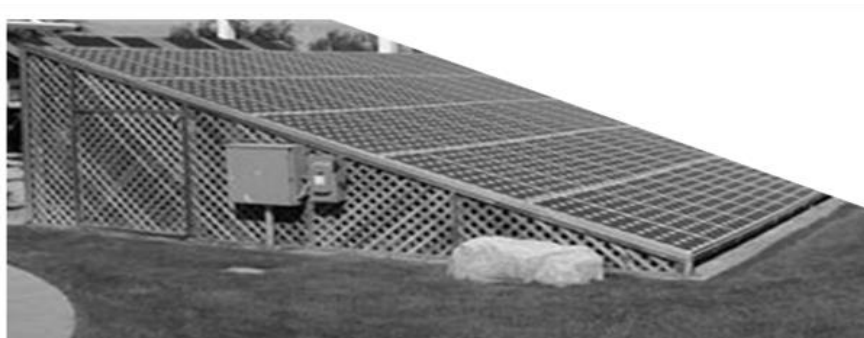


Front View (Facing North)
[Lattice screen not shown]



End View (Facing West)
[Lattice screen not shown]

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 23.

Citizen Petition

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 tee 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 fourteen (14) 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 5th day of October 2020 A.D.

SELECT BOARD OF LONGMEADOW

Thomas Lachiusa, Chair Person

Marc Strange, Vice Chair Person

Steven Marantz, Clerk

Mark Gold



Richard Foster _____

I hereby certify that the above notice has been duly posted in all 5 precincts.

Constable

Date

Town Meeting Rules of Procedure

Moderator Rebecca M. Townsend

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 Special Town Meeting require modifications to accommodate public health and safety. These are the rules as of September 28, 2020. Should other procedures be required, the Moderator will provide updates and explain at Town Meeting.

It is important to limit the time exposure spent in a large group gathering indoors 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 Longmeadow High School will be required to have a mask covering their nose and mouth. Masks will be provided if you do not bring your own covering. Face shields may be worn in addition to, but not in place of, a mask.
3. You will keep at least 6' distance between you and others who are not from your household.
4. There will be certain pathways where you will be able to walk, with a one-way directional flow. Please look for signs and follow directions from staff.
5. 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 respectfully ask that unless absolutely necessary, children stay home.
6. Once voting has begun and is in process, no one is to be allowed into the Town Meeting space, even though doors will remain open to preserve ventilation. Voters should stay until the vote is called.
7. Non-voter visitors, town or school employees, with the exception of the Town Clerk, Town Counsel, Town Manager, Superintendent of Schools, and police officers on duty, may only be present in the auxiliary room.

Location

1. Because of the need to keep physically distant, room capacity will be lower than is typical. We will have a **main room (Gymnasium), and satellite rooms (currently set for the Cafeteria and the Auditorium)**. These rooms will have seating separated by at least 6 feet distance, with a limited number of seats in pairs for members of the same household.
 - a. The capacity is Gymnasium: 200, Cafeteria: 77, Auditorium: 63.
 - b. If needed, we will open up other spaces (e.g., Business Technology Center) to accommodate additional voters should they arrive.
 - c. If participants anticipate the possibility of speaking, they are encouraged to arrive early so they may be seated in the Gym.
2. There will be an **Assistant Moderator** in each of the auxiliary rooms. They will keep order in those rooms and call votes, reporting to the Moderator in Gym via electronic means.
3. Restrooms will have limited capacity. Please adhere to the posted guidelines and staff directions regarding capacity.
4. Hand sanitizer will be provided.

Speech

1. Masks must be worn over the nose and mouth at all times, even while speaking.
2. All **questions and discussions must be directed through the Moderator**.
3. To speak to an issue at Town Meeting, **wait to be recognized by the Moderator and identify yourself by name and address**.
4. **Be brief**. Speakers are encouraged to speak only to **add new points** to the deliberation as opposed to repeating what others have already stated. Most speech should be ≤ 2 minutes.
5. **Speech must be civil, respectful, and ethical**.
6. Speakers may **speak from any room**.
 - a. Each room will be connected with a computer and video conferencing software to allow for speakers from one room to be seen and heard by voters in the other rooms.
 - b. Our practice has been to rotate among people speaking in favor, opposed, and with questions. We will start from those in the Gymnasium, then the Cafeteria, then the Auditorium. The Assistant Moderator will send the Moderator a message about whether there is someone seeking recognition from that room.
 - c. If there is no one seeking recognition in either or both of the auxiliary rooms, we will continue the rotation within the Gymnasium.
 - d. Please avoid touching the microphones.
 - e. People in line who have not yet had a chance to speak will be given preference over repeat-speakers whenever feasible.
 - f. 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.
7. There will be **no distribution, dissemination, or solicitation of any materials** of any kind within Town Meeting without first obtaining permission from the Moderator.

Motions

1. 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. Remember to **listen closely to the motion as orally stated**.
2. 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.
3. All motions for **amendments must be in writing and submitted to the Moderator**. Should there be an amendment from the auxiliary room, the speaker will provide the amendment to the Assistant Moderator, who will provide it to a Counter to transmit it to the main room. All those who handle the sheet should use hand sanitizer before and after. The motion is then available for general deliberation—in favor, opposed, or questions.
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.
 - a. **Motion to consider as a consent agenda** (as a group): Sometimes motions ask the voters to consider more than one article at a time. This is done to save 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.

- b. **Motion to Call the Question:** This motion seeks to end debate. By Longmeadow’s bylaws (3-317), “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.]
- c. **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.
- d. 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 could call or 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. The **Moderator and Assistant Moderators will assess the result in each of the meeting rooms and declare, in that room, what their assessment is**. Each Assistant Moderator in each auxiliary room will document their assessment of the voting result on each motion. The Moderator and Assistants will be in communication via cell phone regarding their assessments. Votes may be unanimous, simple majority, or some other amount. The Moderator will announce the call for the meeting.
 - a. For **unanimous** votes: “The motion is approved with a Unanimous Affirmative vote,” or “The motion fails with a Unanimous Negative vote.”
 - b. For motions requiring a **simple majority** vote, the assessment may be “The motion is approved with a Majority Affirmative vote,” “The motion fails by a Majority Negative vote.”
 - c. For motions requiring a **different quantum** for approval, e.g., two-thirds vote, “The motion is approved with a Two-Thirds Majority Affirmative vote, by declaration” or “The motion fails to achieve a Two-Thirds Majority Negative vote.”
 - d. If there is a **difference between the assessment** in the Gymnasium and that of the Cafeteria, and/or Auditorium, the vote will depend on the numbers of votes in each room.
 - i. If there is a **clear difference between the rooms**, the Moderator will call the vote based on what the majority of the vote is. For example, if the Gymnasium (with 200 people) has a unanimous vote to approve, but the auxiliary rooms (77 and 63, totaling 140) have a mixed or negative vote, the motion to approve will receive a majority affirmative vote decision.
 - ii. If there’s a **rough split** between Yes and No votes in the Gymnasium, and a similarly close call in the others, we will need to conduct a card-count.
4. 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.

- a. **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.
- b. **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.
- c. We will count and report all "Yes" votes first. Then we will count and report all "No" votes. 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.

- For a listing of relevant laws, please see "Massachusetts Laws About Town Meetings" <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-subj/about/townmeeting.html>
- 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>
- Town Charter: <http://www.longmeadow.org/documentcenter/view/1549>
- Longmeadow's Bylaws: <http://www.longmeadow.org/282/Town-Bylaws>

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.

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*)