

**TOWN OF LONGMEADOW
SPECIAL TOWN MEETING**

November 7, 2017 – 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 of the LONGMEADOW HIGH SCHOOL in said Town on TUESDAY, the 7th day of NOVEMBER, 2017 at 7:00 p.m. o'clock in the evening and if the GYMNASIUM 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 \$126,900.00, or a greater or lesser sum, from the FY 2018 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$42,300.00, CPA Fund Balance Reserve for Community Housing \$42,300.00 and CPA Fund Balance Reserve for Historic Preservation \$42,300.00, 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 2018. Currently, the FY 18 State matching share is estimated at 15% of our current year's estimated revenues; surcharge, \$360,000.00 and other miscellaneous revenues \$9,000.00, and State match \$54,000.00.

Recommended by the Finance Committee

ARTICLE 2.

To see if the Town will vote to transfer from the Water Retained Earnings account, the sum of \$108,163.40, or a greater or lesser sum, for the purposes of paying Bills of Prior Year, or take any other action relative thereto.

As a result of the unusually dry FY 2017 (July 1, 2016 – June 30, 2017). The Town purchased more than the budgeted volume of water from the City of Springfield. As a result of the water usage, the Town's water revenues for FY 2017 exceeded budgetary estimates by more than \$500,000.00. As part of the FY 2017 closing process, the revenues are now in the Water Retained Earnings account and need to be appropriated to pay for the extra water purchased from the City of Springfield.

Nine-tenths vote required.

Recommended by the Finance Committee

ARTICLE 3.

To see if the Town will vote to raise and appropriate, the sum of \$30,000.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2018 budget for Law Dept. - Legal Expenses, or take any other action relative thereto.

Nearly \$30,000.00 of the \$50,000.00 budgeted for Legal Expenses has been spent within the first quarter of FY 2018. The expenses incurred have mainly been attributable to representing the Town in Zoning and Health Department related matters. The supplemental appropriation will mitigate any potential account deficit at fiscal year end.

Recommended by the Finance Committee

ARTICLE 4.

To see if the Town will vote to raise and appropriate, the sum of \$29,373.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2018 budget for Interest on Short Term Debt, or take any other action relative thereto.

As part of the \$21,205,000.00 DPW project, the Town purchased the former tennis facility on Dwight Road and financed the purchase through the issuance of a Bond Anticipation Note (BAN). The \$29,273.00 of interest on the BAN for the purchase the facility will be due in May, 2018.

Recommended by the Finance Committee

ARTICLE 5.

To see if the Town will vote to transfer from the DPW Reserve for Damages account the sum of \$62,092.00, from the Capital Stabilization Fund, the sum of \$56,458.00, or a greater or lesser sum, Sewer Retained Earnings the sum of \$28,225.00, or a greater or lesser sum, and from Water Retained Earnings the sum of \$28,225.00, or a greater or lesser sum, for the purposes of Purchasing a Dump Truck with Plow, or take any other action relative thereto.

A DPW 2007 International dump truck with plow, 33,000 GVW, was lost in an accident last March. The Town received \$62,092.00 from the insurance settlement. This total appropriation of \$175,000.00 will allow the DPW to purchase a heavy duty dump truck as a replacement for the one "totaled" in the accident. The size of the truck and the new \$175,000.00 purchase price listed is a reduction from the October 16th original request of \$225,000.00. The vehicle is currently available and complies with the Town's Fleet Management Study.

Not Recommended by the Finance Committee

Two-thirds vote required in the case of a transfer from the Stabilization Fund.

ARTICLE 6.

To see if the Town will vote to transfer from available funds in the Treasury \$265,000.00, or a greater or lesser sum, to the Operating Stabilization Fund, or take any other action relative thereto.

Per policy of the Select Board, all free cash amounts in excess of \$500,000.00 once the Town's fiscal year's budget is balance and related financial matters covered, shall be transferred into the Town's Operational Stabilization Fund established by vote of town meeting on November 18, 2003 pursuant to Massachusetts General Law Chapter 40, Section 5B.

Recommended by the Finance Committee

ARTICLE 7.

To see if the Town will vote to transfer from the Ambulance Fund \$130,000.00, or a greater or lesser sum and from available funds in the Treasury the sum of \$130,000.00, or a greater or lesser sum, for the purchase and equipping a new ambulance to replace the 2005 Medic -1 Ambulance with such funds to be paid back to the General Fund by FY 2020, or take any other action relative thereto.

The Ambulance Fund currently has \$171K in it, however, because of a lag time it takes from the time an ambulance is ordered until the time it is delivered, an appropriation is needed now with a General Fund subsidy to replace the 2005 Medic -1 ambulance which currently has 126,243 miles and 9,228 hours (9/15/17) active run time. The Fire department utilizes both ambulances simultaneously when possible and the increase of two firefighters in the FY 2018 budget will allot additional time when both will be utilized simultaneously which correlates with additional revenue earned. The Ambulance Fund would

repay the General Fund with any balance in excess of \$50K at fiscal year-end. It is estimated that this would take 1-2 years.

Not 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 \$35,000.00, or a greater or lesser sum, for the purpose of purchasing and equipping a Police vehicle, or take any other action relative thereto.

The Town budgeted for 2 Police vehicles within the FY 2018 operating budget passed at the Annual Town Meeting in May 2017. High mileage and costs of repairs are accelerating the need for an additional replacement to the Police fleet.

Not Recommended by the Finance Committee

ARTICLE 9.

To see if the Town will vote to transfer from available funds from Water Retained Earnings, the sum of \$20,000.00, or a greater or lesser sum, for the purpose of replenishing the Water Reserve Account within the FY 2018 budget, or take any other action relative thereto.

The Town budgeted \$40,000.00 in a Water Reserve account within the FY 2018 operating Water Department budget passed at the May 2017 Annual Town Meeting. The account is used to fund extraordinary and unforeseen budgetary needs. Emergency repairs to a water main break on Ely Way required the Water Department to utilize \$20,000.00 from the reserve account. This appropriation will replenish the account in case additional funding is required during FY 2018. Any unused appropriation will revert back to Water Retained Earnings.

Recommended by the Finance Committee

ARTICLE 10.

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40, Section 3 with the additional provisions allowed by the statute to have any balance remaining in the cell phone rental account at the close of a fiscal year remain in the account and may be expended for the upkeep and maintenance of any facility under the control of the Department of Public Works, or take any other action relative thereto.

Acceptance of this statute is intended to designate for the lease / rental income received by the Town from the lease / rental of space for a cell tower located adjacent to the Blinn Tennis Courts to be used specifically for the maintenance of Town properties and facilities, inclusive of School and Parks & Recreation, grounds.

ARTICLE 11.

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$16,500.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2018 budget for Planning / Community Development Expenses, or take any other action relative thereto.

The clerical staff employee in the Building Department has been out with a long term illness and has been paid with accrued sick time. The Town has utilized a "Temp" agency to fulfill the clerical needs within the office. This appropriation will provide FY 2018 funding for the temporary clerical services through December 31, 2018.

Recommended by the Finance Committee

ARTICLE 12.

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, for the purposes of upgrading the Town's valuation software and server, or take any other action relative thereto.

The Town's valuation software, Vision, is moving off an Oracle database to Sequel. The Oracle database will no longer be supported by Vision at some point in 2020. The software upgrade and server are required before this time. Additionally, FY 2019 is a Department of Revenue "reval" year where extensive sales analysis is reviewed for proper valuation of property within Town. Vision has recommended that the "reval" and software / server upgrade not take place in the same fiscal year.

Recommended by the Finance Committee

ARTICLE 13.

To see if the Town will vote to raise and appropriate or to transfer from available funds in the Treasury, the sum of \$65,000.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2018 budget for Interest on Long-Term Debt, or take any other action relative thereto.

The Town refinanced its December 2010 Bond financing the Longmeadow High School project and a few smaller Water and Sewer projects. Over the life of the bond (FY 2019 – FY 2041) the Town is projected to save \$3.264 million dollars (\$2.485 million in net present value). Semiannual interest payments were historically made in August and February but the refinancing of the bond now has semiannual interest payments in December and June. As a result of the change of the interest payment dates, the additional unbudgeted FY 2018 interest is \$65,000.00 in the General Fund.

Recommended by the Finance Committee

ARTICLE 14.

To see if the Town will vote to amend the Zoning Bylaws by adding a new Article IV, Section L, to read as follows:

Section L. Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Longmeadow. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

Or take any other action relative thereto.

Under new State law passed in July of this year, the Town can impose a ban on recreational marijuana sales because the majority of voters within the Town cast a "no" vote on the legalization ballot questions in 2016. The Attorney General has advised that such a ban would be most effective in the form of a General and a Zoning Bylaw, so both are proposed for Town Meeting consideration. The General Bylaw amendment follows. Report of the Planning Board is required prior to vote.

Two-thirds vote required.

ARTICLE 15.

To see if the Town will vote to amend the General Bylaws of the Town of Longmeadow by adding a new Article 2, Chapter 500, Section 2-515 to read as follows:

Subsection 2-515. Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at

a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Longmeadow. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

Or take any other action relative thereto.

Under new State law passed in July of this year, the Town can impose a ban on recreational marijuana sales because the majority of voters cast a “no” vote on the legalization ballot questions in 2016. The Attorney General has advised that such a ban would be most effective in the form of a General and a Zoning Bylaw, so both are proposed for Town Meeting consideration. The Zoning Bylaw amendment immediately preceded this motion. Report of the Planning Board is required prior to vote.

ARTICLE 16.

To see of the Town will vote to amend the Town of Longmeadow Zoning Bylaws by inserting into Section I of Article VI as follows, or take any other action relative thereto.

1. **Existing Undersized Lots** – No lot or plot shall be used under a newly issued building permit where the area of the lot or plot or its anticipated improvements’ dimensions and/or setbacks are less or smaller than the zoning requirement of the zone within which the parcel is located, except as provided below.
2. **Infill and Lot Size Averaging** - The Board of Appeals may issue a Special Permit to allow for a reduction in the dimensional standards found in Article VI for existing lots to be used for residential purposes only within the Residence A-1 and A-2 Zones provided the Board of Appeals finds each of the following in that case:
 - (a) The lot's dimensions and density are equal to or greater than the average (the sum of the values divided by the number of values) dimensions and densities of at least sixty (60%) percent of the lots located within a 300 foot radius of the lot's property lines, but in no case, however, shall such lot have less than 50 feet of frontage and/or 5,000 square feet of lot size.

A list of all of the lot sizes, densities and frontages corresponding to the properties required above derived from the Town's Assessor's Maps, as well as the mathematical equations determining the averages of at least sixty (60%) percent, shall be filed by the Applicant as part of the Special Permit Application;
 - (b) The lot is or shall be serviced by both Longmeadow public water and public sanitary sewer;
 - (c) On-site parking is provided in accordance with the zoning parking requirements;
 - (d) No traffic congestion, health or safety limitations would be created; and
 - (e) The proposed dwelling is or shall be consistent with the architectural style, scale, setbacks and character of the immediate neighborhood (abutters and abutters-to-abutters).

This proposed addition to the zoning bylaws is the result of the bylaw working group. This would create the opportunity to build on existing lots that do not meet current dimensional requirements but are similar in size to other developed lots nearby. A report of the Planning Board is required prior to vote.

Two-thirds vote required.

ARTICLE 17.

To see if the Town will vote to amend the Town of Longmeadow Zoning Bylaws by amending Section C Side Yards of Article VI as follows, or take any other action relative thereto.

- 1b. Within the area between the secondary set-back line and the rear lot line, no pool, as set forth under Article IV, Section B, sub-paragraph 1.2f, shall be constructed or placed nearer than 15 feet to a side lot line, no nearer than 10 feet to the dwelling, and no other accessory structure, except a fence, and no addition thereto, or extension or part thereof shall be constructed, erected, or placed nearer than 5 feet to a side lot line. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

[Proposed changes in underline]

This change is also being proposed by the bylaw working group. In certain cases, a resident cannot install a pool in the rear yard because of the lot's irregular shape. This would reduce the required setback from the side lot line from 30 to 15 feet and set the minimum set back from the dwelling at 10 feet. A report of the Planning Board is required prior to vote.

Two-thirds vote required.

ARTICLE 18.

To see if the Town will vote to amend the Town of Longmeadow Zoning Bylaws by inserting into Section C Definitions and Section H Additional Standards of Article XII Sign Regulations as follows, or take any other action relative thereto.

16. Sign, Window: A sign affixed to the surface of a window (inside or outside) constructed with translucent material (e.g. etching or clear vinyl) so as to attract attention from the outside. Windows are not considered to be primary signs.
6. Window signs are limited in aggregate to twenty five percent (25%) of total window area. Window signs must identify the name of the business or specify the products and/or services offered therein; they cannot be generic (i.e. "open," "Sale").

This bylaw was also developed by the bylaw working group to address window signs that are commonly used on storefronts but not defined in the current bylaws. A report of the Planning Board is required prior to vote.

Two-thirds vote required.

ARTICLE 19.

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$755,800.00, or a greater or lesser sum, for the purpose of design and reconstruction of three intersections: Longmeadow Street & Forest Glen, Longmeadow Street & Converse Street, and Converse Street and Laurel Street, or take any other action relative thereto.

Town Meeting had approved the transfer of these funds for the same purpose into a "Special Revenue" fund within Article # 30 at the May 10, 2017 Annual Town Meeting. The funds were originally received by the Town of Longmeadow as part of the MGM "surrounding communities" award. The Department of Revenue determined the transfer of funds did not meet statutory criteria and thus closed the available amount (\$755,800.00) into the Town's Undesignated Fund Balance ultimately becoming a part of the Town's FY 2018 certified Free Cash. This transfer will ensure that the funds are set aside for the purposes outlined in the surrounding communities' award.

Recommended by the Finance Committee

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 16th day of October, 2017, A.D.

SELECT BOARD OF LONGMEADOW

Thomas Lachiusa, Chair Person

Mark Gold, Vice Chair Person

William Low, Clerk

Richard Foster

Marie Angelides

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.

Attendance

1. Longmeadow registered voters are allowed on the floor of Town Meeting. Visitors and the press must be seated in the designated areas.
2. Once voting has begun and is in process, no one is to be allowed into the Town Meeting room(s). Voters should stay until the vote is called.
3. There will be no distribution, dissemination, or solicitation of any materials of any kind within Town Meeting without first obtaining permission from the Moderator.

Speech

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

Motions

1. All motions for amendments must be in writing. The motion is then available for general deliberation—in favor, opposed, or questions.
2. Remember to listen closely to the motion as orally stated. Articles printed in the warrant provide a “warning” to voters about what will be presented. Motions may vary slightly from the printed article in the warrant, and must be within the scope of the article. The motion activates the warrant article; voters vote on *motions*, not on warrant articles.
3. After a motion has been made and seconded, the chief proponent of the motion speaks first, followed by a representative from appropriate Town Boards, who state the board’s majority opinions, if applicable.
4. Non-debatable motions (e.g., to move the previous question/come directly to a vote, or to lay or remove from the table) must be made *directly* after speaker identification. If such a motion comes at the end of a speech, it will be ruled out of order.

Votes

1. Only those registered voters issued a colored card may vote at Town Meeting. Voters shall raise this card so that it may be seen by the Moderator.
2. Town Meeting voters must be seated in order to have their votes counted.
3. If there is a question or doubt about the result that the Moderator announces, that doubt should be raised immediately after the announcement. A voting card count shall be conducted.
 - a. Counted votes will be conducted by tellers appointed by the Moderator.
 - b. 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.

- c. 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.
 - d. 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.

If citizens have more questions about Town Meeting, please contact rtownsend@longmeadow.org

"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*)