

**TOWN OF LONGMEADOW
ANNUAL TOWN MEETING
TUESDAY – MAY 9, 2017 – 7:00 P.M.
WEDNESDAY – MAY 10, 2017 – 7:00 P.M.
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, HAMPDEN, ss

To Town Clerk Katherine Ingram, 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 NINTH day of MAY, 2017, and WEDNESDAY, the TENTH day of MAY, 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 choose three trustees to administer the William Goldthwait Bequest, or take any other action relative thereto.

The Goldthwait Bequest is an endowment fund left to the Town of Longmeadow for assistance to "the worthy poor of Longmeadow". The Board of Trustees administers this fund and makes expenditures, from the accruing interest, for applicants experiencing financial hardship. The trustees are chosen annually by Town Meeting.

ARTICLE 2.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$200,000.00, or a greater or lesser sum, for the purposes of funding the FY 2017 Snow and Ice removal deficit, or take any other action relative thereto.

The FY 2017 Snow and Ice removal costs exceeded the \$100,000.00 originally appropriated. This transfer would fully fund the costs for the fiscal year. *Recommended by the Finance Committee*

ARTICLE 3.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$2,850.07, or a greater or lesser sum, for the purposes of paying Bills of Prior Fiscal Year, or take any other action relative thereto.

Invoices for certain DPW services for traffic signal repair and repair of damaged private property incurred prior to July 1st, 2016 were not received prior to the closing of the Town's FY 2016 books or in time for consideration at the October, 2016 Special Town Meeting. This appropriation will allow for the payment of those Prior Year bills.

Four-fifths vote required *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 \$50,000.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2017 budgets for :

General Government - Legal Expense	\$25,000.00
Community and Cultural Services - Veterans Benefits	\$25,000.00

or take any other action relative thereto.

The FY 2017 individual line accounts for Legal Expenses and Veterans' Benefits are both overdrawn. Contributing factors for the Legal Expense budget include work for Converse Street TIP program, DPW siting and Board of Health housing issues. Contributing factors for the Veterans Benefits include the greater outreach and service our current Veterans Agent is providing. Veterans Benefits are reimbursed by the state at 75% with an approximate 15 month lag time. *Recommended by the Finance Committee*

ARTICLE 5.

To see if the Town will vote to transfer from Water Retained Earnings, the sum of \$80,000.00, or a greater or lesser sum, for the purposes of providing supplemental funding to the FY 2017 Water operating budget – Mains Maintenance, or take any other action relative thereto.

Emergency repairs of a water main break at the end of Sunset Lane and the foot of Interstate I-91 north depleted all remaining funds plus some of an original \$20,000 budget in the FY 2017 Water Mains Maintenance budget. Replenishment of the account now would leave funds in the Water Reserve account for any future FY 2017 emergency repairs within town. Funds not utilized will be returned to the Retained Earnings account at year end. *Recommended by the Finance Committee*

ARTICLE 6.

To see if the Town will vote to fix the Fiscal Year 2018 salary and compensation of the Moderator at \$100.00 and the Select Persons at \$2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2018 operating budget totaling \$64,002,712.00 , or a greater or lesser sum, and itemized as follows:

General Government	\$ 1,522,774.00
Public Safety	\$ 5,107,478.00
Planning & Community Development	\$ 184,707.00
Schools	\$33,669,978.00
Department of Public Works (General Fund)	\$ 3,460,842.00
Community and Cultural Services	\$ 1,639,825.00
Debt Service & Town/School Employee/Retiree Benefits	<u>\$13,022,911.00</u>
Subtotal General Fund	\$58,608,515.00
Solid Waste / Recycling Enterprise Fund	\$ 1,141,710.00
Water Enterprise Fund	\$ 2,327,373.00
Sewer Enterprise Fund	<u>\$ 1,925,114.00</u>
Total	\$64,002,712.00

And to fund the General Fund \$58,608,515.00 be raised and appropriated as follows: \$57,955,402.00 from general taxation, \$645,000.00 from Ambulance receipts, \$8,113.00 be transferred from Fund Balance Reserve for Future Years Debt Service; and that to fund the Solid Waste / Recycling Enterprise Fund \$1,141,710.00 be raised and appropriated as follows: \$260,000.00 from Solid Waste / Recycling receipts and \$881,710.00 from general taxation; and to fund the Water Enterprise Fund \$2,327,373.00 be raised and appropriated as follows: \$2,327,373.00 from Water receipts; and to fund the Sewer Enterprise Fund \$1,925,114.00 be raised and appropriated as follows: \$1,925,114.00 from Sewer receipts, or take any other action relative thereto.

An annual operating budget must be adopted and funded for Fiscal Year 2018 that begins on July 1, 2017. The budget was approved by the Select Board and reviewed by the Finance Committee, as required by the Town Charter. The budget, as printed, is a balanced budget as required by Massachusetts General Laws and the Charter. Recommended by the Finance Committee

ARTICLE 7.

To see if the Town will raise and appropriate the sum of \$55,700.00, or a greater or lesser sum, to a Salary Settlement Account to fund approved non-collective bargaining wage settlements, or take any other action relative thereto.

All Town and School collective bargaining units are settled for FY 2018. This article will provide funds for approved wage adjustments for non-school non-collective bargaining personnel as they are completed. Funds from the Salary Settlement Account would be released to the individual budgetary line items by the Finance Director only after proof of finalized amounts from the Town Manager. The wage adjustment is calculated at 2%. Recommended by the Finance Committee

ARTICLE 8.

To see if the Town will vote to raise and appropriate, or transfer from available funds, the following amounts, or a greater or lesser sum, for capital projects and that any remaining amounts from the capital projects be returned to the Capital Stabilization Fund:

From Raise and Appropriate (FY2018)

Project Development	\$ 25,000.00
Police Dept. Boiler Replacement	84,000.00
Fire Truck Replacement Reserve	75,000.00
IT Server Upgrades with Power Back Up	105,000.00
Boiler Piping Modifications at Glenbrook Middle School	65,100.00
Boiler Replacement at Blueberry Hill School	125,000.00
Boiler Replacement at Center School	95,000.00
Fire Alarm Replacement at Center School	50,000.00
Pavement Preservation	500,000.00
Sidewalk Reconstruction	400,000.00
Guardrails	<u>50,000.00</u>
Subtotal	\$1,574,100.00

From Capital Stabilization Fund

Fire Suppression Updates at Blueberry Hill School	\$ 75,000.00
Fire Suppression Updates at Wolf Swamp School	75,000.00

From Water Retained Earnings

Crest Avenue Main Replacement	\$ 163,000.00
Chandler Ave Main Replacement	140,600.00

From Sewer Retained Earnings

Emerson Rd Treatment Plant Demolition	\$ 160,000.00
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<u>Multi Fund</u>	Water Retained Earnings	Sewer Retained Earnings	Raise & Appropriate FY 2018
DPW Vibratory Roller	\$17,500.00	\$17,500.00	\$35,000.00
DPW Asphalt Paver Attachment for Toolcat	8,750.00	8,750.00	17,500.00
DPW 2 Ton Dump w/Plow & Spreader	22,500.00	22,500.00	45,000.00

or take any other action relative thereto.

Annually the Town appropriates funds for capital expenditures. Given the extensive list of capital needs, the Select Board revised its capital funding policy by increasing its annual allocation by an additional 0.25% to 2.75% of General Fund revenue last year. The same percentage is being recommended for the above.

Two-thirds vote required

Recommended by the Finance Committee

ARTICLE 9.

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain any fee, easement or other interest in all or any part of a parcel of land owned by Famiglia, LLC in the Town of Longmeadow known as 170 Dwight Road and designated on the Longmeadow Assessors Maps as Map 234, Block 3, Lot 35A; Map 234, Block 4, Lot 35A; and Map 177, Block 136, Lot 35A, approximately 12.07 acres in the area, for the purpose of constructing a new Department of Public Works Facility or other municipal purpose(s), on terms and conditions deemed by the Select Board to be in the best interests of the Town, and to raise and appropriate, transfer from available funds or borrow, \$2,600,000.00 for the purposes of this Article, as set forth in Article 10, or take any other action relation thereto.

The DPW Committee, after an exhaustive site selection process, recommended this location for the construction of a new DPW facility. The recommendation has been endorsed by both the Select Board and Town Meeting. This vote would authorize the Select Board to complete the acquisition by eminent domain for fair market value if funds are approved in Article 10 and subsequent Town Election vote. The fair market value of the property as determined by two independent appraisals is \$2,600,000.00.

Two-thirds vote required

Recommended by the Finance Committee

ARTICLE 10.

To see if the Town will vote to raise and appropriate the sum of \$21,205,000.00, or a greater or lesser sum, for the purposes of acquiring land located in the Town of Longmeadow known as 170 Dwight Road and designated on the Longmeadow Assessors Maps as Map 234, Block 3, Lot 35A; Map 234, Block 4, Lot 35A; and Map 177, Block 136, Lot 35A, approximately 12.07 acres in the area and constructing and equipping a new Department of Public Works Facility and that to meet said appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said sum of money by the issuance of general obligation bonds or notes of the Town, the costs of such borrowing to be allocated among the Town's General Fund (from taxation), Sewer Enterprise Fund (from sewer charges), Water Enterprise Fund (from water charges) and from the Storm Water Enterprise Fund (storm water fees) should one be created. Any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59 Section 21C (Proposition 2 ½), or take any other action relative thereto.

The article would appropriate \$2,600,000.00 for the acquisition of land and \$18,605,000.00 for the constructing and equipping of a new DPW facility with costs shared proportionately by the funding sources utilizing the facility. This approval would be contingent on a subsequent affirmative vote of a Debt exclusion vote by the voters of the Town of Longmeadow.

Two-thirds vote required

Recommended by the Finance Committee

ARTICLE 11.

To see if the Town will vote to appropriate \$471,736.00, or a greater or lesser sum, from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2018 or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, and borrow in anticipation of state aid for such projects, expend, or take any other action relative thereto.

The state annually allocates to the Town a sum of money to be spent on Town roads. This amount must be appropriated by town meeting. The Town spends the money first and is reimbursed by the state upon completion of the project. The amount is unknown at the time of publication.

Two-thirds vote required in case of borrowing

Recommended by the Finance Committee

ARTICLE 12.

To see if the Town will vote to accept the "Dwight Road Improvement District" which will be located on the east side of Dwight Road in Longmeadow, MA, easterly to the town line of East Longmeadow, MA and southerly to the convergence of Dwight Road and Maple Street. The northerly limit of the District is the north property line of the 6.35 acre parcel known as "Dwight Road Rear", or take any other action relative thereto.

Acceptance of this article identifies the geographical location of the Dwight Road Improvement District.

ARTICLE 13.

To see if the Town will vote to create a District Improvement Financing (DIF) program authorized under Massachusetts General Law Chapter 40Q and that such program be known as the Dwight Road / Maple Street DIF Program. The Dwight Road / Maple Street DIF Program will encompass the Dwight Road Improvement District as part of a public-private collaborative process to promote redevelopment in Longmeadow and East Longmeadow, or take any other action relative thereto.

A District Improvement Financing (DIF) program enables the Town to allocate future incremental property tax revenues from the established district within the program to pay for public infrastructure improvements. Improvements within this defined district would include the roadway improvements in the areas of Dwight Rd. / Converse St.; Dwight Rd. / Maple St.; and Dwight Rd. / Benton St. / Chestnut St. Financing of the improvements would be made through the issuance of debt with the repayment of such debt made from incremental property tax revenues realized from the developed properties within the district and payments to be made under any developer agreements should the development include tax exempt property.

ARTICLE 14.

To see if the Town will vote to raise and appropriate the sum of \$2,500,000 for the purposes of public infrastructure improvements, including but not limited to road, sidewalk and traffic / pedestrian signal improvements in the area of “Dwight Road Improvement District” previously approved in Article #13, and to meet said appropriation to authorize the Treasurer to borrow said sum of money, or take any other action relative thereto.

This article is the financing component of the District Improvement Financing (DIF) authorized under Massachusetts General Laws as explained in the previous articles. The incremental property tax revenues associated with the related property development and the guaranteed payments from the Developer’s Agreement will be earmarked to finance the debt service incurred on this bond authorization. Property taxes above and beyond what is needed for debt service will revert to the Town’s General Fund.

Two-thirds vote required

Recommended by the Finance Committee

ARTICLE 15.

To see if the Town will vote to amend its General Bylaws by adding the following section to Chapter 400:

Section 3-404 Revolving Funds Established Under M.G.L. c. 44. Section 53E ½

a) School Department

There shall be a School Department Revolving Fund as provided under Massachusetts General Laws Chapter 44, Section 53E½, said funds to receive commissions paid from sales from vending machines located in various locations under the jurisdiction of the School Department, said funds to be deposited with the Town Treasurer and with payments from the fund to be expended by the School Department, as established at each Annual Town Meeting, to support school-related activities.

or take any other action relative thereto.

Effective November 7, 2016 as part of the Governor’s Municipal Modernization Act, Revolving Funds pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ must be established in a Town’s Bylaws.

ARTICLE 16.

To see if the Town will vote to establish a funding limit to the Town’s School Department Revolving Fund with payments from the fund to be expended there from by the School Department, up to \$5,000.00, or take any other action relative thereto.

Effective November 7, 2016 as part of the Governor’s Municipal Modernization Act, Revolving Funds created pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ as established in a Town’s Bylaws must have annual expenditure limits set at the Town’s Annual Town Meeting.

Recommended by the Finance Committee

ARTICLE 17.

To see if the Town, upon recommendation from the Select Board, will vote to authorize the School Department to enter into a lease purchase financing agreement to acquire IT capital equipment for a period up to four (4) years, or take any other action relative thereto.

Massachusetts General Law Chapter 44, Section 21C (effective November 7, 2016 as part of the Governor’s Municipal Modernization Act) allows Town Meeting to authorize a Department to enter into a lease purchase finance agreement upon the recommendation of the Select Board and a 2/3rds affirmative vote. The School Department is planning on entering into a four (4) year lease purchase financing agreement at \$192,000.00 annually to replace existing failing equipment. Any residual value received from the replaced equipment will go into the Town’s General Fund.

Two-thirds vote required

ARTICLE 18.

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$59,500.00, or a greater or lesser sum, to the Town’s Operational Stabilization Fund previously established by vote of Article #15 at the November 18, 2003 Special Town Meeting, or take any other action relative thereto.

Funds to the Operational Stabilization Fund would secure the Town's General Reserve Policy levels and help maintain the annual July 1st level of 5-10% of operating revenues the Select Board has established. The July 1st, 2016 level was 6.50%. It will also help to secure adequate levels of reserves where the Moody's Credit Rating Agency has stated that the Town's reserve levels are "below the national and state average for the rating category" of Aa2. Recommended by the Finance Committee

ARTICLE 19.

To see if the Town will vote to raise and appropriate the sum of \$8,000.00, or a greater or lesser sum, from the FY 2018 Community Preservation local surcharge and trust fund for administrative costs for the Community Preservation Committee, or take any other action relative thereto.

These funds are for any expenses incurred by the Community Preservation Committee. In FY 2016 the Committee spent approximately \$2,997.38 for annual dues for the state organization, and administrative matters. Any funds not used during the year are returned to the Community Preservation Undesignated Fund Balance account. Recommended by the Finance Committee

ARTICLE 20.

To see if the Town will vote to fund the Community Preservation Project for the Storrs House Museum 2nd Floor Climate Control Project in the amount of \$22,300.00, or a greater or lesser sum, funded from the Community Preservation Historic Preservation Fund Balance, or take any other action relative thereto.

This grant will allow the Longmeadow Historical Society to improve the museum environment for the safe storage and preservation of archives and collection objects in the Storrs House Museum and improve community access to the collections. Funding of this proposal will enable the Historic Society to complete interior work which began in 2014.

Recommended by the Finance Committee

ARTICLE 21.

To see if the Town will vote to fund the Community Preservation Project for the Town's Historic Records Preservation in the amount of \$20,000.00, or a greater or lesser sum, funded from the Community Preservation Historic Preservation Fund Balance, or take any other action relative thereto.

As of January 1, 2017, updates to the Massachusetts Public Records Law went into effect. Parties requesting access to Town records must be provided in electronic format unless not available, and must provide access to Town records within 10 days. This grant will facilitate the preservation of these records and make them more readily accessible.

Recommended by the Finance Committee

ARTICLE 22.

To see if the Town will vote to fund the Community Preservation Project for the Blueberry Hill School Playground in the amount of \$40,000.00, or a greater or lesser sum, funded from the Community Preservation Recreation / Open Space Fund Balance, or take any other action relative thereto.

This project will create a more enjoyable playing area for the children in the Blueberry Hill School and will create a useable playing surface for sports associations in town on evenings and weekends. The project includes installation of an irrigation system, grading, and seeding.

Recommended by the Finance Committee

ARTICLE 23.

To see if the Town will vote to fund the Community Preservation Project for Wolf Swamp Field Well Installation, in the amount of \$80,000.00, or a greater or lesser sum, funded from the Community Preservation Undesignated Fund Balance, contingent upon the Town developing a master plan for the fields, or take any other action relative thereto.

This is projected to be the first stage in extensive improvements to the Wolf Swamp Road fields, which are used for soccer, lacrosse, baseball, and field hockey. This grant would provide funds to enable the Town to install a well at the fields so they can be irrigated in the future.

Recommended by the Finance Committee

ARTICLE 24.

To see if the Town will vote to fund the Community Preservation Project for Bliss Park Guardrails and Signage in the amount of \$7,500.00, or a greater or lesser sum, funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

This grant would provide for the installation of a guardrail around the parking area in the park, to prevent driving into other areas, and would provide for signage for the park.

Recommended by the Finance Committee

ARTICLE 25.

To see if the Town will vote to fund the Community Preservation Project for Dugouts at Turner Fields in the amount of \$20,000.00, or a greater or lesser sum, funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

This grant would enhance the two baseball fields at Turner Park by providing for the construction of four dugouts. This project was submitted by the Longmeadow Baseball Association and is supported by the Park Commission.

Recommended by the Finance Committee

ARTICLE 26.

To see if the Town will vote to fund the Community Preservation Project for the Longmeadow Cemetery Gravestone Restoration and Preservation in the amount of \$20,475.00, or a greater or lesser sum, funded from the Community Preservation Historic Preservation Fund Balance, or take any other action relative thereto.

The Longmeadow Cemetery Association has been responsible for the care of the Town burying ground since 1872. This is phase 4 of a project to restore and preserve ancient burial markers in Longmeadow Cemetery. This project will restore and preserve grave markers that have been identified as being hidden below ground or in a state of serious deterioration and are threatened to be lost forever if not soon restored.

Recommended by the Finance Committee

ARTICLE 27.

To see if the Town will vote to fund the Community Preservation Project for the Community House Retaining Wall and Areaway in the amount of \$13,500.00, or a greater or lesser sum, funded from the Community Preservation Historic Preservation Fund Balance, and the amount of \$98,500.00, or a greater or lesser sum, to be funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

The Community House houses several town offices, and is widely used by community groups. The retaining wall and stairs to the lower level entrance to the Finance and Human Resources Departments are in very poor condition and were cited in the 2008 town wide facilities study. This project will replace the steps, slab and retaining wall. In 2015 the Town approved a grant request of \$71,000 for this project. Unfortunately, cost of the project turned out to be significantly higher. This grant would provide sufficient funds to complete this project.

Recommended by the Finance Committee

ARTICLE 28.

To see if the Town will vote to fund the Community Preservation Project for Wolf Swamp Pre-School Playground Equipment in the amount of \$34,000.00, or a greater or lesser sum, funded from the Community Preservation Undesignated Fund Balance, or take any other action relative thereto.

The Town preschool program has been moved from Center School to Wolf Swamp School; the current playscape equipment is old, and is intended for students ages 5 and up. This project will enable the installation of age appropriate playground equipment at the school.

Not Recommended by the Finance Committee

ARTICLE 29.

To see if the Town will vote to fund the Community Preservation Project for Storrs Library Window Replacement in the amount of \$118,500.00, or a greater or lesser sum, funded from the Community Preservation Undesignated Fund Balance, and to transfer \$132,500.00 from the Community Preservation Project Center School Terrace and Balustrade voted in Article # 21 at the May 10, 2016 Annual Town Meeting, to be applied to this project, or take any other action relative thereto.

The original Library was constructed in 1932, and the addition in 1990. The windows in the original section have never been replaced, and those in the addition are suffering as well. This project will include the removal of existing windows, and installation of new vinyl-clad wood windows. In order to fully fund this project, the Town has agreed to transfer the funds initially allocated to the Center School Balustrade project approved last year, to help fund this window replacement project.

Recommended by the Finance Committee

*****2nd Night*****

ARTICLE 30.

To see if the Town will vote to designate the remaining funds from the upfront Mitigation Payment received from MGM as Special Revenue Funds and that such funds may only be expended in the exact way outlined in the Town's "Surrounding Community Arbitration Award" made by the Massachusetts Gaming Commission, or take any other action relative thereto.

The Town received \$850,000 as a mitigation payment from MGM Resorts International, Inc. The funds were awarded as part of the surrounding community agreement with MGM "to address traffic and roadway infrastructure impacts". \$94,200 has been spent on design work for the intersection of Longmeadow St. and Converse St., \$755,800 remains in the fund. During the closing process of the FY 2016 Town records, the Department of Revenue put the Town on notice that it would close these funds into the Town's general surplus unless Town Meeting voted to designate the use of funds otherwise. The approval of this article will maintain the original purpose for which the funds were awarded.

ARTICLE 31.

To see if the Town will vote to transfer from available funds in the treasury, the sum of \$250,000.00, or a greater or lesser sum, for the purpose of funding Architectural and Engineering Services for the design of a new and/or renovated Adult Center at Greenwood Park, or take any other action relative thereto.

The effort to plan for a new Adult Center, which has been ongoing for more than three years, was significantly advanced by the Adult Center Building Committee (ACBC) in 2016 through a detailed site selection process. After receiving feedback from Town Meeting, the Select Board chose Greenwood Park as the preferred site for the Adult Center. This appropriation will continue the planning and design effort.
Not Recommended by the Finance Committee

ARTICLE 32.

To see if the Town will vote to amend its General Bylaws by adding the following section to Article Two, Chapter 600 "Section 2-606 Stormwater Enterprise Fund."

(a) ESTABLISHED

There is hereby established within the Department of Public Works a utility known as the "Stormwater Division" under the day-to-day supervision of the Director of Public Works.

(b) PURPOSE

The Department of Public Works shall administer the stormwater management programs of the Town through the Stormwater Division. It shall be funded by revenue collected through the Stormwater fee and such other funds as may, from time to time, be appropriated or obtained through other sources including but not limited to grants and low-interest loans. The stormwater management program is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by man-made and by natural stormwater management systems and facilities.

(c) AUTHORITY

This chapter is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Amendment Article 2 of the Massachusetts Constitution, MGL c. 83, §§ 1 through 24, and such other powers as granted to cities and towns in the General Laws.

(d) DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CREDIT - A reduction in the amount of a Stormwater fee charge to a particular property.

DIRECT COSTS - The costs incurred in the operation and maintenance of the stormwater system as reflected in the Stormwater Enterprise Fund budget.

DWELLING UNIT - The individual, private premises contained in any building intended, whether occupied or not, as the residence for one household, regardless of the number of individuals in the household. A building may contain more than one dwelling unit.

GENERAL LAWS - The General Laws of the Commonwealth of Massachusetts.

IMPERVIOUS SURFACE - Those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, swimming pools, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

INDIRECT COSTS - The costs incurred in the operation and maintenance of the stormwater system including, but not limited to, health insurance, property and casualty insurance, utility expenses, life insurance, and retirement.. Another example of an indirect cost would be the value of time spent by General Fund employees in the Collector's office processing Enterprise Fund user payments.

LARGE RESIDENTIAL PROPERTY - Improved property containing apartments, or condominiums with four or more dwelling units and rooming and boarding houses. Large residential properties shall not include improved property containing structures used primarily for non-residential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

NON-RESIDENTIAL PROPERTY - Property that is not small residential property as defined herein, including, but not limited to, such property as commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, Large Residential Property, storage buildings and storage areas, parking lots, roadways, driveways, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, hotels, motels, retirement centers, nursing homes or assisted living homes, properties designated as "mixed use" properties by the Board of Assessors, and any other form of use not otherwise mentioned which is not a residential property.

PERVIOUS SURFACE - Those areas that allow the unimpeded infiltration of stormwater into the soil. Common pervious surfaces include, but are not limited to, lawn area, forest land, agricultural lands, meadows and other undeveloped land. In determining utility fee calculations, all land on a parcel of property not defined as impervious land will be considered to be pervious.

PROPERTY ASSOCIATIONS - A condominium, cooperative, or other form of ownership, whether residential, commercial or multiple-use, in which fees are divided among multiple record title owners by instrument recorded in the Hampden Registry of Deeds or Hampden Land Court.

SMALL RESIDENTIAL PROPERTY - Improved property containing one, two or three dwelling units. Small residential properties shall not include improved property containing structures used primarily for non-residential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted living homes or properties designated as "mixed use" properties by the Board of Assessors).

STORMWATER - The surface water runoff from precipitation.

STORMWATER FEE - The periodic user fee imposed pursuant to this chapter by the Town of Longmeadow for providing stormwater management.

STORMWATER MANAGEMENT

A. All services provided by the Town which relate to the:

- (1) Transfer, control, conveyance, treatment or movement of stormwater runoff through Town-owned infrastructure;
- (2) Maintenance, repair, grading and replacement of existing stormwater management systems and facilities and equipment owned by the Town;
- (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs, including grading of roads to facilitate the movement of stormwater;
- (4) Regulation of the use of stormwater management services, systems and facilities; and
- (5) Compliance with applicable local, state and federal stormwater management regulations, permit requirements, and mandates.

B. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

Those natural and man-made channels, swales, ditches, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainageways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, outfalls, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, detain, retain, dispose of, or otherwise influence the movement of stormwater runoff.

UNDEVELOPED LAND

All land that is not altered from its natural state.

(e) FEE ESTABLISHED; BILLING FREQUENCY; DEPOSIT TO ENTERPRISE FUND ACCOUNT.

- A. Pursuant to MGL c. 83, § 16, the Town hereby establishes a charge for the use of the stormwater management of the Town to be known as the "Stormwater fee."
- B. The Stormwater fee is imposed on each parcel of residential property and each parcel of non-residential property, whether occupied or not. The Stormwater fee shall be billed at least annually, but not more frequently than in four quarterly increments, as determined by the Select Board. The fee shall be billed to the record title owner of the property. The billing shall be consolidated in the same bill as is sent to said property owner for other services provided by the Town supported by fees, including water service and sanitary sewer use. If the property does not receive a water/sewer bill from the Town, a bill for only the Stormwater fee will be sent. Payment shall be due 30 days after the issue date of the Stormwater bill.
- C. Receipts generated from the Stormwater fee shall be deposited to an enterprise fund account to be known as the "stormwater management account" set up in accordance with the authority granted by MGL c. 44, § 53F 1/2. The funds deposited to this account shall be used to fund the stormwater management program of the Town.

(f) RATES

- A. The Director of Public Works shall recommend an annual budget for stormwater management services to the Town Manager. The Town Manager shall include a proposed annual budget for the stormwater management in the proposed operating budget submitted to the Select Board in accordance with Article 7 of the Charter of the Town of Longmeadow. The budget submitted by the Town Manager and approved by the Select Board shall have the rates set in an amount sufficient to provide for a balanced operating and capital improvement budget for the stormwater management services.
- B. A user fee based on an Equivalent Residential Unit (ERU) shall be imposed on every owner of non-exempt Developed Property within the Town. An ERU shall equal that square footage that represents the median of the area of Impervious Surface for all Single Family Residences in the Town. The Select Board shall, by resolution, establish the square footage that constitutes one ERU on a periodic basis.
- C. The Select Board shall have the authority to set and modify the user fee rates so that the total revenue generated by said charges, and any secondary sources of revenue, shall be sufficient to fund the Town's stormwater program.
- D. The Select Board shall establish the user fee rate for each ERU by the adoption of a written Resolution by vote of the Select Board. A schedule of said rates shall be on file in the office of the Town Manager of the Town of Longmeadow.
- E. There shall be two classifications for the rates, Small Residential Property and Non-residential. Small Residential Property rates will be billed at a flat rate per the fee structure adopted by the Select Board. Non-residential rates shall be based upon the total area of impervious surface on a parcel of land in single and separate ownership as determined by the Town of Longmeadow Department of Public Works by identifying such parcels from the records of the Town Board of Assessors and utilizing available GIS data layers including building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the Town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel. The user fee for a specific property is determined by multiplying the user fee rate per ERU times the number of ERUs allocated to the property. Rates per ERU for Non-residential property shall be set by the Select Board and modified as necessary. The following declining block rate structure shall be used for Non-residential property:

Table 1: Declining Block Rate Structure

Block ERU Range	Block Coefficient (multiplied by ERU rate)
1-10	1.0
11-50	0.9
51-100	0.8
101-500	0.7

- E. Any impervious areas within the federal, state, county, and Town-owned right-of-way used by the traveling public will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.
- G. Property associations may submit to the Department of Public Works a copy of the instrument recorded in the Hampden Registry of Deeds or Hampden Land Court that defines the percentage of common ownership attributable to each unit thereof. Upon receipt of a copy of such instrument, the Department shall cause each individual owner to be billed separately for the percentage attributable to such unit.

(g) SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES.

- A. The Town shall be responsible for all costs to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - (1) Within public road rights-of-way;
 - (2) On private property but within easements granted to, and accepted by, the Town of Longmeadow, or which are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;
 - (3) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- B. Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

(h) PURPOSES OF FUND.

The Stormwater fee shall only be used for the direct and indirect costs of the Stormwater Division to provide stormwater management services as defined in §(d) and also includes the following:

- A. The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities.
- B. All indirect and direct costs of administration and implementation of the stormwater management programs, including the cost of labor attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements.
- C. Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities.
- D. Operation and maintenance of the stormwater systems, including catch basin cleaning, ditch maintenance, street sweeping and the purchase of equipment for use in the operation and maintenance of stormwater systems.
- E. Capital projects for stormwater management.
- F. Illicit discharge detection and elimination.
- G. Monitoring, surveillance, and inspection of stormwater control devices.
- H. Water quality monitoring and water quality programs.
- I. Retrofitting developed areas for pollution control.
- J. Inspection and enforcement activities.
- K. Billing and related administrative costs.
- L. Other activities which are determined to be reasonably necessary by the Director of Public Works, including costs related to regulatory compliance.

(i) LIABILITY FOR FEE; EXEMPTIONS.

- A. The Town finds that all real property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no public property, including public property funded by taxpayers of the Town of Longmeadow, or private property located in the Town of Longmeadow shall be exempt from the Stormwater fee charges.
- B. Notwithstanding the foregoing, the Town establishes exemptions to the Stormwater fee as follows:
 - (1) Public streets, highways and rights-of-way. However, maintenance buildings and/or other improved property used for road maintenance purposes shall not be exempt from Stormwater fee charges. All other state, federal, and county properties are subject to the user fee charges on the same basis as private properties.

(j) FEE CREDITS.

- A. The Town Manager shall develop a proposed Stormwater Management Credit Policy ("Credit Policy"). The Credit Policy as approved by the Town Manager shall be submitted by the Town Manager to the Select Board for approval. The Select Board

may approve or disapprove the Credit Policy as submitted. The Credit Policy will define potential credits or adjustments such as: for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs, and others. The Credit Policy shall be available for inspection by the public at the Department of Public Works and on the Town website.

- B. The Department of Public Works is hereby authorized to grant credits to property owners to be applied against the Stormwater fee based on the technical and procedural criteria set forth in the Credit Policy.
- C. Any credit allowed against the Stormwater fee charge shall be conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Policy and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Department of Public Works may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Policy or this chapter.
- D. In order to obtain a credit, the property owner must make application to the Town on forms provided by the Department of Public Works for such purpose, the application to be fully completed in accordance with the procedures outlined in the Credit Policy.
- E. When an application for a credit is deemed complete by the Department of Public Works, the Director of Public Works shall have 30 days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part shall apply to all Stormwater fee charges in accordance with the terms defined in the Credit Policy.

(k) **FEE BILLING, DELINQUENCIES, COLLECTIONS, ABATEMENTS.**

- A. Failure of the Town to send a bill for Stormwater Enterprise Fund shall not relieve the property owner of record from the obligation to pay for such utility. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Town may back bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- B. Stormwater Enterprise Fund bills shall be managed by the Department of Public Works for collection. The Longmeadow Finance Department shall keep records of all paid and unpaid Stormwater Enterprise Fund bills and maintain financial records for the utility.
- C. If a bill for Stormwater Enterprise Fund bill is not paid in full by the 30th day from the date the bill is issued, interest at the rate of 12% per annum shall accrue on any unpaid balance. Interest shall accrue from the day after the bills are due.
- D. At any time after interest begins to accrue on an unpaid account, the Longmeadow Town Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge as set forth in Chapter 300, Section 2-319 Licenses and Permits, Unpaid Fees, shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the Longmeadow Town Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill. Upon inclusion of the unpaid amount on an annual property tax bill, the amount due shall be a lien on the property, which shall have priority over all other liens except municipal liens and mortgages of record prior to the recording of a notice of lien.
- E. In the event that a property owner believes the Stormwater fee is improperly calculated or is otherwise incorrect, the property owner may, within 30 days from the date of issuance of the Stormwater Enterprise Fund bill, and after payment of the bill in full, apply to the Department of Public Works for an abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. The Department of Public Works shall have 60 days to consider the request for abatement and render a written decision, which may deny the abatement, grant the abatement in full or grant the abatement in part.
- F. Abatements that are offered by the Town of Longmeadow per Massachusetts General Laws Chapter 59, Section 5 may also be requested from the Department of Public Works.

(l) **APPEALS; HEARINGS.**

- A. In the event that a property owner is aggrieved by a written decision from the Department of Public Works denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have 30 days from the date of the written decision to file an appeal to the Department of Public Works. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal with the Department of Public Works, the Department shall forthwith transmit to the Select Board all documents constituting the record upon which the particular decision was made. The Select Board shall set a date for hearing which shall be within 90 days of the date of the filing of the appeal, and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than 10 days prior to the hearing date. The Select Board shall render a written decision within 30 days of the conclusion of the hearing affirming the action of the Department or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater fee as charged and has also requested an abatement.
- B. In the event that a property owner fails to pay the Stormwater fee as charged and the Town utilizes the process set forth in MGL c. 83, §§ 16A through 16F, to collect the unpaid charges, the property owner shall have the right to seek an abatement by filing an application for abatement with the Department of Public Works in accordance with the remedy specified in MGL c. 83, § 16E, with a copy delivered to the Board of Assessors. The application for abatement shall conform to the

requirements for a notice of appeal as set forth in Subsection **A**, above, and the process for a hearing before the Select Board, including the applicable time limits, shall be as set forth therein. In the event that the Select Board denies the abatement, in whole or in part, it shall, in its written decision, include a statement notifying the property owner of the right to seek a review of the decision by the filing of an appeal with the Appellate Tax Board of the Commonwealth of Massachusetts within three months of the date of the decision of the Select Board. As the right to Appellate Tax Board review under this Subsection **B** is derived from applicable sections of the General Laws as contained in Chapters 59 and 83 thereof; to the extent that the terms of this chapter conflict with the terms specified therein, the terms specified in the General Laws control.

or take any other action relative thereto.

Acceptance of this bylaw would create a Stormwater Enterprise Fund and fee that will go in effect beginning in fiscal year 2019 (July 1, 2018) to offset costs associated with a stormwater management program designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by man-made and natural stormwater management systems and facilities. The bylaw, which is posted on the Town's website and is available upon request, would give the Town the resources to fulfill the requirements of the Municipal Separate Storm Sewer Systems (MS4) regulations recently promulgated by the US EPA. The proposed fee would be \$2.25 per month per house. A fee based on impervious area would also be assessed on nonresidential properties.

ARTICLE 33.

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 60 Section 3F, the law would allow the Town to designate a place on its property or motor vehicle excise tax bills or mail with such bills a separate form whereby taxpayers may voluntarily check off, donate and pledge an amount of money, which shall increase the amount already due, for the purposes of providing support for veterans and their dependents in need of immediate assistance, or take any other action relative thereto.

This fund, under the direction of the Veteran Services Department, will enable the Town to act expeditiously when responding to immediate needs of veterans and their dependents. Expenditures from the fund can be made without further appropriation and will be only utilized to provide emergency food, transportation, heat and oil expenses.

ARTICLE 34.

To see if the Town will vote to amend Article II, Chapter 600, Section 2-601(m), Water and Sewer Non-Payment, of the General Bylaws of the Town by deleting in its entirety and amending as follows:

Remove:

“If a bill for water services remains unpaid for thirty (30) days after the bill is due, the Department of Finance and Administration shall send a notice to the delinquent; and if the bill remains unpaid for fifteen (15) days thereafter, the Department of Finance and Administration shall inform the Water and Sewer Commissioners, who have the authority to cause the water supply to be turned off. If the water supply has been turned off at a water use location, the Commissioners shall not cause the water to be turned on again until the amount due, together with Five (\$5) Dollars for the notice and Twenty-Five Dollars (\$25.00) for the restoration of the service have been paid.”

Replace with:

“If a bill for water services remains unpaid for ten (10) days after the bill is due, a demand fee equal to Fifteen Dollars (\$15.00) shall be assessed, and the Department of Finance and Administration shall send a notice to the delinquent account; and if the bill remains unpaid for fifteen (15) days thereafter, the Department of Finance and Administration shall inform the Water and Sewer Commissioners, who have the authority to cause the water supply to be turned off. If the water supply has been turned off at a water use location, the Commissioners shall not cause the water to be turned on again until the amount due, including all assessed interest and demand fees, together with Twenty-Five Dollars (\$25.00) for the restoration of the service have been paid.”

or take any other action relative thereto.

The modification of this Bylaw will bring consistency in the way the Town handles past due water and sewer accounts when compared to the handling of past due property and motor vehicle excise tax accounts. Currently property and motor vehicle excise demand notices are sent no earlier than 10 days after the due date. The demand notice for property and motor vehicle excise carries a fee of fifteen (\$15) dollars. The fifteen (\$15) dollar fee was set by vote at the May 10, 2016 Annual Town Meeting in article # 23. In as much as there was a concern over the Water and Sewer Commissioners shutting off water to delinquent accounts, this amended Bylaw does not change the provisions currently in place regarding such. It has been the policy of the Commissioners not to exercise this right but in place thereof to lien the property to which with delinquent water and sewer user fees apply.

ARTICLE 35.

To see if the Town will vote to amend Article III, Chapter 300, Section 3-324, Counting Voters, of the General Bylaws of the Town by deleting in its entirety and amending as follows:

Remove:

“If a vote is taken in a Town Meeting and if the decision of the Moderator is doubted by seven (7) or more voters, the Moderator shall request the house to be seated and shall appoint tellers. The Moderator shall announce that only those voters who occupy seats on the floor of the meeting are eligible to be counted on the vote; but the Moderator has authority to instruct the tellers to count the votes of specific voters who are unable to obtain seats on the floor of the meeting. The Moderator shall cause the question before the meeting to be distinctly and clearly stated and, in sequence, the Moderator shall request those who choose to vote in the affirmative and those who choose to vote in the negative ~~to rise and stand in their places~~ until they are counted by the tellers. The tellers shall carefully count the ~~standing voters~~ and shall report to the Moderator. The Moderator shall announce the number of voters in the affirmative and in the negative. If a two-thirds vote for an action at a Town meeting is required by statute, the moderator, in accordance with General Laws Chapter 39, Section 15, as amended, may dispense with the requirement of taking a count of the vote if the moderator, in his discretion and without taking a count, determines that two-thirds of those voting supported this action.”

Replace with:

“If a vote is taken in a Town Meeting and if the decision of the Moderator is doubted by seven (7) or more voters, the Moderator shall request the house to be seated and shall appoint tellers. The Moderator shall announce that only those voters who occupy seats on the floor of the meeting are eligible to be counted on the vote; but the Moderator has authority to instruct the tellers to count the votes of specific voters who are unable to obtain seats on the floor of the meeting. The Moderator shall cause the question before the meeting to be distinctly and clearly stated and, in sequence, the Moderator shall request those who choose to vote in the affirmative and those who choose to vote in the negative to **raise their voting cards in the air** until they are counted by the tellers. The tellers shall carefully count the **voters’ raised cards** and shall report to the Moderator. The Moderator shall announce the number of voters in the affirmative and in the negative. If a two-thirds vote for an action at a Town meeting is required by statute, the moderator, in accordance with General Laws Chapter 39, Section 15, as amended, may dispense with the requirement of taking a count of the vote if the moderator, in his discretion and without taking a count, determines that two-thirds of those voting supported this action.”

or take any other action relative thereto.

This bylaw amendment will bring our bylaws to conform to our practices. For many years we have conducted counts of votes with voters raising their voting cards, rather than standing in place. That practice, however does not follow what our bylaw requires. Amending the bylaw will permit voters to remain seated and raise their voting cards.

ARTICLE 36.

To see if the Town will vote to accept the provision of Massachusetts General Law Chapter 200A, Section 9A which deals with the disposition of abandoned funds by the Town, or take any other action relative thereto.

The independent auditors of the Town brought to management’s attention the lack of a comprehensive policy / procedure dealing with disposition of abandoned property, mainly uncashed outstanding checks of a year or longer. Acceptance of this statute outlines the specific steps in dealing with abandoned property that must be followed before the Town can take legal ownership of the property. Such steps include the publication of the names of the owners of the funds on the Town’s website and subsequently publishing the names in a newspaper of general circulation in the Town.

ARTICLE 37.

To see if the Town will vote to amend Article II, Chapter 300, Section 2-319 (a) Licenses and Permits; Unpaid Fees, of the General Bylaws of the Town by deleting in its entirety and amending as follows:

Remove:

2-319. Licenses and Permits; Unpaid Fees.

- (a) The Department of Finance and Administration shall be responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission, or division hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees assessments, betterment or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Replace with:

2-319. Licenses and Permits; Unpaid Fees.

- (a) The Department of Finance and Administration shall be responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall quarterly furnish to each department, board, commission, or division hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees assessments, betterment or other municipal charges for not less than

a sixty day period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

or take any other action relative thereto.

The Governor's Municipal Modernization Act amended MGL Chapter 40 Section 57 by deleting the one year requirement of payment delinquency before a municipality may deny, suspend, revoke or not renew certain licenses and permits. It allowed for the municipality, through bylaw or ordinance to define its own grace period for certain payment delinquencies. This change would reduce the Town's grace period from one year, the defined period in the pre-amended statute, to sixty days, which is the optional timeframe the Town is seeking.

ARTICLE 38.

To see if the Town will vote to re-accept the provisions of Massachusetts General Law Chapter 32B, Section 20 which provides for the creation of a trust fund to reserve money for retiree health insurance and other postemployment benefits (OPEB), or take any other action relative thereto.

The Town originally accepted the provisions of MGL Chapter 32B, Section 20 with a favorable vote of article # 21 at the April 28, 2009 Annual Town Meeting. As it currently stands, the fund has been determined to be a "reserve fund" for retiree health insurance expense, but is subject to Town Meeting appropriating these funds for any municipal purpose at any time. The provisions of the statute were recently modified in the Governor's Municipal Modernization Act and must be reaccepted to take advantage of the revisions which include: compliance with standards of the Government Accounting Standards Board and the Internal Revenue Service, which truly make this a trust fund to be used only for retirees' and their dependents' benefits. Additionally, the Town will need to appoint a trustee or trustees who will have investment authority of the trust's assets.

ARTICLE 39.

Citizen Petition

To see if the Town will vote to approve and adopt the Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics (please see attached resolution), or take any other action relative thereto.

Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics

WHEREAS, recent changes in funding and disclosure rules for national, state and local political elections have degraded the goals of the democratic process; and

WHEREAS, a recent decision by the Massachusetts Office of Campaign and Political Finance (OCPF) now allows an infusion of previously prohibited out-of-state money to influence local and state elections, new legislation is now required to prohibit such funding from circumventing Massachusetts state law; and

WHEREAS, in an effort to restore voter confidence in our democracy, a grassroots movement known as "Represent.Us" is working for legislative reforms to reduce the opportunity for corruption within the political system in our country by supporting a legislative reform bill known as the "American Anti-Corruption Act" (the Act); and

WHEREAS, the Act targets bribery by preventing lobbyists from donating to politicians and influencing policymaking; ends secret money by mandating full transparency; enables citizens to fund elections; closes the revolving door between Congress and lobbying firms; and enhances the power of the Federal Election Commission; and

WHEREAS, this national organization's local chapter, Represent.US Western Mass, sought and promoted an advisory referendum; specifically in the Hampshire/Franklin State Senate District (currently held by Stan Rosenberg) to build support for this initiative; and

WHEREAS, on November 4, 2014, the citizens of the above mentioned district were given the opportunity to be heard on this topic through the above advisory referendum where the question received 84 percent aggregate support across the entire district, and

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of Longmeadow, Massachusetts that we support tough new anti-corruption laws to close loopholes in Massachusetts' campaign finance regulations that currently allows unregulated out-of-state money to infiltrate state and local elections; and we support the goals outlined in the American Anti-Corruption Act to remove the corrupting influence of money on our political system. The Act prohibits politicians from taking campaign money from special interest groups including private industries and unions; increases transparency for campaign funding; empowers all voters through a tax rebate voucher to contribute to the candidates they support; prohibits representatives and senior staff from all lobbying activity for five years once they leave office; and places limits on superPACs.

BE IT FURTHER RESOLVED that the citizens of the Town of Longmeadow implores our elected representatives in Boston, State Senator Lesser and Rep. Ashe and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Neal (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Longmeadow is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

This petition is requesting that the Town of Longmeadow approve and adopt the Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics (please see attached resolution).

ARTICLE 40.

Citizen Petition

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$25,000 (twenty five thousand dollars), or a greater or lesser sum, for the purposes of installing pedestrian crossing signals at the intersection of Longmeadow Street and Western Drive/Forest Glen Road, or take any other action relative thereto.

Currently the Traffic signalization at the intersection of Longmeadow Street and Western Drive/Forest Glen Road does not allow for the safest pedestrian crossing. This article would allow for signalization improvements to safer pedestrian traffic at the intersection.

Not Recommended by the Finance Committee

ARTICLE 41.

Citizen Petition

To see if the Town will vote to: a person shall not, keep, maintain, or permit upon any lot or parcel within the Town of Longmeadow livestock (to include goats, sheep, and pigs), bees, poultry (to include turkeys, chickens, roosters, ducks, and geese) with the exception that the lot or parcel is zoned Agricultural, or take any other action relative thereto.

The purpose of this petition is to restrict the presence of livestock, bees, and poultry to lots/parcels that are zoned for agriculture.

Two-thirds vote required.

ARTICLE 42.

Citizen Petition

To see if the Town will vote to reaffirm the use of the land and structures located at 301 Laurel Street (also known as "Bliss Park") and 337 Longmeadow Street (also known as "Laurel Park") as parkland, in accordance with a vote taken at the February 28, 1934 Town Meeting, Article 9, wherein said land was intended to be transferred from the Water Department to the care and control of the Park Commissioners and its use was established "as a public park and public playground"; and, accordingly, therefore, to designate Laurel Park and so much of Bliss Park that has not been improved as a playground for the purpose of conserving, utilizing and protecting for the public the forest, water, air and other natural resources attributable to those lands and contained therein and/or upon them; and, further, to authorize and direct the Board of Selectman to take any and all actions necessary to ensure the use of said Bliss Park and Laurel Park for park and conservation purposes and to execute and record at the Hampden County Registry of Deeds any and all documents as may be necessary to protect said parkland pursuant to Article 97 of the Constitution of the Commonwealth of Massachusetts, including, without limitation, a conservation restriction. The Town shall not be authorized to take any action with regard to Bliss Park and Laurel Park inconsistent with the intent of this warrant article until these properties are legally recognized as falling under the protection of said Article 97, or take any other action relative thereto.

The intent of this petition is to compel the Town of Longmeadow to effect legal protection for Bliss Park and Laurel Park thereby ensuring they remain public parks in accordance with the wishes of the Citizens of Longmeadow in a vote taken at Town Meeting on February 28, 1934.

The supporting warrant directs the Town to now take any and all legal actions necessary to ensure that these lands remain parks in perpetuity through the protection offered parkland under Article 97 of the Constitution of the Commonwealth of Massachusetts.

The burden to execute all necessary legal documentation to secure such protection under said Article 97 shall fall upon the Town of Longmeadow. Further, the Town shall be barred from taking any action on these parklands inconsistent with the intent of this petition during the period prior to such legal recognition and protection under said Article 97.

ARTICLE 43.

Citizen Petition

To see if the Town will vote to accept a bylaw to require a voter to show a valid photo ID to register to vote and when voting. Valid forms of identification are a MA state ID, MA Driver's License, MA Firearms Card, Valid Military ID Card or a valid passport, or take any other action relative thereto.

I believe everyone should have to show a photo ID to register to vote and to vote. This bylaw would set the standard for election and voting transparency.

ARTICLE 44.

Citizen Petition

To see if the Town will vote to designate the Town of Longmeadow a pollinator friendly community through the recognition of various pollinator species, including the honeybee and allowing and encouraging the keeping of honeybees subject to Board of Health and State of Massachusetts regulations, or take any other action relative thereto.

The purpose of this petition is to designate the Town of Longmeadow a pollinator friendly community by recognizing the importance of various pollinator species, including honeybees, and encouraging and supporting of the keeping of bees by its citizens.

AND you are hereby directed to serve this Warrant by posting attested copies thereof in five (5) public places in said Town seven (7) 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 20th day of March, 2017, A.D.

SELECT BOARD OF LONGMEADOW

Marie Angelides, Chair Person

Thomas Lachiusa, Vice Chair Person

William Low, Clerk

Mark Gold

Richard Foster