

COMMONWEALTH OF MASSACHUSETTS
SOUTH HADLEY, MASSACHUSETTS

WARRANT
Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the ANNUAL TOWN MEETING will be held in the TOWN HALL AUDITORIUM on Saturday, the 9th day of May, 2009, at 9:15 a.m. or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following Articles:

ARTICLE 1. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2009, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 2. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during Fiscal Year 2010, as permitted by Massachusetts General Laws Chapter 44, Section 53 (F), or take any other action relative thereto.

ARTICLE 3. To see if the Town will vote to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2010 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Selectboard to apply for and accept such federal or state grants or monies as may be available and to authorize the Selectboard to expend any funds received there from in accordance with the terms of said grants, or take any other action relative thereto.

ARTICLE 5. To see if the Town will vote to approve one or more increases in the Massachusetts Rooms and Meals taxes, or take any other action relative thereto.

ARTICLE 6. To see if the Town will vote to accept a sum of money for highway improvements under the authority of Massachusetts General Laws Chapter 90 and other applicable law; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing, or by any combination of these methods; authorize the Selectboard to apply for, accept, expend and borrow in anticipation of state aid for such projects, or take any other action relative thereto.

FISCAL YEAR 2010 OPERATING BUDGET

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$30,000.00, or a greater or lesser sum, to constitute a Reserve Fund, transfers from which may be voted by the Appropriations Committee, or take any other action relative thereto.
[The Appropriations Committee recommends \$42,500 for this article.]

ARTICLE 8. To see if the Town will vote to fix the salary and compensation of the following elective officers of the Town of South Hadley as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectboard Members, Clerk/Treasurer, Assessors, Collector, or take any other action relative thereto.
[The Appropriations Committee recommends \$51,000 for the Clerk/Treasurer's salary.]

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury, the sum of \$18,743,096.00, or a greater or lesser sum, for the support and maintenance of its schools, for the Fiscal Year beginning July 1, 2009, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds in the Landfill Enterprise Fund, Waste Water Treatment Plant Enterprise Fund, and Cable Studio Account, the sum of \$54,000.00, or a greater or lesser sum, for the purpose of funding wage and merit increases for non-unit employees for Fiscal Year 2010, including the Clerk/Treasurer and Collector pursuant to Article 7 above, and to reflect and implement said wage and merit increases in Personal Services for covered employees and the Stipend Administration Plan, and to further provide in this sum continued funding of the Employee Assistance Program for municipal employees, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$1,541,929.00, or a greater or lesser sum, for the purpose of funding Personal Services and Expenses of General Government for FY 2010, or take any other action relative thereto.
[The Appropriations Committee recommends \$11,250 less for this article for the Clerk/Treasurer salary and \$12,500 less because a second election is not required in FY10.]

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$2,552,497.00, or a greater or lesser sum, for the purpose of funding Protection of Persons and Property for FY 2010, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 13. To see if the Town will vote to transfer the sum of \$13,244.00, or a greater or lesser sum, from Cable Studio Account to the General Fund for FY 2010, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$3,415,253.00 or a greater or lesser sum, for the purpose of funding the Department of Public Works for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 15. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$100,003.00, or a greater or lesser sum, for the purpose of providing for the removal of snow and ice from town streets, sidewalks and public ways in FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$296,345.00, or a greater or lesser sum, for the purpose of funding the Council on Aging for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$100,000.00, or a greater or lesser sum, for the purpose of funding Veterans and Soldiers Benefits in FY 2010 under Chapter 115 of the Massachusetts General Laws, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$528,978.00, or a greater or lesser sum, for the purpose of funding the South Hadley Library for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$13,000.00, or a greater or lesser sum, for the purpose of funding the Gaylord Library in FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$28,000.00 or a greater or lesser sum, for the purpose of auditing the Town's accounts for Fiscal Year 2009 and for engaging a consultant to perform an actuarial study for compliance with the federally mandated Other Post Employment Benefits (OPEB) for health insurance for retirees, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 21. To see if the Town will vote to transfer from available funds in the Cable Studio Account the sum of \$55,630.00, or a greater or lesser sum, for the purpose of funding Cable Studio Personal Services and Expenses for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 22. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$6,560,962.00, or a greater or lesser sum, for

the purpose of funding FY 2010 Unclassified Accounts, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 23. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$112,202.00, or a greater or lesser sum, for the purpose of funding Health and Sanitation for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 24. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$3,886,018.00, or a greater or lesser sum, for the purpose of funding its Maturing Debt and Interest Account for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 25. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$5,500.00 or a greater or lesser sum, for the purpose of funding the Connecticut River Channel Marking and Safety Committee for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 26. To see if the Town will vote to appropriate from the Ambulance Receipts Reserved for Appropriation Fund, the sum of \$55,100.00, or a greater or lesser sum, for the purpose of providing for expenses in FY 2010 related to the operation of the Town Ambulance in FY 2009, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 27. To see if the Town will vote to transfer from available funds in the Treasury, and/or appropriate from the Golf Enterprise Fund Receipts, the sum of \$913,209.00, or a greater or lesser sum, for the purpose of funding the Ledges Golf Club for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends an additional \$9,500 for this article.]

ARTICLE 28. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$1,000.00, or a greater or lesser sum, for the purpose of funding the Canal Park Committee for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 29. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury the sum of \$5,000.00, or a greater or lesser sum, for the purpose of funding the Conservation Land Acquisition Account for FY 2010, or take any other action relative thereto.

[The Appropriations Committee recommends this article.]

ARTICLE 30. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$12,000.00, or a greater or lesser sum, for the revaluation of real property.

[The Appropriations Committee recommends this article.]

FISCAL YEAR 2010 CAPITAL BUDGET

ARTICLE 31. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$23,000.00, or a greater or lesser sum, to replace the current MUNIS server or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 32. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$60,000.00, or a greater or lesser sum, to replace the gravel base and pavement at the Lincoln Street parking lot, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 33. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$15,000.00, or a greater or lesser sum, for design services and budget pricing to upgrade restroom facilities at the main Library to include ADA compliance, or take any other action relative thereto.
[The Appropriations Committee does not recommend this article.]

ARTICLE 34. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$100,000.00, or a greater or lesser sum, to widen the entry to the MESM parking lot, create a drop-off zone at the sidewalk adjacent to the school, and create a new parking lot on the westerly side of the school, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 35. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$25,000.00, or a greater or lesser sum, for the of funding the Ledges Water Loop, or take any other action relative thereto.
[The Appropriations Committee recommends a reduction of \$10,000 for this article.]

ARTICLE 36. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$35,000.00, or a greater or lesser sum, to remove floor tiles in two or three classrooms, install a vapor barrier on top of the concrete, and replace the floor tiles, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 37. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury, the sum of \$150,000.00, or a greater or lesser sum, for the purpose of purchasing a six-wheel dump truck with plow and sand spreader, or take any other action relative thereto.
[The Appropriations Committee recommends this article.]

ARTICLE 38. To see if the Town will vote to reauthorize the provisions of Massachusetts General Laws, Chapter 44, Section 53 1/2 , to establish in the Town Treasury a revolving fund, which shall be kept separate and apart from all other monies by the Treasurer, and in which shall be deposited the receipts received that may be spent by the Selectboard or its designee, without further appropriation during FY 2010 for the continued support and maintenance of BATTERY BROOK PARK, or take any other action relative thereto.

ARTICLE 39. To see if the Town will vote to amend the General By-laws by adding the following Right to Farm Bylaw, or take any other action relative thereto:

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to restate the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of South Hadley restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This general By-law supports the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of South Hadley by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies, when done in compliance with state laws and town bylaws and regulations.

Section 2 Definitions

The word "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land;
- breeding of livestock including horses;
- keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and furbearing animals such as mink.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving and/or oversized farm equipment over roads within the Town;
- use of legally established rights of way over private property;
- control of pests and application of manure, fertilizers and pesticides, as permitted under and in compliance with state law;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of agricultural products, insofar as not in conflict with town by-laws; and
- on-farm relocation of earth and the clearing of ground for farming operations, insofar as permitted by the Wetlands Protection Act and town regulations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of South Hadley. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes

associated with normally accepted agricultural practices. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices and local zoning and other regulations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law, or other bylaw or regulation.

Section 4 Disclosure Notification

Within 30 days after his bylaw becomes effective, the Select Board shall prominently post in the town hall the following disclosure:

“It is the policy of this community to conserve, protect and support the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the town may be affected by commercial agricultural operations.”

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and attempt to facilitate the resolution of the grievance, and report its recommendations to the referring town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and attempt to facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of South Hadley hereby declares the provisions of this By-law to be severable.

ARTICLE 40. To see if the Town will vote to amend the General By-Laws by adding the following Agricultural Commission Bylaw, or take any action relative thereto.

The Agricultural Commission shall represent the South Hadley farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the town both as a business and a resource, the preservation of farmland, the promotion of agricultural-based economic opportunities, and the visibility of farming in South Hadley.

The Commission shall consist of five members appointed by the Selectboard. Two members shall be appointed for a three year term; two members for a term of two years,

and three years thereafter, and one member for a term of one year and three years thereafter. Any vacancy shall be filled by the appointing authority based on recommendations of the Commission, for the unexpired term of the vacancy. At least three of the members shall be actively engaged in agriculture.

The duties and responsibilities of the Commission shall include, but not be limited to:

- Advising the Selectboard, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions, involving agricultural lands in town.
- Helping to facilitate the resolution of any farm-related grievance or concern filed with the Town authorities.
- Engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in town, including programs and community events.
- Reporting on its projects and activities on an annual basis within the town report.

or take any other action relative thereto.

ARTICLE 41. To see if the Town will vote to amend the Zoning By-Law in regard to Flood Plain Regulations by amending:

- Section 8 GENERAL PROVISIONS, Subpart (L) Flood Plain Regulations, paragraph 3 Permitted Uses to remove the requirement that the lowest floor be at least one foot above the elevation of the flood plain limits by deleting the phrase “of at least one (1) foot” from the first sentence of said paragraph 3.

or take any other action relative thereto.

ARTICLE 42. To see if the Town will vote to amend the Zoning By-Law in regard to Sign Regulations by amending:

- Section 8 GENERAL PROVISIONS, Subpart (F) Signs, paragraph 7 - Illumination of Signs to provide standards for approval/disapproval of illumination of signs by adding the following subparagraph “b” to read as follows:
 - b. Adverse to surrounding neighborhood or community. Signs which illuminate more than what is necessary to convey the message or name being promoted or create glare which may impact motorists are generally considered to have an adverse impact on the community. Such adverse impact arises from excessive light pollution. Therefore, in determining whether to approve the illumination of a sign, the Planning Board shall:
 - 1.) consider and minimize the illumination impact of the signage illumination on the surrounding properties; and,
 - 2.) only approve internally-illuminated signs where only the lettering or logo of the enterprise or message being promoted are illuminated; and,
 - 3.) ensure that the illuminated sign does not illuminate adjoining or nearby residential properties or pose a danger to motorists on

- adjoining or nearby roadways which might arise from glare from the illumination source; and,
- 4.) not approve exposed or illuminated neon signs; and,
 - 5.) require that illumination sources not illuminate the background or field of a sign except to the extent that the background or field (due to the shape of the sign area) is clearly a logo of the company or enterprise being advertised.

or take any other action relative thereto.

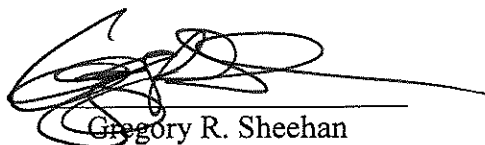
ARTICLE 43. To see if the Town will vote to authorize the Selectboard to acquire an interest in land either by transfer or long term lease from the Holyoke Gas and Electric, said land currently constitutes a parking lot situated off Main Street across from St. Patrick Church and the Egg and I, and further to accomplish this acquisition, that the Town appropriate a sum of money by transfer from available funds in the Economic Development Fund, or take any other action relative thereto.

ARTICLE 44. To see if the Town will vote to ratify the Fifth Amendment entered into between the Town and BIOSAFE, Inc. on or about December 4, 2007 for the operation of the South Hadley Landfill, said amendment amended a prior agreement and amendments thereto entered into between the Town and BIOSAFE and its predecessors in interest, or take any other action relative thereto.

ARTICLE 45. To see if the Town will authorize the Selectboard to enter into a new agreement with BIOSAFE, Inc. for the purpose of operating the South Hadley Landfill, said agreement to include certain terms and conditions regarding the rights and responsibilities of the parties relative to the operation of the landfill as well as a proposed vertical expansion to the existing site-assigned area and expanding the footprint of the existing landfill, or take any other action relative thereto.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk, on or before the time of holding said meeting.

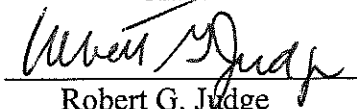
Given under our hands this 21st day of April 2009:



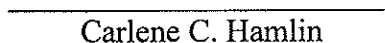
Gregory R. Sheehan
Chair



John R. Hine
Vice-Chair



Robert G. Judge
Clerk



Carlene C. Hamlin
Member

Marilyn G. Ishler
Member

**SELECTBOARD
TOWN OF SOUTH HADLEY**

2009 ATM Warrant

A True Copy, Attest



Town Clerk