

True and attested copies of the warrants were posted by Constable, David J. Labrie in five of the towns voting precincts. Copies of the warrants were mailed out electronically and through US Postal Service to town meeting members on April 19, 2019. All additional local by-law requirements were met prior to hosting this meeting in the auditorium of South Hadley Town Hall.

The Annual Town Meeting was called to order at 6:34 P.M. by Town Moderator, John Hine after he adjourned the Special Town Meeting. There were one hundred and four members present out of one hundred and nineteen qualified town meeting members. Greetings were read by the Moderator. Peter Gagne, Barbara Bristol, Bill Foley and Len Finkowski were appointed tellers for the session.

The following business was transacted:

Article 1- Acceptance of Treasurer to Borrow

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

Town Moderator declared the vote passed by a 2/3 majority of the body.

The Town voted 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, 2019, 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.

Article 2- Acceptance of Treasurer Banking

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted 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 2020, as permitted by Massachusetts General Laws Chapter 44, Section 53 (F).

Article 3-Right to Defend

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2020 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable.

Article 4- Acceptance of Grants

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted 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.

Article 5- Acceptance of Chapter 90

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted 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.

Article 6- Chapter 41 Compensation**TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.**

The Town voted to fix the compensation of each officer as follows Selectboard \$2,000, Board of Assessors \$2,500, Moderator \$500.

Article 7- Revolving Buttery Brook Acct**TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.**

The Town voted to amend its General Bylaws by adding a new Section entitled "Revolving Funds", as shown in Appendix AA, with the number of Such Section and internal formatting to be determined by General Code, and further to establish an expenditure limit for the Buttery Brook Park Revolving Fund for 2020 in the amount of \$20,000.

Article 8 – FY20 Operating Budget**Appropriation Committee unanimous vote.****Capital Planning Committee unanimous vote.****TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.**

The Town voted to raise and appropriate the sum of \$46,528,187 for Fiscal Year 2020 Operating Budget as described in Appendix A and further funded through the following means; \$41,881,244 to be raised through taxation; \$340,758 from Unreserved Free Cash; \$3,500 from Boat Excise; \$16,000 from the Dog Agency Fund; \$12,000 from State Aid to Libraries; \$2,000 from Conservation Wetland Fund; \$179,791 from Cable Studio Account; \$40,930 from DHCD 40R Grant; \$1,786,769 from WWTP Enterprise Receipts; \$869,862 from Landfill Enterprise Fund Receipts; \$150,000 from Landfill Enterprise Fund Balance; and \$1,245,333 from Ledges Golf Club Enterprise Receipts.

Article 9- PEG Access**TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.**

The Town voted to accept General Laws Chapter 44, Section 53F^{3/4}, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020, which begins on July 1, 2019.

Article 10- Regional Mosquito Control**TM VOTE: MAJORITY VOICE VOTE: control sheet on file.**

The Town voted to become a member in the Pioneer Valley Mosquito Control District for a minimum three-year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law.

Article 11- Regional Recycling Agreement**TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.**

The Town voted to authorize the Selectboard to enter into a ten (10) year contract commencing on July 1, 2020 with a qualified vendor selected by the Massachusetts Department of Environmental Protection through competitive bid processes for the Town of South Hadley, subject to the Selectboard review and approval that the contract is in the best interest of the town and that Town Meeting votes to fund the agreement for Fiscal Year 2021 at the 2020 Annual Town Meeting for the recycling services.

Article 12-BOH Expansion (Presented by petition)

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to amend the South Hadley By-laws section 18-5 subsection (4) by striking “three (3)” and inserting “five (5)” which would change the Board of Health from the present three member elected board to a five-member elected board with three-year staggered terms as further articulated in “Appendix B”.

Article 13- Single payer Health Insurance (Presented by petition)

TM VOTE: MAJORITY VOICE VOTE: control sheet on file, standing vote (66Y - 31N)

The Town voted to endorse a resolution for “Single Payer Healthcare in Massachusetts” as further articulated “Appendix C”.

Article 14 – Shared Mobility Devices

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to amend Chapter 230, Article II of the General By-laws and establish a new subsection 230-6 Shared Mobility Device (SMD) to establish definitions related to SMDs and furthermore to establish a new subsection 230-8 to allow the Selectboard to create reasonable regulations to protect the public interest in respect to SMDs, as further articulated in “Appendix D”.

Article 15 –Off Leash Dog Park

TM VOTE: MAJORITY VOICE VOTE: control sheet on file.

The Town voted to amend the South Hadley By-law Sections (amended as follows, Scribner error) 315-4.5 by adding language after “No dogs are allowed in any park” as follows “with the exception of a park(s) specifically designed for dogs and their owners and where regulations have been established, accepted, posted and approved by the South Hadley Selectboard” and furthermore add to Section 194-2 the following language “A public park specifically designed for dogs and their owners and allowed under Section 315-4.5 of the South Hadley Code will be exempt from the provisions of this section, within the premises of said dog park”.

Article 16 – Feeding Wild Animals

TM VOTE: DEFEATED MOTION BY VOICE VOTE: control sheet on file.

Article 17 – Cultural Council

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to amend the Town of South Hadley By-laws Cultural Council Section 7-14 subsection “B” in accordance with MGL Chapter 10 section 58 by striking “nine members” and inserting “eleven members”.

Article 18 – Recreation Commission Expansion

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to amend the Town of South Hadley By-law Recreation Commission Chapter 7-6 subsection B by striking “seven (7)” and inserting “nine (9)”.

Article 19 – Senior Center Bond

Appropriation Committee unanimous vote.

Capital Planning Committee unanimous vote.

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

Town Moderator declared the vote passed by a 2/3 majority of the body.

The Town voted to appropriate the sum of nine million eight hundred thousand dollars (\$9,800,000) to design, construct, improve, equip and furnish a new Senior Center located at 47 Dayton Street, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 20 – Reallocation of Borrowing

Appropriation Committee unanimous vote.

Capital Planning Committee unanimous vote.

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

Town Moderator declared the vote passed by a 2/3 majority of the body.

The Town voted to amend its vote under Article 2 of the November 12, 2014 Special Town Meeting, Capital Borrowing Plan, by adjusting the following categorical capital expenditures authorized to be borrowed thereunder: reduce the sum designated for “equipment” in an amount equal to \$500,000 and increase the amount designated for “street construction” in a like amount.

Article 21– Facilities Health and Safety Coordinator

Appropriation Committee unanimous vote.

Capital Planning Committee unanimous vote.

TM VOTE: MAJORITY VOICE VOTE: control sheet on file.

The Town voted to raise and appropriate the sum of \$87,000 to fund a Facilities, Health and Safety Coordinator with a salary not to exceed \$72,000, health insurance, FICA, retirement and other related employment cost not to exceed \$15,000 and a total cost not to exceed \$87,000 for FY 20.

Article 22– Planning Stormwater

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

The Town voted to amend Chapter 200 (the Stormwater Management Bylaw) Section 200-20 in regards to Specific Design Criteria to restrict the discharge of runoff originating in the Zone II or Zone III of the Dry Brook Public Water Supply Well from being diverted to places outside of said Zone II or Zone III and as further articulated in “Appendix F”.

Article 23–Planning Excavation

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.
VOTED: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet attached.

A motion to amend Article 23, as listed in the Warrant, an Article proposing to amend SECTIONS 255-35D AND 255-35E and USE REGULATIONS SCHEDULE by limiting the change to said sections and schedule to prohibiting Major Earth Removal, Extraction, and/or Fill Activities in the Water Supply Protection District and leaving the use Other Earth Removal, Extraction and/or Fill Activities as a permitted activity subject to the provisions of section 255-35 and 255-84 of the Zoning Bylaw.

If approved, this motion would prohibit Major Earth Removal, Extraction and/or Fill Activities within the Water Supply Protection District but leave “Other Earth Removal, Extraction and/or Fill Activities” within the Water Supply Projection District unchanged.:

- a) Insert within the description of the Article regarding Section 255-35D Permitted Uses the phrase “Other Earth Removal, Extraction and/or Fill Activities”;
- b) Delete the phrase “and Other” from the use proposed to be inserted into Section 255-35E Prohibited Uses;
- c) Within the Use Regulations Schedule (Attachment A), leave the use “Other Earth Removal, Extraction, and/or Fill activities unchanged; and
- d) Within the Use Regulations Schedule (Attachment A), leave the footnote “b” unchanged.
- e) Delete: The third change to the bylaw listed under this Article. (This is the section of the Article which would change the current delineation of the Water Supply Protection District.)

With this amendment, the changes identified in the Planning Board Report on Article 23 would be revised such that the changes would be as follows:

1. **The motion amendment would not change this item. Accordingly, the Article as amended would: Amend Section 255-35D - “Permitted Uses” of the South Hadley Zoning Bylaw by deleting the following:**

“(8) Excavation for earth removal, provided that the requirements of Subsection F of this section and § 255-84 are met, and an earth removal permit is granted by the Building Commissioner.”

2. **The motion amendment would insert “Other Earth Removal, Extraction, and/or Fill Activities” into the permitted uses. Accordingly, the Article as amended would: Amend Section 255-35D “Permitted Uses” of the South Hadley Zoning Bylaw by inserting the following:**

“(8) Other Earth Removal, Extraction, and/or Fill Activities and Earth Removal, Excavation, and/or Fill Activities as defined in § 255-84 for which a Permit from the Building Commissioner is not required due to the activity being part of an exempt development under Section 255-84A(2) and the associated excavation/earth removal shall not be nearer than 10 feet of the seasonal high groundwater.”

3. **The motion amendment would delete the reference to “Other Earth Removal, Extraction, and/or Fill Activities” as a prohibited use. Accordingly, the Article as Amended would:**

Amend Section 255-35E – “Prohibited Uses” of the South Hadley Zoning Bylaw by inserting the following:

“(10) Major Earth Removal, Excavation and/or Fill activities (as defined in Section 255-84 including “mining” of gravel, soil, loam, sand and/or other minerals.”

4. The motion amendment would delete the reference to “Other Earth Removal, Extraction, and/or Fill Activities” as a prohibited use. Accordingly, the Article as Amended would: Amend Section 255 of the South Hadley Zoning Bylaw, Attachment 1 “Use Regulations Schedule” in regard to the “Other” Use Classification by changing the use “Major Earth Removal, Excavation and/or Fill activity” in the Water Supply Protection District from permitted by Special Permit to Prohibited

Article 24–Water Supply Protection

TM VOTE: BY A UNANIMOUS AFFIRMATIVE VOICE VOTE REFERRED ARTICLE BACK TO PLANNING BOARD: control sheet on file.

Article 25–Planning Water Protection II

TM VOTE: BY A UNANIMOUS AFFIRMATIVE VOICE VOTE REFERRED ARTICLE BACK TO PLANNING BOARD: control sheet on file.

Article 26–Special Permit

TM VOTE: UNANIMOUS AFFIRMATIVE VOICE VOTE: control sheet on file.

Town Moderator declared the vote passed by a 2/3 majority of the body.

The Town voted to amend Chapter 255 (the Zoning Bylaw) in Section 255-130 by inserting an item E providing that “a condition of any Special Permit is that the approval is conditioned upon the applicant obtaining all other local, State, and/or Federal approvals required for the activity authorized by the Special Permit” as detailed in the Planning Board’s Report to Town Meeting and as further articulated in Appendix J, or take any other action relative thereto.

Article 27–Planning Zone Change

TM VOTE: VOTED TO WITHDRAW

Article 28–Zoning Map Change

MOTION DEFEATED

Meeting adjourned at 9:18 P.M.

A TRUE COPY ATTEST:



Carlene C. Hamlin, Town Clerk

