

*The Annual Town Meeting was held outside on June 9, 2021, at St Theresa's Church parking lot at 9 East Parkview Dr, South Hadley MA. 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 sent out electronically and through US Postal Service to town meeting members on May 26, 2021. All additional local by-law requirements were met prior to hosting this meeting. The meeting was called to order at 6:00 pm by Town Moderator, John Hine. There were eighty-seven members present out of one hundred and twenty qualified members.*

*Steve Hamlin and Joel Prough were reappointed to a three-year term to the Appropriation Committee.*

*Helen Fantini was elected to the Redevelopment Authority term to end June 30, 2026, and Michelle Theroux was elected to the Redevelopment Authority term to June 30, 2025.*

*A motion was accepted to use handheld tabulators for this meeting.*

*The following business was transacted:*

Consent Calendar "A" (Articles 1-6)

Appropriation Committee unanimous vote.

TM VOTE: MAJORITY VOTE: control sheet on file.

The Town voted to vote Articles 1,2,3,4,5, as a single consent article.

Article 1 – Acceptance of Town Treasurer to Borrow

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, 2021, 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 – Acceptance of Town Treasurer Banking

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 2022, as permitted by Massachusetts General Laws Chapter 44, Section 53 (F), or take any other action relative thereto.

Article 3 – Vote to Defend Lawful Action Against Municipality

The Town voted to authorize the Selectboard to defend all suits that may be brought against the Town during Fiscal Year 2022 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 – Authorize and Accept all Grants or Monies**

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 or take any other action relative thereto.

**Article 5 – Accept Chapter 90 Money**

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, or take any other action relative thereto.

**Article 6 – Chapter 41 Compensation**

The Town voted to fix the salary and compensation of the following elective officers of the Town of South Hadley during fiscal year 2022 as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectboard Members, Assessors, or take any other action relative thereto.

**Consent Calendar “A” (Articles 7-10)**

**Appropriation Committee unanimous vote.**

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

The Town voted to vote Articles 7-10, as a single consent article.

**Article 7 – Adopt MGL Chapter 32B s20**

The Town voted to adopt/re-adopt and accept the provisions of Section 20 of Chapter 32B of the *Massachusetts General Laws*, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Selectboard and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws, or take any other action in relation thereto.

**Article 8 – Adopt MGL Chapter 203C**

The Town voted to authorize the use of Massachusetts General Law Chapter 203C in establishing “prudent investor” guidelines in and related to South Hadley Financial Policies or take any other action thereto.

**Article 9 – Adopt MGL Chapter 200A subsection 9A**

The Town voted to accept Massachusetts General Law Chapter 200A subsection 9A regarding tailings and draft/check processing contained within and related to the South Hadley Financial Policies or take any other action thereto.

**Article 10 – Tax Title Acceptance**

The Town voted to accept Massachusetts General Law Chapter 60 subsection 62A regarding Tax Payment Agreements and tax title processes contained within and related to the South Hadley Financial Policies and adopt the following bylaw to implement same or take any other action thereto.

**Amend the Town of South Hadley General Bylaws by adding a new Chapter as follows:**

**Chapter 142 Redemption of tax title real estate.**

**142-1 Written Tax Title Agreements Authorization:** Pursuant to the provisions of MGL c. 60, § 62A, the Treasurer of the Town of South Hadley ("Town") may enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of nonpayment of real estate taxes. The Agreement shall be executed by the Town and Redeemer and shall set forth the terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same.

**142-2 Eligibility:** The Redeemer of the following assessment categories of real property shall be eligible to enter into an Agreement provided for in the preceding paragraph:

- (1) Commercial property.
- (2) Residential property.
- (3) Industrial; and
- (4) Open space.

**142-3 Conditions for Agreement:** The following conditions must be met prior to the Town and Redeemer entering into a written Agreement.

- (1) The Town has not filed a petition to foreclose the rights of redemption with the Land Court, and the recording date of the Instrument of Taking recorded in the Hampshire Registry of Deeds or Hampshire Registry District of the Land Court must be no more than 10 years from the date of the proposed Agreement.
- (2) All real estate taxes due for the current fiscal year assessed against the parcel must be paid to date.
- (3) The Redeemer, at the time of execution of said Agreement, must pay to the Town a minimum of 25% of the amount due to redeem the parcel. The Redeemer must then agree to pay the remaining balance due to the Town in equal monthly installments over a period not to exceed five years.
- (4) The Agreement may not be longer than five (5) years in duration.

**142-4 Credit Availability:** After the Town has received 75% of the total amount due, the Redeemer shall be entitled to a credit equal to 25% of the accrued interest on the tax title account. This credit shall be applied against the final installment payment(s) due under the Agreement.

**142-5 Freezing Foreclosure Action:** During the term of the Agreement, the Treasurer may not bring an action to foreclose the tax title of the Redeemer unless payments are not made in accordance with the schedule provided in the Agreement or timely payments are not made on other amounts due to the municipality that constitute a lien on the same parcel.

**Article 11- Revolving Buttery Brook Account**

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

The Town voted to authorize the total expenditures for the Buttery Brook Park Revolving Fund pursuant to G.L. c. 44 Section 53E ½ for the fiscal year beginning July 1, 2021, to be expended in accordance with Chapter 65 - 5 of the town bylaws in the amount of \$20,000 or take any other action relative thereto.

### **Article 12-FY 2022 Operating Budget**

Appropriation Committee unanimous vote.

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

The Town voted to raise and appropriate the sum of \$49,525,631 for Fiscal Year 2022 Operating Budget as described in Appendix A and further funded through the following means; \$44,339,633 to be raised through taxation; \$573,563 from Unreserved Free Cash; \$3,500 from Boat Excise; \$17,000 from the Dog Agency Fund; \$12,900 from State Aid to Libraries; \$2,000 from Conservation Wetland Fund; \$156,117 from Cable Studio Account; \$1,827,803 from WWTP Enterprise Receipts; \$1,189,227 from Landfill Enterprise Fund Receipts; \$150,000 from Landfill Enterprise Fund Balance; and \$1,253,888 from Ledges Golf Club Enterprise Receipts in the total amount of **\$49,525,631** and therefore presented as balanced budget.

### **Article 13-Release portion of easement on Kimberly Drive**

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

The Town voted to release a portion of an unrecorded sewer and drainage easement held by the Town of South Hadley as shown on Lot 35 on a plan of land entitled "SOUTH HADLEY COMMONS, SOUTH HADLEY, MASSACHUSETTS PREPARED FOR LATHROP STREET REALTY COMPANY ONE FRANCIS AVENUE, HOLYOKE, MA. DATE: May 7, 1985 Rev., Aug. 12, 1985" Prepared by Heritage Surveys, Bruce A. Coombs, R.L.S., College Highway, Southampton, Mass., recorded in the Hampshire County Registry of Deeds at Book 134, Pages 74-78, and more particularly bounded and described as follows which portion is occupied by the current home located at 15 Kimberly Drive, South Hadley, Hampshire County, Massachusetts and owned by Brittanica Weatherspoon-North and Daniel North, as more fully set forth on the plan entitled MORTGAGE LOAN INSPECTION PLAT, SOUTH HADLEY, MASSACHUSETTS PREPARED FOR JAMISON J. BUCHANAN by HAROLD L. EATON AND ASSOCIATES, INC. and dated June 25, 2019 and which is attached herewith, said partial release to include only that portion which is occupied by the home and further to authorize the South Hadley Selectboard to enter into any and all documents necessary to effectuate this vote, or take any other action relevant thereto.

### **Article 14 – Use of Hand held devises (tabulators)**

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

The Town voted to amend Chapter 72 of the Town of South Hadley General Bylaws, Section 72-15 to permit the use of hand-held devices for the purpose of taking and tallying votes at Town Meeting only when votes can be viewed in real time by attendees and as follows (**bold and underlined new** and ~~strike through removed~~):

#### **72-15 Determination of Voting**

All votes, including those requiring two-thirds approval or more, shall be taken in the first instance by a "yes" and "no" voice vote. If the Moderator is in doubt as to the vote s/he shall call for a show of hands or for a standing vote, or, if seven or more voters immediately question the vote, the Moderator shall call for a standing vote. **Alternatively, at the discretion of the Moderator, the meeting may use hand-held electronic devices to make and tally votes.**

### **Article 15 – Purchase of Property (O'Meara)**

Appropriation Committee unanimous vote.

**TM VOTE: TWO THIRDS MAJORITY VOTE: control sheet on file.**

The Town voted to appropriate \$197,700 from Unreserved Free Cash for the purpose of purchasing for conservation and passive recreation purposes, by negotiated purchase or otherwise, a certain property,

known as the O'Meara et al Property consisting of 20.7 acres, more or less, as shown on the a plan entitled "Plan of Land in South Hadley made by Hilltown Properties dated April 30, 2021; that said land be conveyed to said Town of South Hadley under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of South Hadley, and the Conservation Commission be authorized to file on behalf of the Town of South Hadley any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article, and the Town of South Hadley and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments s may be necessary on behalf of the Town of South Hadley to affect said purchase.

### **Article 16 – River Lodge Road Acceptance**

**TM VOTE: TWO THIRDS MAJORITY VOTE: control sheet on file.**

The Town voted to accept River Lodge Road as set forth in the warrant, provided that such acceptance shall be contingent upon the Grantor providing clear title, as approved by Town Counsel, and further detailed in Appendix B.

### **Article 17- Appropriation from Free Cash**

**Appropriation Committee unanimous vote.**

**TM VOTE: UNANIMOUS VOTE: control sheet on file.**

The Town voted to appropriate from Unreserved Free Cash the sum of \$150,000, for the purpose of purchasing an Agricultural Preservation Restriction ("APR") on the property located at 7-73 Alvord Street, said amount to be used as a grant match and to be reduced by any fundraising received to support the purchase of said APR and further that any expenditure of said funds must be first approved by the Selectboard.

### **Article 18-WWTP Retained Earnings**

**Appropriation Committee unanimous vote.**

**TM VOTE: UNANIMOUS VOTE: control sheet on file.**

The Town voted to transfer from WWTP Retained Earnings the sum of \$485,000 to make the following purchases, repairs, or replacements; Plant Roof Repair (\$85,000 estimate), Generator Replacement (\$400,000 estimate) related to the WWTP operations or take any other action relative thereto.

### **Article 19 – Capital Purchase Transfers**

**Appropriation Committee unanimous vote.**

**TM VOTE: UNANIMOUS VOTE: control sheet on file.**

The Town voted to transfer from Unreserved Free Cash the sum of \$1,748,000 to make the following capital purchases, repairs, or replacements; Dispatch Communications System \$1,300,000, \$236,000 for purchase of three police cruisers, \$82,000 High School Dishwasher, \$30,000 High School Smart Board, \$100,000 to replace IT system servers related to municipal operations or take any other action relative thereto.

### **Article 20 –Fund Stabilization**

**Appropriation Committee unanimous vote.**

**TM VOTE: UNANIMOUS VOTE: control sheet on file.**

June 9, 2021

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The Town voted to transfer from FY 21 Unreserved Free Cash the sum of \$400,000 which \$200,000 will be transferred to the Stabilization Fund and \$200,000 transferred to the Capital Stabilization Fund or take any other action relative thereto.

Meeting adjourned at 8:50 P.M.

**A TRUE COPY ATTEST:**



Carlene C. Hamlin, Town Clerk

