

The Annual Town Meeting was held on Wednesday, May 11, 2022, at the South Hadley High School auditorium at 153 Newton Street, 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 Wednesday, May 4, 2022. All additional local by-law requirements were met prior to hosting this meeting. The meeting was called to order at 6:05 pm by Town Moderator, John Hine. There were ninety-three members present out of one hundred and twenty qualified members. The body recited the Pledge of Allegiance, led by Selectboard Chair, Jeffrey Cyr. Thomas Terry and Leonard Finkowski were reappointed to a three-year term to the Appropriation Committee. Pauline Casey and Diane LaRoche received the Citizen of the Year Award from the Lion's Club.

The following business was transacted:

Consent Calendar (Articles 1-6)

The Town voted to vote Articles 1-6, as a single consent article.

TM VOTE: MAJORITY VOTE: Totals on file

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, 2022, 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 2023, 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 2023 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 2023 as provided by Massachusetts General Laws, Chapter 41, Section 108, as amended: Moderator, Selectboard Members, Assessors, or take any other action relative thereto.

Article 7 – Buttery Brook Park Revolving Fund

TM VOTE: MAJORITY VOTE: total sheet on file.

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 – Woodlawn Cafe

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to amend the Town Bylaws Chapter 65-5 by adding a new revolving fund as follows with the noted spending limit of \$30,000 for the Fiscal Year beginning July 1, 2022 or take any other action relative thereto.

Fund: COA Woodlawn Café, **Revenue Source:** Receipts from sales, **Authority to Spend:** Council on Aging Director, **Use:** Operations of Café, **Fiscal Year:** 2023 and beyond.

Article 9 – Operating Budget

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to raise and appropriate the sum of \$51,870,515 for Fiscal Year 2023 Operating Budget as described in Appendix A and further funded through the following means; \$46,587,804 to be raised through taxation; \$532,463 from Unreserved Free Cash; \$4,000 from Boat Excise; \$20,000 from the Dog Agency Fund; \$19,000 from State Aid to Libraries; \$2,000 from Conservation Wetland Fund; \$157,819 from Cable Studio Account; \$1,845,208 from WWTP Enterprise Receipts; \$1,281,363 from Landfill Enterprise Fund Receipts; \$50,000 from Landfill Enterprise Fund Balance; and \$1,370,858 from Ledges Golf Club Enterprise Receipts in the total amount of \$51,870,515 or take any other action relative thereto.

Article 10 – Capital Purchases

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to transfer from Unreserved Free Cash or other Available Funds the sum of \$1,665,500 to make the following capital purchases, repairs, or replacements: \$675,000 for High School Drainage and HVAC; \$90,000 for Police Roof; \$10,000 for Buttery Brook Maintenance; \$65,000 for Queensville Dam Removal; \$132,000 for Police HVAC; \$68,500 for DPW Plow; \$6,500 for DPW Trailer; \$100,000 for Document Preservation and Digital Data System; \$105,000 for Parks Barn Siding and Roof; \$6,000 for Parks Sander; \$85,000 for Council on Aging Van; \$20,000 for Library Accessibility; \$124,000 for Police Vehicles; \$14,000 for Police LED lights; \$80,000 for DPW skid steer; \$10,000 for Police office equipment; \$9,500 for Conservation Area Improvements; \$65,000 for Cable Studio Renovations, or to take any other action relative thereto.

Article 11- Waste Water Treatment Plant

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to transfer from WWTP Retained Earnings the sum of \$515,000 to make the following purchases, repairs, or replacements: \$400,000 for the Main Street Generator; \$35,000 for the Channel Grinder; \$40,000 for a Security Gate; and \$40,000 for Station Evaluation, or to take any other action relative thereto.

Article 12 – Ledges Golf Course Repairs

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to transfer from Ledges Retained Earnings the sum of \$113,600 to make the following purchases, repairs, or replacements: \$113,600 for River Pump Replacement, or to take any other action relative thereto.

Article 13- Ledges Golf Course Repairs

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to transfer from Ledges Retained Earnings the sum of \$12,000 to pay for repairs at Ledges in Fiscal Year 2022, or to take any other action relative thereto.

Article 14 – Town Bylaw Chapter 7-26 Section B.c.

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to amend the Town Bylaws Chapter 7-26 Section B.c. to read instead “Cost over \$25,000”.

Article 15 – 2022 Update of South Hadley Master Plan

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to endorse the 2022 update to the South Hadley Master Plan, as adopted by the Planning Board; or take any other action relative thereto.

Article 16 – Stormwater Management Bylaw

TM VOTE: MAJORITY VOTE: total sheet on file.

The Town voted to replace Chapter 200 (Stormwater Management Bylaw) with a new Stormwater Management Bylaw to bring the Town’s bylaws in compliance with the requirements of the 2016 Massachusetts Small MS4 General Permit for the control of stormwater runoff and illicit connections and discharges from new and redevelopment projects, as further articulated in the Planning Board’s Report to Town Meeting (Appendix B); or take any other action relative thereto.

Article 17- Human Right Commission**TM VOTE: MAJORITY VOTE: total sheet on file.**

The Town voted to amend the Town General Bylaws by inserting a new chapter sequentially numbered creating a Human Rights Commission, as written in the warrant:

Section 1. Establishment of a Human Rights Commission

A. Purpose - There is hereby established a Town board to be known as the South Hadley Human Rights Commission ("Commission") which may implement the policy of this Bylaw by:

1. Improving the life of the Town by enlisting community based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community;
2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity, as well as awareness and sensitivity to human and civil rights issues;
3. Responding to complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;
4. Provide referrals and information to persons with complaints which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town to any appropriate authority that has jurisdiction.

B. Appointment & Terms of Office of Commission Members

1. The HRC shall consist of 9 members who shall be residents of the Town for staggered 3 year terms such that at least 3 members shall be appointed annually. Initially, three members will be appointed to 1 year terms, three members will be appointed to 2 year terms and three members will be appointed to 3 year terms. Thereafter, each member shall be appointed for a 3 year term. Two members shall be appointed by the Selectboard; two members shall be appointed by the Commission on Disability; two members shall be appointed by the School Committee; one member shall be appointed by the Council on Aging; one member shall be appointed by the Cultural Council; and one member shall be appointed by the Board of Health.
2. The Commission shall include among its membership individuals publicly solicited and representative of the diversity of the Town.

C. Residency Requirement All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure.

D. Officers, Quorum, and Adoption of Rules and Regulations

1. The Commission shall elect a Chairperson from among its members at the first meeting each year. The Commission shall endeavor to rotate the election of a Chairperson each year thereafter. The Chairperson shall preside over the meetings of the Commission.

2. Five (5) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.
3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the duties of the Commission in connection therewith. The regulations and rules shall ensure the due process rights of all persons involved in investigations and hearings and shall set forth a process for investigations and related hearings as authorized hereunder consistent with the Purpose of this bylaw.
4. Members of the Commission shall serve without compensation.
5. Members of the Commission may be removed by the appointing authority for just cause.

Section 3. Procedures: The Commission shall meet annually to organize and select from amongst its members a chair, vice-chair, and clerk and decide on a preliminary calendar of meetings for the year, said calendar to be posted at Town Hall. A majority of members of the Commission shall constitute a quorum, and a majority of those present and voting shall be sufficient for any action taken by the Commission, unless otherwise required by law. The Commission's meetings shall be governed by the requirements of the Open Meeting Law.

Section 4. Duties

- A. The Commission shall have the following charge: Develop community awareness and education of human rights. Promote understanding of the diverse cultures within our town and surroundings through education, organization of community events, summits, educational panels and celebrations and other community action including maintaining a good working relationship with town media sources. Serve as a resource with respect to issues that challenge any individual or group's enjoyment of their basic human rights in our community. Promote cooperation of racial, religious, ethnic, civic, fraternal, benevolent and private and public organizations and agencies to cultivate and encourage an atmosphere of mutual understanding and harmonious intergroup relationships. Annually, and more often as may be requested, provide written or verbal reports to the Selectboard on Commission activities
- B. The Commission shall not adjudicate or facilitate resolution of disputes between individuals; or take any other action relative thereto.

Article 18- Mobile Food Vendor Bylaw

TM VOTE: MAJORITY VOTE: total sheet on file.

A motion was moved and seconded to amend the Town General Bylaws by inserting a new chapter sequentially numbered creating a Mobile Food Vendor Bylaw, as presented in the warrant.

A motion was moved and seconded to amend the proposed bylaw by adding to Section 2.B:

Section 2. General regulations.

B. No person shall engage in mobile food vending in the Town of South Hadley unless they shall have been issued a permit by the Inspection Services Department. Such permit shall be conspicuously displayed in or on any mobile food unit operating anywhere in town. **This Bylaw shall not apply to an existing licensed food business issued a seasonal permit when used on the same business property.**

The motion to amend failed.

A motion was moved and seconded to amend the proposed bylaw by striking Section 2.C.

The motion to amend failed.

The Town voted to amend the Town General Bylaws by inserting a new chapter sequentially numbered creating a Mobile Food Vendor Bylaw, as presented in the warrant.

Section 1. Purpose.

To allow and efficiently regulate the use of mobile food vending to expand food access in areas underserved by traditional restaurants, add interest, vibrancy, and activity to streetscapes, enhance business opportunities at brick-and-mortar establishments, and to ensure compliance with regulations regarding food safety, fire safety, motor and pedestrian safety, and nuisances such as noise, smoke, trash, and odors.

Section 2. General regulations.

A. For the purposes of this bylaw, mobile food vending shall include the use of food trucks, food trailers, and food carts, collectively referred to as mobile food units.

B. No person shall engage in mobile food vending in the Town of South Hadley unless they shall have been issued a permit by the Inspection Services Department. Such permit shall be conspicuously displayed in or on any mobile food unit operating anywhere in town.

C. The Building Commissioner may adopt regulations to implement the purpose and intent of this bylaw.

D. The provisions of this bylaw shall be enforced by the Building Commissioner or its designee pursuant to G.L. c. 40 sec. 21D. Each day a business operates in violation of this bylaw will be deemed a separate offense. That shall be a fine of \$300 for each such offense or take any other action relative thereto.

Section 3. Vending on public rights-of-way

A. Limited to all business districts.

B. Any mobile food unit operating in a public right-of-way shall:

1. be parked or located only on or within specific public rights-of-way so designated by DPW and Police for such use.
2. maintain a liability insurance policy of at least \$1,000,000 that names the Town of South Hadley as an additional insured.
3. not interfere with the passage of vehicles along the street, obstruct a sidewalk or crosswalk, or impede access to parked vehicles or the delivery of materials or goods to adjoining property.
4. be prohibited from dispensing food and beverage to patrons standing in a roadway or street.
5. provide one trash receptacle and one recycling receptacle for use by patrons.
6. remove and dispose of all litter or debris generated as a result of the business.
7. be limited to no more than 14 days per calendar month at any one location.
8. be subject to all town regulations regarding lighting, noise, and nuisances.
9. shall be keep all equipment associated with the business on or within the mobile food unit. Exception: Required trash and recycling receptacles.

Section 4. Vending on private commercial properties

- A. Limited to all business districts with initial site plan review by the Planning Board.
- B. The mobile food unit shall be located entirely on the property being served.
- C. Limited to no more than 14 days per calendar month at any one location

Section 5. Vending/catering for events on private residential properties.

- A. The mobile food unit shall be located entirely on the property being served.
- B. Service shall be limited to private guests of the event host only.
- C. Shall be prohibited from dispensing food and beverage to patrons standing in a roadway or street.
- D. Limited to one event per month at a given location.

Meeting adjourned by voice vote at 8:07 P.M.

A TRUE COPY ATTEST:

Sarah B. Gmeiner, Acting Town Clerk