



Actions taken at the Annual Town Meeting held May 13, 2019 at the Belchertown High School Veterans' Auditorium

FY20

Moderator – Joseph Bernard

Meeting called to order 7:43pm

Registered voters present 483 – (Quorum requires 75)

Raymond J. Janke, III, Veterans' Agent, led the group in the Pledge of Allegiance and the National Anthem was sung by Thomas Stockton

Selectman Archie Archible presented the Belchertown Hometown Hero award to Donald R. Slessler

Selectman Archie Archible presented the Citizen of the Year Award to Keith Poulin.

Selectman Brenda Aldrich presented the Volunteer of the Year Award to Belchertown Community Band.

Selectman Brenda Aldrich presented the Employee of the Year Award to Police Chief Christopher Pronovost.

Article 1 Voted to elect Paul Anziano and Linda Tsoumas as Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one year; and Mary Olberding for a three year term as Trustee of the Calvin Bridgman Fund.

(Vote – Majority Required - Unanimous Yes)

Article 2 Voted to accept the reports of the officers of the Town with the exception of the Finance Committee.

(Vote – Majority Required - Unanimous Yes)

Article 3 Voted to authorize the Assessors and the Board of Health members to appoint themselves to work in their various departments for the ensuing fiscal year, at the following hourly rates:

- Assessors \$17.50
- Board of Health Members \$ 7.25

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 4 Voted to raise and appropriate the sum of \$100.00 to be used by the Assessors for legal counsel in resolving tax cases.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 5 Voted to raise and appropriate the sum of \$30,000.00 to the Reserve Fund for use by the Finance Committee.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 6 Voted to authorize the Board of Selectmen to apply for and accept funds from the Commonwealth of Massachusetts Highway Improvement Program or any other state grant program for use on approved town ways.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 7 Voted to appropriate from the Sale of Cemetery Lots Account the sum of \$5,000.00 to the Cemetery Lot Development Account.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 8 Voted to authorize the Board of Selectmen to apply for Massachusetts Small Cities Program or other Federal or State monies and to expend any monies received as set forth in the application following a public hearing.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Article 9 Voted to fix the salaries and compensation of all elected officers of the Town, as provided for by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended; to raise and appropriate or appropriate from available funds in the Treasury for departmental and incidental expenses of the Town for the ensuing fiscal year; and that the various major categories of the budget as contained in the Finance Committee’s report be considered separately and acted upon; and further that these sums of money granted and appropriated for the several specific purposes therein designated, be expended only for those purposes as specifically designated and under the direction of the respective officers, boards and committees of the Town.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$2,121,348.00 and appropriate from Wetlands Hearings Fees Account the sum of \$5,000.00 to the Conservation Commission Salary Account, for a total appropriation of \$2,126,348.00 for General Government, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$3,606,057.00 and appropriate the sum of \$900,000 from the Ambulance Receipts Reserved for Appropriation Account, for a total appropriation of \$4,506,057.00 for Public Safety, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$29,945,376.00 and appropriate from the Stabilization Fund the sum of \$68,000.00, for a total appropriation of \$30,013,376.00 for the Town School Department, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – 2/3rd Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$1,346,880.00 for the Pathfinder Regional Vocational Technical High School District, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$1,923,704.00 and appropriate from the Stabilization Fund the sum of \$155,078.00 for a total appropriation of \$2,078,782.00 for the DPW-Highway, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – 2/3rd Required - Unanimous Yes)

Voted to appropriate from Landfill receipts the sum of \$300,096.00 and appropriate from Landfill Enterprise free cash in the Treasury the sum of \$10,561.00, for a total appropriation of \$310,657.00 to the Landfill Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to appropriate from Sewer Enterprise free cash in the Treasury the sum of \$165,694.00, and appropriate from Sewer receipts the sum of \$1,624,305.00, for a total appropriation of \$1,789,999.00, to the Sewer Enterprise Fund, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$952,676.00 for the Human Services Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$854,750.00 for Culture and Recreation Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$817,341.00 for DPW Buildings and Grounds Departments, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$4,129,753.00, and appropriate from free cash in the Treasury the sum of \$898,502.00, for a total appropriation of \$5,028,255.00 to the Pensions and Insurance Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0)
(Vote – Majority Required – Unanimous Yes)

Voted to raise and appropriate the sum of \$60,298.00 to the Unclassified Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Voted to raise and appropriate the sum of \$2,351,520.00 for the Interest and Debt Accounts, each item and amount recommended in the Finance Committee's report being considered as a separate appropriation voted by Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Unanimous Yes)

Article 10 Voted, in accordance with M.G.L. Chapter 44, Section 53E ½, to amend the Code of the Town of Belchertown, Chapter 94, Revolving Funds, Section 94-2 relative to expenditures from the Town’s revolving funds as follows:

Program or Purpose	Current Spending Limit	Amended Spending Limit
Firefighters’ Protection Clothing & Equipment Purchase	\$10,000	\$15,000

And to add the following to the end of Section 94-2(B):

C. Which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, may increase the limit for that fiscal year only.

(Vote – Majority Required – Unanimous Yes)

Article 11 Voted to amend the Code of Belchertown, Chapter 91, Personnel, as previously amended, in the following prescribed manner:

- In §91-6. Employee benefits; B. Benefits (1) Sick Leave. (f): Amend as set forth below with deletions in ~~bold/strikethrough~~ and replacement in **bold/underline**.

(f) All regular employees covered by this chapter and meeting the following qualifications shall receive ~~\$9~~ **\$12.00** per day for up to 180 days of unused accumulated sick leave in Belchertown during his/her final year.

- In Chapter 91, Attachment 1, Appendix A, Town Classification-Compensation Plan: Replace Management, Administrative or Professional Exempt chart with new chart as follows:

Effective July 1, 2019 through June 30, 2020

Director of Public Works	\$90,857 - \$115,984
Fire Chief	\$90,857 - \$115,984
Police Lieutenant	\$79,591 - \$ 92,051
Director of Information Technology	\$75,715 - \$ 96,653
Town Planner	\$75,715 - \$ 96,653
Town Treasurer-Collector	\$72,109 - \$ 92,051
Town Accountant	\$72,109 - \$ 92,051
Building Commissioner	\$72,109 - \$ 92,051
Director of Assessments	\$72,109 - \$ 92,051
Conservation Administrator	\$69,336 - \$ 88,511
Council on Aging Executive Director	\$69,336 - \$ 88,511
Director of Parks & Recreation	\$69,336 - \$ 88,511
Veterans’ Agent	\$66,669 - \$ 85,106

- **Under Classified Nonexempt Employees**

- **Part-Time Employees, Annual Salary Schedule:** Amend as set forth below with deletion in ~~bold/strikethrough~~ and replacement in **bold/underline**

-Assistant Animal Control Officer: ~~\$3,600~~, **\$2.50/hour on call pay and plus** \$25 per action

- **Part-Time Hourly Schedule**

-Change the following ranges for:

<u>Position Title</u>	<u>New Range</u>
Public Works/Maintenance Seasonal Employee	\$11.00 - \$16.00/hour
Water Safety Instructor Aide	\$12.00 - \$17.00/hour
Gym Monitor	\$12.00 - \$18.00/hour

Parks and Recreation Seasonal Employee	\$12.00 - \$18.00/hour
Lifeguards (Pool)	\$12.00 - \$18.00/hour
Lifeguards (Beach)	\$12.00 - \$18.00/hour
Swim Team Aide	\$13.00 - \$18.00/hour
Beach Shift Supervisor	\$13.00 - \$18.00/hour
Water Safety Instructor	\$13.00 - \$18.00/hour
DPW Laborer	\$13.10 - \$18.64/hour
Swim Team Assistant Coach	\$14.00 - \$19.00/hour
Beach Supervisor	\$14.00 - \$20.00/hour
Program Instructors (Aquatic, Lifeguard, etc.)	\$14.00 - \$20.00/hour
Swim Team Coach	\$16.00 - \$22.00/hour
Sports Official	\$15.00 - \$60.00/game

➤ **In Chapter 91, Attachment 2, Appendix B – Weekly Salary Schedule for Classified Employees:**

Remove the compensation chart effective July 1, 2018 to end June 30, 2019 and insert the following chart:

Effective July 1, 2019 to end June 30, 2020

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	11.87	12.20	12.53	12.86	13.22	13.60	13.96	14.34	14.74	15.15
2	15.42	15.85	16.29	16.74	17.20	17.67	18.16	18.65	19.17	19.70
3	17.74	18.23	18.73	19.25	19.78	20.32	20.88	21.45	22.04	22.64
4	20.39	20.95	21.53	22.12	22.74	23.37	24.02	24.66	25.35	26.03
5	22.45	23.05	23.69	24.35	25.00	25.70	26.41	27.12	27.90	28.65
6	24.69	25.36	26.05	26.79	27.52	28.26	29.05	29.85	30.66	31.51
7	27.15	27.91	28.66	29.46	30.26	31.09	31.96	32.82	33.73	34.67
8	28.24	29.02	29.81	30.62	31.48	32.34	33.23	22.93	35.08	36.05
9	29.37	30.19	31.00	31.86	32.73	33.64	34.56	35.51	36.49	37.50
10	31.43	32.28	33.18	34.10	35.02	36.00	36.99	38.00	39.05	40.12

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Majority Yes)

Article 12 Voted to appropriate the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) and to meet this appropriation, authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum under provisions to G.L. Chapter 44, Section 7, 8, 8C, G.L. Chapter 44B and/or any other enabling authority, for the purpose of planning, designing, improving, renovating and/or equipping what is known as the Chestnut Hill Recreation Area, approximately as shown on a plan of the recreation area on file with the Town Clerk and located on town-owned parcels of land on State St, said parcels containing a total of 10.8 acres of land, more or less, and identified on Assessors map 250 as lots 11 and 13, including, without limitation all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town of Belchertown has received a grant commitment or allocation for a portion of such costs under so-called PARC Grant Program (301 CMR 5.00) and/or the Small Communities Grant program for the foregoing project; (b) transfer the care, custody and control of the portions of the Chestnut Hill Recreation parcels shown on Assessors Map 250 as lots 11 and 13 from the Board of Selectmen for the purposes for which it is currently held, to Board of Selectmen for, and to dedicate said parcels to, park and active recreation purposes in perpetuity under the provisions of G.L. Chapter 45, Section 3, as shown on the plan on file at the Office of the Town Clerk; and (c) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program, the Small Communities Grant Program, and/or any other funds, gifts, grants, under any federal and/or other state program in any way

connected with the scope of this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

(Endorsed by Finance Committee 3-2-0 Yes)

Motion made to move the question

(Vote – 2/3rd Required – 2/3rd Yes)

Voice count was too close to call, hand count called for by Moderator

After Yes hand counts counted (398), Moderated declared a 2/3rd majority and called the vote as passes without counting the No votes.

Article 13 Voted to appropriate from free cash in the Treasury the sum of \$100,278.00 to the Other Post-Employment Benefits (OPEB) Liability Trust Fund.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 14 Voted to appropriate from the PEG Access and Cable Related Fund the sum of \$50,000.00 to be used for operations, and the sum of \$60,000.00 to be used for the purchase and installation of equipment and capital projects of the Belchertown Community Channel, and anything incidental or related thereto, for the ensuing fiscal year commencing July 1, 2019.

(Vote – Majority Required – Unanimous Yes)

Article 15 Voted to appropriate from the Stabilization Fund the sum of \$74,922.00 to fund the capital and one-time expenses as set forth below, including all costs incidental or related thereto:

	<u>Amount</u>
LMH Auditorium acoustics	\$25,000.00
Voter Booths	\$13,222.00
Time/Accrual Scheduling Software & Equipment	\$11,700.00
Cold Spring School – ADA Access to Playground	\$25,000.00
Total:	\$74,922.00

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 16 Voted to appropriate from Free Cash in the treasury the sum of \$4,000.00 to the Belchertown Cultural Council expense account.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required - Unanimous Yes)

Article 17 Voted to lease/purchase and equip a Department of Public Works one ton dump truck pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 6 of Article 9 of the Town Budget as voted pursuant to Article 9 at this May 13, 2019 Annual Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 18 Voted to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip Department of Public Works Maintenance Division tractor pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated

in paragraph 11 of Article 9 of the Town Budget as voted pursuant to Article 9 at this May 13, 2019 Annual Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 19 Voted to authorize the School Department to enter into an agreement to lease/purchase and equip a School Department maintenance truck pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 4 of Article 9 of the Town Budget as voted pursuant to Article 9 at this May 13, 2019 Annual Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 20 Voted to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a Senior Center van pursuant to the provisions of G.L. c.44, §.21C for a period in excess of three years, and to fund the first year payment of such agreement with the amounts appropriated in paragraph 9 of Article 9 of the Town Budget as voted pursuant to Article 9 at this May 13, 2019 Annual Town Meeting.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 21 Voted the Town modify its acceptance of MGL Chapter 59, Section 5, Clause 54 and establish the minimum value of personal property subject to taxation at \$6,000 in value.

(Endorsed by Finance Committee 4-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 22 Voted the Town, pursuant to MGL Chapter 59, Section 5, Clause 41C, increase the real property tax exemption for individuals who have reached the age of 70 or older who meet certain ownership, occupancy, income and other requirements, to \$1,000

(Endorsed by Finance Committee 4-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 23 Voted to authorize the Board of Selectmen to enter into a ten(10) year contract, commencing on July 1, 2020, with the qualified vendor selected by MassDEP through a competitive bid process for recycling services for the Town, subject to the Board of Selectmen’s determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services.

(Vote – Majority Required – Unanimous Yes)

Article 24 Voted to amend the Code of the Town of Belchertown, Chapter 72-2, Posting of Warrants, as set forth below with additions shown in **bold/underline** and deletions shown in ~~bold/strikethrough~~,

§72-2 Posting of Warrants

Amended 5-11-1998 ATM by Art. 13; 5-13-2002 ATM by Art. 15

Notice of every Town Meeting **and Election** shall be given by posting an attested copy of the warrant calling the same on the **Town’s Website** ~~official and the second floor~~ bulletin board in Lawrence Memorial Hall **and in at least six other places in town, which shall include bulletin boards located at the Old Town Hall on Park Street; at the intersection of Gulf Road and Amherst Road; at the intersection of Metacomet Street and Bay Road; at the intersection of Rockimmon Street and Turkey Hill Road; at the intersection of South Street and South Liberty Street; and at the intersection of Depot Street and Keyes Street,** not less than seven days before the day appointed for an Annual Town Meeting, **Election or Primary**, not less

than 14 days before the day appointed for a Special Town Meeting, and the return of the officer, stating the manner of notice, shall be endorsed on the warrant.

(Vote – Majority Required – Unanimous - Yes)

Article 25 Voted to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 7.2 +/- acres of land located on Bardwell Street as shown on Assessor’s Map 272 as Parcel 5 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 26 Voted to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 19.1 +/- acres of land located on Franklin Street as shown on Assessor’s Map 272 as Parcel 68 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 27 Voted to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 7 +/- acres of land located on Railroad Street as shown on Assessor’s Map 278 as Parcel 48 and Assessor’s Map 281, Parcel 35 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 28 Did not vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 21 +/- acres on Ware Road as shown on Assessor’s Map 245 as Parcel 62 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority No)
7 people requested a hand count. Results – Yes-172, No-243 does not pass

Article 29 Voted to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 5 +/- acres on North Washington Street as shown on Assessor’s Map 256 as Parcel 27 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority No)
7 people requested a hand count. Results – Yes-241, No-172 passes

Article 30 Voted to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 10.7 +/- acres on Daniel Shays Highway as shown on Assessor's Map 226 as Parcel 45.01 on such terms and condition and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 31 Did not vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c.59, §38H or any other enabling legislation for a solar energy project(s) located or to be located on 48 +/- acres on Gulf Road as shown on Assessor's Map 215 as Parcels 5, 4, 21, 22 and 29 on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Majority No)

Article 32 Voted to delete §145-28 of the Zoning By-Law relative to Commercial Solar Photovoltaic Installations in its entirety and to replace it with a new §145-28 Commercial Solar Photovoltaic Installations as follows:

§145-28. Commercial Solar Photovoltaic Installations

A. Purpose. This bylaw is to regulate the development of Commercial Solar Photovoltaic Installations by providing standards for their placement, design, construction, operation, monitoring, modifications, and removal; to protect public health, safety or welfare in accordance with M.G.L. c. 40A, § 3; to protect and preserve farmland, forests, and open space as promoted by the Commonwealth of Massachusetts; to protect the scenic, natural, and historic resources of Belchertown; and to provide adequate financial assurance for the eventual decommissioning of such installations.

A solar photovoltaic system that is for the exclusive purpose of providing electricity for a property that is primarily in agricultural use as defined under M.G.L. c. 40A, §3, and that produces electricity to be used solely for the benefit of the agricultural property is exempt.

B. Applicability. This bylaw applies to large-scale (minimum 250 kW rated nameplate capacity) solar photovoltaic installations constructed after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. The requirements of this bylaw shall apply to a commercial solar photovoltaic installation regardless of whether it is the primary use of property or an accessory use.

- (1) As-of-Right: The following commercial solar photovoltaic installations, as defined herein, are allowed as of right with site plan approval in all zoning districts:
 - (a) Any such installation over parking lots;
 - (b) Any such installation on existing structures.
- (2) Special Permit: Any CSPI not specified in (1) requires a special permit in all zoning districts from the Planning Board. For all special permit applications, site plan approval as described below is required, but shall not require a second public hearing, per §145-27D(3)(a).
- (3) Not Permitted: No commercial solar photovoltaic installation may be permitted as follows:
 - (a) Any CSPI of greater than 20 acres in fenced array area.
 - (b) Any CSPI requiring forest clearing greater than ten acres.
 - (c) Any CSPI on slopes of 8% or greater as averaged over 50 horizontal feet; the Planning Board may consider waiving this up to 12% based on site-specific parameters.
 - (d) Any CSPI on a parcel with inadequate frontage as defined in §145-2.

C. Definitions.

Commercial Solar Photovoltaic Installation (CSPI): Any solar photovoltaic installation with 250 kW or greater rated nameplate capacity, even if its primary generation is not intended for supplying the grid.

Rated Nameplate Capacity: The maximum rated output of electric power production of the commercial solar photovoltaic installation in Direct Current (DC).

Site Plan Approval Authority: The site plan approval authority as designated by the Zoning Bylaw.

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

D. Requirements.

(1) Site Plan Approval. The construction, installation or modification of a CSPI, whether as-of-right or by special permit, shall be subject to site plan approval in accordance with the Zoning Bylaw. Together with the requirements of §145-27, the Site Plan Approval Authority shall consider and apply the requirements set forth in this bylaw in reviewing and deciding an application for site plan approval.

- (a) General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
- (b) Required Documents. The project proponent shall provide the following documents:
 - [1] A site plan showing:
 - i. An existing conditions plan with property lines and physical features, including topography and roads, for the project site;
 - ii. Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
 - [2] Documentation of actual or prospective access and control of the project site (item (2) below);
 - [3] An operation and maintenance plan (item (3) below);
 - [4] Proof of liability insurance; and
 - [5] Description of financial surety that satisfies Section 10(b);
 - [6] There shall be a fence surrounding the solar array and ancillary equipment.

The Site Plan Approval Authority may waive documentary requirements as it deems appropriate upon the written request of the applicant submitted with an application for approval.

(2) Site Control. The project proponent shall submit documentation of actual or committed prospective access and control of the project site sufficient to allow for construction and operation of the proposed CSPI.

(3) Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the CSPI. This plan shall include measures to maintain safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation. The development is subject to the Belchertown Stormwater bylaw and regulations.

(4) Utility Notification. No CSPI shall be constructed until evidence has been given to the Site Plan Approval Authority that the utility company operating the electrical grid the installation is to be connected to has been informed of the CSPI owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(5) Dimension and Density Requirements.

(a) Setbacks

For all CSPI, front, side and rear yard setbacks shall be as follows:

- [1] The front setback depth shall be at least 150 feet;
- [2] The side setback depth shall be at least 75 feet;
- [3] The rear setback depth shall be at least 75 feet;
- [4] The setback from any developed residential property shall be at least 200 feet.

(b) Appurtenant Structures. All appurtenant structures to a CSPI shall be subject to the requirements of the Zoning Bylaw concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation.

(6) Design Standards.

(a) Lighting. Lighting of CSPI shall be limited to night-time maintenance and inspections by authorized personnel, and shall comply with Dark Sky standards. There shall be no illumination without personnel on the site.

(b) Signage. A sign shall be erected identifying the owner and providing a 24-hour emergency contact phone number of the CSPI owner or operator. CSPIs shall not display any advertising. Any sign must comply with §145-22.

(c) Day-time Visual Distraction. The panel array shall be positioned to minimize glare on any residence or public way, and shall not create a visual obstruction on a public roadway, such as blocking intersections or creating blind curves.

(d) Utility Connections. Reasonable efforts shall be made to place all utility connections from the CSPI underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(7) Safety and Environmental Standards.

(a) Emergency Services. The CSPI owner or operator shall provide a copy of the project summary, electrical schematic, and an approved site plan, to the local fire department and the Building Inspector. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have immediate, 24-hour access to the facility. All means of shutting down the CSPI shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation, and shall provide a mailing address and 24-hour telephone number for such person(s).

(b) Control of Vegetation and Animals, Including Insects. Herbicides, rodenticides, or any other pesticides may not be used to control vegetation or animals at

a CSPI. In a dual-use CSPI, the agricultural operator, but not the CSPI operator, is exempt from this restriction.

(c) **Project Visibility and Landscape Planting.** A CSPI shall be designed to minimize its visibility, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting dwellings. The owner of the CSPI shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the solar installation. A diversity of plant species native to New England shall be used for any screens and vegetative erosion controls. Use of exotic plants, as identified by the most recent version of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources, is prohibited. If deemed necessary by the Planning Board, the depth of the vegetative screen shall be 30 feet and will be composed of native trees and shrubs staggered for height and density that shall be properly maintained. Cultivars of native plants are acceptable. The open area of the site shall be seeded with a pollinator mix and maintained as bird and insect habitat. Mowing is to be done as little as possible to retain a natural functioning of the landscape. Plants shall be maintained and replaced as necessary by the owner of the CSPI for the life of the CSPI.

(d) **Land Clearing, Soil Erosion, and Wildlife Habitat.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the CSPI or otherwise prescribed by applicable laws, regulations, and bylaws. A CSPI may not be constructed on slopes exceeding 8% except as expressly authorized pursuant to §145-28B(3)(c), nor may cutting and filling be done to reduce natural slopes. Existing root structures and topsoil shall be maintained to the maximum extent practicable and provide for a minimum of 6” of topsoil on all exposed areas.

(8) Mitigation Measures.

(a) **Mitigation for Loss of Carbon Sequestration and Forest Habitat.** If forestland is proposed to be converted to a CSPI, the plans shall designate an area of unprotected land (that is, land that could otherwise be developed under current zoning) on the parcel or block of contiguous parcels under common ownership that comprise the project site, and of a size equal to four times the total area of such forest conversion. Such designated land shall remain in substantially its natural condition without alteration except for routine forestry practices until such time as the CSPI is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

(b) **Mitigation for Loss of Forest Habitat within the Installation.** If forestland is proposed to be converted to a CSPI, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the CSPI and a successional forest habitat in the surrounding areas managed to prevent shading until the installation is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

(9) Monitoring and Maintenance.

(a) **Construction Monitoring.** The Site Plan Approval Authority may require a third-party inspector, selected by and acting under the direction of the Building Commissioner, to be employed to monitor compliance with all approvals and conditions during the CSPI’s construction at the applicant’s expense.

(b) **Maintenance.** The CSPI owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local emergency services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and all access roads that are not public ways.

(c) **Annual Reporting.** The owner or operator of a CSPI shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this bylaw, and approvals granted hereunder, including but not limited to continued management and maintenance of vegetation, compliance with the

approved plans and any permit conditions, continuation of liability insurance, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Chief, Building Commissioner, Board of Health, and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year.

(d) Modifications. All material modifications to a CSPI made after issuance of the required building permit shall require approval by the Site Plan Approval Authority.

(10) Discontinuance and Removal.

(a) Removal Requirements. Any CSPI, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the Site Plan Approval Authority, or that has reached the end of its useful life, shall be considered discontinued and shall be removed. Upon written request from the Building Inspector, addressed to the contact address provided and maintained by the owner or operator as required above, the owner or operator shall provide evidence to the Building Inspector demonstrating continued use of the CSPI. Failure to provide such evidence within thirty days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the Site Plan Approval Authority and Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

- [1] Physical removal of all parts of and appurtenances to the CSPI, including structures, equipment, security barriers and transmission lines;
- [2] Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- [3] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Approval Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- [4] Any site that was deforested for the CSPI, per §145-28B(3)(b), shall be restored to encourage native tree growth, including the planting of seedlings, if necessary, to establish growth. The cost of plant replacement shall be incorporated into the financial surety stipulated in §145-28D(10)(b) below.

If the owner or operator of the CSPI fails to remove the installation in accordance with the requirements of this section, the town shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and physically remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located. The Town may use the financial surety as stipulated in §145-28D(10) (b), below for this purpose.

(b) Financial Surety. Proponents seeking to construct and operate a CSPI shall provide to the Town, in a form determined by the Site Plan Approval Authority and prior to construction, a surety, through cash, an escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the CSPI and remediate the landscape, including reforestation. The amount and form of such surety shall be determined by the Site Plan Approval Authority. This surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

After much discussion a motion was made to move the question.
(Vote – 2/3rd Required – 2/3rd Yes)

(Endorsed by Planning Board 4-0-0 Yes)
(Main Article Vote – 2/3rd Required – 2/3rd Yes)

Article 33 **Citizen Petition:** Voted for the following resolution:

A Resolution

Calling for The US to Join the Treaty on the Prohibition of Nuclear Weapons

WHEREAS, nuclear weapons cannot be used without catastrophic humanitarian consequences that violate every principle of international law and human morality; and

WHEREAS, the continued existence of these weapons poses an intolerable risk to human survival, since they can be detonated by accident as well as by design; and

WHEREAS, the United States, together with Britain, France, Russia and China, signed and ratified a legally binding commitment more than 50 years ago to negotiate “in good faith” and “at an early date” the total elimination of their nuclear arsenals; and

WHEREAS, the International Court of Justice ruled, in their 1996 Advisory Opinion on the Legality of Nuclear Weapons, that the legally binding commitment to negotiate means “bringing those negotiations to a successful conclusion;” and

WHEREAS, in the year 2000 the United States, together with Britain, France, Russia and China gave an “unequivocal undertaking” to 187 other nations that they would fulfill their commitment to accomplish the total elimination of their nuclear arsenals; and

WHEREAS, in July 2017, 122 nations adopted the Treaty on the Prohibition of Nuclear Weapons, making it illegal under international law to develop, test, produce, possess, stockpile, transfer, use, or threaten to use nuclear weapons¹; and

WHEREAS, once this Treaty enters in force, it will be illegal in all countries who are party to this Treaty to assist, encourage or induce, in any way, anyone to engage in any activity prohibited by the Treaty; and

WHEREAS, more and more countries will continue to sign and ratify this Treaty, including sooner or later many key allies of the United States; and

WHEREAS, this means that the United States will find it increasingly difficult to develop, manufacture, deploy or justify its continued dependence on nuclear weapons.

NOW THEREFORE BE IT RESOLVED that we the residents of Belchertown call on the [selectboard] to take all necessary steps to align Belchertown with the U.N. Treaty on the Prohibition of Nuclear Weapons.

NOW THEREFORE BE IT RESOLVED that the Town of Belchertown calls upon our federal leaders to sign the Treaty on the Prohibition of Nuclear Weapons and to invite the other nuclear armed nations to do likewise, leading to an agreed multilateral pathway for the elimination of all nuclear weapons worldwide.

BE IT FURTHER RESOLVED that the Town of Belchertown calls upon the Commonwealth of Massachusetts to align with the Treaty on the Prohibition of Nuclear Weapons by setting up, as a first step, a Citizens Commission to look into the implications of doing so, as per bills HD.3477 and SD.1688, currently before the State Legislature.

BE IT FURTHER RESOLVED that the Town of Belchertown, Massachusetts calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by affirming back from the Brink – The Call to Prevent Nuclear War:

- renouncing the option of using nuclear weapons first;
- ending the president’s sole, unchecked authority to launch a nuclear attack;
- taking US nuclear weapons off hair-trigger alert;
- cancelling the plan to replace its entire arsenal with enhanced weapons; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

BE IT FURTHER RESOLVED that the town clerk shall cause a copy of this resolution to be sent to U.S. Congressman James McGovern, U.S. Senator Elizabeth Warren, U.S. Senator Edward Markey, and President Donald J. Trump, ¹<http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/>

(Vote – Majority Required – Majority Yes)

Article 34 Voted to adopt General Laws Chapter 44, Section 53F1/2, and create a Stormwater Utility Enterprise Fund for the fiscal year commencing on July 1, 2020.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Unanimous - Yes)

Article 35 Voted to amend the Code of Belchertown, Chapter 112, Stormwater management as follows:

§112-10 Stormwater Utility Bylaw

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SECTION 2.0 AUTHORITY 1

SECTION 3.0 DEFINITIONS 1

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SECTION 1.0 GENERAL PROVISIONS

1.1. Title

This By-Law shall be known as the Stormwater Utility By-Law of the Town of Belchertown, Massachusetts, hereinafter referred to as "this by-law."

1.2. Responsibility for Administration

The Board of Selectmen shall administer, implement, and enforce this by-law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board of Selectmen to its employees or agents.

1.3. Purpose

The purpose of this By-law is to provide a framework for the administration of the Town’s public Stormwater Management program. It shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. This bylaw shall enable the Town to protect its interests in flood control; storm damage prevention; and prevention of pollution, through the Town’s activities to maintain, repair, and replace stormwater management systems it owns, controls, or maintains, in order to: promote the health and safety of the public; protect property from flooding and the damage caused by stormwater runoff; protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities; and maintain compliance with the requirements of external agencies.

SECTION 2.0 AUTHORITY

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article 2 of the Massachusetts Constitution (the Home Rule Amendment), Massachusetts General Law Chapter 83, and such other powers as granted to cities and towns in said General Laws.

The Board of Selectmen may promulgate rules and regulations to effectuate the purposes of this bylaw after conducting a public hearing to receive comments. Such hearing dates shall be advertised in a newspaper of general circulation, at least 14 days prior to the hearing date. Failure by the Board of Selectmen to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not have the effect of suspending or invalidating this By-Law.

SECTION 3.0 DEFINITIONS

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

(1) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.

(2) *Developed* means property altered from its natural state by construction or installation of greater than or equal to five hundred (500) square feet of impervious surfaces.

(3) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

(4) *General Laws* means the General Laws of the Commonwealth of Massachusetts.

(5) *Impervious surface* means any material or structure on or above the ground that prevents water infiltrating the underlying soil. Common impervious surfaces include, but are not limited to: roads; and ways; parking lots; rooftops; buildings or structures, including solar panels; sidewalks; walkways, driveways; gravel travel ways; patio areas, decks, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

(6) *Stormwater means* surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(7) *Stormwater management services* means all services provided by the Town which relate to:

- (a) Transfer, control, conveyance or movement of stormwater runoff through the Town;
- (b) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
- (c) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
- (d) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities;
- (e) Compliance with applicable local, state, and federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

(8) *Stormwater Utility fee* means the periodic user fee imposed pursuant to this by-law by the Town of Belchertown which will be dedicated to the provision of public stormwater management services.

(9) *Undeveloped land* means all land that is not altered from its natural state to an extent that results in greater than five hundred (500) square feet of impervious surface area.

SECTION 4.0 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; BILLING; DEPOSIT TO STORMWATER ENTERPRISE FUND

(a) Pursuant to Massachusetts General Law, Chapter 83, Section 16, the Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Belchertown.

(b) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.

(c) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund (as provided in Massachusetts General Law, Chapter 44, Section 53F1/2).

(d) Expenditure of funds may consider both stormwater quality and quantity management needs and can be used as described in Section 7.0.

(e) The Town Accountant, under the general supervision of the Board of Selectmen, shall within forty-five (45) days after the close of each fiscal year, prepare an annual report of the change in cash balances which shall detail the cash receipts and disbursements for the year and which shall be submitted to the Town Administrator and Board of Selectmen.

SECTION 5.0 RATES

(a) The Board of Selectmen shall establish reasonable rates to defray the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Board of Selectmen. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Belchertown.

(b) The billing rate structure shall consist of a uniform flat rate based on billing units of 1,000 square feet of impervious area on a developed parcel).

(c) Impervious area per parcel is determined by the Town of Belchertown by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, sport courts, parking areas, and other impervious surfaces. 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.

SECTION 6.0 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

(a) The Town owns or otherwise has rights which allow it 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 Belchertown, or 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 local, state, and federal laws and regulations.

SECTION 7.0 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee shall be used to provide stormwater management services as defined in Section 1.3 of this bylaw and may also include 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 costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary to properly manage the stormwater system, including costs related to regulatory compliance.

SECTION 8.0 STORMWATER UTILITY FEE EXEMPTIONS

(a) The Town of Belchertown finds that all developed 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 developed public or private property located in the Town shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.

(b) The Town establishes exemptions to the Stormwater Utility fee as follows:

- (1) *Undeveloped* land.

(2) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.

(3) Unpaved farm or logging roads that access land used for tilling, planting or harvesting of agricultural, horticultural, or forest crops.

(4) Public streets, highways and rights-of-way. However, maintenance buildings and/or other developed property used for road maintenance purposes shall not be exempt from Stormwater Utility fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

SECTION 9.0 STORMWATER UTILITY FEE CREDITS

The Board of Selectmen or their designee is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board of Selectmen.

SECTION 10.0 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS

- (a) Stormwater utility fees shall be committed to the Tax Collector for collection by the authorizing board pursuant to General Laws Chapter 83, Section 16. Notification of fees assessed under the Stormwater utility system shall be provided to the property owner, as identified from public records of the Town of Belchertown, in the form of an annual bill. The Tax Collector shall collect and maintain an accurate accounting of all paid and unpaid Stormwater utility bills.
- (b) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, as identified from public records of the Town of Belchertown, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed one year of charges. No late fee or interest penalty shall be charged on said omitted bill as long as payment is received on or before the established due date.
- (c) Payment of annual Stormwater utility fee bills shall be due and payable on or before the thirtieth (30) day from the postmark without penalty. Interest on any unpaid bill at a rate of fourteen percent (14%) will be charged in accordance with Chapter 83, Section 16 of Massachusetts General Laws. Charges for the Stormwater utility fee, together with interest thereon and any costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.
- (d) In addition to the method of collection specified in Sections 16A through 16F of Chapter 83 of the General Laws, the overdue charge may be collected through any other lawful means.

SECTION 11.0 ABATEMENTS AND APPEALS AND HEARINGS

- (a) An owner of real estate aggrieved by a charge imposed pursuant to this Bylaw may apply for an abatement thereof by filing a written petition with the Board of Selectmen within thirty (30) days of issuance of the bill, as provided in Section 16E of Chapter 83 of the General Laws. If the Board of Selectmen finds that such charge is more than is properly due, a reasonable abatement shall be made. The provisions of this paragraph shall only apply if the fee is not paid by the date due and a lien is imposed in accordance with Section 16E of Chapter 83 of the General Laws.

(b) As an alternative to the abatement procedure set forth in Section 16E of Chapter 83 of the General Laws, a property owner who believes the Stormwater utility fee is more than properly due, may, within sixty (60) days from the date of issuance of the Stormwater utility bill, said owner may apply to the Board of Selectmen or their designee, in writing, for abatement. The application for abatement shall be supported by such information as is necessary for the Board of Selectmen or their designee to conclude that the fee was not properly calculated or assessed. The Board shall render a written decision on the application, granting the abatement, in whole or in part, or denying the abatement. The provisions of this and the following paragraph shall only apply if the fee has been paid in full prior to its due date.

(c) In the event that a property owner is aggrieved by a written decision from the Board of Selectmen or their designee 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 sixty (60) days from the date of the written decision to request a hearing by the Board of Selectmen or their designee. The request shall be in writing and shall specify the grounds thereof. Upon the filing of a request for hearing, the Board shall set a date for hearing and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board shall render a written decision after the conclusion of the hearing, affirming the action 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 Utility fee as charged and has also requested an abatement.

(d) If an abatement of the whole or a portion of a fee paid is abated in accordance with the previous sections, the property owner shall be given a credit on future bills until the abatement is fully realized. In the event it is determined that the property owner is not subject to the fee, the owner shall be given a full refund.

SECTION 12.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

(Vote – Majority Required – Unanimous - Yes)

Article 36 Citizen Petition:

Did not vote to require the DPW to paint yellow lines on paved through roads less than 16' in width; to return lines where they existed previously; and/or are faint and barely visible; and to maintain said lines as necessary on an annual review. Such funds to come from General Funds of the Town of Belchertown,

Motion made and seconded to change “through roads less than” to “through roads greater than”

(Vote – Majority Required – Majority – Yes)

(Not approved by Finance Committee)

(Vote – Majority Required – Majority No)

Article 37 Voted to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$2,500 for the administrative expenses of the Committee in FY 2020; and that the Town reserve for future appropriation from the Community Preservation Fund estimated annual revenues the amounts recommended by the Community Preservation Committee, with each item to be considered a separate reserve:

- \$29,422.00 from FY 2020 Community Preservation Fund revenues for Open Space
- \$29,422.00 from FY 2020 Community Preservation Fund revenues for Historic Resources
- \$29,422 from FY 2020 Community Preservation Fund revenues for Community Housing

and, further, appropriate and transfer \$65,500.00 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 23 of the May 9, 2016 Annual Town meeting.

(Vote – Majority Required – Unanimous Yes)

Article 38 Voted to appropriate and transfer \$9,975.00 from the Community Preservation Fund Historic Reserve for the grave stone preservation and restoration project at the historic Mt. Hope Cemetery, with such funds to be expended under the direction of the Veterans Graves Officer.

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 39 Voted to appropriate and transfer \$10,000.00 from the Community Preservation Fund Historic Reserve for the rehabilitation of the South Cemetery and Lake Vale Cemeteries, including a field survey, installing bounds and pins, and ascertaining the exact location of burial spaces, with such funds to be expended under the direction of the Department of Public Works.

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 40 Voted to appropriate and transfer \$37,000.00 from the Community Preservation Fund Community Housing Reserve for the purpose of acquiring, creating and/or supporting community housing by granting such funds to Wayfinders to provide first-time homebuyers earning no more than one hundred percent (100%) of the area median income with assistance with down-payments and/or closing costs to enable such buyers to purchase homes, pursuant to a grant agreement with Wayfinders, and authorize the Board of Selectmen to enter into said grant agreement to set forth the terms and conditions under which such funds may be expended, which may include granting an affordable housing restriction to the Town, and if applicable, to authorize the Board of Selectmen to accept an affordable housing restriction on said homes.

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 41 Voted to appropriate and transfer \$4,700.00 from the Community Preservation Fund Open Space Reserve for the preservation of open space and the rehabilitation of recreational resources by installing 2 flow devices within a roadway culvert to maintain the water level between Lake Arcadia, Lake Metacomet and Holland Pond, which will improve and protect wildlife habitat, biodiversity, water supply and water quality and replenish and stabilize drinking water aquifers, with said funds to be expended under the direction of the Belchertown Lake Committee.

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 42 Voted to amend the vote taken under Article 39 of the May 8, 2017 Annual Town Meeting, pursuant to which a sum of money was appropriated under the Community Preservation Program for the Belchertown Housing Authority Project, to change the funding source for said project from the Community Preservation Act Fund Balance to the Community Preservation Act Community Housing Reserve, and to authorize the Town's financial staff to make appropriate accounting entries in connection therewith.

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 43 Voted to appropriate and transfer \$30,000.00 from the Community Preservation Fund General Reserve Account for the preservation and rehabilitation of historic resources by removing two elevators and installing a new elevator at the historic parish house of the Belchertown United Church of Christ, thereby complying with the Americans for

Disability Act and providing access to areas used by community groups, the food pantry and related improvements pursuant to a grant agreement with the Belchertown United Church of Christ, and authorize the Board of Selectmen to enter into said grant agreement to set forth the terms and conditions under which such funds may be expended, which *may include granting a historic preservation restriction to the Town.*

Motion made and seconded to fix a typographical error and replace the word “pantry” with “pantry”. (Vote – Majority Required – Unanimous Yes)

(Endorsed by Community Preservation Committee 8-0-0 Yes)
(Vote – Majority Required – Majority Yes)

Article 44 Voted the Town adopt G.L. c.58 §8C, Affordable housing sites; abatement of real estate tax obligations, to permit the Town to enter into agreements for abatement of real estate taxes.

(Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required – Unanimous Yes)

Article 45 Voted the Town amend the Code of Belchertown, by inserting a **new Chapter, Affordable Housing Tax Abatement**, as follows, and to authorize the Town Clerk to assign appropriate chapter and section numbers to bring the form of the bylaw into accord with the numbering system of the Town Code:

§ ___-1 Statutory Authority.

This chapter is adopted pursuant to and in accordance with G.L. c. 58, § 8C, which was accepted by the Town on May 13, 2019.

§ ___-2 Purpose.

This affordable housing tax abatement bylaw is enacted to encourage the development of affordable housing as defined in G.L. c. 60, § 1, or affordable housing and commercial sites (“Qualifying Sites”).

§ ___-3 Qualifying Sites.

Qualifying Sites that may be the subject of a tax abatement under this chapter shall:

- A. Be owned by a new owner (“Eligible Owner”) who is not liable for any of the outstanding charges secured by the Town’s lien; and
- B. Be available for affordable housing or affordable housing and commercial uses under the Town’s Zoning By-law, including any special permits or variances.

§ ___-4 Abatement Applications.

Any Eligible Owner may apply for an abatement under this chapter by obtaining an application for an affordable housing tax abatement from the Treasurer’s office. Such application may require any information or documents that the Treasurer deems necessary to process the application.

§ ___-5 Abatement Agreements.

In accordance with the requirements of G.L. c. 58, § 8C, tax abatements granted under this chapter shall be pursuant to an agreement as set forth herein.

- A. An Affordable Housing Tax Abatement Review Committee (“Committee”) is hereby established and authorized to negotiate agreements for the abatement of real estate taxes (“Abatement Agreements”) with Eligible Owners for qualifying sites, subject to approval by the Board of Selectmen. The Committee shall consist of the Assessor, the Treasurer, the Town Planner, and a member of the Board of Selectmen appointed by the Chair of the Board of Selectmen.

- B. Abatement Agreements may provide for reductions up to 75% of the outstanding real estate taxes and up to 100% of the outstanding interest and/or penalties on the Qualifying Site.
- C. Abatement Agreements shall include, but not be limited to, terms addressing the following:
- (1) The amount of outstanding real estate taxes;
 - (2) The interest to accrue, if any;
 - (3) The amount of monthly payments;
 - (4) The commencement date for such monthly payments;
 - (5) The date of final payment;
 - (6) The late penalties to be imposed;
 - (7) The number of affordable units;
 - (8) Any and all other terms of repayment and any other terms negotiated by the Committee and the Eligible Owner and approved by the Board of Selectmen.

D. Copies of all Abatement Agreements shall be:

- (1) Signed by the Board of Selectmen and the Eligible Owner, whose signatures shall be notarized;
- (2) Attested to by the Town Clerk;
- (3) Approved as to compliance with this chapter by the Treasurer;
- (4) Provided to the Eligible Owner, the Board of Selectmen, the Massachusetts Department of Housing and Community Development, and the Massachusetts Commissioner of Revenue;
- (5) Maintained in the Treasurer's office and the Assessor's office.

(Vote – Majority Required – Unanimous Yes)

Meeting adjourned at 10:58pm

Attest:

Colleen K. Toothill-Berte
Town Clerk