



Actions taken at the Annual Town Meeting held May 8, 2017 at the Belchertown High School Veterans' Auditorium

FY18

Moderator – Frances J. South

Meeting called to order 7:32pm

Registered voters present – 335 (Quorum requires 75)

The Clerk read the Warrant

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

Selectman Brenda Aldrich presented the Citizen of the Year Award to Gloria Fortunato.

Selectman Nicholas O'Connor presented the Volunteer of the Year Award to Joseph Babineau.

Selectman Brenda Aldrich presented the Employee of the Year Award to Jennifer Whitehead.

Article 1 Voted to elect Paul Anziano and Ellen Lachance as Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one year; and Nicole Dunham for a three year term as Trustee of the Calvin Bridgman Fund.
(Vote – Majority Required - Majority Yes)

Article 2 Voted to accept the reports of the officers of the Town with the exception of the Finance Committee.
(Vote – Majority Required - Majority 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 - Majority 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 - Majority 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 - Majority 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 - Majority Yes)

Article 7 Voted to appropriate from the Sale of Cemetery Lots Account the sum of \$3,000.00 to the Cemetery Lot Development Account. (Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Majority Required - Majority 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 - Majority 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 - Majority Yes)

Voted to raise and appropriate the sum of \$1,962,009, and appropriate from Wetlands Hearings Fees Account the sum of \$5,000 to the Conservation Commission Salary Account, for a total appropriation of \$1,967,009 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 - Majority Yes)

Voted to raise and appropriate the sum of \$3,246,454 and appropriate the sum of \$800,000 from the Ambulance Receipts Reserved for Appropriation Account, for a total appropriation of \$4,046,454 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 - Majority Yes)

“Postpone to June 19, 2017” To see if the town will vote to raise and appropriate the sum of \$28,073,080 and appropriate from free cash in the Treasury the sum of \$113,242 and appropriate for the Stabilization Fund the sum of \$50,000, for a total appropriation of \$28,236,322 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)

Motion was made and seconded to postpone vote on this article to June 1, 2017 at 7pm. After discussion, the Finance Committee requested and was granted a 10 minute recess to discuss endorsement of the amendment.

(Vote on the Motion – Majority Required - Majority Yes)

Voted to raise and appropriate the sum of \$1,285,138 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 - Majority Yes)

Voted to raise and appropriate the sum of \$1,849,384 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 – Majority Required - Majority Yes)

Voted to appropriate from Landfill receipts the sum of \$290,700 and appropriate from Landfill Enterprise free cash in the Treasury the sum of \$304, for a total appropriation of \$291,004 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 - Majority Yes)

Voted to raise and appropriate the sum of \$21,236, appropriate from Sewer Enterprise free cash in the Treasury the sum of \$216,248, and appropriate from Sewer receipts the sum of \$1,579,300, for a total appropriation of \$1,816,784, 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 - Majority Yes)

Voted to raise and appropriate the sum of \$908,717 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 - Majority Yes)

Voted to raise and appropriate the sum of \$786,788 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 - Majority Yes)

Voted to raise and appropriate the sum of \$769,140 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 - Majority Yes)

Voted to raise and appropriate the sum of \$4,016,246, and appropriate from the Stabilization Fund the sum of \$200,000, and appropriate from free cash in the Treasury the sum of \$100,716, for a total appropriation of \$4,316,962 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 - 2/3rd Required – 2/3rd Yes)

Voted to raise and appropriate the sum of \$57,623 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 - Majority Yes)

Voted to raise and appropriate the sum of \$2,539,069 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 - Majority Yes)

Voted to raise and appropriate the sum of \$3,750 for Hampshire Council of Governments, 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 - Majority Yes)

Article 10 Voted to authorize by the provisions of MGL, Chapter 44, Section 53E ½, reauthorizing the use of revolving funds as printed in Article 10 of the Warrant, amending, however, the annual spending limits for the Pool Programs and the Tween and Up Programs, so that the annual spending limit for the Pool Programs is \$125,000 and annual spending limit for the Tween & Up Programs is \$25,000, which figures were inadvertently transposed in the article.

| Fund | Revenue Source | Authority to Spend Funds | Use of Funds | Spending Limit | Restrictions/ Comments |
|--------------------------------------------------------|-----------------------------------------------------|-------------------------------|----------------------------------------------------------------------|----------------|------------------------|
| Senior Center Transportation Program | Receipts from said Transportation Program | Director of the Senior Center | Operation of Senior Center Transportation Program | \$10,000 | None |
| Council on Aging Programs | Receipts from said Programs | Council on Aging | Operation of Council on Aging Programs | \$10,000 | None |
| Firefighters' Protective Clothing & Equipment Purchase | Receipts from Open Air Burning Permit Fees | Fire Chief | Firefighters' Protective Clothing & Equipment Purchase & Maintenance | \$10,000 | None |
| Town Beach Concession | Receipts from said Concession | Recreation Director | Operating Town Beach Concession | \$15,000 | None |
| Operating Town Beach | Receipts from Daily & Seasonal Entrance Fees | Recreation Director | Operating Town Beach | \$50,000 | None |
| Pool Programs | Receipts from said Programs | Recreation Director | Pool Programs | \$25,000 | None |
| Tween and up Programs | Receipts from said Programs | Recreation Director | Tween and Up Programs | \$125,000 | None |
| Witnessing and Documenting Percolation Tests | Receipts from said Witnessing and Documenting Tests | Board of Health | Witnessing & Documenting Percolation Tests | \$15,000 | None |
| Police Department Technology Fund | Receipts from Firearms License & FID Card Fees | Police Chief or his designee | Police Department Technology, Firearms Licensing & FID Card Fees | \$15,000 | None |
| Transportation of pupils in Grades 7-12 | Receipts from said Transportation | School Committee | Transportation of pupils in Grades 7-12 | \$150,000 | None |

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

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

➤ **Add language in bold and underline in the following sections:**

- **§91-5. B. Overtime. (4):** An employee, after having completed his/her assigned work and having left his/her place of employment, called back to work for an emergency or public safety situation by his/her supervisor prior to his/her next regular scheduled starting time will be guaranteed a minimum of three hours pay **between April 1st and October 31st, and three and one half (3 ½) hours pay between November 1st and March 31st.** Recall pay is not intended to apply when an employee works extra hours that merge into his/her regular work shift. Therefore, recall pay is not available when an employee is called to report to duty before the start of his regularly scheduled shift and he/she works until the regular shift commences. Recall pay is not available when an employee is held over to work after the completion of his/her regular shift.
- **§91-6. Employee Benefits. B. Benefits: (3) Holidays (c):** An employee that is required to work on a holiday shall be paid at 1 ½ times his or her base hourly rate for all hours actually worked in addition to his or her holiday pay. **An employee who actually works on Presidents' Day shall receive compensation at two times the employee's base hourly rate for all hours actually worked.** In the alternative, an employee that is required to work on a holiday may, with the approval of his or her supervisor, receive a special holiday leave for each eight hours worked. Special holiday leave earned for working on a holiday must be used in the same fiscal year in which it was earned.
- **In section §91-6. Employee Benefits. B. Benefits: (13) Longevity (a), amend longevity amounts as follows:**

| | |
|---------------------------|------------------------------------|
| After 10 years of service | from \$600.00 to \$850.00 |
| After 15 years of service | from \$700.00 to \$950.00 |
| After 20 years of service | from \$800.00 to \$1,150.00 |
- **In 91 Attachment 1, Appendix A, Town Classification-Compensation Plan:**

Replace Management, Administrative or Professional Exempt chart with new chart as follows:

Effective July 1, 2017 through June 30, 2018

| | |
|-------------------------------------|----------------------|
| Director of Public Works | \$87,329 - \$111,480 |
| Fire Chief | \$87,329 - \$111,480 |
| Police Lieutenant | \$76,500 - \$88,476 |
| Director of Information Technology | \$72,774 - \$92,900 |
| Town Planner | \$72,774 - \$92,900 |
| Town Treasurer-Collector | \$69,309 - \$88,476 |
| Town Accountant | \$69,309 - \$88,476 |
| Building Commissioner | \$69,309 - \$88,476 |
| Director of Assessments | \$69,309 - \$88,476 |
| Conservation Administrator | \$66,643 - \$85,073 |
| Council on Aging Executive Director | \$66,643 - \$85,073 |
| Director of Parks & Recreation | \$66,643 - \$85,073 |
| Veterans' Agent | \$64,080 - \$81,801 |

Under Classified Nonexempt Employees:

Remove the following positions:

- EMT – Intermediate
- EMT – Paramedic
- Fire Prevention and Safety Officer
- Fire Captain/Chief Fire Inspector
- Fire Captain/EMS Director

Under part-Time Hourly Schedule:

Amend the following range:

- Secretary/Assistant to Zoning Board of Appeals **from** \$10.25 - \$14.60/hour **to** \$14.54 - \$18.56/hour

➤ **In 91 Attachment 1, Appendix B – Weekly Salary Schedule for Classified Employees:**

Remove the compensation chart effective July 1, 2016 through June 30, 2017, and insert the following chart:

Effective July 1, 2017 to end June 30, 2018

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 | Step 10 |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| 1 | 11.41 | 11.73 | 12.04 | 12.36 | 12.70 | 13.07 | 13.42 | 13.79 | 14.17 | 14.56 |
| 2 | 14.83 | 15.23 | 15.66 | 16.08 | 16.53 | 16.98 | 17.45 | 17.93 | 18.43 | 18.94 |
| 3 | 17.05 | 17.52 | 18.00 | 18.50 | 19.01 | 19.53 | 20.07 | 20.62 | 21.18 | 21.77 |
| 4 | 19.60 | 20.14 | 20.69 | 21.27 | 21.85 | 22.46 | 23.09 | 23.71 | 24.37 | 25.02 |
| 5 | 21.58 | 22.16 | 22.77 | 23.40 | 24.03 | 24.71 | 25.39 | 26.07 | 26.81 | 27.54 |
| 6 | 23.73 | 24.38 | 25.04 | 25.75 | 26.45 | 27.16 | 27.92 | 28.68 | 29.47 | 30.29 |
| 7 | 26.09 | 26.82 | 27.55 | 28.31 | 29.09 | 29.88 | 30.71 | 31.54 | 32.42 | 33.32 |
| 8 | 27.14 | 27.89 | 28.65 | 29.43 | 30.25 | 31.09 | 31.94 | 32.82 | 33.72 | 34.65 |
| 9 | 28.23 | 29.02 | 29.80 | 30.63 | 31.46 | 32.34 | 33.22 | 34.13 | 35.07 | 36.04 |
| 10 | 30.20 | 31.02 | 31.89 | 32.77 | 33.66 | 34.59 | 35.55 | 36.52 | 37.53 | 38.56 |

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

(Vote – Majority Required - Majority Yes)

Article 12 Voted to authorize the Board of Selectmen to enter into lease/purchase agreements up to five years for Department of Public Works vehicles leases.
(Vote – 2/3rd Required – 2/3rd Yes)

Article 13 *Voted to postpone the article*
To see if the Town would vote to withdraw from the Hampshire Council of Governments, the effective date of said withdrawal to be July 1, 2018, and to acknowledge, pursuant to the Administrative Code of the Legislative, Charter & Code Committee of the Hampshire Council of Governments, that all obligations of the Town of Belchertown to the Hampshire Council of Governments will be met up until said effective date, and that the Town of Belchertown’s allocable share of the fiscal obligations of said Council will remain a responsibility of the Town.
Motion made and seconded to postpone vote on this article until June 19, 2107.
(Vote on the Motion – Majority Required - Majority Yes)

Article 14 Voted to have the Town of Belchertown adopt the Illicit Connections and Discharges to the Municipal Storm Drainage System Bylaw,

| | |
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SECTION 1. PURPOSE

The purpose of this bylaw is to regulate and eliminate illicit connections and discharges to the Town of Belchertown’s Municipal separate storm sewer system (MS4), which is necessary for the protection of the Town’s water bodies, wetlands, and groundwater, and to safeguard the public health, safety, welfare, and the environment. This bylaw establishes methods for controlling the introduction of pollutants into the [Town’s] municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this bylaw are:

- (1) To prevent pollutants from entering the municipal separate storm sewer system (MS4);
- (2) To prohibit illicit connections and unauthorized discharges to the storm water system (MS4);
- (3) To require the removal of all such illicit connections;
- (4) To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

Increased and contaminated storm water runoffs are major causes of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) Contamination of drinking water supplies;
- (3) Alteration or destruction of aquatic and wildlife habitat; and
- (4) Local flooding.

SECTION 2. DEFINITIONS

For the purposes of this bylaw, the following shall mean:

Authorized Enforcement Agency/Applicable Authority: The Director of the Department of Public Works or designated representative, its employees or agents designated to enforce this bylaw.

Best Management Practices (BMPs): Activities, procedures, restraints, or structural improvements that helps to reduce the quantity or improve the quality of storm water runoff. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth from any source.

Grandfathered: Exempt from new legislation, restrictions, or requirements.

Groundwater: Water beneath the surface of the ground and not confined in a conduit or container.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into the municipal storm drainage system. Illicit connections include conveyances which allow a non-storm water discharge to the municipal storm drainage system, including: sewage, process wastewater or wash water and any connections from indoor drainages sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illegal Discharge: Any direct or indirect non-storm water discharge to the municipal storm drainage system, except as specifically exempted in Section 7 of this bylaw. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from firefighting activities exempted pursuant to Section 7 of this bylaw.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, and roof tops.

Municipal separate storm sewer system (MS4) or municipal storm drainage system: The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Belchertown.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Non-Storm water Discharge: Any discharge to the municipal storm drain system not composed entirely of storm water.

Person: Any individual, partnership, group of individuals, association, partnership, firm, company, trust, corporation, business organization, estate, and any agency, authority, department or political subdivision of the Commonwealth or the federal government, the Town of Belchertown, or any other legal entity to the extent permitted by Town bylaw, including any officer, employee, or agent of such person or entity.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth or wetland resource areas. Pollutants shall include:

- a. paints, varnishes, and solvents;
- b. oil and other automotive fluids;
- c. liquid, solid wastes and yard wastes;
- d. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations and floatables;
- e. pesticides, herbicides, and fertilizers;
- f. hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. dissolved and particulate metals;
- h. animal wastes;
- i. rock, sand, salt, soils;
- j. construction wastes and residues; and
- k. noxious or offensive matter of any kind.

Process wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

Storm water: Rainwater, snowmelt and/or other water that flows off impervious surfaces and across or over the ground surface rather than being absorbed into the soil.

Toxic or Hazardous Material or Waste: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, physical, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, may cause or significantly contribute to a substantial present or potential threat to human health, safety, welfare, or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool contents or discharge, or water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Watercourses: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

***Waters of the Commonwealth:** All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.*

SECTION 3. APPLICABILITY

This bylaw shall apply to all flows entering the storm drainage system owned and/or operated by the Town of Belchertown.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Director of the Department of Public Works and/or its designated representative shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Director of the Department of Public Works pursuant to this Bylaw may be delegated in writing by the Director of the Department of Public Works to employees or agents of the Department of Public Works.

SECTION 6. REGULATIONS

The Director of the Department of Public Works may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Director of the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

SECTION 7. PROHIBITED ACTIVITIES

1. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal separate storm sewer system (MS4). Non-emergency pumping performed by the Fire Department must utilize appropriate best management practices (BMPs) and follow hazardous materials disposal guidelines to prevent contamination of the municipal storm drainage system with hazardous materials. If hazardous materials are observed within the flooded area from non-emergency pumping activities, or are suspected to be contained therein, a qualified hazmat technician and applicable state and local agencies must be consulted. These agencies will be responsible for implementing the BMPs to the contamination of nearby water ways and the municipal storm drainage system.

2. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection. No grandfathering is permitted.

3. Obstruction of Municipal Storm Drainage System

No person shall obstruct or interfere with the normal flow of storm water into or out of the storm drainage system without prior approval from the Director of the Department of Public Works or designated representative. No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the MS4, or into open watercourses (swales, brooks and streams).

- a. Drains – No one shall tie any pump, cellar, yard, roof or area drain directly into the storm water drainage system without approval from the Applicable Authority.

- b. Catch Basins – No Person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or paint product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or household cleaners, soap, detergent, ammonia, food and food waste, grease or yard waste, animal feces, dirt, sand gravel or other pollutant. Any person determined by the applicable authority to be responsible for the discharge of any of the above substances to a catch basin may be held responsible for cleaning the catch basin and any other portions of the storm water system impacted according to Town standards and requirements or paying the cost for such cleaning. In addition, the Person shall be responsible for paying any penalties assessed by the Town.
- c. Septage – No person shall discharge or cause or allow to be discharged any septage, or septage tank or cesspool overflow into the Town’s storm water drainage system.
- d. Storage & Disposal of Hazardous Material – No one shall dispose of anything other than clear water into the Town’s storm drainage system. The disposal of waste, gasoline or any other hazardous material into the storm drainage system is strictly prohibited and is in violation of state and federal pollution laws.
- e. Private drainage systems – It is prohibited for anyone with a private drainage system from tying into the public storm water disposal system without written approval from the Applicable Authority. The maintenance of any and all private drainage systems shall be the responsibility of the owners.

4. Exemptions

This section shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to the storm drainage system.

- a. Waterline flushing;
- b. Emergency pumping performed by the Fire Department;
- c. Discharges (in liquid form) from landscape irrigation or lawn watering;
- d. Diverted stream flows, springs;
- e. Rising groundwater;
- f. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- g. Flows from potable water sources;
- h. Irrigation water, springs;
- i. Water from crawl space pumps, exterior foundation drains, footing drains (not including active groundwater dewatering systems), sump pumps or air conditioning condensation;
- j. Water from individual residential car washing;
- k. Natural flows from riparian habitats and wetlands;
- l. Discharges from de-chlorinated swimming pool water (less than one part per million chlorine) provided it is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- m. Discharges during street sweeping, discharge of sand and deicers used for public safety purposes and other storm drainage system maintenance;
- n. Dye testing, provided notification is given to the Director of the Department of Public Works or designated representative prior to the time of the test;
- o. Non-storm water discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- p. Discharges for which advanced written approval is received from the Director of the Department of Public Works or designated representative if necessary to protect public health, safety, welfare or the environment; and
- q. Emergency repairs to the municipal storm drain system, and any storm water management structure or practice that poses a threat to public health or safety, or as deemed necessary by the Town.

SECTION 8. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Director of the Department of Public Works or designated representative may suspend municipal storm drainage system (MS4) access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illicit discharge of pollutants that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Director of the Department of Public Works or designated representative may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 9. WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Failure by the property owner to maintain the watercourse does not constitute an obligation on the part of the Town to assume this responsibility.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants into the municipal drainage system, a wetland resource area, or waters of the Commonwealth, that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the reporting person shall immediately notify the municipal fire and police departments, the Director of the Department of Public Works or designated representative, and the Massachusetts Department of Environmental Protection (if release is reportable as defined by 310 CMR 40.00). In the event of a release of non-hazardous material, said person shall notify the Director of the Department of Public Works or designated representative no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Director of the Department of Public Works or designated representative within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

1. The Director of the Department of Public Works or an authorized agent of the Department of Public Works shall enforce this bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. Orders

The Director of the Department of Public Works or designated representative may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which include, but are not limited to:

- a. Elimination of illicit connections or discharges to the storm drainage system (MS4);
- b. Termination of access to the storm drainage system;
- c. Performance of monitoring, analyses, and reporting;
- d. Cessation of unlawful discharges, practices, or operations;
- e. Remediation of contamination in connection therewith;
- f. Implementation of source control or treatment BMPs.

If the Director of the Department of Public Works or designated representative determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Belchertown may, at its option, undertake such work and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified, in writing, of the costs incurred by the Town of Belchertown including administrative costs, for which payment is due to the Town. The violator or property owner may file a written protest or appeal objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or appeal or within thirty (30) days following a decision of the Board of Selectmen or designated representative affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs pursuant to M.G.L. Ch. 40, § 58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, §57 after the thirty-first day at which the costs first become due.

3. Equitable Remedy

If a person or entity violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Director of the Department of Public Works or designated representative may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or compel the person to abate or remediate the violation.

4. Criminal penalty

Any person who violates any provision of this Bylaw, regulation, order or written approval issued thereunder, shall be punished by a fine not to exceed \$300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

5. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Belchertown may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40, §21D. The Director of the Department of Public Works or designated representative shall be the enforcing person. The penalty for the 1st violation shall be up to \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. Right-of-Entry

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Director of the Department of Public Works or designated representative, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Director of the Department of Public Works or designated representative deems reasonably necessary.

7. Appeals

The decisions or orders of the Director of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. Remedies Not Exclusive

The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. SEVERABILITY

If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances, shall be held invalid for any reason, such invalidity shall not affect any other provisions or applications of this Bylaw, and shall continue in full force and effect.

SECTION 13. TRANSITIONAL PROVISIONS

Property owners shall have 120 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period unless local, state, or federal agencies deem that immediate actions are warranted

(Vote - Majority Required - Majority Yes)

Article 15 Voted to accept as a public way the roadway known as Sheffield Estates:(Sheffield Drive, Spring Hill Road, Waterford Drive and Lexington Drive), as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled Sheffield Estates Subdivision” Street Acceptance Plan & “As-Built” Conditions Plan” dated June 27, 2016 prepared by Sherman & Frydryk, LLC., recorded with the Hampshire County Registry of Deeds in Plan Book 237, Page 52 and on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Sheffield Estates (Sheffield Drive, Spring Hill Road, Waterford Drive, and Lexington Drive) for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility, access and/or other easements related thereto, as shown on said plan.

(Vote - 2/3rd Required – 2/3rd Yes)

Article 16 Voted to accept MGL Chapter 44, Section 53F3/4 which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017; and further to direct the accounting officer to transfer the remaining balance in the “PEG Grant” account, into said PEG Access and Cable Related Fund upon its creation, and appropriate from the PEG Access and Cable Related Fund the sum of \$85,000 to be used for operations of the Belchertown Community Channel for the ensuing fiscal year commencing July 1, 2017.

(Vote – Majority Required - Majority Yes)

Article 17 **CITIZEN PETITION:** Voted to make circle on Center Street one way and install appropriate signage.

(Vote – Majority Required – Majority Yes)

Article 18 Voted to appropriate from free cash in the Treasury the sum of 410,000 to the Other Post Employment Benefits (OPEB) Liability Trust Fund, each item and amount recommended in the Finance Committee’s report being considered as a separate appropriation voted by Town. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 19 Voted to amend Section 65-1 of the Town By-Laws regarding the acceptance of G.L. c. 40, Section 57, that allows for the denial of town issued licenses or permits to any applicant who owes taxes/fees that are in arrears by deleting the language shown in strikethrough and adding the language shown in bold,

§ 65-1 **List of delinquent taxpayers.**

The Treasurer-Collector shall ~~annually~~ **periodically** furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority,"

that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(Vote – Majority Required – Majority Yes).

Article 20 Voted to adopt a new fee schedule for the Town Clerk’s fees in accordance with the provisions of G.S. c. 262, §34, as follows:

| DESCRIPTION | FEE |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| For furnishing certified copy of birth, death, or marriage record: | \$10.00 |
| For entering a delayed record of birth: | \$20.00 |
| For correcting errors in a birth, death, or marriage record: | \$20.00 |
| For the filing of marriage intentions in order to procure a license to marry, includes one certified | \$40.00 |
| For entering certificate of marriage filed by person married out of the Commonwealth | \$20.00 |
| For filing a certificate of a person conducting business under any title other than his/her real name: | \$40.00 |
| For filing a certificate of a person conducting business under any title other than his/her real name a statement of discontinuance, retirement or withdrawal from such business | \$10.00 |
| For furnishing a certified copy of certificate of person conducting business under any title other than his/her real name or a statement by such person of his/her discontinuance, retirement or withdrawal from such business: | \$10.00 |
| For recording order granting location of poles, piers, abutment or conduits, alterations or transfers thereof, and increase in number of wires, cables or attachments under the provisions of MGL Chapter 166, Section 22: | \$60.00 |

(Vote – Majority Required - Majority Yes)

Moderator indicated that articles 21-28 and article 46 were going to be addressed using a consent agenda. Articles held out for discussion were articles 26 and 28 and were voted on separately. Articles 21-25, 27 and 46 were all voted on together requiring a 2/3rd and all passed by 2/3rd as noted below.

Article 21 Voted to amend the Zoning By-Law, as previously amended, by changing the first clause of existing Article CII, Site plan approval, §145-27(B)1 by removing the words “special permit or” to read “No building permit shall be issued for any of the following uses unless a site plan has been endorsed by the planning board...”.
(Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 22 Voted to amend the Zoning By-Law, as previously amended, by changing the first clause of existing Article VII, Site plan approval, §145-27 F(1)(d) by adding a sentence to read “Sidewalks must be shown along the applicant’s frontage adjacent to public ways, and shall meet, at a minimum, current ADA standards.”
(Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 23 Voted to amend the Zoning By-Law, as previously amended, by changing the first clause of existing Article IX, Business regulations, §145-36(F) by adding a sentence to read “Sidewalks must be shown along the applicant’s frontage adjacent to public ways, and shall meet, at a minimum, current ADA standards.”
(Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 24 Voted to amend the Zoning By-Law, as previously amended, to correct a typographical error by changing Article X, Common drive development, §145-45C(1) footnote 3 to read “A gravel surface may be allowed if the common drive serves no more than two lots and/or complies with Subsection C(7)(b).”
(Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 25 Voted to amend the Zoning By-Law, as previously amended, by changing Article V §145-16, Dimensional Regulations, Table of Dimensional Regulations, by changing

the front setback in the B1 district to 25 feet and to add a line to the regulations for the B1 district sub-titles “Within Historic District” which retains the current B1 district dimensional regulations. (Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 26 Voted to amend the Zoning By-Laws, as previously amended, by deleting the text of Article VII, Commercial solar photovoltaic installations, §145-28B(1) and inserting in place thereof the following:

“As-of-right:

a)A commercial solar photovoltaic installation, as defined herein, is allowed as-of-right with site plan review in all zoning districts except as set forth below:

b)any such installation to be installed on buildings, groups of buildings and in parking lots with canopies or other free-standing structures that do not impede traffic flow or safety within the parking lot.”

(Endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 27 Voted to amend Section 145-5 of the Zoning Bylaw, Zoning Map, by changing the parcels identified on the Town Assessors’ Map as Map 203 Parcels 5 and 4, and Map 204 Parcel 11 from both B2 and Ag-B to B2 entirely, and Map 204 Parcels 8 and 9 from both B2 and Ag-B to Ag-B entirely. (Endorsed by Planning Board 5-0-0 Yes)
(Vote – 2/3rd Required – 2/3rd Yes)

Article 28 Voted to amend the Zoning By-Law, Article XII, Wireless Communications Facilities, as previously amended, by inserting the following language, shown in bold:

§ 145-62 Use Restrictions

B. Wireless communications facility tower

14) The tower’s height may not be greater than the distance from the tower’s base to the boundary of the tower owner’s legal lease or ownership area.

§ 145-65. Submission requirements; administration; application review.

A. All requirements of §145-69 of this chapter apply.

B. The Planning Board may retain an engineer and/or other professional consultant for guidance at the expense of the applicant.

C. The applicant shall submit an Operation and Maintenance Plan and shall annually submit a report, starting 12 months from the date of receiving a Certificate of Use or Certificate of Occupancy, demonstrating compliance to the Operation and Maintenance Plan. Any change to the Operation and Maintenance Plan must be approved by the Planning Board.

(Endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 29 Voted to authorize the Board of Selectmen to acquire by purchase, gift and/or eminent domain, for conservation and passive recreation purposes under the provisions of G.L. c. 40, §8C and other statutes related to conservation, the parcels of land known collectively as the Mader Town Forest, consisting of a total of 86 acres, more or less, together with all flowage and other rights and easements, and shown on Assessors Maps 107 as Lot #27.01, on Map 226 as Lot #37.00, and on Map 231 as Lot #45.00, which parcels shall be managed and controlled by the Conservation Commission under said Chapter 40, Section 8C; and to appropriate and transfer from available funds and/or borrow \$364,350 to fund said acquisition and costs related thereto, including, without limitation, for stewardship fees, and to authorize the Treasurer, with the approval of the Selectmen, to borrow said funds under the provisions of G.L. c.44B, G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, provided that no such funds shall be expended until the Town shall have received gifts and/or grants as set forth below; and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file applications for grants for reimbursement on behalf of the Town

under the Land & Water Conservation Fund Grant (P.L. 88-578, 78 Stat 897) and/or any other state and/or federal programs, including those in aid of conservation land acquisition, to accept said funds for the purposes set forth herein, and to enter into any and all agreements and execute any and all instruments on behalf of the Town as may be necessary or convenient to effectuate the foregoing acquisition.

(Endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 30 Voted to appropriate from the Community Preservation Fund annual revenues the sum of \$2,000 for the administrative expenses of the Community Preservation Committee in FY 2018; and reserve for future appropriation from the Community Preservation Fund annual revenues the amounts recommended by the Community Preservation Committee, with each item to be considered a separate reserve:

- \$26,460 from FY 2018 community Preservation Fund annual revenues for open Space
- \$26,460 from FY 2018 Community Preservation Fund annual revenues for Historic resources
- \$26,460 from FY 2018 Community Preservation Fund annual revenues for Community Housing.

And further to appropriate and transfer \$52,000 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 23 at the May 9, 2016 Annual Town Meeting. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 31 Voted to appropriate and transfer \$5,008 from the Community Preservation Open Space Reserve and \$9,992 from the Community Preservation Fund Balance for a total of \$15,000 for the preservation and/or rehabilitation of the Tri-lakes by establishing and funding a water quality monitoring program. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 32 Voted to appropriate and transfer \$7,816 from the Community Preservation Historic Reserve, and \$2,159 from the Community Preservation Fund Balance for a total of \$9,975 for the grave stone preservation and restoration project at the historic Mt. Hope/South/Rural Cemetery, with said funds to be expended under the direction of the Veterans Graves Officer of the Town of Belchertown. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 33 Voted to appropriate and transfer \$18,000 from the Community Preservation Fund Balance for the rehabilitation and replacement of the scoreboard located on the back field of the CHCS Recreation complex, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 7-1-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 34 Voted to appropriate transfer \$2,000 from the Community Preservation Fund Balance for the rehabilitation and replacement of the existing combination goals on the back football/soccer/lacrosse field located on the back field of the CHCS Recreation complex, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Required – Majority Yes)

Article 35 Voted to appropriate and transfer \$2,500 from the Community Preservation Fund Balance for the rehabilitation and improvement of the track surrounding the field located at the CHCS Recreation complex, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)

(Vote – Majority Required – Majority Yes)

- Article 36** Voted to appropriate and transfer \$15,000 from the Community Preservation Fund Balance for the rehabilitation and replacement of the fencing around the fields at the CHCS Cronk field, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote – Majority Required – Majority Yes)
- Article 37** Voted to appropriate and transfer \$3,400 from the Community Preservation Fund Balance for the rehabilitation and improvement of the dugouts located on the front softball field at the CHCS Recreation complex, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote – Majority Required - Majority Yes)
- Article 38** Voted to appropriate and transfer \$3,400 from the Community Preservation Fund Balance for the rehabilitation and improvement of the dugouts located on the rear softball field at the CHCS Recreation complex, with said funds to be expended under the direction of the Recreation Department. (Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote – Majority Required – Majority Yes)
- Article 39** Voted to appropriate and transfer \$98,600 from the Community Preservation Fund as a grant to the Belchertown Housing Authority for the preservation and support of community housing, including, without limitation, for the replacement of the windows at the 48 apartment units that are no longer weather tight and expose the buildings to the elements, further, authorize the Board of Selectmen to enter into a grant agreement with the Belchertown Housing Authority to set forth the terms and conditions on which said funds may be expended.
Pamela Rogers, Executive Director of the Housing Authority requested permission to speak as she is a non-resident. A motion was made and seconded to allow her to speak. (Vote – Majority Required – Majority Yes)
(Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote - Majority Required – Majority Yes)
- Article 40** Voted to appropriate and transfer \$2,000 from the Community Preservation Fund Balance for the preservation of historical tax records dating from 1946 – 1975 by microfilming the same, with said funds to be expended under the direction of the Board of Selectmen. (Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote – Majority Required - Majority Yes)
- Article 41** Voted to appropriate and transfer \$3,500 from the Community Preservation Fund Balance for updating an appraisal of the MADER forest, enabling the Conservation Commission to apply for a land grant for funds to be used by the Town of the acquisition of said MADER forest. (Endorsed by Community Preservation Commission 8-0-0 Yes)
(Vote – Majority Required - Majority Yes)
- Article 42** Citizens Petition – *Voted to postpone to June 19, 2017*
We, the undersigned registered voters of the Town of Belchertown, MA do hereby petition the Board of Selectmen to insert the following in the Warrant for the Annual Town Meeting. We put forth before the voters of Belchertown, MA an administrative requirement for the School Department to post true and accurate monthly budget summaries on their website for review by the taxpayers of Belchertown. If approved, the attached budget summary update requirement would show how the School Department is actually spending taxpayer supplied funding allowing for an informed debate when planning for future budgets.

TOWN OF BELCHERTOWN, MA

CITIZEN PETITION FOR THE PURPOSE OF REQUIRING MONTHLY YEAR TO DATE BUDGET SUMMARY UPDATES

This Petition is for the purpose of requiring the School Department to post monthly budget summary updates showing the following for each line item:

1. Original Appropriation
2. Revised Budget indicating actual spending if not spent for an item defined by the actual budget item. All budgeted funds spent on an item that is other than shown or not clearly defined must be disclosed
3. Year-to-date Expenditure
4. Month-to-date Expended
5. Encumbrances
6. Available Budget
7. Percent of Budget used/remaining

This Budget Update is required at intervals of no greater than monthly and need to be full and complete. Examples:

1. If maintenance funding is being used for a capital improvement such as an office renovation or other construction project it needs to be disclosed.
2. If Maintenance funding (or any other fund) is used to purchase a New Phone System or other like item it needs to be disclosed.

These updates are needed and for the use of Belchertown residents when discussing future budgets.

Motion made and seconded to postpone vote on this article to June 19, 2017.

(Vote - Majority required, too close to call, hand count was called for by Moderator. 104 yes, 101 no, passed by Majority to postpone on this article to June 19, 2017)

Article 43 *Voted to take no action.* **Citizens Petition** We, the undersigned registered voters of the Town of Belchertown, MA do hereby petition the Board of Selectmen to insert the following By-Law in the Warrant for the Annual Town Meeting. We put forth before the voters of Belchertown, MA a Capital Improvement Planning Program. If approved, the attached **Capital Planning Improvement Committee** Bylaw would be added to Belchertown's By-Law and will be budgeted for FY 2019. In FY 2019 this Committee will be established, receive submissions and file their report to the Town Clerk for review by the Board of Selectmen and Finance Committee for the FY 2020 Budget.

TOWN OF BELCHERTOWN, MA

General Bylaw Article

Capital Improvement Program Bylaw:

Sec. 1.

The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee composed of three (3) citizens at large, One (1) to serve 1 year, One (1) to serve 2 years and One (1) to serve 3 years and each thereafter for three years. The Capital Improvement Planning Committee shall also include one member of the Board of Selectman, one member of the finance committee, one member of the planning board, the School Department Superintendent (or a designee), the town accountant shall be an ex officio committee member without the right to vote. The committee shall choose its own officers.

Sec. 2.

The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which 1) are purchased or undertaken at intervals of not less than five years; 2) have a useful life at least five years; and, 3) cost over \$10,000. In order that the Town: 1) coordinate development of a capital improvement budget with the operating budget of the current year, and 2) develop a capital program including the subsequent 5 years, all officers, boards, and committees including the Selectmen and the Regional School Committee shall, by a date specified annually by the Capitol Improvement Planning Committee, prepare for the committee information concerning all anticipated capital improvement projects requiring Town Meeting action for the period specified. No appropriation shall be voted for a capital improvement requested by a

department, board, or commission unless the proposed capital improvement is considered in the committee report. However, in order to allow consideration of a project reflecting an extraordinary circumstance which must be addressed before the formulation of the next year's capital program, a department, board or committee may submit a proposal to the Capitol Improvement Planning Committee for consideration. The Committee must then submit a report to the Finance Committee and the Board of Selectmen with a satisfactory explanation why the proposal was not considered by the Capitol Improvement Planning Committee at a time when it could be included in the committee's report. Each of the boards and committees must vote that the proposed project meets the extraordinary circumstance issue.

Sec. 3.

The Committee shall prepare an annual report recommending a Capital Improvement Program for the next fiscal year, and for each of the subsequent 5 years. The Capitol Improvement Planning Committee will explain which capital improvement projects considered by the committee are recommended and which projects it does not recommend for inclusion in the capital program. The report shall be submitted to the Board of Selectmen and the Finance Committee for their consideration. The Board of Selectmen shall submit its approved Capital Improvement Program to any Annual or Special Town Meeting for adoption by the Town.

Sec. 4.

Such Capital Improvement program, after its adoption, shall permit the expenditure on projects included therein of sums of departmental Budgets for surveys, architectural or engineering advice, options, or appraisals. No such expenditure shall be incurred on projects that have not been so approved by the town through the appropriation of sums in the current year or in prior years or for preliminary planning for projects to be undertaken more than five (5) years in the future.

Sec. 5.

The Committee's report with the Selectmen's and Finance Committee's recommended Capital Plan/Budget shall be published and made available consistent with the distribution of the Finance Committee Report. The Committee shall deposit its original report with the Town Clerk.

Sec. 6.

The proposed annual budget shall include an appropriation of not less than 1% of the Town's operating budget to fund the Capital Plan. This can be included in individual department budgets or separately. The Capital Improvement Planning Committee shall have a budget of no less than \$3,500 for administrative services and other misc. needs.

Motion made to take no action. (Vote – Majority Required – Majority Yes)

Motion made to rescind the last vote (Vote 2/3rd Required – 2/3rd Yes)

Motion made to take no action (Vote – Majority Required – Majority Yes)

Article 44 Voted to transfer the care, custody and control of the parcels of land identified below, acquired by the Town by tax title foreclosure, from the Treasurer/Collector for the purpose of sale at public auction to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such parcels on such terms and conditions as the Board may deem appropriate, said parcels being described as follows:

| LOCATION | ASSESSORS PARCEL REFERENCE | JUDGEMENT RECORDED H.C.R.D. |
|----------------------------------|----------------------------------|--------------------------------|
| Rear of Forest Road (60.0 acres) | Map 255, Lot 121 | Book 9031, Page 282 |
| On Federal Street (53 acres) | Map 103, Lot 23 | Book 8347, Page 192 |

| | | |
|------------------------------------|--------------------|----------------------|
| On Amherst Road (13.2 acres) | Map 215, Lot 24 | Book 9341, Page 81 |
| On Sheffield Drive (3.95 acres) | Map 231, Lot 53 | Book 9531, Page 346 |
| On Sheffield Drive (.22 acres) | Map 225, Lot 7.01 | Book 11645, Page 144 |
| On Munsell Street (3.44 acres) | Map 214, Lot 47.05 | Book 12099, Page 26 |
| Rear of Forest Road (3.40 acres) | Map 255, lot 37 | Book 9792, Page 6 |
| On Maple Street (2.20 acres) | Map 243, Lot 147 | Book 11238, Page 227 |
| On Pine Street (1.90 acres) | Map 276, Lot 66 | Book 5511, Page 193 |
| On Cheryl Circle (1.60 acres) | Map 101, Lot 20 | Book 8449, Page 224 |
| On Laurel Ridge Drive (1.13 acres) | Map 254, Lot 23.2 | Book 8336, Page 336 |
| On Allen Street (1.28 acres) | Map 232, Lot 22 | Book 11645, Page 144 |
| On Fletcher Avenue (1.08 acres) | Map 225, Lot 07 | Book 11645, Page 144 |
| On Allen Street (1.0 acres) | Map 107, Lot 26 | Book 9121, Page 323 |
| On Gold Street (.50 acres) | Map 207, Lot 11 | Book 11645, Page 145 |
| Rear North Gulf Road (.29 acres) | Map 202, Lot 20 | Book 11963, Page 286 |
| On Grella Terrace (.07 acres) | Map 101, Lot 57 | Book 9960, Page 179 |

(Vote – 2/3rd Required – 2/3rd Yes)

Article 45 Voted to amend the Code of Belchertown, Article II, §1-2 Noncriminal Disposition, Chapter 15, §15-6A, Failure to properly license a dog six months of age, by adding “Fines will be assessed per dog” at the end of this section, adding “Court Action Fee: \$100.00” to the Fine Schedule, and adding “plus Court Action Fee” after “\$50” to the Fine Allowed provision.

(Vote – Majority Required – Majority Yes)

Article 46 Voted to amend Section 145-5 of the Zoning By-Law Zoning Map, by changing the parcel identified on the Town Assessors’ Map as Map 231 Parcel 31.4 from both B2 and Ag-B to B1 entirely. (endorsed by Planning Board 5-0-0 Yes)

(Vote – 2/3rd Required – 2/3rd Yes)

Article 47 Voted to discontinue an abandoned roadway identified as a certain right of way as shown on a plan entitled “Subdivision of Land in Belchertown, Mass. Owned by William Cook Sr., et ux” dated December 8, 1959 by Richard H. Stowe, P.E. and recorded in Hampshire County Registry of Deeds, Plan Book 61 Page 18, bounded and described as follows:

Beginning at an iron pipe at the intersection of the southwesterly line of Rockrimmon Street and the westerly line of said right of way to be described, thence running:

Southeasterly approximately three hundred fourteen (314’±) feet along the westerly line of said right of way and along land now or formerly of Hua and along land now or formerly of Bishop to the northerly line of Green Avenue, thence turning and running;

Easterly along the northerly line of Green Avenue to the easterly line of said and land now or formerly of Leboeuf, thence turning and running;

Northwesterly along the easterly line of said right of way and along said land of Leboeuf to the southerly line of said Rockrimmon Street, thence turning and running;

Westerly along the southerly line of said Rockrimmon Street to the point of beginning.

(Vote Majority Required – Majority Yes)

Motion made to adjourn the meeting to reconvene at 7:00pm on June 19, 2017 at the Belchertown High School Auditorium. (Vote - Majority Required – Majority Yes)

Meeting adjourned at 10:41pm until June 19, 2017 at 7:00pm

Meeting reconvened on June 19, 2017 at 7:10pm

Moderator – Joseph Bernard

Registered voters present – 227 (Quorum requires 75)

Article 9 Voted to raise and appropriate the sum of \$28,073,080 and appropriate from free cash in the Treasury the sum of \$113,242 and appropriate for the Stabilization Fund the sum of \$50,000, for a total appropriation of \$28,236,322 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 – Majority Required – Majority Yes)

Article 13 Did not vote the Town withdraw from the Hampshire Council of Governments, the effective date of said withdrawal to be July 1, 2018, and to acknowledge, pursuant to the Administrative Code of the Legislative, Charter & Code Committee of the Hampshire Council of Governments, that all obligations of the Town of Belchertown to the Hampshire Council of Governments will be met up until said effective date, and that the Town of Belchertown’s allocable share of the fiscal obligations of said Council will remain a responsibility of the Town.

After much discussion a motion was made and seconded to move the question.

(Vote - 2/3rd Required - 2/3rd Yes)

Moderator called for a voice vote on the article and it was too close to call and the Moderator called for a hand count.

(Vote – Majority Required – Yes – 60, No – 134 – did not pass)

Article 42 *Did not Pass.* Citizens Petition - We, the undersigned registered voters of the Town of Belchertown, MA do hereby petition the Board of Selectmen to insert the following in the Warrant for the Annual Town Meeting. We put forth before the voters of Belchertown, MA an administrative requirement for the School Department to post true and accurate monthly budget summaries on their website for review by the taxpayers of Belchertown. If approved, the attached budget summary update requirement would show how the School Department is actually spending taxpayer supplied funding allowing for an informed debate when planning for future budgets.

TOWN OF BELCHERTOWN, MA

CITIZEN PETITION FOR THE PURPOSE OF REQUIRING MONTHLY YEAR TO DATE BUDGET SUMMARY UPDATES

This Petition is for the purpose of requiring the School Department to post monthly budget summary updates showing the following for each line item:

1. Original Appropriation
2. Revised Budget indicating actual spending if not spent for an item defined by the actual budget item. All budgeted funds spent on an item that is other than shown or not clearly defined must be disclosed
3. Year-to-date Expenditure
4. Month-to-date Expended
5. Encumbrances
6. Available Budget
7. Percent of Budget used/remaining

This Budget Update is required at intervals of no greater than monthly and need to be full and complete. Examples:

1. If maintenance funding is being used for a capital improvement such as an office renovation or other construction project it needs to be disclosed.
2. If Maintenance funding (or any other fund) is used to purchase a New Phone System or other like item it needs to be disclosed.

These updates are needed and for the use of Belchertown residents when discussing future budgets.

Motion made and seconded to amend the motion by changing the wording of #2. "Revised Budget indicating actual spending if not spent for an item defined by the actual budget item. All budgeted funds spent on an item that is other than shown or not clearly defined must be disclosed" to "2. Disclosure of spending for any item or service purchased that is not shown or clearly defined by the line item from which the funds are spent"

(Vote – Majority Required – Passed Majority)

Moderator called for the vote on the article, voice vote was too close to call and Moderator called for hand count.

(Vote – Majority Required – Yes – 57, No – 75 – did not pass)

Meeting adjourned at 9:39pm

Attest:

Colleen K. Toothill-Berte
Town Clerk