



Action taken at the Annual Town Meeting held May 14, 2012 at the Belchertown, High School Veterans' Auditorium

FY13

Moderator – Frances J. South

Meeting called to order 7:50PM

Registered voters present – 408 (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 performed by Joseph Brozek on trumpet and Judith Houle on piano
Selectman Kenneth E. Elstein presented the Citizen of the Year Award to Stephen S. Lanphear
Selectman George "Archie" Archible presented the Volunteer of the year Award to Norman S. Loftus
Selectman Ronald E. Aponte presented the Employee of the Year Award to Robert S. Opalenik

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 the following individuals as Trustees of the Calvin Bridgman Fund: Carol Wagner for two years and Kenneth Snow for three years.

(Vote – Majority Yes)

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

(Vote – 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 hourly rates not exceeding the following:

- Assessors \$9.29
- Board of Health Members \$6.36

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

(Vote – 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 court tax cases. (Endorsed by Finance Committee 50-0- Yes)

(Vote – 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 – 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 for use on approved town ways. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – 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 – 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 – 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$1,645,849.00 and appropriate from the Wetlands Hearing Fees Account the sum of \$5,000.00 to the Conservation Commission Salary Account, for a total appropriation of \$1,650,849.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$2,907,664.00 and appropriate the sum of \$430,000.00 from the Ambulance Receipts Reserved for Appropriation Account, for a total appropriation of \$3,337,664.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$24,992,980.00, and appropriate from free cash in the Treasury the sum of \$175,000.00, for a total appropriation of \$25,167,980.00 for the Town School Department with each item and amount recommended as shown 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 Yes)

Voted to raise and appropriate the sum of \$1,066,704.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$1,435,062.00, and appropriate from free cash in the Treasury the sum of \$100,000.00, for a total appropriation of \$1,535,062.00 for the DPW-Highways, 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 – Unanimous Yes)

Voted to appropriate from Landfill receipts the sum of \$274,000.00 and appropriate from Landfill Enterprise free cash in the treasury the sum of \$25,937.00 for a total appropriation of \$299,937.00 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 p- Unanimous Yes)

Voted to raise and appropriate the sum of \$125,775.00, and appropriate from Sewer Enterprise free cash in the treasury the sum of \$92,467.00 and appropriate from Sewer receipts the sum of \$1,358,000.00 for a total appropriation of \$1,576,242.00 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 – unanimous Yes)

Voted to raise and appropriate the sum of \$743,286.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$727,417.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$705,945.00 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 – Unanimous Yes0)

Voted to raise and appropriate the sum of \$3,082,664.00, and appropriate from the Stabilization Fund the sum of \$250,000.00, for a total appropriation of \$3,332,664.00 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 Yes)
(2/3 Required – Vote – Unanimous Yes)

Voted to raise and appropriate the sum of \$59,673.00 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 – Unanimous Yes)

Voted raise and appropriate the sum of \$3,566,062.00 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 – Unanimous Yes)

Voted to raise and appropriate the sum of \$7,500.00 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 4-0-1 Yes)
(Vote – Unanimous Yes)

Voted to appropriate from free cash in the Treasury the sum of \$28,000.00 for the purchase of a generator for Tadgell Building, and the sum of \$76,000.00 for technology infrastructure improvements for the School Department, for a total free cash appropriation of \$104,000.00. (Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Unanimous Yes)

Article 10 Voted to authorize the use of the following revolving funds pursuant to Massachusetts General Laws, as amended, Chapter 44, Section 53E ½, for the fiscal year beginning July 1, 2012 to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits, respectively:

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 Commission	Operating Town Beach Concession	\$15,000	None
Operating Town Beach	Receipts from Daily & Seasonal Entrance Fees	Recreation Commission	Operating Town Beach	\$50,000	None
Operating Teen Center	Receipts from said Teen programs	Recreation Commission	Operating Teen Center	\$25,000	None
Pool Programs	Receipts from said Programs	Recreation Commission	Pool Programs	\$130,000	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

Fund	Revenue Source	Authority to Spend Funds	Use of Funds	Spending Limit	Restrictions/ Comments
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 – Unanimous Yes)

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

In 91-2, Applicability; collective bargaining; equal opportunity:

- In the first sentence of paragraph A, **ADD** Library Director to follow behind the words Police Chief.

In 91 Attachment 1, Appendix A, Town Classification-Compensation Plan:

- **Remove** Management, Administrative or Professional Exempt chart in its entirety and **Replace** with the following charts:

Effective July 1 through December 31, 2012

Director of Public Works	\$63,544 - \$76,251
Fire Chief	\$63,544 - \$76,251
Director of Computing	\$60,460 - \$76,251
Town Planner	\$57,190 - \$69,897
Conservation Administrator	\$50,833 - \$63,544
Town Treasurer-Collector	\$50,833 - \$63,544
Town Accountant	\$50,833 - \$63,544
Building Inspector	\$50,833 - \$63,544
Director of Assessments	\$50,833 - \$63,544
Senior Center Director	\$44,482 - \$57,190
Recreation Director	\$44,482 - \$57,190
Veterans' Agent	\$31,702 - \$42,877

Effective January 1 through June 30, 2013

Director of Public Works	\$64,179 - \$77,014
Fire Chief	\$64,179 - \$77,014
Director of Computing	\$64,179 - \$77,014
Town Planner	\$57,762 - \$70,596
Conservation Administrator	\$51,341 - \$64,179
Town Treasurer-Collector	\$51,341 - \$64,179
Town Accountant	\$51,341 - \$64,179
Building Inspector	\$51,341 - \$64,179
Director of Assessments	\$51,341 - \$64,179
Senior Center Director	\$44,927 - \$57,762
Recreation Director	\$44,927 - \$57,762
Veterans' Agent	\$32,020 - \$43,306

In Classified Nonexempt Employees

Change the grade:

- Senior Center Aide – from a Grade 2 to a Grade 3

Remove the following title and grade:

- Elder Nutrition Program Administrator: Grade 6

Add the following title and grade:

- Elder Nutrition Program Coordinator: Grade 7

In Part-Time Hourly Schedule Employees

Add the following title and range:

- DPW Laborer: \$11.98 - \$17.05/hour

In 91 Attachment 1, Appendix B – Weekly Salary Schedule for Classified Employees:
Remove compensation chart and **Replace** with the following charts:

Effective July 1 through December 31, 2012

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	\$9.16	\$9.53	\$9.91	\$10.31	\$10.73	\$11.17	\$11.58	\$12.05	\$12.55	\$13.06
2	\$11.00	\$11.44	\$11.92	\$12.37	\$12.86	\$13.38	\$13.92	\$14.45	\$15.09	\$15.64
3	\$12.10	\$12.59	\$13.09	\$13.60	\$14.15	\$14.75	\$15.32	\$15.94	\$16.56	\$17.22
4	\$13.28	\$13.85	\$14.38	\$14.96	\$15.56	\$16.19	\$16.86	\$17.52	\$18.22	\$18.95
5	\$14.65	\$15.23	\$15.83	\$16.48	\$17.14	\$17.79	\$18.54	\$19.26	\$20.03	\$20.85
6	\$16.11	\$16.73	\$17.43	\$18.11	\$18.82	\$19.60	\$20.38	\$21.20	\$22.50	\$22.93
7	\$17.72	\$18.42	\$19.17	\$19.93	\$20.73	\$21.54	\$22.41	\$23.32	\$24.25	\$25.20
8	\$18.60	\$19.33	\$20.12	\$20.93	\$21.76	\$22.62	\$23.54	\$24.48	\$25.46	\$26.47
9	\$19.52	\$20.32	\$21.11	\$21.99	\$22.83	\$23.76	\$24.70	\$25.71	\$26.73	\$27.82
10	\$20.49	\$21.35	\$22.18	\$23.09	\$23.99	\$24.94	\$25.93	\$26.98	\$28.04	\$29.19

Effective January 1 through June 30, 2013

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	\$9.25	\$9.63	\$10.01	\$10.41	\$10.84	\$11.28	\$11.70	\$12.17	\$12.68	\$13.19
2	\$11.11	\$11.55	\$12.04	\$12.49	\$12.99	\$13.51	\$14.06	\$14.59	\$15.24	\$15.80
3	\$12.22	\$12.72	\$13.22	\$13.74	\$14.29	\$14.90	\$15.47	\$16.10	\$16.73	\$17.39
4	\$13.41	\$13.99	\$14.52	\$15.11	\$15.72	\$16.35	\$17.03	\$17.70	\$18.40	\$19.14
5	\$14.80	\$15.38	\$15.99	\$16.64	\$17.31	\$17.97	\$18.73	\$19.45	\$20.23	\$21.06
6	\$16.27	\$16.90	\$17.60	\$18.29	\$19.01	\$19.80	\$20.58	\$21.41	\$22.27	\$23.16
7	\$17.90	\$18.60	\$19.36	\$20.13	\$20.94	\$21.76	\$22.63	\$23.55	\$24.49	\$25.45
8	\$18.79	\$19.52	\$20.32	\$21.14	\$21.98	\$22.85	\$23.78	\$24.72	\$25.71	\$26.73
9	\$19.72	\$20.52	\$21.32	\$22.21	\$23.06	\$24.00	\$24.95	\$25.97	\$27.00	\$28.10
10	\$20.69	\$21.56	\$22.40	\$23.32	\$24.23	\$25.19	\$26.19	\$27.25	\$28.32	\$29.48

(Vote – Unanimous Yes)

Article 12 Voted to appropriate \$1.25 million to pay costs of designing, constructing, purchasing materials, supplies, and related costs of developing a roadway from a point known as STA. 8 + 50 on Business Technology Drive East to an approximate point to be determined or to be established as STA. 17 + 50 on Business Technology Drive East in assistance of the development of a project on EDIC owned land located at the former Belchertown State School, Parcel B, and identified on Assessors Map 243 as Parcel 178, said sum to be expended as negotiated and agreed in an endorsed development agreement under the supervision of the Board of Selectmen or its designee, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount in accordance with G.L. c. 121C, § 11, G.L. c. 44, or pursuant to any other enabling authority; and further, to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for, accept and expend such funds and to enter into any agreement with the EDIC or with the Federal government or the Commonwealth in aid of such project, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain any fee interest to or easements in said road or necessary to construct said road and any drainage, access, utility and other easements related thereto which easements are shown on a sketch plan entitled “Weston Solutions, Inc., Potential DIF Pad 1 On-Site Improvements, Former Belchertown State School, Belchertown, Massachusetts, dated May 2, 2012,” on file with the Town Clerk. (Endorsed by Finance Committee 4-0-1 Yes)

Selectman Ronald Aponte explained how the \$1.25 million would be returned to the town through Real Estate taxes and new employment.

(2/3 Required – Vote - Yes by 2/3 Vote)

Article 13 Voted to authorize the Board of Selectmen to enter into a lease contract of up to six years for radio equipment for the Town’s Public Safety Departments. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Article 14 Voted to authorize the Board of Selectmen to enter into a lease contract of up to five years for an ambulance lease. (Endorsed by Finance Committee 5-0-0 Yes)

(Vote – Unanimous Yes)

Article 15 Voted to authorize the Board of Selectmen to enter into a lease contract of six years for a pick up truck for the Fire Department. (Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Unanimous Yes)

Article 16 Voted to accept the provisions of MGL Chapter 32B, Section 20, in order to allow the establishment of an Other Post Employment Benefits Liability Trust Fund for the accumulation of funds to reduce the unfunded actuarial liability of health care and other post-employment benefits. (Endorsed by Finance Committee 5-0-0 Yes)
(Vote – Unanimous Yes)

Article 17 Voted to amend the Code of the Town of Belchertown §15-4 Licensing Procedure by deleting paragraph E and replacing it with the following language:

No license fees shall be required for service dogs or service dogs in training or foster dogs as defined in §15-2 for a not-for-profit organization. No license fee shall also be required for dogs under the care of a not-for-profit rescue organization located within the Town of Belchertown as long as such organization is registered with the Commonwealth of Massachusetts as a not-for-profit rescue organization. Application shall be made with proof of foster contract from registered not-for-profit, or proof of not-for-profit status, however, to the Town Clerk who shall issue the license, which the owner shall cause to be worn by the dog,

(Vote – Majority Yes)

Article 18 Vote to accept as a public way Oak Ridge Drive, beginning on the northeasterly side line of Mountain View Drive and the southwesterly corner of Lot 47, as heretofore laid out by the Board of Selectmen and shown on a plan prepared by Sherman & Frydryk, Land Surveying and Engineering, dated December 16, 2011, recorded with the Hampshire Registry of Deeds in Northampton, Book 226 Page 79, a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, public way easements in the subject way and all drainage, utility, and other related easements. (Endorsed by Planning Board 5-0-0 Yes)

(Vote – Unanimous Yes)

Article 19 Voted to accept as a public way the altered layout of Shea Avenue, as heretofore altered by the Board of Selectmen and shown on a “Layout Alteration Plan,” prepared by Sherman & Frydryk, Land Surveying and Engineering, dated March 19, 2012, recorded with the Hampshire County Registry of Deeds in Northampton, Book 226, Page 10, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, public way easements in the subject way and all drainage, utility, and other related easements.

(Vote – Majority Yes)

Article 20 Voted to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for the purpose of repairing, improving and/or reconstructing Route 181 and sidewalks, drainage or other improvements related thereto, permanent and temporary easements in, on, and under all or portions of the parcels of land shown on plans entitled “Transportation Improvement Project, Route 181, in the Town of Belchertown, Hampshire County, 100% Right of Way Resubmission” drafted by Vanasse Hangen Brustlin, Inc., dated April 20, 2012, which plans are on file with the Town Clerk’s Office, and land located within 25 feet of said parcels as may be shown on said plan as hereinafter revised.

(Vote – Unanimous Yes)

Article 21 **CITIZEN PETITION:**

Voted not to strike the third sentence with respect to the powers and duties of the Recreation Commission, as approved pursuant to Article 30 of the Annual Meeting on May 10, 2004, which reads as follows: “The Commission shall submit an annual evaluation of the Director to the Town Administrator and the Board of Selectmen” and to substitute this sentence with the following sentence: “The Commission shall be in charge of the Recreation Department and shall employ a recreation director whose duties shall be as prescribed by the Commission and whose employment shall be subject to annual review by the Commission.” This act shall take effect upon the passage. (Endorsed by Recreation Commission 7-0-0 Yes)

After much discussion a motion was made to end debate – Motion Failed

After more discussion, a second Motion was made to end debate – Motion Passed – Unanimous Yes

A voice vote was taken on the article and declared by the Moderator as not passing.

A motion was made for a hand count. Vote for the hand count was Majority Yes

(Hand Count Vote – Yes 72; No 330 – Did not pass)

Article 22 Voted to declare that:
Whereas the original Belchertown Senior Center Elder Nutrition Meals program has successfully operated for over 30 years.

Whereas the original Belchertown Senior Center Elder Nutrition Meals program has never experienced any issues with food safety.

Whereas the original Belchertown Senior Center Elder Nutrition Meals program is inspected on a regular basis by the local Board of Health and a WestMass ElderCare Nutritionist.

Whereas the original Belchertown Senior Center Elder Nutrition Meals program workers are properly trained in food safety methods.

Whereas the Belchertown Senior Center has served over 12,000 frozen weekend meals which they have prepared onsite over the past 6 years without incident.

Whereas the original Belchertown Senior Center Frozen Weekend Meals program has proven to be more cost effective than the new Massachusetts Executive Office of Elder Affairs mandated Weekend Meals program.

Whereas the original Belchertown Senior Center Frozen Weekend Meals program has proven to be more efficient and experienced less food waste than the new Massachusetts Executive Office of Elder Affairs mandated Weekend Meals program.

Whereas the Belchertown Senior Center is able to provide frozen meals to accommodate special dietary needs of seniors that the state mandated frozen meals provider is unable to provide.

Whereas some Belchertown seniors are now going without weekend meals because the state program cannot meet their special dietary needs.

Whereas the original Belchertown Senior Center Weekend Meals program has proven to be far more popular with Belchertown’s senior population than the new Massachusetts Executive Office of Elder Affairs mandated Weekend Meals program.

The citizens of Belchertown respectfully request that the Massachusetts Executive Office of Elder Affairs grant a Weekend Meals program waiver to the Belchertown Senior Center and allow them to resume their original Weekend Meals program.
(Non Binding Vote – Unanimous Yes)

Article 23 **CITIZEN PETITION:** Voted to Take No Action to transfer daily operations of Clapp Memorial Library to the Swift River School Library and/or the Belchertown High School Library during the months of July and August to take advantage of the air conditioning in those buildings and also to provide summer internships for graduate students being trained in library science by the Simmons College program at nearby Mt. Holyoke College in South Hadley.
(Vote – Unanimous – Take No Action)

Article 24 **CITIZEN PETITION:** To see if the Town will vote to put for the following amendment to the No Parking Areas of the Town By Laws: Starting at State Street and going for a distance of 100 yard, limit parking to one side of Stadler Street.

There was discussion to clarify, location, which side of the street, etc. As a result of discussions that had taken place between Steve Williams, DPW Director, and the petitioner, Mr. Williams amended the motion to more accurately state the requested change.

Voted to amend the Code of the Town of Belchertown, Chapter 129-3, No-Parking Areas, by adding: Starting at State Street and going for a distance of 100 yards, limit parking to the west side of Stadler Street, or take any other action relative thereto.

(Vote – Unanimous Yes)

Article 25 Voted to Take No Action amending the Zoning Map, as previously amended, to change the zoning of land along Ware Road from its current zone of B2, General Business, to B1, Limited Business; such land identified as follows: 30 Ware Road, assessors' parcel Map 237 Lot 86 to change from B2 to B1 entirely. (Endorsed by planning Board 2-1-0)

(Vote – Unanimous – Take No Action)

Article 26 Voted to amend the Zoning Bylaw by adding the proposed new §145-28 regarding commercial solar photovoltaic systems and §145-11 Schedule of Use Regulations as on file with the Town Clerk and Planning Board (and as printed below):

§145-28. Commercial Solar Photovoltaic Installations

A. **Purpose** This bylaw is to encourage the use of solar energy systems and protect solar access consistent with MGL 40A §9B and with the Green Communities Act in MGL 25A §10, to increase our local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to improve local air quality.

This promotion of commercial solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural and historic resources and provide adequate financial assurance for the eventual decommissioning of such installations.

B. **Applicability** This bylaw applies to large-scale (minimum 250 kW rated nameplate capacity) solar photovoltaic installations proposed to be constructed after the effective date of this section. This section 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: A commercial solar photovoltaic installation, as defined herein, is allowed as of right in all zoning districts except as set forth below.

(2) Special Permit: Under the following conditions, a commercial solar photovoltaic installation may be permitted by special permit from the planning board:

(a). Any such installation proposed in the VR, MDR, MHP and LR zones.

(b). Any such installation requiring land clearing of two acres or more.

(c). Any such installation with generation of 3 mW or more.

(d). A commercial solar photovoltaic installation proposed for sites without street frontage. Sites with no frontage must demonstrate deeded rights-of-way to the site and utility access for the duration of the site's use for solar energy production. Lack of legal and physical access via a legal right-of-way or easement shall be cause for denial of a special permit.

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).

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 bylaws. 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. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- 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 9(b)

The Site Plan Approval Authority may waive documentary requirements as it deems appropriate.

(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 Storm Water 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 yard depth shall be at least 75 feet;

[2] The side yard depth shall be at least 75 feet;

[3] The rear yard depth shall be at least 75 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.
- (b) **Signage** A sign shall be erected identifying the owner and providing a 24-hour emergency contact phone number. CSPI's shall not display any advertising. Any sign must comply with §145-22.
- (c) **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) **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. For any CSPI requiring land clearing of two acres or more, a special permit is required (see B(2)(b)).

(8) **Monitoring and Maintenance**

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

(9) **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.

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 section (b), below for this purpose.

- (b) **Financial Surety** Proponents seeking to construct and operate a CSPI shall provide to the Town, prior to construction, a form of surety, either through 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. 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.

Insert into Article III, §145-11, Schedule of Use Regulations, Business Uses, the following line:

Zone District	VR	AG-B	LR	MDR	AG-A	B-2	B-1	I	MHP	LI
46. <i>Commercial solar photovoltaic installation</i>	<i>SP/P</i>	<i>PA</i>	<i>SP/P</i>	<i>SP/P</i>	<i>PA</i>	<i>PA</i>	<i>PA</i>	<i>PA</i>	<i>SP/P</i>	<i>PA</i>
(Endorsed by Planning Board 5-0-0Yes)										

A motion was made by Melissa Desauteus to amend this article by adding:

Under the section labeled D Requirements, (1) Site Plan Approval, add subsection (a) General;

- No CSPI may be proposed where it may be visible from any local, State, or Federally designated historic district or scenic byway.
- CSPI are prohibited on hilltops and ridgelines, as well as any hillsides where they will be visible from any public ways or neighboring properties, or could be considered to alter the scenic beauty of the hillside.
- All CSPI shall be designed and located with regard to visual aesthetics and impacts on neighborhood property values.

After much discussion a vote was taken on the motion to amend this article.

(Vote – Majority No - to amend this article)

Vote was taken on the original article.

(2/3 required – Vote – 2/3 Yes)

Article 27 Voted to transfer the care, custody, management and control of the parcel of land described below from the Board of Selectmen and the Conservation Commission for conservation purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and authorize the Board of Selectmen to convey said parcel of land, to Roland A. Leclerc of 91 Rockrimmon Road, Belchertown, Massachusetts, for consideration of \$1.00, said parcel being included by error in the deed by which ~~Ronald~~ Roland A. Leclerc conveyed the property known as the Holland Glen Forest to the Town of Belchertown, dated June 16, 2011, which parcel of land is described as follows:

A certain parcel of land on Route 9 Amherst Road in Belchertown, Hampshire County, Massachusetts, which parcel is known and designated as Parcel A as shown on a plan recorded with Hampshire County Registry of Deeds in Plan Book 225, Page 82, which plan is incorporated by reference herein and to which plan reference may be had for further description.

Said Parcel A contains 25,479 square feet of land according to said plan, and is a portion of Parcel Three in the deed from Roland A. Leclerc to the Town of Belchertown dated June 16, 2011 and recorded as aforesaid in Book 10587, Page 250.

And, further, authorize the Board of Selectmen to seek legislative approval for such transfer and conveyance under Article 97 of the Amendments to the Massachusetts

Constitution, such transfer to become effective upon the enactment of said Article 97 legislation.

(2/3 Required – Vote - 2/3 Yes)

Article 28 Voted to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$5,000.00 for the administrative expenses of the Committee in FY 2013; 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:

- \$24,182.00 from FY 2013 Community Preservation Fund revenues for Open Space
- \$24,182.00 from FY 2013 Community Preservation Fund revenues for Historic Resources
- \$24,182.00 from FY 2013 Community Preservation Fund revenues for Community Housing

And further to appropriate and transfer \$53,000 from the Community Preservation Fund Balance to pay the debt service on the bonds issued under Article 26 of the May 10, 2010 Annual Town Meeting. (Endorsed by Community Preservation Committee 6-0-0 Yes)
(Vote – Unanimous Yes)

Article 29 Voted to appropriate and borrow \$140,000 pursuant to Chapter 44, Section 7(3A) of the General Laws, Chapter 44B, Section 11 of the General Laws, or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes, for the purpose of painting, and/or restoring the exterior and the wooden windows of the Old Town Hall building, with such funds to be expended under the direction of the Director of Public Works of the Town of Belchertown. (Endorsed by Community Preservation 6-0-0 Yes and Finance committee 4-1-0 Yes)
(Vote – 2/3 Yes)

Article 30 Voted to appropriate and transfer \$61,425 from the Community Preservation Fund Balance for the preservation and/or restoration of the Old Congregational Church Tower Clock, with such funds to be expended under the direction of the Director of Public Works. (Endorsed by Community Preservation Committee 6-0-0 Yes)
(Vote – Majority Yes)

Article 31 Voted to appropriate and transfer \$4,800 from the Community Preservation Fund Balance for the Grave Stone preservation and restoration project at the historic Lake Vale Cemetery, with such funds to be expended under the direction of the Veterans Graves Officer of the Town of Belchertown. (Endorsed by Community Preservation Committee 6-0-0 Yes)
(Vote – Unanimous Yes)

Article 32 Voted to appropriate and transfer \$182,000 from the Community Preservation Fund Balance for the preservation, painting, and/or restoration of the exterior and the wooden windows of the historic Belchertown United Church of Christ building pursuant to a grant agreement with the Belchertown United Church of Christ; and authorize the Board of Selectmen, in consultation with the Historic District Commission and the Community Preservation Committee, to enter into said grant agreement, which agreement shall require a historic preservation restriction on the property be granted to the Town and set forth the other terms and conditions under which such funds may be expended; and, further, authorize the Board of Selectmen to acquire said restriction. (Endorsed by Community Preservation Committee 6-0-0 Yes)
(Vote – Majority Yes)

Article 33 Voted to appropriate and borrow \$500,000 pursuant to Chapter 44B, Section 11 of the General Laws or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes, for the purpose of acquiring, for conservation and passive recreation purposes, by gift, eminent domain, negotiated purchase or otherwise, certain property known as the Jackson Farm, which consists of 88.3 acres, more or less, together with all flowage and other rights and easements appurtenant thereto, which property is shown on the following Town of Belchertown Assessors Maps/Parcel IDs:

201-002.01 and as described as a portion of land in deed recorded with the Hampshire County Registry of Deeds Book/Page 9661-123.

#201-018 and as described as a portion of land in deed recorded with the Hampshire County Registry of Deeds Book/Page 9661-123.

#201-019 and as described as a portion of land in deed recorded with the Hampshire County Registry of Deeds Book/Page 9661-123.

#201-020 and as described as a portion of land in deed recorded with the Hampshire County Registry of Deeds Book/page 9661-123.

And for costs related thereto, and further authorize the Board of Selectmen to acquire said land, with said land to be under the custody of and managed and controlled by the Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as it may hereafter be amended, and authorize the Board of Selectmen and/or the Conservation Commission to file and accept on behalf of the Town of Belchertown any and all applications under the LAND Program (Massachusetts General Laws, Chapter 132A, Section 11) and/or any other applications for funds, gifts, grants, under any state and/or federal program, in any way connected with the scope of this acquisition, and to enter into and execute any and all agreements and instruments on behalf of the Town as may be necessary or appropriate to effectuate said acquisition, and, further authorize the Board of Selectmen and/or Conservation Commission to convey a conservation restriction on said land meeting the requirements of Chapter 184 of the General Laws, as required by Chapter 44B, Section 12(a) of the General Laws. (Endorsed by Community Preservation Committee 6-0-0 Yes and the Finance Committee 4-1-0 Yes)
(2/3/ Required – 2/3 Yes)

Meeting adjourned at 10:05PM.

Attest:

William R. Barnett
Town Clerk