



Action taken at the Special Town Meeting held February 22, 2016 at the Belchertown High School Veterans' Auditorium.

FY16

Moderator – Frances J. South

Meeting called to order 7:11PM

Registered voters present – 204 (Quorum requires 75)

The Clerk read the Warrant

- Article 1** Voted to transfer from free cash in the treasury the sum of \$437,000 to the Stabilization Fund. (Endorsed by Finance Committee 4-0-0- Yes)
(Vote -2/3 required – Passed by 2/3)
- Article 2** Voted to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for conservation and passive recreation purposes, certain parcels of land known as Holland Glen and shown on the Town of Belchertown Assessors Maps 218, Lot #72.00 and Map 215, Lot #25.00, containing 45 acres of land, more or less, in the aggregate, together with any and all flowage and other rights and easements as may be appurtenant thereto, which parcels of land shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of Massachusetts Laws, Chapter 40, Section 8C, as it may hereafter be amended, and to authorize the Board of Selectmen and/or the Conservation Commission to file any and all applications for and accept grants and/or reimbursements on behalf of the Town of Belchertown from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) Grant Program (G.L. c. 132A, §11) and/or any other funds, gifts, and grants under any other state and/or federal programs in any way connected with the scope of this Article, including those in aid of conservation land, and enter into any and all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing acquisition, and, to meet said acquisition and costs incidental or related thereto, authorize the Treasurer, with the approval of the Selectmen, and, further, to borrow \$187,000 under and pursuant to the provisions of G.L. c. 44B, G.L. c 44, or any other enabling authority, and issue bonds or notes of the Town therefor, for which the Town has received a reimbursement grant of \$127,160.00 under the LAND Grant Program, and to authorize the Board of Selectmen and/or the Conservation Commission to grant a conservation restriction on said parcels of land, if applicable, pursuant to the provisions of G.L. c.44B, §12.
(Vote - Unanimous Yes)
- Article 3** Voted to authorize the Board of Selectmen to acquire, for general municipal purposes, the former John Patrick Center at 47 State Street, Belchertown, MA, and identified on Belchertown Assessors Map 250, Parcel 11, and further to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Commonwealth of Massachusetts to convey said parcel to the Town of Belchertown.
(Vote – Majority Yes)
- Article 4** To see if the town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$200,000 to purchase the former John Patrick Center located at 47 State Street, Belchertown, MA, further identified on Belchertown Assessors Map 250, Parcel 11, and for costs incidental or related thereto.
A motion was made and seconded to Take no Action on this Article.
(Vote – Unanimous Yes - Take no Action)
- Article 5** Voted to transfer from free cash in the treasury the sum of \$90,000 to design, build and furnish a new animal control facility, including all costs incidental and related thereto. (Endorsed by Finance Committee 4-0-0- Yes)
(Vote – Unanimous Yes)
- Article 6** Voted to transfer from free cash in the treasury the sum of \$10,000 to the Fire Department Expense Account for the replacement of the engine in Ambulance #2, including all costs incidental and related thereto. (Endorsed by Finance Committee 4-0-0 Yes)
(Vote – Unanimous Yes)

Article 7 To see if the town will vote to appropriate from free cash in the treasury a sum of money to the Council on Aging Expenses Account for the completion of the Council on Aging Needs Assessment.
A motion was made and seconded to Take no Action on this article.

(Vote - Majority Yes - Take No Action)

Article 8 Voted to transfer from free cash in the treasury the sum of \$11,000 to the Police Station Expense Account for the purpose of reimbursing funds used for the emergency replacement of the hot water boiler.
(Endorsed by Finance Committee 4-0-0 Yes)

(Vote – Unanimous Yes)

Article 9 Voted to transfer from free cash in the treasury the sum of \$10,000 for the demolition of the Old Highway Garage building located at 41 Jabish Street including all costs incidental and related thereto.
(Endorsed by Finance Committee 4-0-0- Yes)

(Vote – Unanimous Yes)

Article 10 Voted to amend the Code of Belchertown, as previously amended, by removing Chapter 265: Solid Waste Transfer Station and Recycling Center and replacing it with the following language:

Chapter 265: Solid Waste Transfer Station and Recycling Center

§ 265-1 Purpose.

To authorize the Board of Selectmen to adopt and amend rules and regulations intended to facilitate the orderly use and management of the Belchertown Solid Waste Transfer Station and Recycling Center. Rules and regulations shall be published separately.

§ 265-2 Adoption and posting.

The Board of Selectmen, as operators of the Solid Waste Transfer Station and Recycling Center, are hereby authorized to adopt, amend, and order to be posted rules and regulations governing the use of the Transfer Station and Recycling Station. The Director of Public Works or any police officer is charged with enforcing these regulations. The maximum fine shall be \$25 for each violation.

§ 265-3 Operation and maintenance.

Operation and maintenance of the solid waste transfer station and recycling center shall at all times comply with the Department of Environmental Protection Regulation 310 CMR 19.00 and any other regulation or order that the Board of Health from time to time adopts or issues under MGL. c. 111, §150A.

§ 265-4 Operation hours and location.

To be determined by the Board of Selectmen

§ 265-5 Access.

A. Belchertown residents only and those licensed by the Board of Health under MGL c. 111, §31A are allowed access to the transfer station in accordance with the following provisions.

B. Resident household permit.

- (1) Upon presentation of a valid motor vehicle registration and payment of a fee as required a permit shall be issued through the Board of Selectmen's office-DPW or at the Transfer Station.
- (2) Permits are valid from March 1 (or time of purchase) through February 28th
- (3) Permits must be affixed to the back of the inside rear view mirror or in a manner which is clearly visible for the station attendants viewing. This requirement will be enforced, and those not complying will not be allowed to enter the transfer station. Failure to comply with these rules and regulations shall result in a fine of \$25 per violation.

§265-6 User fees.

A. User fees will be determined by the Board of Selectmen

§ 265-7 General regulations.

- A. All refuse is to be placed at the transfer station as directed by the attendant.
- B. Smoking is prohibited within the transfer station area.
- C. Scavenging or salvaging is prohibited
- D. Only two motor vehicle stickers shall be issued for each household

- E. No refuse generated from outside Belchertown shall be disposed of by residents or haulers at the transfer station.
- F. No large mechanical equipment, such as a motor vehicle, may be disposed of at the transfer station.
- G. Stumps are not accepted.
- H. Brush up to six inches in diameter will be received at the transfer station on the first Saturday of each month (weather permitting). The brush will be chipped as it is brought in. Leaves may be brought to the composting area any day of the week.
- I. Used motor oil may be disposed of at the transfer station Tuesday through Friday but not on Saturday. Oil must be in small containers and not contaminated with any other substances. Oil from commercial garages and shops will not be accepted.
- J. Town trash bags. All unrecyclable trash is to be disposed of in Town of Belchertown trash bags. The bags are available for purchase at the Selectmen's office during regular business hours. Some businesses in town, DPW and Transfer Station sell the bags in bundles of 10 bags. Trash bags can only be used once, therefore you are not to empty trash bags into the compactor. Failure to comply with these rules and regulations shall result in a fine of \$25 per violation.

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 § 265-8 Recycling.

A Special Town Meeting vote on May 14, 1990, made recycling mandatory in Belchertown. See Chapter 109, Article I, "Recycling".

§265-9 Enforcement; violations and penalties. ⁽¹⁾

- A. The Director of Public Works or any police officer shall be responsible, as agents for the Board of Selectmen, for enforcing this bylaw and the rules and regulations adopted hereunder.
- B. Any person who violates any provision of this bylaw or the rules and regulations promulgated hereunder shall be fined \$25 and/or be subject to revocation of the transfer station permit(s). This bylaw and the rules and regulations promulgated hereunder may also be enforced by noncriminal disposition pursuant to the provisions of MGL c. 40, § 21D, and Section 1-2 of the Town Bylaws.

(1) Editor's Note: See also Ch.1, General Provisions, §1-2, Noncriminal disposition

§ 265-10 Hazardous materials.

Commercial and hazardous wastes are prohibited from the transfer station. These wastes shall be disposed of during household hazardous waste collection sponsored by the Town or by other lawful means. Commercial quantities are regulated by state law.

- A. For purposes of this bylaw, the phrase commercial and hazardous wastes are define to include, but not be not limited to, the following:
 - (1) Paint products. Oil-based paints, lead paints, wood stains, varnishes, oils, wood preservatives and wood putty.
 - (2) Solvents. Paint strippers, thinners, turpentine, alcohols, degreasers, nail polish removers, metal polish and water proofers.
 - (3) Automotive. Engine cleaners, radiator flushes, batteries, gasoline, antifreeze, rustproofing and car wax.
 - (4) Pesticides. Silvex, DDT, Chlordane, Mirex, Aldrin (all banned), bug sprays, no-pest strips, flea powders, flea collars, shampoos, houseplant insecticides, mothballs and flakes, weed killers and fungicides.
 - (5) Cleaners. Oven cleaners, toilet cleaners, floor cleaners, floor polish, spot removers, upholstery cleaners, furniture polish, ammonia and bleach.
 - (6) Hobby supplies. Dyes, glazed, ink and glue.
 - (7) Miscellaneous. Chemistry sets, roofing tar, outdated medicine, asbestos, aerosol cans, explosives and radioactive wastes.
- B. Used motor oil may be disposed of as provided in Section 265-7(I).

(Vote – Majority Yes)

Article 11 Voted to authorize the Board of Assessors to appoint members thereof to work in their department for the balance of the current fiscal year and for Fiscal Year 2017, at an hourly rate not to exceed \$17.50.

(Vote – Unanimous Yes)

Article 12 Voted to amend Section 145-11 of the zoning bylaw, Schedule of Use Regulations, by deleting item 32 under "Business Uses" in its entirety and replacing it with new items 32 to read as follows:

Zone District	VR	AG-B	LR	MDR	AG-A	B-2	B-1	I	MHP	LI
	N	N	N	N	N	PA	SP/P	SP/P	N	PA
						PA	PA			

32. Motor vehicle sales and rental. (Endorsed by Planning Board – Unanimous)

(Vote – Unanimous Yes)

Article 13 To see if the town will vote to appropriate from free cash in the Treasury a sum of money to be used by the School Department for the removal of an underground storage tank at Chestnut Hill Community School, including all costs incidental and related thereto.

A motion was made and seconded to Take no Action on this article.

(Vote - Majority Yes -Take No Action)

Article 14 To see if the town will vote to appropriate from free cash in the treasury a sum of money to establish a timber marketing plan, prepare bid specifications and provide for or oversee a timber harvest of Town owned land.

A motion was made and seconded to Take no Action on this article.

(Vote - Majority Yes - Take No Action)

Article 15 Voted to transfer from free cash in the treasury a sum of \$10,000 for the design and construction of soccer fields and/or hiking trails at Foley Field, and all costs incidental and related thereto.

Motion made for a hand count Vote – Majority Yes

(Vote – 83 Yes, 43 No – Majority Yes)

Meeting adjourned at 7:50PM

Attest:

Colleen K. Toothill-Berte

Town Clerk