

TOWN OF EAST LONGMEADOW
ANNUAL TOWN MEETING
May 21, 2012

In accordance with the Warrant of the Selectmen, the Annual Town Meeting was held in the Auditorium of the East Longmeadow High School on Monday evening, May 21, 2012, thus the sixth Town Meeting held on the third Monday of May following the by-law change from the Annual Town Meeting of 2006. Town Moderator, Mr. James Sheils, called the meeting to order at 7:04PM; there being 400 registered voters present. Mr. Sheils offered the opening prayer and led the assembly in the Pledge of Allegiance. He then congratulated the various elected town officials who were recently elected at the April 10th Annual Town Election.

Mr. Enrico J. Villamaino, III Chairman of the Board of Selectmen, requested the Assembly to recognize those Town employees who had retired and anniversaries celebrated in FY 2012. Mr. Villamaino also recognized the various department heads and their staff for their hard work and dedication throughout the past year.

Mr. Carl Ohlin, Chairman of the East Longmeadow Independence Day Parade Committee, presented a plaque to Mr. James Rintoul in honor of Mr. Rintoul being named Honorary Grand Marshall of the 2012 East Longmeadow Independence Day Parade. Mr. Rintoul was honored for his many past and present contributions to the Town of East Longmeadow, especially his diligent work and dedication as a valuable member of several Town committees, his many contributions as a Town Business Owner and his service to the Rotary Club.

Mr. Villamaino then recognized Nathalie L. Fisk, as the *Boston Globe Golden Head Cane* recipient as the most tenured citizen and resident of East Longmeadow. Ms. Fisk was born in December of 1910. Selectman Villamaino then recognized the fine efforts of the Town's Emergency Services provided and the DPW for the savings realized regarding the October 2011 snow storm.

Town Moderator Mr. Sheils then proceeded with some housekeeping issues: Location of fire exits, red tags for non-voters and white tags for registered voters, warrant articles that can be moved within the warrant if approved by a 2/3^{rd's} majority vote, and the proper etiquette required of speakers. Mr. Sheils gave recognition to the Town's election workers for their hard work and dedication and he also recognized those who help set-up and make the Town meeting happen.

The Town Moderator is now allowed to determine, without a count, based on the by-law change adopted in May 2006, whether a 2/3^{rd's} quorum Town vote has been obtained, subject to the right of challenge by seven (7) voters as authorized the Town By-Law, Section 2.030 Chapter 13. If seven (7) or more voters challenge the vote, a teller count shall be required.

Article 1

Reports of Officers and Committees

The Moderator reported that reports of Town Officers and Committees are available for distribution at the Town Meeting and also online at the Town’s website: www.eastlongmeadowma.gov , and that DVD and paper copies are available at the Town Clerk’s Office.

Article 2

Report of the Appropriations Committee – Operating Budget

Motioned that the Town raise, appropriate and/or transfer from available funds, the amount of \$53,218,486.00 for the purpose and charges in anticipation of revenue for the twelve month period beginning July 1, 2012 to support the Town’s operating budget as printed in the chart printed with the warrant for this meeting as shown in Exhibit A entitled “Operating Budgets for Fiscal Year 2013”.

All in accordance with Massachusetts General Laws, Chapter 44, Section 4 and all Acts and amendments thereof and including thereto Chapter 849 of Acts 1969 and to also include transfers into the general fund-undesignated fund balance from the following fund reserves:

- \$150,000.00 from Fund #2606, Kindergarten Tuition Revolving Fund
- \$150,000.00 from Fund #2805, Solid Waste Revolving Fund
- \$71,130.00 from Fund #2615, Community Preservation Fund, Open Space Account
- \$573,883.00 from Fund #12, Water Fund
- \$625,960.00 from Fund #13, Sewer Fund
- And
- \$500,000.00 transfer from Free Cash.

And from any other available sources as may be required to balance the budget.

Exhibit A Operating Budgets for Fiscal Year 2013 July 1, 2012 thru June 30, 2013										
	FY11	FY12	FY13	Personal Services	Operating Expenses	FY 2013 Recommended	% of Total	FY 2012 Budget	Change 13 vs 12	
Positions: Full Time Equivalents										
General Fund										
Town Wide										
914	Health & Life Insurance			-	4,700,000	4,700,000		4,981,846	(281,846)	-5.7%
946	Retirement Assessment			-	2,298,244	2,298,244		1,892,492	405,752	21.4%
430	Trash Collection			-	995,000	995,000		943,180	51,820	5.5%
132	Reserve Fund			-	450,000	450,000		300,000	150,000	50.0%
9110	Payroll Tax			-	438,000	438,000		360,000	78,000	21.7%
945	Liability Insurance			-	354,000	354,000		266,000	88,000	33.1%
912	Workers’ Compensation			-	165,000	165,000		140,000	25,000	17.9%
151	Law Department			-	98,000	98,000		78,000	20,000	25.6%
947	PVPC Assessment			-	2,500	2,500		2,500	-	0.0%
752	Interest on ST Debt			-	-	-		10,000	(10,000)	0.0%
<i>Sub total</i>				-	9,500,744	9,500,744	19%	8,974,018	526,726	5.9%
Long Term Principal (on existing projects)										
710	General Fund			-	2,848,550	2,848,550		2,901,316	(52,766)	-1.8%
710	Water Fund			-	398,170	398,170		403,000	(4,830)	-1.2%
710	Sewer Fund			-	454,554	454,554		472,608	(18,054)	-3.8%

Article 2 continued

Exhibit A
Operating Budgets for Fiscal Year 2013
July 1, 2012 thru June 30, 2013

	FY11	FY12	FY13	Personal Services	Operating Expenses	FY 2013 Recommended	% of Total	FY 2012 Budget	Change 13 vs 12	
710 Community Preservation				-	45,000	45,000		83,333	(38,333)	-46.0%
Sub total					3,746,274	3,746,274		3,860,257	(113,983)	-3.0%
Long Term Interest (on existing projects)										
751 General Fund				-	826,478	826,478		1,012,376	(185,898)	-18.4%
751 Water Fund				-	175,743	175,743		199,641	(23,898)	-12.0%
751 Sewer Fund				-	171,406	171,406		203,741	(32,335)	-15.9%
751 Community Preservation				-	26,130	26,130		50,000	(23,870)	0.0%
Sub total					1,199,757	1,199,757		1,465,758	(266,001)	-18.7%
Total Principal & Interest					4,946,031	4,946,031	10%			
School Budget	Positions: Full Time Equivalents									
300 Education	394	397	400	21,974,123	4,098,959	26,073,082		25,336,050	737,032	2.9%
399 School Committee				-	4,200	4,200		4,200	-	0.0%
Sub total	394	397	400	21,974,123	4,103,159	26,077,282	51%	25,340,250	737,032	2.9%
Other Boards										
610 Library	12.4	12.4	12.4	576,041	75,159	651,200		633,623	17,577	2.8%
141 Board of Assessors	3	3	3	181,616	75,650	257,266		238,806	18,460	7.7%
175 Planning Board	2	2	2	123,146	4,525	127,671		122,648	5,023	4.1%
131 Appropriations Committee				2,500	500	3,000		3,000	-	0.0%
114 Town Moderator				550	100	650		650	-	0.0%
Sub total	17.4	17.4	17.4	883,853	155,934	1,039,787	2%	998,727	41,060	4.1%
Board of Public Works										
421 Administration & Highway	29.5	29.5	29.5	1,089,165	468,799	1,557,964		1,549,136	8,828	0.6%
429 Utilities(Gas, Electric, Oil)				-	1,135,000	1,135,000		1,050,642	84,358	8.0%
422 Bldg. Maintenance	8.5	8.5	8.5	449,835	336,366	786,201		777,674	8,527	1.1%
423 Snow & Ice				-	111,636	111,636		111,636	-	0.0%
433 Waste Collections	2	2	2	14,874	42,500	57,374		57,374	-	0.0%
Sub total	40	40	40	1,553,874	2,094,301	3,648,175	7%	3,546,462	101,713	2.9%
Board of Selectmen										
210 Police	25.5	25.5	26.7	2,448,607	111,386	2,559,993		2,377,424	182,569	7.7%
220 Fire	8	8	8	603,760	62,351	666,111		666,544	(433)	-0.1%
155 Information Technology	5.5	5.5	5.7	305,710	251,550	557,260		545,441	11,819	2.2%
145 Treasurer/Clerk/Collector	7	7	6	310,823	53,000	363,823		389,639	(25,816)	-6.6%
122 Board of Selectmen Office	4	4	5	286,318	16,267	302,585		247,918	54,667	22.1%
541 Council on Aging	5.2	5.4	5.6	242,306	12,709	255,015		238,111	16,904	7.1%
135 Town Accountant	3	2.3	2.8	171,526	31,800	203,326		201,088	2,238	1.1%
630 Recreation	2.2	2.2	2.2	124,106	41,895	166,001		166,001	-	0.0%
241 Inspectors	2	2	2	99,324	12,018	111,342		111,342	-	0.0%
159 Operational Support				-	45,000	45,000		45,000	-	0.0%
519 Board of Health	0.33	0.33	0.33	18,000	63,351	81,351		81,351	-	0.0%
543 Veterans	0.25	0.25	0.25	36,000	45,126	81,126		44,146	36,980	83.8%
160 Elections & Registration				18,500	21,330	39,830		37,350	2,480	6.6%
693 Cultural				-	12,000	12,000		10,000	2,000	20.0%
199 Emergency Preparedness				2,000	10,000	12,000		12,000	-	0.0%
171 Conservation/Zoning				-	4,989	4,989		4,989	-	0.0%
Sub total	62.97	62.46	64.83	4,666,980	794,772	5,461,752	11%	5,178,344	283,408	5.5%
General Fund	514.4	516.9	522.2	29,078,830	21,594,941	50,673,771	100%	49,363,816	1,309,955	2.7%
Water Fund	6.5	6.5	6.5	374,844	1,047,436	1,422,280		1,425,190	(2,910)	-0.2%
Sewer Fund	6.5	6.5	6.5	333,600	767,865	1,101,465		1,102,74	(1,309)	-0.1%
Sub total	13	13	13	708,444	1,815,301	2,523,745		2,527,964	(4,219)	-0.2%
Animal Control Fund	0.5	0.5	0.5	17,970	3,000	20,970		20,970	-	0.0%
Sub total	0.5	0.5	0.5	17,970	3,000	20,970		20,970	-	0.0%
GRAND TOTALS	527.9	530.4	535.7	29,805,244	23,413,242	53,218,486		51,912,750	1,305,736	2.5%
	FY11	FY12	FY13							
Total Position – School	394.0	397.0	400.0	74.7%						
Total Position - Town	133.9	133.4	135.7	25.3%						

Appropriations Committee Recommendation: Recommended
Two line items were questioned, (Snow & Ice and Cultural) and thereafter approved.
Passed Unanimously as Declared by Town Moderator.

Article 3

Report of the Capital Planning Committee – F.Y. 2013 Capital Projects

Motioned that the Town raise, appropriate, bond, transfer and/or re-appropriate for new FY13 capital projects as printed in the chart printed with the warrant for this meeting as Exhibit C entitled “Fiscal Year 2013 – Proposed Capital Projects.”

\$350,000.00 to finance ELCAT Facility Improvements	From ELCAT Reserves
\$871,000.00 to finance Harkness Pump Station Improvements	Fund #3018 for \$23,790.36 Fund #3017 for \$18,111.49 Fund #3021 for \$10,175.32 Transfer of \$87,341.00 from Water Fund Unreserved Balance & The remaining balance of approx. \$731,581.83 from Proposed Bonding
\$70,000.00 to replace (2) Police Cruisers	Fund #3127 for \$70,000
\$77,132.00 to finance Camera Upgrade from the following fund account numbers, corresponding balances and any other available balances.	Fund #3127 for \$54,800.00 Fund #3128 for \$7,132.00 & Raise \$15,200 from taxation.
\$50,000.00 to finance Birchland Park Generator Repairs from the following fund account numbers, corresponding balances and any other available balances.	Fund #3128 for \$42,093.00 & Raise \$7,907.00 from taxation
\$55,000.00 to purchase 14 Passenger Minibuses from the following fund account numbers, corresponding balances and any other available balances.	Fund #3198 for \$11,370.40 Fund #3210 for \$501.50 Fund #3212 for \$599.80 Fund #3211 for \$3,715.94 Fund #3091 for \$1,647.70 Raise \$37,164.66 from taxation
\$150,000.00 to finance a Facilities Study for School Buildings from the following fund account numbers, corresponding balances and any other available balances.	\$67,340.91 from Free Cash & Raise \$82,659.09 from Taxation.
\$131,500 to purchase IT computers.	Raise \$131,500 from Taxation.

Above total of Recommended Projects.....\$1,754,632.00

Appropriations Committee Recommendation: Recommended

A 2/3rds Vote is required for this Article to pass.

One item (Birchland Park Generator) was questioned and thereafter approved.

Passed Unanimously as Declared by Town Moderator.

Article 4

Department of Public Works – Chapter 90 Highway Construction

Motioned that the Town raise and appropriate, \$587,018.00 for the construction, reconstruction and/or maintenance of public ways, to be expended under the jurisdiction of the Board of Public Works and said sum to be reimbursed by the Commonwealth.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 5

Board of Selectmen – Inter Department Transfers

Motioned that the Town approve the following inter department FY12 transfers:

Transfer from Long Term Principal, Account number 01-710 in the Operating Expense Category the amount of \$110,000.00 to Police Payroll Account number 01-210-5130 in the Payroll Expense Category the amount of \$110,000.00.

Transfer from Long Term Principal, Account number 01-710 in the Operating Expense Category the amount of \$123,364.00 to Snow & Ice, Account number 01-423 in the Operating Expense Category the amount of \$123,364.00.

Transfer from Long Term Principal, Account number 01-710 in the Operating Expense Category the amount of \$55,000.00 to Utilities, Account number 01-429 in the Operating Expense Category the amount of \$55,000.00.

Transfer from Long Term Principal, Account number 01-710 in the Operating Expense Category the amount of \$47,000.00 to Payroll Taxes, Account number 01-910 in the Operating Expense Category the amount of \$47,000.00.

Transfer from Long Term Interest, Account number 01-751 in the Operating Expense Category the amount of \$52,000.00 to Health Insurance Account number 01-914 in the Operating Expense Category the amount of \$52,000.00.

Transfer from Long Term Interest, Account number 01-751 in the Operating Expense Category the amount of \$60,000.00 to Liability Insurance, Account number 01-945 in the Operating Expense Category the amount of \$60,000.00.

Transfer from Long Term Interest, Account number 01-751 in the Operating Expense Category the amount of \$31,000.00 to Workers Comp, Account number 01-912 in the Operating Expense Category the amount of \$31,000.00.

Transfer from Long Term Interest, Account number 01-751 in the Operating Expense Category the amount of \$29,000.00 to Law, Account number 01-151 in the Operating Expense Category the amount of \$29,000.00

As printed in the Annual Town Meeting Warrant

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 6

Board of Selectmen – Appropriate Funds for Prior Years Bills

No Motion Made

No Action Taken

Article 7

Board of Selectmen – Transfer of Funds for October 29, 2011 Storm Expenses

Motioned that the Town transfer \$926,000.00 from the Free Cash Fund to fund #2536, in FY12 to pay for the October 29th 2011 Storm Expenses.

Appropriations Committee Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

Article 8

Board of Selectmen – Fund July 4, 2012 Independence Day Parade

Motioned that the Town raise and appropriate \$17,500.00 to be expended for the July 4th 2012 Independence Day Parade.

Appropriations Committee Recommendation: Not Recommended

Passed Unanimously as Declared by Town Moderator.

Article 9

Board of Selectmen – Revolving Fund – Local Cable Access

Motioned that the Town re-establish a “Local Cable Access Revolving Fund” for Fiscal Year 2013, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the local cable access program activities, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$132,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

Article 10

Board of Selectmen – Transfer of Funds – ELCAT Studio Renovation

No Motion Made

No Action Taken

Article 11

Board of Selectmen – Revolving Fund – Center School Park

Motioned that the Town re-establish a “Center School Park Revolving Fund” for Fiscal Year 2013, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the Center Hill Park development activities, as administered by the East Longmeadow Cultural Affairs Council, without further appropriation, said funds to be expended in an amount not to exceed \$5,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed by Majority as Declared by Town Moderator.

Article 12

Board of Selectmen – Revolving Fund – Solid Waste Disposal

Motioned that the Town re-establish a “Solid Waste Disposal Revolving Fund” for Fiscal Year 2013, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the solid waste disposal program, without further appropriation, said funds to be expended in an amount not to exceed \$75,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 13

Board of Selectmen – Revolving Fund – Council on Aging

Motioned that the Town re-establish a “Council on Aging Revolving Fund” for Fiscal Year 2013, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the General Programming of the Council on Aging, without further appropriation, said funds to be expended in an amount not to exceed \$100,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 14

Board of Selectmen – Revolving Fund – Library Fines

Motioned that the Town establish a “East Longmeadow Public Library Revolving Fund” for Fiscal Year 2013, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources paid by borrowers for library overdue fines, without further appropriation, said funds to be expended in an amount not to exceed \$15,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended
Passed Majority as Declared by Town Moderator.

Article 15

Community Preservation Committee – Fund Allocation

Motioned that the Town appropriate from the Community Preservation Fund annual revenues sums of money as recommended by the Community Preservation Committee for administrative expenses, community preservation projects and other permissible expenses in Fiscal Year 2013 as follows:

Appropriations from FY2012 estimated revenues for:	
Committee Administrative Expenses	5.0%
Reserves from FY2012 estimated revenues for:	
Historic Resources Reserve	10.0%
Reserves from FY2012 estimated revenues for:	
Community Housing Reserve	10.0%
Reserves from FY2012 estimated revenues for:	
Open Space Reserve	10.0%
Reserves from FY2012 estimated revenues for:	
Legally Undesignated Community Preservation Fund	
General Reserve	65.0%

Appropriations Committee Recommendation: Recommended
Board of Selectmen: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 16

Community Preservation Committee – Site Work – Inward Commons

Motioned that the Town expend a sum of not more than \$20,000.00 from the Community Preservation Fund to install an Automatic Door and a Handicapped concrete ramp at Inward Commons Community Building.

Appropriations Committee Recommendation: Recommended
Board of Selectmen: Recommended
Passed Unanimously as Declared by Town Moderator.

Article 17

Community Preservation Committee – Historic Fire Station – Shaker Road

Motion that the Town expend not more than \$30,000.00 from the Community Preservation Fund to stabilize and repair the historic fire station on Shaker Road.

Board of Selectmen Recommendation: Not Recommended
Appropriations Committee Recommendation: Recommended
Capital Planning Committee Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

Article 18

Board of Selectmen – Amend General By-Laws – Agricultural & Horticultural Water Rate

Motioned that the Town amend the General by-Laws by adding a new section entitled: “Agricultural and Horticultural Water Rate” as set forth in Article 18 in the Warrant as follows:

“That the Board of Public Works, acting as Water commissioners, establish a rate for water usage by properties that are certified by the Board of Assessors as being used for agricultural and horticultural uses pursuant to G.L. c. 61A and that said water rate be set at seventy-five (75%) per cent of the residential water rate. Provided, however, if any such property receiving the water rate set forth herein is converted to a non-agricultural or non-horticultural use the owner shall pay to the Town Collector a sum equal to the difference between said agricultural and horticultural water rate and the residential rate for each year the discounted rate was received by the property prior to the conversion, provided further, that said repayment shall not be for more than 15 years preceding the conversion.”

A motion was made to amend the article as follows:

1. To qualify for the water rate reduction the 61A registered applicant must also be an I.R.S. registered farm with two thirds of its’ annual income being derived from farming.
2. Change owner to “Owner or Leasee”.

Motion to amend passes by majority as Declared by Town Moderator.

Board of Public Works Recommendation: Not Recommended
Appropriations Committee Recommendation: Not Recommended

Passed Majority as Declared by Town Moderator.

Article 19

Board of Selectmen – Accept Provisions of M.G.L. Chapter 40, Section 22F

Motioned that the Town accept the provisions of Massachusetts General Laws Chapter 40, section 22F.

Teller count: Yes – 95, Opposed – 148
Motion Fails as Declared by Town Moderator.

A voter made a motion for a point of order to move Article 27 forward to be voted next. Town’s By-Laws allow for articles to be taken out of order upon a two-thirds vote. The motion to move Article 27 forward was seconded and passed unanimously as declared by Town Moderator.

Article 27

Zoning Board – Amend Zoning By-Law, 1991 Revision Family Home Daycare

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, by adding to section VIII, Definitions, the following:

Large Family Home Daycare: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided that the total number shall not exceed ten, including participating children living in the residence. As per the Massachusetts Department of Early Education and Care regulations, a certified assistant will be present when deemed necessary. Large family home daycare shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation;

And that Section 3.044 of Table 3-1, Schedule of Use Regulations, be amended by adding the phrase “and Large Family Home Daycare” immediately after “Family Home Daycare”.

A 2/3rds Vote is required for this Article to pass.
Passed by 2/3rds, as declared by Town Moderator.

Article 20

Board of Selectmen – Amend General By-Laws Section 9.010

Motioned that the Town amend the General By-Laws Section 9.010 to change the fees and penalties relative to animal control as set forth in Article 20 in the Warrant as follows:

	Current Fees	New Fees
Dog License (no change)	\$10.00	\$10.00
Dog License (non-spayed/neutered)	\$15.00	\$20.00
Dog License Renewal (Late Fee)	\$10.00	\$25.00

Chapter 9 Sec. 9.010 of General By-Laws

Town Leash Law Fines

1 st Offense	\$10.00	\$25.00
2 nd through 4 th Offense	\$20.00	\$50.00
4 th Offense Mandatory Hearing plus		\$75.00

And to amend grace period of the regular Dog licensing period that currently runs from January 1st through March 31st of each calendar year to:

Dog License Grace Period	60 days	0 days
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Passed Unanimously as Declared by Town Moderator.

Article 21

Board of Selectmen – Amend General By-Laws – Election to more than one Town Office

Motioned that the Town amend the General By-Laws by adding a new section as follows:

“No person shall seek election to more than one elected Town office in the same regular or Special Town Election.

Motion Fails as Declared by Town Moderator.

Article 22

Board of Selectmen – Amend Zoning By-Law, 1991 Revision, Table 3-1 number 3.077

Motioned that the Town amend the East Longmeadow Zoning By-Laws, 1991 Revision as follows:

By amending Table 3-1 number 3.077 by adding a paragraph under Standards and Conditions:

“Once a restaurant owner has received a special permit for his/her restaurant any change to the interior layout, hours of operation or entertainment offered shall not require an amendment of said special permit, unless said changes or other modifications sought for the restaurant or building in which it is located require an increase in the foot print or the height of said building.”

A 2/3rds Vote is required for this Article to pass.
Motion Fails as Declared by Town Moderator.

Article 23

Board of Selectmen - Amend Zoning By-Law, 1991 Revision, Table 3-1

Motioned that the Town amend the East Longmeadow Zoning By-Laws, 1991 Revision as follows:

By-law Number	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR
3.0751	Massage Therapist Facility or Licensed Massage Therapy Salon	See sections 7.2-7.3 and 7.37	N	N	N	N	N	N	SP	SP	N	N	N	N

and adding a new section 7.37 as follows:

“7.37 Additional Criteria for Massage Therapists Facility:

Any person or entity seeking to open a new or to maintain an existing massage therapist facility must:

- a) Submit a floor plan for the premises or portions thereof to be used in connections with the massage therapist facility.
- b) No person shall reside on the premises nor shall anyone be allowed to be upon the premises after normal hours of operation except for maintenance purposes.
- c) No massage therapist facility shall operate between the hours of 9:00 P.M. and 9:00 A.M.
- d) Every massage therapist facility shall file with the Special Permit Application:
 - 1. A copy of its state license as a massage therapy salon and the state massage therapist license for each massage therapist employed at the facility.
 - 2. Photo identification, either a driver’s license, or a state issued alternative for non-drivers, for each massage therapist and any other employee, the current residential address and telephone number of each massage therapist. This information shall be updated annually in December. If a massage therapist or a non-therapist employee is hired during the calendar year said information shall be filed with the Special Permit Granting Authority before the therapist or employee begins work.
- e) Violations of the provision of this section or performance of any criminal activity by massage therapist or other employee while on the premises shall be sufficient cause to revoke the special permit.

Article 23 cont.

f) Every massage therapist facility currently operating in East Longmeadow shall apply for and obtain a special permit for the facility by December 31, 2012.

g) Any new massage therapist facility before opening for business must obtain a special permit under this section.”

and amend Section VIII Definitions by inserting alphabetically:

“Massage see M.G.L. c. 112, section 227.

Massage Therapist see M.G.L. c. 112, section 227

Licensed Massage Therapy Salon see M.G.L. c. 112, section 227

Massage Therapist Facility see Licensed Massage Therapy Salon”

A motion was made to amend the Zoning By-Laws, as printed in the Warrant as Article 23, Table 3-1 and by adding a new section as printed in said article, except adding to said section following the word “board” in the definitions of “Licensed Massage Therapy Salon” and “Massage Therapist or Massage Practitioner” “of registration of massage therapy”.

Planning Board Recommendation: Recommended

A 2/3rds Vote is required for this Article to pass.
Passed by 2/3rds, as declared by Town Moderator.

A voter made a motion for a point of order to move Article 28 forward to be voted next. Town’s By-Laws allow for articles to be taken out of order upon a two-thirds vote. The motion to move Article 28 forward was seconded and passed unanimously as declared by Town Moderator

Article 28**Citizen Petition – Repeal General By-Law Section 8.150**

Motioned that the Town repeal the New General By-Law Section 8.150, Maintenance of Storm Water Basins, in its entirety.

A Majority Vote is required for this Article to pass.
Teller count: Yes – 117, Opposed – 81
Passed Majority as Declared by Town Moderator.

Article 24

Planning Board – Amend Zoning By-Law, 1991 Revision, Sec. 3.041 Photovoltaic Arrays

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, pursuant to Massachusetts General Laws Chapter 40A by adding the following criteria to Section 7.41 “Projects Requiring Site Plan Review” by replacing Section 7.5 and by adding a new section 3.041 to Table 3-1, of the East Longmeadow Schedule of Use Regulations as shown in Exhibit E, all as set forth in Article 24 of the Warrant and as follows:

7.5 Ground-Mounted Photovoltaic Installations

7.5.1 Purpose

The purpose of this bylaw is to promote the creation of new ground-mounted photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall specifically apply to the location, removal and modifications of all ground-mounted photovoltaic installations. In the event that conflicts may appear in other sections of the zoning by-laws for the Town of East Longmeadow, the criteria set forth in this Section 7.5 take precedence.

7.5.2 Applicability

This section applies to all ground-mounted 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. All development projects for Photovoltaic Arrays will be subject to Site Plan Review to determine conformance with the specific criteria set forth herein. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board for the purpose of zoning conformity and the health and safety of the public.

7.5.3 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that ground mounted photovoltaic installations may proceed without the need for a Special Permit or Variance in the areas so designated by Table 3-1 of the Schedule of Use Regulations.

Ground-Mounted Photovoltaic Installation: A photovoltaic system that is structurally mounted on the ground and is not roof-mounted.

On-Site Photovoltaic Installation: A photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Article 24 cont.

Photovoltaic (PV) is a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs solar panels composed of a number of solar cells containing a photovoltaic material. Materials presently used for photovoltaics include mono-crystalline silicon, polycrystalline silicon, amorphous silicon, cadmium telluride, and copper indium gallium selenide/sulfide.

Site Plan Approval Authority: The Planning Board.

Photovoltaic Array: see Ground-Mounted Photovoltaic Installations

Zoning Enforcement Authority: The Building Commissioner is charged with enforcing all zoning bylaws of East Longmeadow.

7.5.4 General Requirements for all Power Generation Installations

The following requirements relate to all ground-mounted photovoltaic installations:

7.5.5 Compliance with Laws, Ordinances and Regulations

The construction and operation of all ground mounted photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a photovoltaic installation shall be constructed in accordance with the specific criteria set forth herein.

7.5.6 Building Permit and Building Inspection

No ground mounted photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit, after approval of the Planning Board.

7.5.7 Fees

The application for a Site Plan Review for a ground mounted solar photovoltaic installation must be accompanied by the fee required for said Site Plan Review.

7.5.8 Site Plan Review and Approval

All ground-mounted photovoltaic installations shall undergo Site Plan Review and approval by the Planning Board, as specially stated in the Zoning By-laws, prior to construction, installation or modification as provided in this section.

Article 24 cont.**7.5.9 Plans and Maps**

All plans and maps shall be prepared, stamped and signed by a Registered Professional Engineer licensed to practice in Massachusetts.

Required Documents

Pursuant to the site plan review process as set forth in section 7.4 of the Zoning By-laws, the project proponent shall provide the following documents:

- (a) A site plan shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor at a scale of 1" = 20' or such scale as may be approved by the Planning Board on a standard 24" x 36" sheets and continuation on 8 ½" x 11" sheets necessary for narrative. The site plan shall include:
1. Name and address of project, locus, boundaries, date and scale of plan;
 2. Name and address of the record owner, developer, and seal of the engineer or surveyor;
 3. Names and addresses of all record owners within three hundred (300) feet of property lines;
 4. All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within three hundred (300) feet of the site;
 5. Property lines and physical features, including roads, for the project site;
 6. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 7. Location and details of all security measures for the site;
 8. Location of all existing and proposed roads, both public and private on the site;
 9. Location of existing structures on the site;
 10. Location of the ground mounted photovoltaic installation, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;
 11. Plans for accessory buildings or other structures, and location and details of all planned security measures;
 12. All existing overhead utility lines, if applicable;
 13. Blueprints or drawings of the photovoltaic installation signed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 14. One or three line electrical diagrams detailing the photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 15. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 16. Name, address, and contact information for proposed system installer;
 17. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and,
 18. The name, contact information and signature of any agents representing the project proponent.

Article 24 cont.

Documentation establishing legal access and control of the project site. The project proponent shall submit documentation of actual or prospective ownership, access and control of the project site sufficient to allow for construction and operation of the proposed photovoltaic installation to the Planning Board and the Building Commissioner.

- (b) Operation and maintenance plan. The project proponent shall submit a plan to the Planning Board for the operation and maintenance of the ground-mounted photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- (c) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).
- (d) Description of financial surety that satisfies Section 7.5.19.3.

The Planning Board may hire, at the expense of the applicant, consultants to review the plans submitted if it determines independent expert review is appropriate for the interest of the neighborhood and/or the community. In such event, the Planning Board shall select an expert to perform the review. The applicant shall pay the estimated cost of said expert to the Town Treasurer prior to any review being undertaken. No site plan shall be approved until the total cost of said review has been paid by the applicant.

The Planning Board may waive the submittal of various required documents for cause established in the site plan review record and its written finding that the documents are not necessary for the Board to perform the review set forth herein.

7.5.10 Utility Notification

No ground-mounted photovoltaic installation shall be constructed until written evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator.

Article 24 cont.**7.5.11 Area, Dimension and Density Requirements****Area:**

A minimum of two (2) acres is required for any ground-mounted photovoltaic installation.

Setbacks:

For all ground-mounted photovoltaic installations, front, side and rear setbacks shall be as follows for the Industrial Garden Park District:

- (a) Front yard: The front yard shall have a depth that is consistent with the existing requirements of this district, that being 75 feet.
- (b) Side yard: Each side yard shall have a depth that is consistent with the existing requirements of this District, that being 40 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the side yard shall not be less than 50 feet. (See also section 7.5.13 Buffer Strips)
- (c) Rear yard: Each rear yard shall have a depth that is consistent with the existing requirements of this District which is 50 feet. Where such a lot abuts a Residential District or a Residence, the rear yard shall not be less than 50 feet (See also Section 7.5.13 Buffer Strips).

For all ground-mounted photovoltaic installations, front, side and rear setbacks shall be as follows for the Industrial District:

- (a) Front yard: The front yard shall have a depth of at least 35 feet.
- (b) Side yard: Each side yard shall have a depth that is consistent with the existing requirements of this District, that being 12 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the side yard shall not be less than 50 feet. (See also Section 7.5.13 Buffer Strips)
- (c) Rear yard. Each rear yard shall have a depth that is consistent with the existing requirements of this District which is 25 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the rear yard shall not be less than 50 feet. (See also Section 7.5.13 Buffer Strips)
- (d) If a photovoltaic installation is constructed on a parcel that contains any type of building, the beginning of the array must be at least fifty (50) feet behind the existing building to allow safe access to said array.

Article 24 cont.**Lot Coverage**

Lot coverage shall be the same as allowed in the District in which it is to be located.

7.5.12 Buffer Strips

For all ground-mounted solar photovoltaic installations abutting a Residential District or a Residence, the fifty (50) foot setback for either side or rear yards shall consist of twenty-five (25) feet of a landscaped buffer. Said buffer is to consist of plantings a minimum of six (6) feet in height at planting and staggered so as to fill that twenty-five (25) foot buffer area and keep the arrays from view year round.

7.5.13 Height

The height must be measured by the elevation of the landscape and no mounds will be allowed to change that elevation other than those allowed for the planting of trees in the buffer strip.

For all ground-mounted photovoltaic installations abutting a Residential District or a Residence, the height will be limited to fifteen (15) feet.

For all other ground-mounted solar photovoltaic installations, the height will be limited to twenty-five (25) feet.

7.5.14 Appurtenant Structures

All appurtenant structures to ground-mounted photovoltaic installations shall be subject to the accessory regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements for the District in which it is to be located. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts and meet the zoning setback requirements of the specific district in which said structure is to be located.

All appurtenant structures are to be located within the setback requirements of the district in which the project is proposed.

7.5.15 Design and Performance Standards**7.5.15.1 Lighting**

Lighting of photovoltaic installations shall comply with applicable laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution and shall not shine on abutting property. Any lighting on the site will require submittal of a lighting plan and written approval from the Planning Board with the recommendations from the Fire and Police Departments.

Article 24 cont.**7.5.15.2 Signage**

Signs on all ground-mounted photovoltaic installations shall identify the owner and provide a 24-hour emergency contact phone number. Said signage shall not exceed six (6) square feet and shall be visible at all times.

Photovoltaic installations shall not be used for displaying any advertising except for identification of the operator or responsible person of the solar photovoltaic installation.

7.5.15.3 Utility Connections

All utility connections from the photovoltaic installations shall be placed underground. However, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider, the applicant may seek relief from this requirement from the Planning Board. Electrical transformers for utility interconnections may be above ground if required by the utility provider, however, placement on the site must be approved as part of its existing standard procedures.

7.5.15.4 Roads

Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

7.5.18.5 Hazardous Materials

Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 or any amendment or replacement and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required. A full inspection report establishing compliance prepared by the Fire Department will be required before the site plan can be approved.

7.5.18.6 Noise

Sound or noise levels may not exceed 50 DBA, at the boundary of the property.

Article 24 cont.**7.5.16 Safety and Environmental Standards****7.5.16.1 Emergency Services**

The photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the East Longmeadow Fire Chief. Upon request from the East Longmeadow Fire Chief, the owner or operator shall cooperate with local emergency services in developing an emergency response plan and provide a copy to the Fire Department. All means of shutting down the photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

7.5.16.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws, including any requirements of the Conservation Commission.

7.5.16.3 Fencing

A chain link fence no more than one-quarter solid shall be installed around the installation at the setback line with a gate that is locked at all times, which lock is to be approved by the Fire Department. The Fire and Police Departments shall have 24 hour access to the site.

7.5.17 Monitoring and Maintenance**7.5.17.1 Photovoltaic Installation Conditions**

The ground-mounted photovoltaic installation 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 as required by the Zoning By-law and applicable laws. The owner or operator shall be responsible for the cost of maintaining the photovoltaic installation, any access road(s) and ground maintenance.

7.5.18.2 Modifications

No building permit for modifications to a ground-mounted photovoltaic installation shall be issued after the issuance of the initial building permit unless an amended site plan for said modification has been approved by the Planning Board.

Article 24 cont.**7.5.17.2 Annual Reporting**

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Planning Board, Fire Chief, Emergency Management Director, Building Commissioner and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year. Failure to provide such an annual report will result in a fine of \$100 per day until said report is received.

7.5.18 Abandonment or Decommissioning**7.5.18.1 Removal Requirements**

Any ground-mounted photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 7.5.19.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than ninety (90) days after the date of discontinued operations or determination of the Building Commissioner that the installation is not being actively used for meaningful photovoltaic generation. The owner or operator shall notify the Building Commissioner with a copy to the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all ground-mounted, photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

7.5.18.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Planning Board. If the owner or operator of the ground-mounted photovoltaic installation fails to remove the installation in accordance with the requirements of this section within ninety (90) days of abandonment or the proposed date of decommissioning, the town may seek an order from an appropriate court to enter the property and physically remove the installation, at a cost to the owner or operator of the installation and use the bond money being held and/or place a municipal charges lien on the property for the costs of removal site restoration and all other related costs, including attorney fees if not covered by the cash bond being held by the town.

Article 24 cont.

7.5.18.3 Financial Surety

Prior to any construction, petitioners of all ground-mounted photovoltaic projects shall provide surety in a cash bond, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as agreed upon by the project proponent and the Planning Board or its agents. Such 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, which estimate must be reviewed and approved by the Planning Board or its agent. The amount shall include a mechanism for calculating increased removal costs due to inflation;

A 2/3rd's Vote is required for this Article to pass.
Passed by 2/3rd's, as declared by Town Moderator.

Article 25

Citizen Petition – Amend Zoning Map

No Motion Made
No Action Taken

Article 26

Citizen Petition – Accept a Strip of Land as a Public Way

No Motion Made
No Action Taken

Motion to Adjourn

The Annual Town Meeting was adjourned at 10:45 p.m., the business of the Warrant having been completed.

•• **Certificate of Quorum** ••

This is to certify that more than 150 Registered Voters were present at the Annual Town Meeting held on May 21, 2012. Voter attendance was recorded as follows:

Precinct 1	126
Precinct 2	71
Precinct 3	97
Precinct 4	<u>106</u>
Total	400

True Record: Attest:

Thomas P. Florence
Town Clerk