

TOWN OF EAST LONGMEADOW
ANNUAL TOWN MEETING
May 18, 2009

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 18, 2009, thus the third 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 7:05PM; there being 491 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 14th Annual Town Election.

Mr. Jack Villamaino, Chairman for the Board of Selectmen, requested the Assembly to recognize those town employees who had anniversaries celebrated in FY 2009. Jack also recognized the various department heads and their staffs 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 Ms. Marilyn Richards in honor of Ms. Richards being named Honorary Grand Marshall of the 2009 East Longmeadow Independence Day Parade. Marilyn was honored for her many past and present contributions to the Town of East Longmeadow, especially her diligent work and dedication as a valuable member of both the Planning Board and the Board of Selectmen.

Mr. Sheils then proceeded with some housekeeping issues: Location of fire exits, warrant articles that can be moved within the warrant if approved by a 2/3 majority vote and the recognition from Mr. Sheils to the town's election workers for their hard work and dedication.

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'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 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

Appropriations Committee - Operating Budget

Motioned that the Town raise and appropriate \$48,187,335.00 for Town purposes and charges in anticipation of revenue for the twelve month period beginning July 1, 2009, in accordance with General Laws, Chapter 44, Section 4 and all Acts in amendment thereof, and including in addition thereto Chapter 849 of the Acts of 1969 as amended for the operation of the Town departments as contained in the Town of East Longmeadow Operating Budget as printed in a chart with the Warrant entitled "Recommended Operating Budgets Fiscal Year 2010", and from available sources.

Town of East Longmeadow Recommended Operating Budgets – Fiscal Year 2010 From July 1, 2009 to June 30, 2010							
General Fund							
Town Wide Expenses		Personal Services	Operating Expenses	FY 2010 Recommended	FY 2009 Budget	Change 09 vs. 10	
132	Reserve Fund		300,000	300,000	300,000	-	0.0%
151	Law Department	30,000	48,000	78,000	79,900	(1,900)	-2.4%
430	Trash Collection		891,270	891,270	859,726	31,544	3.7%
752	Interest on ST Debt		10,000	10,000	10,000	-	0.0%
912	Workers' Compensation		135,705	135,705	155,000	(19,295)	-12.4%
914	Health & Life Insurance		4,204,396	4,204,396	3,878,317	326,079	8.4%
919	Employee Benefits		321,360	321,360	312,000	9,360	3.0%
945	Liability Insurance		336,450	336,450	382,515	(46,065)	-12.0%
946	Retirement Contribution		1,768,692	1,768,692	1,726,729	41,963	2.4%
947	PVPC Assessment		2,500	2,500	2,500	-	0.0%
Sub total		30,000	8,018,373	8,048,373	7,706,687	341,686	4.4%
Principal Payments (on existing projects)							
710	Retirement of LT Debt (General Fund)		1,930,405	1,930,405	1,923,000	7,405	0.4%
710	Retirement of LT Debt (Water Fund)		477,935	477,935	403,863	74,072	18.3%
710	Retirement of LT Debt (Sewer Fund)		380,598	380,598	471,000	(90,402)	-19.2%
Sub total			2,788,938	2,788,938	2,797,863	(8,925)	
Interest Payments (on existing projects)							
751	Interest on LT debt (General Fund)		929,359	929,359	992,713	(63,354)	-6.4%
751	Interest on LT debt (Water Fund)		232,868	232,868	216,243	16,625	7.7%
751	Interest on LT debt (Sewer Fund)		188,238	188,238	251,051	(62,813)	-25.0%
Sub total			1,350,465	1,350,465	1,460,007	(109,542)	
School Budget							
300	Education	21,485,051	2,782,476	24,267,527	23,816,089	451,438	1.9%
399	School Committee	4,200	-	4,200	4,200	-	0.0%
Sub total		21,489,251	2,782,476	24,271,727	23,820,289	451,438	1.9%
Other Boards							
114	Town Moderator	550	100	650	650	0	0.0%
131	Appropriations Committee	2,500	500	3,000	13,000	(10,000)	-76.9%
141	Board of Assessors	157,521	76,950	234,471	169,644	64,827	38.2%
175	Planning Board	114,844	7,780	122,624	120,766	1,858	1.5%
610	Library	524,580	94,280	618,860	609,714	9,146	1.5%
Sub total		799,995	179,610	979,605	913,774	65,831	7.2%
Board of Public Works							
421	DPW-Administration/Highway	1,043,821	494,969	1,538,790	1,516,049	22,741	1.5%
422	DPW-Building Maintenance	408,709	198,307	607,016	598,045	8,971	1.5%
423	DPW-Snow & Ice	20,297	91,339	111,636	111,636	-	0.0%
429	Utilities	-	1,050,642	1,050,642	1,050,642	-	0.0%
433	DPW-Waste Collections	14,784	30,000	44,784	44,784	-	0.0%
Sub total		1,487,611	1,865,257	3,352,868	3,321,156	31,712	1.0%

Article 2 continued

Town of East Longmeadow Recommended Operating Budgets – Fiscal Year 2010 From July 1, 2009 to June 30, 2010							
Town Wide Expenses		Personal Services	Operating Expenses	FY 2010 Recommended	FY 2009 Budget	Change 09 vs. 10	
Board of Selectmen							
122	Board of Selectmen’s Office	211,554	15,267	226,821	214,860	11,961	5.6%
135	Town Accountant	168,569	30,205	198,774	190,841	7,933	4.2%
145	Treasurer/Clerk/Collector	320,666	51,750	372,416	344,797	27,619	8.0%
155	Information Technology	174,004	182,278	356,282	350,853	5,429	1.5%
159	Operational Support		51,055	51,055	51,550	(495)	-1.0%
160	Elections & Registration	12,000	17,136	29,136	28,700	436	1.5%
171	Conservation/Zoning		4,989	4,989	4,989	-	0.0%
199	Town Communications	2,000	10,789	12,789	12,600	189	1.5%
210	Police	2,227,974	99,719	2,327,693	2,264,944	62,749	2.8%
220	Fire	598,304	63,060	661,364	651,707	9,657	1.5%
241	Inspectors	101,192	10,150	111,342	109,656	1,686	1.5%
519	Board of Health	14,112	67,239	81,351	80,150	1,201	1.5%
541	Council on Aging	199,959	9,216	209,175	189,461	19,714	10.4%
543	Veterans	9,520	34,626	44,146	28,104	16,042	57.1%
630	Recreation	119,865	43,500	163,365	170,170	(6,805)	-4.0%
693	Cultural		17,740	17,740	17,740	-	0.0%
Sub total		4,159,719	708,719	4,868,438	4,711,122	157,316	3.3%
GENERAL FUND		27,996,576	17,693,838	45,660,414	44,730,898	929,516	2.1%
WATER FUND							
450	Operating Budget	365,303	1,047,000	1,412,303	1,237,770	174,533	14.1%
SEWER FUND							
440	Operating Budget	325,348	768,300	1,093,648	1,038,803	54,845	5.3%
ANIMAL CONTROL FUND							
292	Operating Budget	17,970	3,000	20,970	20,970	-	0.0%
GRAND TOTAL BUDGET		28,675,197	19,512,138	48,187,335	47,028,441	1,158,894	2.5%

Passed Majority.

Article 3

Capital Planning Committee – Fund F.Y. 2010 Capital Projects

Motioned that the Town raise and appropriate, transfer and re-appropriate and borrow pursuant to General Laws, Chapter 44, Section 7, for capital projects for the 2010 fiscal year, a total sum of \$2,938,313.00 for the purposes and in the amounts set forth in the chart published with the Warrant entitled, “Recommended Capital Planning Article Fiscal Year 2010”.

Recommended Capital Planning Article FY2010	
Taxation	0
By Transfer from:	
Water Fund – Undesignated Fund Balance	150,000
Sewer Fund – Undesignated Fund Balance	150,000
Closed Capital Projects with Balances:	
Fund #'s 3166 & 3002 with 5yr Maturities	10,212
Fund #3019 with a 10yr Maturity	16,083
Fund #'s 3109, 3110 & 3105 with 15yr Maturities	4,968
Fund #'s 3158 & 3160 with 20yr Maturities	<u>317,882</u>
Sub-total Closed Capital Projects	349,145
Borrowing under Terms of Massachusetts General Laws-Chapter 44	2,289,168
Total Recommended Capital Projects	\$2,938,313

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 4

Appropriations Committee – Transfer of funds to Stabilization Account

Motioned that the Town raise and appropriate the sum of \$250,000.00 to the Stabilization Account #8216-122 to set aside said funds for future expenditures.

2/3'rds vote required. Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 5

Department of Public Works – Highway Construction

Motioned that the Town raise and appropriate by borrowing or otherwise, \$430,639.00 for the construction, reconstruction and/or maintenance of public ways, said sum to be reimbursed by the Commonwealth and expended under the jurisdiction of the Board of Public Works.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 6

Board of Public Works – Transfer of Funds from Water and Sewer Undesignated Fund Balance

Motioned that the Town appropriate \$710,803.00 from the Water Undesignated Fund Balance Account #12-3590 and \$568,836.00 from the Sewer Undesignated Fund Balance account #13-3590 and transfer \$858,533.00 to the account #01-710, General fund Long Term Debt and \$421,106.00 to account #01-751, General Fund Long Term Interest.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 7

Board of Selectmen – Transfer of Funds

Motioned that the Town appropriate the sum of \$89,000.00 from the following 2008 fiscal year departmental appropriations:

\$20,000.00 from Liability Insurance Budget Account #01-945 operating expense category to the Treasurer's Budget Account #01-145 Personal services category;

\$11,000.00 from the Liability Budget Account #01-945 Operating Expense category to the Fire Department Budget #01-220 Operating expense category;

\$58,000.00 from the Liability Budget Account #01-945 Operating Expense category to the Health Insurance Budget Account #01-914 Operating expense category.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 8

Board of Selectmen – Appropriate Funds for Prior Years Bills

Motioned that the Town raise and appropriate \$684.00 to pay outstanding bills incurred in prior years as follows:

Billings Hill Cemetery	\$204.00
Green Lawn Cemetery	\$480.00

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

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 2010, which fund shall be separate from the General Fund, pursuant to 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.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 10

Board of Selectmen – Revolving Fund – Center School Park

Motioned that the Town re-establish a “Center School Park Revolving Fund” for Fiscal Year 2010, which fund shall be separate from the General Fund, pursuant to 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 \$20,000.00 during the fiscal year, as approved by the Board of Selectmen.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 11

Board of Selectmen – Revolving Fund – Transfer Station

No Motion Made

No Action

Article 12

Board of Selectmen – Revolving Fund – Solid Waste Disposal

Motioned that the Town establish a “Solid Waste Disposal Revolving Fund” for Fiscal Year 2010, which fund shall be separate from the General Funds, pursuant to 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.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 13

Board of Selectmen – Transfer from Solid Waste Disposal Revolving Fund to Trash Collection Account

Motioned that the Town appropriate from the “Solid Waste Disposal Revolving Fund” the sum of \$150,000.00 and transfer said sum to the Trash Collection Account #01-430.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 14

Board of Assessors – End Farm Animal Excise Taxation

Motioned that the Town vote, pursuant to the provisions of General Laws Chapter 59, Section 8A, that the farm animal excise tax established by said Chapter 59, Section 8A, not be imposed.

Passed Unanimously.

Appropriations Committee Recommendation: Recommended

Article 15

Community Preservation Committee – Fund Allocation

Motioned that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund for Fiscal Year 2010 from revenues estimated to be \$200,000.00 allocated as follows:

Administrative Expenses	2.0%
Historic Resource Reserve	10.0%
Community Housing Reserve	10.0%
Open Space Reserve	10.0%
Undesignated General Reserve	68.0%

Passed Unanimously.
Appropriations Committee Recommendation: Recommended

Article 16

Community Preservation Committee – Purchase of Windows, Lighting, Heating and Ventilation improvements

Motioned that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund Reserve for Fiscal Year 2010 from the Revenue accounts the purposes and the amounts as follows:

- Community Housing Reserves:
- Village Green Community for replacement windows: \$95,000.00
- Inward Commons for lighting, heating and ventilation improvements: \$11,000.00

Passed Unanimously.
Appropriations Committee Recommendation: Recommended

Article 17

Community Preservation Committee – Purchase of Land

Motioned that the Town accept the recommendations of the Community Preservation Committee that the Town acquire by purchase the following parcels of land, for community preservation purposes as defined in the Community Preservation Act, and recorded in the Hampden County Registry of Deeds and in the records of the Board of Assessors as follows:

Article 17 continued

A parcel of land owned by Robert A. Koch recorded in the Hampden County Registry of Deeds Book 6724, Page 494 and the Board of Assessor's parcel number 53-25A-0 for \$150,000.00; and part of the premises described in Book 17502, Page 117 and owned by the Barbara Brown Revocable Trust and shown on the plan prepared by Smith Associates Surveyors, Inc. entitled "Plan of Land Hampden Road East Longmeadow, MA., owned by Barbara and Harriet F. Brown" dated May, 2009; and two parcels of land owned by Harriet F. Brown, the first parcel shown as parcel G on the above plan containing 33.21 acres, more or less, and the second parcel entitled H. Brown (parcel in will) containing 3.51 acres, more or less, her title is derived from Hampden County Probate Court Estate Number 125880 (see also Estate of M. Eleanor Brown, Hampden County Probate number 143167) both parcels being shown on the plan of land prepared by said Smith Associates reference above, and to pay the sum of \$1,100,000.00 for the three Brown parcels describe above.

And that the Town authorized the Board of Selectmen to purchase said property, and further that the Town appropriate, by borrowing under the provisions of General Laws Chapter 44, Section 7, General Laws Chapter 44B, Section 11 and any other applicable general or special law, the total sum of \$1,250,000.00 to purchase all of the above parcels for community preservation purposes as defined in the Community Preservation Committee's administrative expense fund, and that the Town appropriate from the Community Preservation Fund and additional \$25,000.00 to be used to pay for a usage feasibility study regarding the property and any unexpended portion of said \$25,000.00 be returned to the Community Preservation Fund upon completion of the study.

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

A 2/3 Vote was obtained as declared by Moderator.

Appropriations Committee Recommendation: Recommended

Article 18**Board of Selectmen – Conveyance of Real Estate**

Motioned that the Town authorize the Board of Selectmen to convey the property hereinafter described to Mark Ecker for no consideration and request the State legislature to enact special legislation authorizing the conveyance of real estate owned by the Town on Arch Street, Lindendale Avenue and Gaskell Street to Mark Ecker for no consideration as follows:

TITLE: Act Authorizing the Town of East Longmeadow to convey certain real estate to Mark Ecker.

SECTION 1: Notwithstanding any general or special law to the contrary the Town of East Longmeadow, by deed executed by its Board of Selectmen, may convey property located in East Longmeadow, Massachusetts and described as follows:

Beginning at the intersection of Lindendale Avenue and Arch Street at the corner of Lot 650 and running along Arch Street at the corner of Lot 650 and running

Article 18 continued

along Arch Street, two hundred eighty seven and 67/100 (287.67) feet; thence running through Lot 656, ninety five and 14/100 (95.14) feet to Lot 639; thence continuing in the same line through Lots 639 and 640 ninety five and 14/100 (95.14) feet to Gaskell Street; thence along Gaskell Street to the corner Lot 644, at its intersection with Lot 645; thence along Lots 645, 646, 647 and 648, one hundred twenty feet (120) to Lot 649; thence along Lot 649, one hundred (100) feet to Lindendale Avenue; thence running along Lindendale Avenue, sixty (60) feet to the point of beginning.

Being the same premises described in deeds recorded in the Hampden County Registry of Deeds, Book 1807, Page 45; Book 1608, Page 361 and Book 1543, Page 293.

to Mark Ecker for no consideration.

SECTION 2: The Town may waive all real estate taxes assessed on the property and buildings constructed thereon for the first ten (10) years after the date of the transfer to Mark Ecker, provided the property is used as his principal residence.

SECTION 3: If Mark Ecker or his heirs, successors or assigns sell or transfer the property, or if he ceases to occupy the property as his principal residence during the first ten years from the conveyance of the property to him, the Town shall be paid all taxes that were waived pursuant to Section 2 without interest, and the Town shall in addition thereto be paid a percentage of the then value of the land, exclusive of any structures, as follows: One hundred percent if occurring during the first year after the transfer by the Town to him; ninety percent if occurring during the second year after the transfer by the Town to him; eighty percent if occurring during the third year after the transfer by the Town to him; seventy percent if occurring during the fourth year after the transfer by the Town to him; sixty percent if occurring during the fifth year after the transfer by the Town to him; fifty percent if occurring during the sixth year after the transfer by the Town to him; forty percent if occurring during the seventh year after the transfer by the Town to him; thirty percent if occurring during the eighth year after the transfer by the Town to him; twenty percent if occurring during the ninth year after the transfer by the Town to him; ten percent if occurring during the tenth year after the transfer by the Town to him. All of the payments owed to the Town under this Act shall be a lien against the property and shall be a lien against the property and shall incur interest at the rate charged for unpaid real estate taxes and shall be included on any Municipal Lien Certificate issued regarding said property.

SECTION 4: The deed of conveyance shall contain the repayment provision set forth in Section 3 of this Act and the East Longmeadow building Commissioner, or his designee, shall be the local coordinator for approving all contracts for the construction of any dwelling on said property.

SECTION 5: This Act shall take effect upon its passage.

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

A 2/3 Vote was obtained as declared by Moderator.

Appropriations Committee Recommendation: Recommended

Article 19

Board of Selectmen – Alcoholic Beverage License

No Motion Made

No Action

Article 20

Amend Zoning By-Law, 1991 Revision, Section 3.092

No Motion Made

No Action

Article 21

Amend Zoning By-Law, 1991 Revision, Section 3.31

No Motion Made

No Action

Article 22

Amend Zoning By-Law, Section 5.3B

No Motion Made

No Action

Article 23

Citizen Petition – Amend Zoning By-Law, Sections 7.36B and 7.36D

Motioned that the East Longmeadow Zoning By-Law be modified by amending Sections 7.36(b), 7.36(d) and the definitions of “home based trade” and “immediate family” in section VIII, as published in the warrant.

To see if the Town will change the Zoning By-laws as follows:

Section VIII Definitions

Home Based Trade:

The incidental and secondary use of a portion of the home or accessory building thereto, as a place for limited storage in “connection with an off-premises trade by a homeowner and/or immediate family member resident of the premises, as a builder, carpenter, electrician, painter, plumber, landscaper, or similar person, whose business is conducted off-site”. Said use is specifically limited as set forth in Section 7.36 of the East Longmeadow Zoning By-Law.

Immediate Family:

Immediate family shall mean for the purposes of this By-Law (Section 7.36): Spouse, parent, step-parent, children, step-children, siblings and step-siblings and/or spouses of the aforementioned that reside at the permitted site.

Article 23 continued

7.36 Additional Criteria for Home Based Trade

B. Any person wishing to obtain a Special Permit for this limited use must present satisfactory documentation, as determined by the SPGA, which validates the applicant's ownership or ownership by an immediate family member and residence at the property and business existence and operation in the residential district as of the date of the first public hearing for this section which is January 28, 2008. If they meet this then they can apply no more than ninety days after the Town meeting. Documentation may include, but is not limited to, paid excise tax bills on business vehicles validating existence at the residential site.

D. All eligible applications for Special Permit for this limited use must be filed with the Planning Board office on or before December 31, 2008. Except that within ninety days of the adoption of the immediate family member ownership amendment applications may be accepted from those who didn't apply due to the non-personal ownership of the residence but who have an immediate family member who owns the property where the business resides.

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

A 2/3 Vote was obtained as declared by Moderator.

Article 2

Citizen Petition – Amend General By-Laws – Film Elected Board's and Committee's Meetings

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

All open session portions of regularly scheduled meetings of the elected Board of Selectmen, School Committee, Board of Public Works, Planning Board, Board of Assessors and Board of Library Trustees shall be filmed by the East Longmeadow Community Access Television department and shall be broadcast regularly on Community Access Television. This by-law is not intended to expand the requirements of the open meeting law and the failure to film a meeting shall not affect the legality of such a meeting.

Main Motion Passed Majority.

A motion was made on behalf of the East Longmeadow Board of Assessors that Article 24 be amended by deleting the words, "Board of Assessors"; motion did not carry.

Motion to Adjourn

The Annual Town Meeting was adjourned at 9:42 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 18, 2009. Voter attendance was recorded as follows:

Precinct 1	131
Precinct 2	76
Precinct 3	157
Precinct 4	<u>127</u>
Total	491

True Record: Attest:

Thomas P. Florence
Town Clerk

Retyped February 2016 to add language of the Warrant.