



WARRANT

Town of Leverett
FY 2018 Annual Town Meeting
Saturday, April 29, 2017
9:00 A.M. Leverett Elementary School

Franklin, SS.

To one of the Constables of Leverett:
Greetings:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of Leverett, qualified to vote in Town affairs, to meet in the Elementary School auditorium, on Saturday the 29th day of April, 2017, at 9:00 in the morning (9:00 A.M.), then and there to act on the following articles, namely:

Article One: To choose all necessary town officers to serve for periods prescribed by law or Town bylaw, or take any action relative thereto.

Article Two: To see if the Town will vote to amend the Amherst Pelham Regional School District Agreement such that, notwithstanding Section VI, for Fiscal Year 2018 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of a five year average of statutory minimum contributions (FY14-18) and the other 90% will be allocated to the member towns in accordance with the per-pupil method found in the Amherst Pelham Regional School District Agreement. Since FY18 minimum contributions will not be finalized at the time of this vote, the District will use the state's preliminary figures with estimated corrections provided by the state, or take any action relative thereto.

Article Three: To see if the Town will vote to accept, on behalf of the Amherst Regional School District, the provisions of Massachusetts General Laws Chapter 40, Section 13E, which allows the establishment of, and appropriation or transfer of money to, a reserve fund to be utilized in the upcoming fiscal years, to pay, without further appropriation, unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation, or take any action relative thereto.

Article Four: To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as shall be necessary to meet Town expenses, or take any action relative thereto.

Article Five: To see if the Town will vote to set the salaries of elected officials as provided by MGL Chapter 41, Section 108, to be made effective from July 1, 2017 as presented in the budget, or take any action relative thereto.

Article Six: To see if the Town will vote to transfer the sum of \$37,000 from the Stabilization Account to purchase and equip a new police cruiser, or take any action relative thereto.

Article Seven: To see if the Town will vote to transfer the sum of \$45,000 from the Stabilization Account to purchase and equip a new one-ton highway truck, or take any action relative thereto.

Article Eight: To see if the Town will vote to transfer the sum of \$175,000 from the Stabilization Account to purchase and equip a new or used fire rescue truck, or take any action relative thereto.

Article Nine: To see if the Town will vote to transfer the sum of \$8,000 from Free Cash to purchase a new thermal imager for the Fire Department, or take any action relative thereto.

Article Ten: To see if the Town will vote to transfer the sum of \$27,950 from Free Cash to purchase and install dry sprinkler heads and complete all necessary work on the sprinkler system at the Elementary School, or take any action relative thereto.

Article Eleven: To see if the Town will vote to transfer the sum of \$3,750 from the \$14,000 appropriated at the April 30, 2016 as a grant match for a 2,000 gallon fire tanker truck, which was not funded, as the town's 5% match for a FEMA Assistance to Firefighter grant to purchase a brush truck, funding contingent upon receipt of the grant, or take any action relative thereto.

Article Twelve: To see if the Town will vote to transfer the sum of \$5,600 from the \$14,000 appropriated at the April 30, 2016 as a grant match for a 2,000 gallon fire tanker truck, which was not funded, to purchase new multi gas meters for the Fire Department, or take any action relative thereto.

Article Thirteen: To see if the Town will vote to transfer the sum of \$4,650 from the \$14,000 appropriated at the April 30, 2016 as a grant match for a 2,000 gallon fire tanker truck, which was not funded, to purchase new hose and helmets for the Fire Department, or take any action relative thereto.

Article Fourteen: To see if the Town will vote to transfer from Free Cash the sum of \$47,000 into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

Article Fifteen: To see if the Town will vote to transfer from Free Cash the sum of \$31,670, which is the sum received from Medicaid for Special Education Cost at Leverett Elementary School, to the OPEB trust account, or take any action relative thereto.

Article Sixteen: To see if the Town will vote to reserve the following from FY 2018 Community Preservation Annual Fund revenues, to adjust for actual revenues received in fiscal years 2013 through 2016 over originally estimated amounts: \$4,680.98 for open space purposes (excluding recreational purposes); \$4,680.98 for historic resources; \$4,680.98 for community housing, or take any action relative thereto.

Article Seventeen: To see if the Town will vote to reserve the following from FY 2018 Community Preservation Annual Fund revenues: \$17,126.85 for open space purposes (excluding recreational purposes); \$17,126.85 for historic resources; \$17,126.85 for community housing; and \$97,844.96 to the FY 2018 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Article Eighteen: To see if the Town will vote to appropriate \$8,000 from FY 2018 Community Preservation Annual Fund revenues for administrative and operating expenses, including legal expenses, of the Leverett Community Preservation Committee, or take any action relative thereto.

Article Nineteen: To see if the Town will vote to appropriate \$2,542 from the Community Preservation Fund Balance Reserved for Historic Resources to pay for the creation of eleven (11) signs reading “Entering _____ Historic District” for North Leverett, Moore’s Corner and East Leverett, three villages designated in 2014 as National Register Historic Districts, or take any action relative thereto.

Article Twenty: To see if the Town will vote to appropriate a total of \$10,000 from the Community Preservation Fund Balance Reserved for Open Space, to be transferred to the Conservation Commission, to pay for the construction of bog bridges, benches and signage, all to be installed on trails located on town-owned land, or take any action relative thereto.

Article Twenty-One: To see if the Town will vote to appropriate a total of \$100,000 from the Community Preservation Fund, \$_____ of which is to come from the Community Preservation Fund Balance Reserved for Community Housing and \$_____ of which is to come from the Community Preservation Fund Budgeted Reserve, to be transferred to the Leverett Affordable Housing Trust to fund the Leverett Down-Payment Assistance Program, a program intended to assist income-qualified persons to purchase a home in Leverett, or to take any action relative thereto.

Article Twenty-Two: To see if the Town will vote to appropriate a total of \$150,000 from the Community Preservation Fund, \$_____ of which is to come from the Community Preservation Fund Balance Reserved for Community Housing and \$_____ of which is to come from the Community Preservation Fund Budgeted Reserve, to be transferred to the Leverett Affordable Housing Trust to fund the Leverett Homeownership Assistance Program, a program intended to assist income-qualified persons to purchase an affordable home in Leverett as well as to increase the stock of “affordable housing” in Leverett, or to take any action relative thereto.

Article Twenty-Three: To see if the Town will vote to amend the Leverett Zoning Bylaw as relating to substituting the Zoning Board of Appeals for the Planning Board as the Special Permit Granting Authority as follows:

1. In Section 2234 change in each instance that is appears the term “SP*” to “SP”.
2. In Sections 3411 and 3413 change in each instant that it appears the words “Planning Board” to the words “Board of Appeals”.
3. In Section 4913 Definitions under “Special Permit Granting Authority (SPGA)” change the words “Planning Board” to “Board of Appeals”.

or take any action relative thereto.

Article Twenty-Four: To see if the Town will vote to Amend Leverett Zoning By-Law as relating to Accessory Apartments as follows:

1. Section 2434 change to read: “Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 1,200 sq. ft. in floor space and shall be located as part of the single-family structure on the premises;”
2. Delete Section 2435.a. and renumber Section 2435.b. to 2435.a. and 2435.c to 2435.b.
3. Amend Article VI Definition of Accessory Apartment by changing last words “a single-family dwelling” to “the single-family structure on the premises”.

or take any action relative thereto.

Article Twenty-Five: To see if the Town will vote to Amend Leverett Zoning By-Law as relating Rate of Development as follows:

1. Delete Section 3700 Rate of Development

or take any action relative thereto.

Article Twenty-Six: To see if the Town will vote to Amend Leverett Zoning By-Law Section 4970 as relating to ground – mounted solar electric as follows:

1. In Section 4970.1. In the paragraph beginning “Small-scale” delete words and numbers “not exceed 9 feet in height without a special permit and shall not exceed 20 feet in height“ and substitute therefor the following: “be subject to site plan review if in excess of 9 feet in height and not in excess of 20 feet in height, and shall require a special permit if greater than 20 feet in height, and shall not exceed 35 feet in height.”
2. In Section 4970.7, 4970.9.c. , 4970.11.b, 4970.11.c., 4970.12.a., b. and c., and in Section 4970.13, in each instance, change the words “Planning Board” to the words “Board of Appeals”.
3. In Section 4970.12.c.(ii) delete the words “Site Plan Review or”.

or take any action relative thereto.

Article Twenty-Seven: To see if the Town will vote to change the Code of Leverett as follows

Chapter 3 Administration

Article II Appointed Boards and Offices

3-7 Appointments by the Select Board

Change

from “The Select Board shall have the power to appoint..... an Historical Commission of three (3) members for three overlapping terms,”

to “The Select Board shall have the power to appoint..... an Historical Commission of **between three (3) and seven (7) members for three-year** overlapping terms,”

or take any action relative thereto.

Article Twenty-Eight: To see if the Town will vote to amend the terms of office stated in the authorization voted in Article 17 of the Annual Town Meeting Warrant for April 27, 2013: to wit, for the Selectboard to appoint a three-member municipal light board with staggered terms of three years, rather than six years, to be compatible with MGL Chapter 164, or take any action in relation thereto.

Article Twenty-Nine: To see if the Town will vote to transfer the sum of \$803.66 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto.

Article Thirty: To see if the Town will vote to transfer the sum of \$941.22 from Bond Premiums Reserved for School Debt Payment to the School Interest Account, or take any action relative thereto.

Article Thirty-One: To see if the town will vote to amend the general by-laws of the Town of Leverett by adding the bylaw below to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E1/2, or take any other action relative thereto.

DEPARTMENTAL REVOLVING FUNDS BYLAW

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44 § 53E1/2.
2. Expenditure Limitations. An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers.)
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law, or town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44 §53E1/2 and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:
- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer.
 - B. The department or agency head, board, committee or officer authorized to spend from each fund.
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
 - D. The expenses of the program or activity for which each fund may be used.
 - E. Any restrictions or conditions on expenditures from each fund.
 - F. Any reporting or other requirements that apply to each fund, and
 - G. The fiscal years each fund shall operate under this by-law.

Revolving Fund	Entity Authorized To Spend	Revenue Source	Use	Restrictions or Conditions on Expenditures	Other Requirements/ Reports	Fiscal Years
Library	Library Director	Fees for copying and printing	Copier and printer expenses	Spending limit of \$1,000		Fiscal Year 2018 and Subsequent Years
Library	Library Director	Fines	Purchase books, audios & videos	Spending limit of \$3,000		Fiscal Year 2018 and Subsequent Years
Town Grounds Maintenance	Selectboard	Sale of plants, donations	Maintain town gardens & landscape town property	Spending limit of \$1,000		Fiscal Year 2018 and Subsequent Years
Fire Inspections	Fire Chief	Inspections	Fire Inspectors and fire inspection expenses	Spending limit of \$2,500		Fiscal Year 2018 and Subsequent Years
Home Composting Program	Transfer Station Administrator	Sale of compost bins and donations	Home composting bin distribution program expenses	Spending limit of \$1,000		Fiscal Year 2018 and Subsequent Years
Council on Aging	Council on Aging Chair	Fees and Donations	Costs associated with programs sponsored by the Council on Aging	Spending limit of \$5,000		Fiscal Year 2018 and Subsequent Years

Article Thirty-Two: To see if the Town will vote to authorize the Selectboard to enter into contracts with the Massachusetts Department of Transportation for construction and/or maintenance of highways or other permissible expenditures from the Transportation Bond monies (Chapter 90) and authorize the Selectboard to accept any monies from the Commonwealth of Massachusetts for highway construction and/or maintenance related work, or take any action relative thereto.

Article Thirty-Three (by Petition): To see if the Town will vote to adopt the following Resolution or take any action relative thereto:

**Resolution in Support of Congressional Investigation regarding
Impeachment of President Donald J. Trump**

WHEREAS, the Foreign Emoluments Clause of the United States Constitution provides that “no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State,” thereby prohibiting conflicts of interest that could influence the conduct of the foreign affairs of the United States,

WHEREAS, the Domestic Emoluments Clause of the United States Constitution provides that, besides the fixed salary for his four-year term, the President “shall not receive within that Period any other Emolument from the United States, or any of them,” thereby prohibiting conflicts of interest that could influence the conduct of the domestic affairs of the United States,

WHEREAS, the term “emoluments” includes a broad range of financial benefits, including but not limited to monetary payments, purchase of goods and services even for fair market value, subsidies, tax breaks, extensions of credit, and favorable regulatory treatment,

WHEREAS, Donald J. Trump, the President of the United States, owns various business interests and receives various streams of income from all over the world,

WHEREAS, many of these businesses receive, and streams of income include, emoluments from foreign governments, states of the United States, or the United States itself,

WHEREAS, leading constitutional scholars and government ethics experts warned Donald J. Trump shortly after the November 2016 election that, unless he fully divested his businesses and invested the money in conflict-free assets or a blind trust, he would violate the Constitution from the moment he took office,

WHEREAS, on January 11, 2017, nine days before his inauguration, Donald J. Trump announced a plan that would, if carried out, remove him from day-to-day operations of his businesses, but not eliminate any of the ongoing flow of emoluments from foreign governments, state governments, or the United States government,

WHEREAS, on January 20, 2017, Donald J. Trump took the oath of office and became President of the United States,

WHEREAS, from the moment he took office, President Trump was in violation of the Foreign Emoluments Clause and the Domestic Emoluments Clause of the United States Constitution,

WHEREAS, these violations undermine the integrity of the Presidency, corruptly advance the personal wealth of the President, and violate the public trust,

WHEREAS, our democracy is premised on the bedrock principle that no one is above the law, not even the President of the United States,

NOW, THEREFORE, THE TOWN OF LEVERETT RESOLVES to call upon the United States House of Representatives to support a resolution authorizing and directing the House Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States, including but not limited to the violations listed herein; and,

BE IT FURTHER RESOLVED that copies of this resolution be transmitted officially to the Members of the United States House of Representatives that represents the city, namely, Congressman Jim McGovern (MA-2); as well as the remaining representatives of State of Massachusetts, namely, Congressman Richard Neal (MA-1), Congresswoman Niki Tsongas (MA-3), Congressman Joseph Kennedy III (MA-4), Congresswoman Katherine Clark (MA-5), Congressman Seth Moulton (MA-6), Congressman Michael Capuano (MA-7), Congressman Stephen Lynch (MA-8), Congressman William Keating (MA-9); as well as Congressman Jamie Raskin (MD-8); and to the Members of the United States Senate representing Massachusetts, namely Senator Elizabeth Warren and Senator Edward Markey.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted officially within three weeks of approval by the town of LEVERETT.

Article Thirty-Four (by Petition): To see if the Town will vote to adopt the following Resolution or take any action relative thereto:

Resolution of Leverett Town Meeting in Support of 100 Percent Renewable Energy

WHEREAS, too much of Massachusetts' energy comes from fossil fuels that pollute our air and water and alter our climate; and

WHEREAS, Massachusetts communities are already feeling the impacts of global warming; and

WHEREAS, Leverett is a Green Community; and

WHEREAS, clean energy has brought many benefits to Massachusetts, including reduced pollution, tens of thousands of clean energy jobs, and more of our energy dollars retained in the local economy; and

WHEREAS, Massachusetts has historically been a leader in the fight against global warming, and has a responsibility to continue to set a positive example for other states and countries to follow; and

WHEREAS, Massachusetts can get 100 percent of its energy from clean, renewable sources by harnessing its abundant solar, wind and water resources, and taking advantage of innovations in energy efficiency, green transportation, energy storage, and other technologies; and

WHEREAS, the transition to 100 percent renewable energy should promote employment opportunities and economic growth in our communities, facilitate local control and ownership over energy options, and bring tangible benefits to low-income residents and others who have historically been disadvantaged by our energy system;

NOW, THEREFORE, BE IT RESOLVED by the Leverett Town Meeting in the County of Franklin, Commonwealth of Massachusetts, that Massachusetts should commit to a goal of 100 percent clean, renewable energy, and move as quickly as possible to achieve that goal;

AND BE IT FURTHER RESOLVED that leaders in the Legislature and statewide elected and appointed officials are urged to do everything in their power to bring Massachusetts closer to 100 percent renewable energy, and ensure that the benefits of renewable energy are realized by Massachusetts residents from all walks of life;

AND BE IT FURTHER RESOLVED that the Town of Leverett and its staff will consider all town decisions in light of whether they will bring the Town and its residents, businesses, and institutions closer to 100 percent renewable energy;

AND BE IT FURTHER RESOLVED that the TOWN OF LEVERETT will avoid taking actions that could increase the use of fossil fuels or delay the transition to 100 percent renewable energy;

AND BE IT FURTHER RESOLVED that the TOWN OF LEVERETT will take actions to promote clean energy and reduce fossil fuel use, including:

- Creating a town committee to study and make recommendations for actions to achieve 100 percent renewable energy in the town, and
- Promoting energy efficiency upgrades at all town facilities.

Article Thirty-Five (by Petition): To see if the Town will vote to adopt the following Resolution or take any action relative thereto:

**PETITION TO THE TOWN OF LEVERETT REGARDING SINGLE PAYER
HEALTHCARE (IMPROVED MEDICARE FOR ALL):**

WHEREAS, there is much concern regarding healthcare for citizens at the Federal Level of government.

WHEREAS, it is believed that everyone should have good healthcare as a right and not a privilege.

WHEREAS, there are bills in both the Massachusetts Senate and the House regarding Single Payer Healthcare: i.e., SB 619 “An act establishing improved Medicare for All in Massachusetts”, and SB610, HB 596 “An act to ensure effective health care cost control”.

NOW THEREFORE, BE IT RESOLVED that the Town of Leverett request that Governor Baker approve Single Payer Healthcare (Improved Medicare for All) for the Commonwealth of Massachusetts.

BE IT FURTHER RESOLVED that the Leverett Town Clerk be, and is hereby, instructed to certify and transmit to the Governor of the Commonwealth of Massachusetts, the President of the Massachusetts Senate, and the Majority Leader of the Massachusetts House of Representatives, under the seal of the Town of Leverett, a copy of this resolution and its adoption by the Town of Leverett, as a petition and request that this petition be seriously considered by all parties mentioned above.

And you are hereby directed to serve this Warrant by posting up attested copies thereof on the Post Office, in the Town Hall and Congregational Church at Leverett, the Baptist Church at North Leverett and the Village Co-op at Moores Corner, seven days at least before the day of said meeting.

Given under our hands this 14th day of April, 2017.

SELECTBOARD OF LEVERETT

Peter d'Errico, Chair

Julia Shively

Thomas Hankinson

A true copy I attest:

Lisa Stratford, Town Clerk

I have served this Warrant as directed therein:

Date: _____ Constable: _____