

WARRANT

Town of Leverett
FY 2008 Annual Town Meeting
Saturday April 28, 2007
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 28th of April, 2007, 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 approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2008, as required by Section VI of the Regional Agreement, or take any action relative thereto.

Article Three: 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 Four: To see if the Town will vote to reserve the following from FY 2008 Community Preservation Annual Fund revenues: \$14,169.86 for open space purposes (excluding recreational purposes); \$14,169.86 for historic resources; \$14,169.86 for community housing; and \$97,188.99 to the FY 2008 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Article Five: To see if the Town will vote to appropriate \$2,000 from FY 2008 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 Six: To see if the Town will vote to rescind the action taken by Article 25 of the April 29, 2006 Annual Town Meeting and to appropriate \$5,500 from the FY 2007 Community Preservation Fund Budgeted Reserve to acquire 9.375 acres of land more or less that provides access to the Robert Frost Trail under Massachusetts General Laws Chapter 44B; said parcel shown as Assessors Map 1, Lot 32; said land to be managed and controlled by the Selectboard with a perpetual conservation restriction on it to be inserted into the deed; and that the Selectboard be authorized to enter into all agreements and

execute any and all instruments as may be necessary on behalf of the Town of Leverett to affect said purchase, or take any other action thereto.

Article Seven: To see if the Town will vote to appropriate \$25,000 from the FY 2007 Community Preservation Fund Budgeted Reserve to purchase two contiguous parcels of land, amounting to 8.9 acres more or less, at the southwestern end of Leverett Pond for shoreline and watershed protection and an extension of the Friendship Trail under Massachusetts General Laws Chapter 44B; said parcels shown as Assessors Map 5B, Lot 12F and Map 7, Lot 227; said land to be managed and controlled by the Selectboard with a perpetual conservation restriction on it to be inserted into the deed; and that the Selectboard be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Leverett to affect said purchase, or take any other action thereto.

Article Eight: To see if the Town will vote to appropriate \$5,000 from the Community Preservation Fund Balance Reserved for Historic Resources to continue the restoration of the Moore's Corner School/Meeting house, or take any action relative thereto.

Article Nine: To see if the Town will vote to appropriate \$18,050 from the FY 2007 Community Preservation Fund Budgeted Reserve to create a multi-purpose handicapped accessible primary climbing and activity structure on the grounds of the Leverett Elementary School, or take any action relative thereto.

Article Ten: To see if the Town will vote to appropriate \$16,000 from the Community Preservation Fund Balance Reserved for Historic Resources and \$14,000 from the FY 2007 Community Preservation Fund Budgeted Reserve to install a composting toilet and add electrical work and heating to the second floor at the Old Library Building, or take any action relative thereto.

Article Eleven: To see if the Town will vote in accordance with Section 3760 of the Leverett Zoning By-law to amend the Leverett Zoning By-law Section 3720 to substitute the word "eight" for the word "five" in the third line of said section and by amending Section 3760 by substituting for the year "2007" the year "2010", or take any action relative thereto.

Article Twelve: To see if the Town will vote to update the Code of the Town of Leverett as outlined below, or take any action relative thereto:

Chapter 3 Article 1 Members and Terms

Add "five (5) members of a School Committee"

Chapter 41 Article 1 Town's legislative powers; quorum requirement.

Change B.

from “the quorum necessary for the initiation of Annual Town Meeting business or
Town Meetings considering bylaw changes or bond issues shall be at least 5%
of the registered voters on the active voting list of the Town.”

to “the quorum necessary for the initiation of Annual Town Meeting business shall be at
least 5% of the registered voters on the active voting list of the Town and the
quorum necessary for the initiation of Special Town Meeting business shall be at
least 2.5% of the registered voters on the active voting list of the Town.”

Article Thirteen: To see if the Town will vote to adopt the following bylaw, or take any action relative thereto:

RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of the Town of Leverett restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

This General By-law encourages the pursuit of agriculture and forest management, promotes agriculture-based economic opportunities, and protects farmlands and managed forests within the Town of Leverett by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw recognizes that protection and improvement of forest and other agricultural land preserves our rural landscape, sustains our local economy and provides us with local food and timber. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel of land or body of water for the primary purpose of agriculture or forestry or accessory thereto.

The words "farming" or “agriculture” or their derivatives shall include, but not be limited to, the following:

- farming in all its branches and the cultivation and tillage of the soil;
- growing and harvesting of forest products and the practice of silviculture upon forest land;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- raising of livestock;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, sheep, goats, ratites (such as emus, ostriches and rheas), and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of soil amendments including manure, fertilizers and minerals;
- application of biological and chemical weed and pest controls;
- conducting agriculture-related educational or recreational activities, provided that the activities are related to the farm's operation;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including appropriate signage;
- maintenance, repair, and storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural and forest products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Leverett. The agricultural work described above may occur on holidays, weekdays and weekends by night or by day. Normally accepted agricultural practices sometimes produce incidental noise, dust and/or fumes. It is hereby determined that impacts which may be caused to others through the normal practice of agriculture are offset by the benefits of farming to the neighborhood, community, and society in general.

The benefits and protections of this By-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing or exempting any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Any real estate agent or private seller offering property in Leverett for sale or for lease must provide a copy of this By-law to any potential buyer or lease holder before any purchase and sale or lease-hold agreement is signed.

The Town Clerk shall annually notify residents of the substance of this By-law.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm or managed forest may, notwithstanding pursuing any other available remedy, file a grievance with the Selectboard, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Selectboard may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Leverett hereby declares the provisions of this By-law to be severable.

Article Fourteen: To see if the Town will vote to adopt the following bylaw, or take any action relative thereto:

NOISE BYLAW

Section 1. Unlawful Noise prohibited.

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town of Leverett. The following acts are declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be exclusive, namely:

- a) Radio, Music Player, Musical Instruments and Television. The playing of any radio, music player, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling or other type of residential facility, or in any office, or of any persons in the vicinity.
- b) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 10:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet,

comfort or repose of persons in any dwelling or other type of residential facility, or in any office, or of any persons in the vicinity.

- c) Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person.
- d) Construction Noise. Construction noise between hours of 10:00 p.m. and 6:30 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling or other type of residential facility, or in any office, or of any persons in the vicinity.

Section 2. Exemptions.

None of the terms of prohibitions of the previous section shall apply or be enforced against:

- a) Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- b) Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, highways, or any public utility installation by or on behalf of the Town or any public utility or any agency of the Commonwealth of Massachusetts.
- c) Public Address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature.
- d) Noise caused by agricultural, farm-related, or forestry-related activities as defined by Massachusetts General Laws Chapter 128, Section 1A, as amended from time to time, including, but not limited to, the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

Section 3. Penalties.

The first violation of this bylaw shall be punished by a fine of not less than one hundred dollars (\$100.00). The second violation of this bylaw within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act which either continues or is repeated more than one-half (1/2) hour after issuance of a written notice of violation of this bylaw shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property which is a non-resident owner, then the owner must also be notified in writing that the violation has occurred.

Section 4. Other Remedies.

- a) If the person or persons responsible for an activity which violates Section 1 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.
- b) If the person or persons responsible for an activity which violates Section 1 can be determined, any person or persons who violate Section 1 of this bylaw may be arrested without a warrant,

provided that the violation occurs in the presence or view of any officer authorized to serve criminal process.

Section 5. Severability.

If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.

Article Fifteen: To see if the Town will vote to transfer from the Stabilization Account the sum of \$75,000 for the purchase of a road grader and related equipment for the Highway Department, or take any action relative thereto.

Article Sixteen: To see if the Town will vote to transfer from Free Cash the sum of \$116,820 to install windows, rehabilitate cedar trim, repair the kitchen pantry canopy and undertake other repairs at the Leverett Elementary School, or take any action relative thereto.

Article Seventeen: To see if the Town will vote to transfer from Free Cash the sum of \$15,000 to complete an engineering study and design for the septic and water systems at the Town Hall and other municipal buildings, or take any action relative thereto.

Article Eighteen: To see if the Town will vote to transfer from Free Cash the sum of \$20,000 to repair and replace the roof on the Town Hall, or take any action relative thereto.

Article Nineteen: To see if the Town will vote to transfer from Free Cash the sum of \$6,500 to repair and replace the roof at the North Leverett Fire Station, or take any action relative thereto.

Article Twenty: To see if the Town will vote to transfer from Free Cash the sum of \$5,000 for consulting services to the Planning Board for zoning and subdivision revisions, or take any action relative thereto.

Article Twenty-One: To see if the Town will vote to transfer from Free Cash the sum of \$5,000 to install, test, and equip additional monitoring wells for the Leverett Landfill, or take any action relative thereto.

Article Twenty-Two: To see if the Town will vote to transfer from Free Cash the sum of \$810 to purchase file cabinets and chairs for the Accounting Office, or take any action relative thereto.

Article Twenty-Three: To see if the Town will vote to transfer from Free Cash the sum of \$3,500 for the implementation of Governmental Accounting Standards Board (GASB) Statement 45 which requires employers to report postemployment benefits other than pensions, or take any action relative thereto.

Article Twenty-Four: To see if the Town will vote to transfer from Free Cash the sum of \$1,500 to purchase a copier for the Public Safety Complex, or take any action relative thereto.

Article Twenty-Five: To see if the Town will vote to transfer from Free Cash the sum of \$2,700 to participate in an emergency notification system, or take any action relative thereto.

Article Twenty-Six: To see if the Town will vote to transfer from the Board of Health Legal Account voted on Article One of the December 7, 2005 Special Town Meeting the sum of \$15,000 and to transfer from Free Cash the sum of \$171 to participate in a water study, or take any action relative thereto.

Article Twenty Seven: To see if the Town will vote to transfer the sum of \$71,000 from Free Cash into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

Article Twenty-Eight: To see if the Town will vote to expend the sum of \$100,000 from the Stabilization Account to offset the tax rate for debt payments, or take any action relative thereto.

Article Twenty-Nine: To see if the Town will vote to transfer the funds in the special maintenance account voted by Article Two of the January 18, 2005 Special Town Meeting to a general use account for the Bradford M. Field Memorial Library Re-use Committee, or take any action relative thereto.

Article Thirty: To see if the Town will vote to transfer from Free Cash the sum of \$6,800.26 to reimburse the Elementary School for funds received from Medicaid for Special Education Costs, or take any action relative thereto.

Article Thirty-One: To see if the Town will vote to transfer the sum of \$679.40 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto.

Article Thirty-Two: To see if the Town will vote to transfer the sum of \$770.24 from Bond Premiums Reserved and the sum of \$18,405.79 from the Reserved for School Debt Payment to the School Interest Account, or take any action relative thereto.

Article Thirty-Three: To see if the Town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2007 as presented in the accompanying table, or take any action relative thereto.

Revolving Fund	Who is Authorized To Spend	Revenue Source	Use	FY 2008 Spending Limit
Library	Library Director	Fees for copying and printing	Copier and printer expenses	\$1,000
Library	Library Director	Fines	Purchase books, audios & videos	\$3,000
Historical Commission	Historical Commission	Sale of plants, donations	Maintain town gardens & landscape town property	\$1,000
Town Hall	Selectboard	Fund raising suppers, donations	Town Hall maintenance, purchase equipment, furnishings	\$500
Fire Inspections	Fire Chief	Inspections	Fire Inspectors and fire inspection expenses	\$2,500

Article Thirty-Four: To see if the Town will vote to authorize the Selectboard to enter into contracts with the Massachusetts Highway Department 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-Five: To see if the Town will vote to transfer the sum of \$548.16 from the Highway Machinery Account to the Highway Machinery Operating Account, or take any action relative thereto.

Article Thirty-Six: To see if the Town will vote in accordance with Massachusetts General Laws Chapter 40, Section 4A to authorize the Selectboard and the Board of Health to enter into an Intermunicipal Mutual Aid Agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Highway Department, and other administrative bodies in town are authorized to perform, or take any action relative thereto.

Article Thirty-Seven: (by petition) To see if the Town will vote to adopt the following resolution, or take any action relative thereto:

RESOLUTION

WHEREAS, George W. Bush and Richard B. Cheney have committed acts which many serious Constitutional scholars consider to be impeachable offenses, including the following:

- 1) George W. Bush ordered the National Security Agency to conduct electronic surveillance of U.S. citizens without seeking warrants from the Foreign Intelligence Surveillance Act (FISA) Court, duly constituted by Congress in 1978 for the purpose of approving such warrants, thus violating Title 50 United States Code, Section 1805;
- 2) George W. Bush and Richard B. Cheney conspired to commit the torture of prisoners in violation of the "Federal Torture Act" Title 18 United States Code, Section 113C, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Convention, which under Article VI of the Constitution are part of the "supreme Law of the Land";
- 3) George W. Bush and Richard B. Cheney conspired with others to defraud the United States by intentionally misleading Congress and the public regarding the threat from Iraq in order to justify invading and attacking that country in violation of Title 18 United States Code, Section 371 and the United Nations Charter;
- 4) George W. Bush and Richard B. Cheney attempted to strip U.S. citizens of their constitutional rights by ordering their indefinite detention without access to legal counsel, without charge and without the opportunity to appear before a civil judicial officer to challenge their detention, based solely on President's designation of U.S. citizens as "enemy combatants", all in subversion of law;

5) As part of the continuing war in Iraq, George W. Bush and Richard B. Cheney have violated the constitutional and international human rights of non-citizens by arbitrarily detaining hundreds of persons at Guantanamo Bay and other locations for more than four years without due process, without charges, and with limited – if any – access to counsel or courts;

6) George W. Bush and Richard B. Cheney have arrogated excessive power to the executive branch in violation of basic constitutional principles of the separation of powers while acting to undermine the authority of the legislative branch and the judiciary by issuing “signing statements” that claim that the executive branch may disregard laws enacted by Congress when the President or his subordinates deem it appropriate, and by the above referenced conduct; and,

WHEREAS, Petitions from the country at large may be presented by the Speaker of the House according to Clause 3 of House Rule XII;

NOW, THEREFORE, BE IT RESOLVED George W. Bush and Richard B. Cheney, by such conduct, warrant impeachment, trial, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States;

BE IT FURTHER RESOLVED, by Town Meeting of the Town of Leverett, that our senators and representatives in the United States Congress be, and they are hereby, requested to cause to be instituted in the Congress of the United States proper proceedings for the investigation of the activities of the George W. Bush and Richard B. Cheney, to the end that they may both be impeached and removed from such office;

BE IT FURTHER RESOLVED, that the Leverett Town Clerk be, and is hereby, instructed to certify and transmit to the Speaker of the 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 delivered to the Office of the Clerk and entered in the United States Congressional Journal.

And you are directed to serve this Warrant by posting up attested copies thereof on the Post Office, in the Town Hall and Congregational Church at Leverett, also 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 17th day of April, 2007.

SELECTBOARD OF LEVERETT

Fenna Lee Bonsignore, Chairperson

Richard P. Brazeau

James C. Lyons

A true copy I attest:

Lisa Stratford, Town Clerk

I have served this Warrant as directed therein:

Date: _____ Constable: _____