**Minutes**

**Annual Town Meeting**

**May 2, 2015 9:00 am**

Town meeting was called to order at 9:15 a.m. a quorum (5% of registered voters/70 registered voters) being deemed present by Moderator, Larry Farber. A moment of silence was held for citizens deceased and new ones born during the last year. The following gave updates: School Regionalization and the Broadband Committee. Rich updated the meeting on the results of the Transfer Station survey and assured residents that the Transfer Station will remain open. The new Fire Chief, John Ingram was introduced and he gave a short update and introduced the rest of the members of the Fire Department. Betsy Douglas received a lifetime achievement award from the Massachusetts Historical Commission which was announced by Susan Mareneck and Laurel Kahn. The Annual Report was dedicated to John Moruzzi and Rich Brazeau.

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

**(\_Peter\_)** I move that the Town vote to choose all necessary town officers to serve for periods prescribed by law or Town bylaw.

The following nominations were made and seconded and the Clerk instructed to cast a single ballot for each: Assessors: Jim Hicks (2018); Bd. of Health: John Hillman and Claudia Philips (2018); Library Trustees: Rachel Flint and Lisa Sullivan-Werner (2018); Constable: Brian Emond (2018); Finance Committee: Greg Woodard and Tom Powers (2018); Asst. Moderator: Fay Zipkowitz (2016); Planning Bd.: Jean Bergstrom and Steve Freedman (2020); School Committee: Sarah Dolven; Kip Fonsh; Bethany Seeger terms to be determined at their next meeting. One vacancy was left on the School Committee. Tree Warden Will Stratford was elected to a term to expire in 2016.

A contested race was held for Select Board. Julie Shively, Tom Hankinson, and Richard Nathhorst were all nominated. Paper ballots were created. Elections began at 10:35 am and ran until 1:00 p.m. Clerks to the election were Susan Mullholand, Lorna Rivers, Barbara Tiner, and Edie Field. Results: Julie Shively, 148; Tom Hankinson, 143, and Richard Nathhorst, 41. Julie’s term will expire in 2018 and Tom’s in 2017.

Article Two: To see if the Town will vote to have its elected position of Tree Warden become an appointed position to be appointed by the Select Board for three year terms, or take any action relative thereto.

(\_\_Peter\_\_) I move that the Town vote to have its elected position of Tree Warden become an appointed position to be appointed by the Selectboard for three year terms.

Carries unanimously.

Article Three: To see if the Town will vote to have its elected position of Assistant Moderator become an appointed position to be appointed by the Moderator for three year terms, or take any action relative thereto.

(\_\_Julie\_\_\_) I move that the Town vote to have its elected position of Assistant Moderator become an appointed position to be appointed by the Moderator for three year terms.

Carries unanimously.

# Article Four: To see if the Town will vote to change the Code of Leverett as follows:

# Chapter 3 Administration

#  Article 1 Elected Boards and Offices

 3-2 Officers; terms

#  Change

**from “**Officers of the town to be elected for three-year terms of office shall be a Moderator, a Town Clerk and three (3) Constables. Officers to be elected for one-year terms of office shall be an Assistant Moderator and a Tree warden.”

**to “**Officers of the town to be elected for three-year terms of office shall be a Moderator, a Town Clerk and three (3) Constables. ~~Officers to be elected for one-year terms of office shall be an Assistant Moderator and a Tree warden.~~”

Or take any action relative thereto.

# (\_\_\_Rich\_\_\_\_\_) I move that the Town vote to pass over this article.

(This will be addressed next year when part two of the process (a ballot vote) takes place.)

**Carries unanimously.**

**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, 2105 as presented in the budget, or take any action relative thereto.

**(\_\_Rich\_\_\_)** I move that the Town vote to set the salaries of elected officials as provided by MGL Chapter 41, Section 108, to be made effective from July 1, 2105 as presented in the budget.

**Seconded. Carries unanimously.**

**Article Six:** To see if the Town will vote to 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 2016 as required by Section VI of the Regional Agreement, or take any action relative thereto.

**(\_\_Peter\_\_)** I move that the Town voteto 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 2016 as required by Section VI of the Regional Agreement.

**Seconded. Carries unanimously.**

**Article Seven:** To see if the Town will vote to raise and appropriate such sums of money as shall be necessary to meet Town expenses.

 **(\_\_\_Julie\_\_\_)** I move that the Town voteto raise and appropriate such sums of money as shall be necessary to meet Town expenses.

**A motion was made to move Article 32 to before the budget** since the petitioner felt that it was a relevant discussion. Seconded. After discussion about the petition’s relevancy and impact on the budget discussion a **vote to move the article failed 65 in favor, 70 against.**

The budget is $19,990 or .4% higher than last year’s budget and includes a 1.4% COLA for all town employees (except those at the school who get steps in addition to COLAs) and a cut in discretionary accounts. The Moderator read the budget and instructed voters to “hold” items if they had questions. The following items were held: Police salaries, Elementary School Building, Town Debt Interest, FRCOG and, School Liability Insurance. Questions were answered**. Motion to approve the un-held items ($5,228,919) carries unanimously. Each line item held carried and the total budget carried unanimously for a total of $5,608,983.**

**Article Eight:** To see if the Town will vote to reserve the following from FY 2016 Community Preservation Annual Fund revenues: $17,507.47 for open space purposes (excluding recreational purposes); $17,507.47 for historic resources; $17,507.47 for community housing; and $113,798.56 to the FY 2015 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

**(\_\_Danielle\_\_)** I move that the Town voteto reserve the following from FY 2016 Community Preservation Annual Fund revenues: $17,507.47 for open space purposes (excluding recreational purposes); $17,507.47 for historic resources; $17,507.47 for community housing; and $113,798.56 to the FY 2016 Community Preservation Fund Budgeted Reserve.

This article prompted some discussion about the Community Preservation Program in light of the current fiscal problems and residential taxes and if there has been discussion about eliminating or cutting back on the tax.

**Question called, seconded. Carried.**

**Main motion carries unanimously.**

**Article Nine:** To see if the Town will vote to appropriate $8,753.74 from FY 2016 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.

**(\_\_Danielle Barshak\_)** I move that the Town voteto appropriate $8,753.74 from FY 2016 Community Preservation Annual Fund revenues for administrative and operating expenses, including legal expenses, of the Leverett Community Preservation Committee.

**Seconded. Carries unanimously.**

**Article Ten:** To see if the Town will vote to appropriate $8,200.00 from the Community Preservation Fund Balance reserved for Historic Resources to provide matching funds to the Leverett Crafts and Arts to pay for a *Building Master Plan/Historic Structures Report* for the 1903 Beaman and Marvel Box Shop building owned and occupied by the Leverett Crafts and Arts, or to take any action relative thereto.

**(\_\_Danielle Barshak\_\_)** I move that the Town voteto appropriate $8,200.00 from the Community Preservation Fund Balance reserved for Historic Resources to provide matching funds to the Leverett Crafts and Arts to pay for a *Building Master Plan/Historic Structures Report* for the 1903 Beaman and Marvel Box Shop building owned and occupied by the Leverett Crafts and Arts.

Mitch Mullholand described what the money would be used for and stressed the importance of a structural study in advance of repairs to the building.

**Seconded. Carries unanimously.**

**Article Eleven:** To see if the Town will vote to appropriate $2,398.00 from the Community Preservation Fund Balance Reserved for Historic Resources for professional cleaning, conservation, restoration, and illumination of the portrait of Governor John Leverett, or take any action relative thereto.

**(\_Danielle Barshak\_\_)** I move that the Town voteto appropriate $2,398.00 from the Community Preservation Fund Balance Reserved for Historic Resources for professional cleaning, conservation, restoration, and illumination of the portrait of Governor John Leverett.

Betsy Douglas of the Historical Commission explained that they think the portrait of John Leverett was copied from a dirty painting and that having it cleaned and illuminated will help those who are interested view it more clearly.

**Seconded. Carries unanimously.**

**Article Twelve:** To see if the Town will vote to appropriate a total of $160,000 from the Community Preservation Funds, $96,806.53 to come from the Fund Balance reserved for community housing, and $63,193.47 to come from the Budgeted Reserve, to support the Affordable Housing Trust’s Leverett Homeownership Assistance Program to create affordable community home ownership opportunities for income-eligible persons, or to take any action relative thereto.

**(\_Danielle Barshak\_\_)** I move that the Town voteto appropriate a total of $160,000 from the Community Preservation Funds, $96,806.53 to come from the Fund Balance reserved for community housing, and $63,193.47 to come from the Budgeted Reserve, to support the Affordable Housing Trust’s Leverett Homeownership Assistance Program to create affordable community home ownership opportunities for income-eligible persons.

Barbara Carulli, of the Affordable Housing Trust gave a concise explanation of the new program and answered questions. The money transferred will allow four projects.

**Seconded. Carries unanimously.**

**Article Thirteen:** To see if the Town will vote tochange the Zoning Bylaws by changing Section 2340 Dimensional Schedule, by moving to change footnote 3 to read as follows: “Increase to 300 ft. in Aquifer Protection District for single-family in RV, RR, GB and to 200 feet in COM Districts and to 450 ft. in Aquifer Protection District for two-family structures in all districts.” “And To remove footnote 4 where it appears under the “COM" column”, or take any action relative thereto.

**(\_Ken Kahn\_)** I move that the Town votetochange the Zoning Bylaws by changing Section 2340 Dimensional Schedule, by moving to change footnote 3 to read as follows: “Increase to 300 ft. in Aquifer Protection District for single-family in RV, RR, GB and to 200 feet in COM Districts and to 450 ft. in Aquifer Protection District for two-family structures in all districts.” “And To remove footnote 4 where it appears under the “COM" column.”

**Ken offers an amendment:** To amend the Section 4341.1(g) by adding after the words “except rear lot” the following words: “or single family structure in COM district with 200 ft. frontage.”

**Seconded.**

**Carries unanimously.**

Ken explains that this will allow 200’ of frontage instead of the usual 300’ and permits the use for a single family home.

**Seconded. Carries unanimously.**

**Article Fourteen (by petition):** To see if the Town will vote tochange the Zoning Bylaws by changing Section 2340 Dimensional Schedule. The change would be for footnote 4 to add in after 300 feet in the aquifer protection district “or 200 feet and 240,000 square lot area”, or take any action relative thereto.

**Article Fourteen:**  **(\_\_Ken Kahn\_\_)** I move that the Town votetopass over this article.

**Seconded. Carries.**

**Article Fifteen:** To see if the town will vote to transfer the sum of $5,450 from Free Cash to repoint the brick on the west wall of the Elementary School’s 1950 building, or take any action relative thereto**.**

**(\_\_Rich\_\_\_)** I move that the Town voteto transfer the sum of $5,450 from Free Cash to repoint the brick on the west wall of the Elementary School’s 1950 building**.**

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Sixteen:** To see if the Town will vote to transfer the sum of $3,000 from Free Cash to complete maintenance on the slate roof of the Elementary School and repair the double doors on the west side of the Elementary School, or take any action relative thereto.

**(\_\_Peter\_\_\_\_)** I move that the Town vote to transfer the sum of $3,000 from Free Cash to complete maintenance on the slate roof of the Elementary School and repair the double doors on the west side of the Elementary School.

**Seconded. Carries unanimously.**

**Article Seventeen:** To see if the Town will vote to transfer the sum of $6,600 from Free Cash to refinish the Town Hall floors, including repairing and replacing the floor in the Treasurer’s office, or take any action relative thereto.

**(\_Julie\_\_)** I move that the Town voteto transfer the sum of $6,600 from Free Cash to refinish the Town Hall floors, including repairing and replacing the floor in the Treasurer’s office.

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Eighteen:** To see if the Town will vote to transfer the sum of $5,000 from Free Cash

for an actuarial valuation of the town’s Other Post-Employment Benefits Plan (retiree health/life insurance) for the period July 1, 2015 to June 30, 2018, in accordance with Governmental Accounting Standards Board Statement 45 (GASB 45), or take any action relative thereto.

**(\_\_Rich\_\_\_)** I move that the Town voteto transfer the sum of $5,000 from Free Cash for an actuarial valuation of the town’s Other Post-Employment Benefits Plan (retiree health/life insurance) for the period July 1, 2015 to June 30, 2018, in accordance with Governmental Accounting Standards Board Statement 45 (GASB 45).

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Nineteen:** To see if the Town will vote to have the Hampshire Council of Governments arrange to supply an all-green electrical product (wind, solar, low-impact hydro, etc.), for a price not to exceed 0.4¢/KwH above the cheapest cost, for municipal buildings or take any action relative thereto.

**(\_Brooke Thomas\_\_)** I move that the Town voteto have the Hampshire Council of Governments arrange to supply an all-green electrical product (wind, solar, low-impact hydro, etc.), for a price not to exceed 0.4¢/KwH above the cheapest cost, for municipal buildings.

The Energy Committee called on the expertise of an HCOG representative (with permission of the Moderator) to help answer questions.

**Seconded. Carries.**

**Article Twenty:** To see if the Town will vote to have the Hampshire Council of Governments arrange to supply an all-green electrical product (wind, solar, low-impact hydro, etc.), for a price not to exceed 0.4¢/KwH above the cheapest cost, for residents in the town who are participating in the Town’s Municipal Aggregation program or take any action relative thereto.

**(\_\_Brooke Thomas\_\_)** I move that the Town vote to have the Hampshire Council of Governments arrange to supply an all-green electrical product (wind, solar, low-impact hydro, etc.), for a price not to exceed 0.4¢/KwH above the cheapest cost, for residents in the town who are participating in the Town’s Municipal Aggregation program.

**Call to end discussion. Carries.**

**Seconded. Carries.**

Article Twenty-One: To see if the Town will vote to authorize the Select Board to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility or take any action relative thereto.

(\_\_Peter\_\_\_) I move that the Town vote to authorize the Select Board to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

Carries unanimously.

**Article Twenty-Two:** To see if the town will vote to grant a reciprocal easement to all abutters of Cider Mill Road to pass and repass by foot or vehicle along Cider Mill Road; and that the Select Board 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 such easement, or take any action relative thereto.

**(\_\_Julie\_\_\_)** I move that the Town voteto grant a reciprocal easement to all abutters of Cider Mill Road to pass and repass by foot or vehicle along Cider Mill Road; and that the Select Board 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 such easement.

Gary Gruber, who is the land attorney for the Field residence, explained the issue of the easement noting that the Town will not be responsible for the maintenance of the road and this does not mean that the Town is taking Cider Mill Ln. as a Town road.

**Carries unanimously.**

**Article Twenty-Three:** To see if the Town will vote to transfer from available funds the sum of $64,061into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

**(\_\_Rich\_\_\_\_)** I move that the Town voteto transfer from Free Cash the sum of $64,061into the Stabilization Account to fund the Capital Plan.

Fin. Com. recommends.

**Carries unanimously**.

**Article Twenty-Four:** To see if the Town will vote to transfer the sum of $42,465.26 from Free Cash to the Stabilization Account to reimburse Stabilization for the amount expended at the October 28, 2104 Special Town Meeting, or take any action relative thereto.

**(\_\_\_Peter\_\_\_)** I move that the Town vote to transfer the sum of $42,465.26 from Free Cash to the Stabilization Account to reimburse Stabilization for the amount expended at the October 28, 2014 Special Town Meeting.

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Twenty-Five:** To see if the Town will vote to transfer from available funds the sum of $22,558 to reimburse the Elementary School for funds received from Medicaid for Special Education Costs, or take any action relative thereto.

**(\_\_\_Julie\_\_)** I move that the Town vote to transfer from Free Cash the sum of $22,558 to reimburse the Elementary School for funds received from Medicaid for Special Education Costs.

**Seconded. Carries unanimously.**

**Article Twenty-Six:** To see if the Town will vote to transfer the sum of $419.61 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto**.**

**(\_\_\_Rich\_\_\_)** I move that the Town voteto transfer the sum of $419.61 from Bond Premiums Reserved to the Town Interest Account**.**

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Twenty-Seven:** To see if the Town will vote to transfer the sum of $533.86 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.

**(\_\_Peter\_\_\_)** I move that the Town voteto transfer the sum of $533.86 from Bond Premiums Reserved and the sum of $18,405.79 from the Reserved for School Debt Payment to the School Interest Account.

**Seconded. Carries unanimously.**

**Article Twenty-Eight:** To see if the Town will vote to transfer the sum of $1,692.29 from Free Cash to pay for Staples bills of prior years, or take any action in relation thereto.

**(\_\_\_Julie\_\_\_)** I move that the Town vote to transfer the sum of $1,692.29 from Free Cash to pay for Staples bills of prior years.

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Twenty-Nine:** To see if the Town will vote to transfer the sum of $6,602.73 from Free Cash to pay for a deficit in the MBI grant funds account, or take any action relative thereto.

**(\_\_Rich\_\_\_)** I move that the Town voteto transfer the sum of $6,602.73 from Free Cash to pay for a deficit in the MBI grant funds account.

Fin. Com. recommends.

**Seconded. Carries unanimously.**

**Article Thirty:** To see if the Town will vote to reauthorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2015 as presented in the accompanying table, or take any action relative thereto.

**(\_\_Peter\_)** I move that the Town voteto reauthorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2015 as presented in the accompanying table.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Revolving Fund** | **Who is Authorized****To Spend** | Revenue Source | Use | **FY 2016****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* |
| Town Grounds Maintenance | Selectboard | Sale of plants, donations | Maintain town gardens & landscape town property | *$1,000* |
| Fire Inspections | Fire Chief | Inspections | Fire Inspectors and fire inspection expenses | *$2,500* |
| Home Composting Program | Transfer Station Administrator | Sale of compost bins and donations | Home composting bin distribution program expenses | *$1,000* |
| Council on Aging | Council on Aging Chair | Fees and Donations | Costs associated with programs sponsored by the Council on Aging | *$3,000* |

**Seconded. Carries unanimously.**

**Article Thirty-One:** To see if the Town will vote to authorize the Select Board 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 Select Board to accept any monies from the Commonwealth of Massachusetts for highway construction and/or maintenance related work, or take any action relative thereto.

**(\_\_Julie\_\_)** I move that the Town voteto 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.

**Seconded. Carries unanimously.**

**Article Thirty-Two (by petition):** **(\_Bill Stewart\_)**

We citizens of Leverett are deeply concerned about the proposed budget cuts of 3.5-8% for every town department due to a possible loss in tax revenue because of tax abatements and decreased revenues from the Commonwealth. We recognize that such deep cuts will result in a loss of services and personnel and we are concerned about the impact of those cuts, especially on Leverett's most vulnerable citizens. We have recently learned that, even at 3.5 %, the cuts will result in loss of monies to train and pay first responders; delayed repairs and replacement of highway department equipment and garage facilities; and personnel and material cuts from the elementary school. We would like the opportunity to vote on a budget override at Town Meeting to offset those lost revenues. We propose level funding all town services, aware that, with inflation, level funding is itself a form of budget cut. We would like to be able to vote on a Proposition 2 ½ override to prevent those 3.5% cuts. We request that you include such an override on the warrant at the 2015 Town Meeting, and that you work with the Finance Committee to accurately determine the percentage tax increase that will be needed to eliminate the proposed 3.5-8% budget cuts.

Bill Stewart, petitioner, summarized the article.

**Seconded.**

Lengthy discussion about who can call an override, when, and how. Many people participated in a discussion about the Town’s fiscal health and ability of residents to pay for an override.

Petitioner asked if he wishes to withdraw the article, he does not.

**Motion to call question carries.**

**Main motion fails 24 in favor, 25 opposed.**

**Motion to adjourn made at 3:15 p.m. Seconded. Carries**

Minutes taken and recorded by Lisa Stratford, Town Clerk.