

Code of the Town of Leverett

Franklin County
Commonwealth of Massachusetts

April 2011

Preface

The Town of Leverett, originally part of Sunderland, was incorporated on March 5, 1774. It was named in honor of Harvard College President John Leverett. The Town of Leverett has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the town. The recording of local laws is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions should be adopted as “amending the Code.” In doing so material that is not being substantively altered should not be renumbered. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included. And repeals will be indicated as soon as possible after passage. The Code, in its entirety will be updated every other year.

Reserved Chapters

Space has been provided in the code for the convenient insertion of later enactments.

Table of Contents

Part 1 Administrative Legislation

CHAPTER	PAGE
1. General Provisions	4
3. Administration	5
5. Select Board	6
7. Elections	7
8. Finances	8
9. Personnel	9
10. Regional School	12
11. Town Meeting	12
15. Boards and Commissions	13
16. Capital Planning	13
17. Agricultural Commission	14
20. Right-to-Farm	15
24. Community Preservation Commission	17
26. Affordable Housing Trust Fund	19

Part II General Legislation

46. Advertisements, Posting of	21
58. Building Construction	22
58. 1. Stretch Building Code	22
60. Buildings, numbering of	22
61. Demolition Delay	24
78. Dogs	26

107. Herbicides	31
126. Peace and Good Order	31
127. Noise	31
130. Plowing	33
135. Public ways	33
144. Roads, Discontinuance of	33
150. Solid waste	34
170. Zoning	35
187. Personnel Policies	35
190. Recreation Commission	36
208. Herbicides	36
215. Radioactive waste	36
218. Sewer Systems, Individual	36
222. Wells	36
229. Subdivision of land	37
Appendix	
A232. General Laws and Special Acts	37
A233. Resolutions	40

Part I Administrative Legislation

[Reference throughout this section of the Code refers to the compilation of town bylaws adopted 5/16/1974 STM, Art. 3.]

Chapter 1: General Provisions

[HISTORY: Adopted by the Town of Leverett as follows: Art. 1, as Art. 1, Secs. 1 through 5, of the General Bylaws; Art. II, as Art. 6, Sec. 3, of the General Bylaws; Art. III, 4/27/1991 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

Article I [Adopted as Art. 1, Sec. 1 through 5, of the General Bylaws]

1-1. Title; purpose

These bylaws shall be known and may be cited as the “Code of the Town of Leverett, Massachusetts,” which was incorporated under the Province Laws of 1773-4. These bylaws are established in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take full advantage of Section 6 of the Home Rule Amendment to the Constitution of the Commonwealth.

1-2. Amendments

[Amended by the Town of Leverett, 4/26/2008, Art. 7.]

“these bylaws may be altered, amended, **added to**, or repealed at any Town Meeting by a majority vote of those present and voting, provided that an appropriate Article or Articles have been inserted in the warrant for such meeting and that a public hearing, after having been announced once each week for two (2) successive weeks in a newspaper of general circulation, for any proposed changes has been conducted at least **fourteen (14)** days prior to such town meeting. **This provision for amending the Town of Leverett Bylaws is intended to require a public hearing for the alteration, adoption, amendment, or repeal of a local bylaw when such hearing is not otherwise required by the Mass. General Laws.**”

1-3. Continuation of General Laws and Special Acts

All Special Acts and applicable General Laws in force on the effective date of these bylaws shall continue in effect until altered, amended or repealed. All bylaws, resolutions, rules, regulations and Town Meeting votes in force on the effective date of these bylaws, not inconsistent with the provisions thereof, shall continue in force.

1-4. When effective

These bylaws shall be in full effect upon approval by the Attorney General of the Commonwealth, as specified in MGL C. 40 §. 32.

Article II Compliance with General Laws

[Adopted as Art. 6, § 3 of the General Bylaws]

1-5. Construal

- A. The adoption and approval of these bylaws and their compilation with the Zoning Bylaws and any other applicable town bylaws, Special Acts pertaining to the town and General Laws accepted by the town shall constitute fulfillment in the first instance of the General Law requirement for publishing decennial town documents having the force of a Charter.
- B. Any new bylaws or bylaw amendments adopted following the approval of this document shall be assigned an appropriate Article and section number by the Town Clerk.

1-6. Authority; content

The codification was done under the direction of the Select Board, Town Counsel and Town Clerk, and said Code is a compilation of the present bylaws of the town and has no substantive changes or deletions in the text thereof.

1-7. Zoning and Personnel Bylaws and Board of Health Regulations not included.

The Zoning and Personnel Bylaws and Board of Health regulations will not be included in this Code.

Chapter 3: Administration

**[Adopted by the Town of Leverett as Art. 3 and 4 of the General Bylaws.
Amendments noted where applicable.]**

Article I Elected Boards and Offices

3-1. Members and terms [Amended 4/27/1985 ATM, Art. 20; 9/14/1987 STM, Art. 7, 4/27/1991 ATM, Art. 24, ATM 4/28/2007, Art. 12]

Members of town boards to be elected for three-year overlapping terms of office shall be three (3) members of a Select Board, five (5) members of a Finance Committee, five (5) members of a Board of Health, five (5) members of a school committee, three members of a Board of Assessors, six (6) members of a Board of Library Trustees, seven (7) members of a Planning Board shall be elected for five-year overlapping terms.

3-2. Officers; terms

Officers of the town to be elected for three-year terms of office shall be a Moderator, a Town Clerk and three (3) Constables.

3-3. Election proceedings

- A. All nominations and elections of elective boards and offices shall take place at the Annual Town Meeting.
- B. All elective officials with terms due to expire shall, if they do not wish to seek reelection, so notify the Town Clerk at least four (4) weeks prior to the Annual Town Meeting.
- C. All elected officials shall be duly sworn and begin their terms of office in accordance with the provisions of MGL C. 41, § 107.1.

3-4. Compensation

Officers and members of elective boards established under this Article shall receive such compensation as may be authorized and appropriated by the Town Meeting, in accordance with the provisions of General Law.

3-5. Powers and duties

Officers and members of boards and commissions established under this Article shall exercise such powers and duties as are and may be required by General Law, this Code and vote of the Town Meeting.

3-6. Vacancies

Vacancies in boards established under this Article, except for the Select Board, shall be filled by the Select Board together with the remaining members of the respective board, in accordance with the provisions of General Law. A vacancy in the Select Board shall be filled by special election, as appropriate, in accordance with the provisions of General Law. Vacancies in individual offices established under this Article shall be filled in accordance with the provisions of General Law.

Article II Appointed Boards and Officers

3-7. Appointments by the Select Board

The Select Board shall have the power to appoint a Superintendent of Streets, a Fire Chief and other fire officers, a Police Chief and other officers, a Director of Civil Defense, a Dog Officer, and Inspector of Animals, a Conservation Commission of seven (7) members for three-year overlapping terms, an Historical Commission of three (3) members for three overlapping terms, a Zoning Board of Appeals of five (5) members and three (3) associate members for three-year overlapping terms, a Poundkeeper, three (3) surveyors and three (3) field drivers and such other officers and members of boards, commissions and committees as are and may be established by the Town Meeting and for whom appointment is not otherwise provided.

3-8. Appointments by School Committee

The School Committee shall have the power to appoint all officers, administrators, faculty and employees of the School Department as provided by General Law and regional, intermunicipal agreements.

3-9. Appointments by the Moderator

The Moderator shall have the power to appoint members of such ad hoc boards, commissions and committees of the Town Meeting as may from time to time be established thereby.

3-10. Appointments by the Board of Health

The Board of Health shall have the power to appoint all health agents and inspectors as required by General Law or authorized by the Town Meeting.

Chapter 5: Select Board

[HISTORY: Adopted by the Town of Leverett 4/27/1991 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

5-1. Powers and duties; intent

All executive powers of the town, except as otherwise provided in this Code shall be vested in the Select Board. It is the intent of this chapter that the Board shall exercise a leadership role in town affairs, establish rules and regulations to be carried out by officers and departments under its jurisdictions and recommend major courses of action to the

Town Meeting. The Board shall give the authority to enter into contracts for the provision of goods and services for all areas of town government over which they have jurisdiction.

Chapter 7: Elections

**[HISTORY: Adopted by the Town of Leverett: Art. 1, 12/10/1984 STM.
Amendments noted where applicable.]**

7-1. Holders of elective office may be recalled

Any holder of an elective office may be recalled therefrom by the registered voters of the town as herein provided for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

7-2. Recall petition

Any ten (10) registered voters of the town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the Select Board demanding such recall. The blanks shall be issued under the signature and Official Seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petitions shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty (20) days after the filing of the affidavit, with signatures, names, and street addresses of at least twenty percent (20%) of the registered voters of the town. Within twenty-four (24) hours of receipt, the Town Clerk shall submit the petition to the Registrars of Voters in the town, and the Registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town. If the petition shall be found and certified by the Town Clerk to be sufficient, it shall be submitted with his or her certificate to the Select Board without delay.

7-3. Action by the Select Board

The Select Board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five (5) days thereafter, the Select Board shall order an election to be held on a date fixed by them not less than twenty-five (25) nor more than thirty-five (35) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within sixty (60) days after the date of the certificate, the Select Board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

7-4. Nomination of candidates

Any officer sought to be removed may be a candidate to succeed himself; and unless the officer requests otherwise in writing, the Town Clerk shall place said name on the ballot without nomination of other candidates, the publication of the warrant for the removal election and the conduct of the same shall be all in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

7-5. Incumbent to hold office until election

The incumbent shall continue to perform the duties of his or her office until the recall election. If then reelected, the officer shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided in this section. If not reelected in the recall election, he or she shall be deemed removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

7-6. Ballots

- A. Ballots used in a recall election shall submit the following propositions in the following order indicated:
 - (1) For the recall of (name of officer)
 - (2) Against the recall of (name of officer)
- B. Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "candidates," the directions to voters required by MGL C. 54, § 42, and beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared the elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

7-7. Time limits

No recall petition shall be filed against an officer within three months after he or she takes office nor, in the case of an officer subject to a recall election and not recalled thereby, until at least three (3) months have elapsed after the election at which the recall was submitted to the voters of the town.

Chapter 8: Finances

[HISTORY: Adopted by the Town of Leverett as Art. 5, Secs. 1 through 5 of the General Bylaws.]

8-1. Applicability of statute

In all matters concerning finances and financial procedures of the town, the provisions of General Law shall apply, together with such other requirements as are provided through this chapter.

8-2. Finance Committee provisions

- A. Members of the Finance Committee shall serve without compensation, and members may not hold any other elective or appointive town position during his or her term of office other than on the Personnel Board, the Capital Planning Committee, the Financial Advisory Committee, **Municipal Light Plant** and any other unpaid, temporary, ad hoc committee that has no **tax funded** budget.
- B. The Finance Committee shall consider any Article having financial implications in warrants for all Town Meetings and shall report its recommendations in print before each meeting and each vote.
- C. The Committee shall carry out its duties in accordance with the provisions of General Law and this chapter.

8-3. Budget preparation

Within the period prescribed by General Law, the Select Board shall prepare and assemble a proposed budget for the ensuing fiscal year, indicating proposed expenditures for both current operations and long-range capital improvements during the ensuing year, detailed by purpose, office, department and commission.

8-4. Action on budget

The Finance Committee shall conduct one (1) or more public hearings on the proposed budget and shall issue its recommendations thereon prior to or at the Annual Town Meeting. In preparing its recommendations, the committee may require any town department, board, commission or office to furnish it with appropriate financial reports and budgetary information.

8-5. Adoption of budget

The Town Meeting shall consider the proposed budget and shall complete action upon it, with or without amendments, at its annual session. The budget as adopted shall be a public record, and copies shall be kept available for inspection at the office of the Town Clerk.

Chapter 9: Personnel

[As adopted by STM October 27, 2003]

9-1. Personnel Board Established; Statutory Authority.

Pursuant to the authority contained in MGL C. 41, §§ 108 A and 108 C, there shall be established a Personnel Board, hereinafter the Board, which shall administer the provisions of this chapter of the Town of Leverett Code, determine any questions arising thereunder and advise the town in any matters pertaining thereto.

9-2. Title; Statutory Authority.

This chapter shall be known as the “Personnel Bylaw for the Town of Leverett” and is adopted pursuant to the provisions of MGL C. 41, § 108 C.

9-3. Applicability.

This chapter shall be applicable to all persons in the service of the town except officials elected by popular vote, Town Counsel, persons under the direction and control of the School Committee and those who render certain intermittent and casual services.

9-4. Personnel Board Membership.

- A. Pursuant to the authority contained in MGL C. 41, §108C, there shall be established a five-person Personnel Board, which shall administer the provisions of this chapter, determine any questions arising hereunder and advise the town in any matters pertaining thereto.
- B. The membership of the Board shall be as follows: one (1) member of the Select Board, to be drawn from and chosen by the Select Board; one (1) member of the Finance Committee, to be drawn from and chosen by the Finance Committee; and three (3) members at large, to be appointed by the Moderator. Appointees shall be registered voters of the town and shall not be an employee of the town, other than elected officers, or under the direction of the School

Committee. The terms of office shall be staggered and for three (3) years. The Executive Administer shall be an advisor and consultant to the Board.

C. Vacancies, other than by expiration of terms, shall be filled in the same manner and by the same authority for the balance of the unexpired term. In the event that such a vacancy is not filled within sixty (60) days of written notice, the remaining members of the Personnel Board shall fill the vacancy for the balance of the unexpired term.

D. The representative from the Select Board shall serve as the Chairperson of the Board.

E. Within thirty (30) days after the Board has been appointed and annually, it shall convene and, by majority vote, elect a Secretary among the Board membership.

F. The Chairperson shall:

- 1) Call the Board together and preside at its meetings.
- 2) Represent the Personnel Board at Select Board meetings, Town Meetings and budget hearings.
- 3) Prepare for publication any proposed bylaw amendments and administer the process described for such amendments.
- 4) Act as the administrator of this chapter and initiate such activity as prescribed by the chapter.

G. The Secretary shall:

- 1) Publicly post Board meetings as required by law.
- 2) Keep Board minutes and receive and deliver its communications.
- 3) Immediately, and not later than ten (10) days after occurrence, notify, in writing, the Town Clerk and the appointing authority of a vacancy on the Board.
- 4) Be responsible for all its files and records.
- 5) Prepare its annual report.
- 6) Submit to the Town Clerk one (1) copy of the minutes of each meeting.

H. Any three (3) members shall constitute a quorum for the transaction of business.

9-5. Personnel Board Powers and Duties.

A. The Board shall be invested with all the powers and duties specified in MGL C. 41, §108C.

B. The Board shall oversee the administration of personnel policies and shall establish such procedures as it deems necessary for the proper administration thereof. It may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefore.

C. The authority of this chapter charges the Personnel Board with the following responsibilities:

- 1) Describing the duties and responsibilities of all positions to which this chapter is applicable.
- 2) Authorizing a plan of compensation for those positions.

- 3) Providing for the administration of said plan of compensation.
- 4) Establishing working conditions and fringe benefits for employees occupying the positions described in §30-3.
- 5) Providing for the compilation and revisions of an employee handbook which describes the conditions of employment with the town including, but not limited to, compensation, benefits, grievance procedure and disciplinary actions.
- 6) Compiling and updating a complete set of personnel policies and procedures.
- 7) Acting as an investigator and an arbitrator under grievance, termination and discrimination complaints proceedings as defined in the complete policy and procedures and in the handbook.
- 8) From time to time, on its own motion, investigating the duties and rates of salaries or wages of any or all positions of this chapter. Such reviews shall be made at such intervals as the Board deems necessary and to the extent which the Board considers practicable. The Select Board may, on an annual basis, request that such an investigation be made. In no case shall the Board be required to undertake such a review more than once per year.
- 9) Assisting the Select Board and departments by preparing and reviewing current information as to municipal salary and wage rates, fringe benefits and working conditions, acting in this capacity as the technical staff to the town.
- 10) Making recommendations regarding changes in the duties of municipal staff and regarding the addition or deletion of municipal staff positions.
- 11) Maintaining written job descriptions and job qualifications. A job description consists of a statement describing the essential nature of the work and the characteristics that distinguish each position and is intended to generally describe the responsibilities pertaining to a particular position and is not meant to interfere with the ability of the immediate supervisor to assign duties.

D. Upon recommendation of a department, the Board may authorize an entrance rate higher than the previously authorized rate for a position and/or such variance in wages as it may deem necessary for the proper functioning of the town. No variance shall become effective unless or until the necessary funds have been legally provided.

E. The Board shall administer and enforce this chapter. From time to time, by its own vote, it may issue, amend or revoke its policies, regulations and procedures. The Personnel Board may also recommend amendments to this chapter and submit such amendments to the Town Meeting according to the provisions of §30-6 of this chapter.

9-6. Amendment procedure.

This chapter may be amended or repealed by majority vote of the Town Meeting following a public hearing called for the purpose of discussing the proposed changes, held at least thirty (30) days before the Town Meeting vote.

9-7. Severability.

In the event that any provision of this chapter shall be deemed invalid, unreasonable, illegal or unconstitutional by a court of law, such provision shall be stricken or modified so as to render it valid, reasonable, legal or constitutional. The invalidity of any provision hereof shall not be construed to invalidate any other provision of this chapter.

Chapter 10: School District, Regional

[The Town of Leverett is a member of a regional school district agreement. Said agreement is on file in the office of the Town Clerk for inspection by the public.]

Chapter 11: Town Meetings

11-1. Town's legislative powers; quorum requirement.

- A. The legislative powers of the Town shall be exercised by a Town Meeting open to all registered voters of the Town.
- B. 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 and the quorum necessary for any other town meeting business shall be at least 2.5% of the registered voters on the active voter list of the town.

[Amended 4/28/2007 ATM, Art. 12]

11-2. Moderator and Assistant Moderator.

- A. A Moderator shall be elected as provided in Chapter 3, Article I, of this Code. The Moderator shall preside at all sessions of the Town Meeting, regulate the proceedings, decide all questions of order, make public declaration of all votes and perform such other duties as may from time to time be assigned through General Law, this Code or vote of the Town Meeting.
- B. As Assistant Moderator may assist in the conduct of any business and may preside at any meeting in the Moderator's absence, with further succession as provided in MGL c. 39, § 14.

11-3. Powers and responsibilities

The Town Meeting shall consider and act upon all proposed bylaws and bylaw amendments; all proposed budgets, bond issues and other financial proposals of the Town; and all other questions of a legislative nature or other proposals which may properly come before it.

11-4. Date and hour of meetings [amended 4/28/2012, ATM, article, 19]

The Annual Town Meeting and election of officers shall take place yearly, as determined by the Select Board, on a Saturday between April 15th and May 30th, such date to be decided by October 1st of the previous year. Special Town Meetings shall convene at such other times as may be determined by the Select Board or as provided in the General Law.

11-5. Petition for Warrant Article.

Any 10 voters of the Town may secure, by written petition to the Select Board, the inclusion of an Article for the warrant of any duly scheduled Annual Town Meeting, and

at least 10% of the registered voters of the town may secure the same for any duly scheduled Special Town Meeting, in accordance with the provisions of General Law.

11-6. Deadline for submission of Articles and Budgets.

All Articles and final budgets for consideration at the Annual Town Meeting must be submitted to the Select Board 30 days prior to the date of such meeting, plus such financial information as will assist the Finance Committee in making its recommendations.

11-7. Rules of procedure.

In all procedural matters, the Town Meeting shall be guided by the current edition of Town Meeting Time¹, except as may otherwise be provided by General Law and this chapter. Rules of parliamentary procedure based upon Town Meeting Time shall be prepared in simplified and abbreviated form by the Moderator and shall be made available at Town Meeting sessions.

11-8. Motion to dissolve meeting.

No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every warrant Article has been duly considered and acted upon. This requirement shall not preclude the postponement of an Article or Articles to an adjourned session of the Town Meeting.

11-9. Separation of voters and nonvoters.

Adequate provision shall be provided for the separate designation of voters and nonvoters.

Chapter 15: Boards and Commissions

[HISTORY: Adopted by the Town of Leverett as Art. 6, Sec. 2 of the General Bylaws. Amendments noted where applicable.]

15-1. General organization procedures

All boards, commissions and committees of the town shall:

- A. Organize annually and elect a Chairman and other necessary officers.
- B. Establish a quorum requirement for their meetings.
- C. Adopt rules of procedure and voting.
- D. Maintain a journal of proceedings, copies of which shall be a public record filed regularly with the Town Clerk.
- E. Submit an annual report to the Town Clerk at least forty-five days prior to the Annual Town Meeting.
- F. Provide legal notice of meetings.
- G.

Chapter 16: Capital Planning

[HISTORY: Adopted by the Town of Leverett 4/28/1990 ATM, Art. 13. Amendments noted where applicable.]

16-1. Establishment; membership; qualifications; officers

- A. A committee to be known as the “Capital Planning Committee” is hereby established under MGL C. 41 § 106B, to be composed of the following members: five (5) voting members appointed by the Select Board for staggered three-year terms.
- B. These members are not to be members of other town committees, boards, or commissions nor shall they be full-time town employees or department heads. They shall be town residents.
- C. A member who ceases to reside in the town or who otherwise becomes ineligible shall resign.
- D. The Chair of the Finance Committee or the Chair’s designee shall be a nonvoting member. The Town Accountant and the Administrative Assistant shall be ex officio members.
- E. Any voting member missing more than three (3) consecutive meetings without having given reasonable prior notice shall be ineligible to continue as a voting member.
- F. In the event of a vacancy the Select Board shall appoint a replacement member for the remainder of the unexpired term.
- G. The Committee shall choose its own officers. It may spend such sums as shall annually be appropriated for its use.

16.2 Powers and duties

The Capital Planning Committee shall compile data (the “Capital Inventory”) concerning proposed capital outlays – including the acquisition of equipment and repair or replacement of structures or of infrastructure – when such expenditures exceed the spending limit and the useful life limit as established by the Selectboard. The Selectboard shall consult with the Capital Planning Committee and the Finance Committee in establishing such limits. All officers, boards, departments and committees, including the Selectboard and the School Committee, shall, by September 1 each year, give to the Capital Planning Committee information concerning all such capital outlays anticipated by them to require Town Meeting action during the ensuing 10 years (minimum) or more depending on the useful life of an item; such information shall include: item description, location, cost when purchased, current replacement cost, expected useful life, fiscal year in which item was purchased, fiscal year in which it is anticipated that the item will need to be replaced, funding options available (e.g. grants, leasing, renting, state/federal funding, CPA funds, etc.) and justification (i.e. need, risk, impact & priority). The Capital Planning Committee shall compile data concerning the timing and cost of these expenditures and provide this information to the Selectboard and Finance Committee by February 1. Any request for a capital outlay that did not appear in information provided in prior years’ reports of projected needs will not be added to the current fiscal year inventory or recommended for funding by the Capital Planning Committee, unless a report submitted by the requesting agency, explaining the omission, is accepted by the Capital Planning Committee.

16.3 Annual report; investigations and hearings

- A. The Capital Planning Committee shall prepare a report containing the Capital Inventory that highlights potential budget items for the next fiscal year for consideration by the Selectboard and Finance Committee and for presentation at Annual Town Meeting.
- B. The Capital Planning Committee may undertake such investigations and hold such hearings as it may deem necessary.

16.4 Publication, distribution and filing of report

The report shall be published and distributed to every household prior to the Annual Town Meeting. The Committee shall deposit the original with the Town Clerk.

Chapter 17: Agricultural Commission

[History: Adopted by the Town of Leverett 4/29/2006 ATM, Art. 19. Amendments noted where applicable.]

17-1. Purpose:

The purpose of the Agricultural Commission shall be to support a sustainable agricultural community in the town. The Commission’s duties shall include (but not be limited to) the following:

- Encouraging the practice of farming and forestry in the town;
- Promoting new and existing agricultural activities and related economic opportunities in the town;
- Providing resources and information about farming, forestry, and sustainable agricultural practices to the public and owners and users of working lands;
- Advising town boards and committees on agriculture-related issues;
- Helping to resolve conflicts related to agricultural activities in the town;
- Representing-when requested-town boards and committees at regional and state discussions or meetings about agriculture;
- Contributing to the restoration of the agricultural community in the Commonwealth.

17-2. Membership; officers, terms

The Commission shall consist of five members appointed by the Select Board. All members of the Commission must be residents of the town; the majority of the membership shall be engaged in farming or forestry.

The terms shall be as follows: two members for a term of three years; two members for a term of two years and three years thereafter; and one member for a term of one year and three years thereafter. The Commission shall meet at least four times a year.

The Select Board shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments. The Board will consider the recommendations of the Commission when making new appointments.

Chapter 20: RIGHT TO FARM

[History: Adopted by the Town of Leverett 4/26/2008 ATM, Art. 8. Amendments noted where applicable.]

20-1. 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 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 By-law 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.

20-2. 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;
- composting;
- 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.

20- 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

and transient noise, dust, odor and/or an occasional slow-moving vehicle. While annoying, these side effects are outweighed by the multiple benefits that agriculture brings to a town: No farms, no food; no local farms, no local food; no local forestry, no local timber products. In addition to strengthening the local food, local products and local jobs movements, the continuing practice of agriculture in Leverett will contribute directly and substantially to the preservation of open space and diverse habitat and landscapes that townspeople have repeatedly and enthusiastically supported in surveys and long term plans for the Town's future. Beyond these local benefits, responsible agricultural/forestry management practices play a substantial role in offsetting the destruction of the natural environment associated with the global warming crisis. 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.

20- 5. Limitations.

Nothing in this Right to Farm By-law shall supersede or impose any additional regulations different from those existing through state or federal land use regulations, including but not limited to the Massachusetts Wetlands Protection Act, the Massachusetts Forest Cutting Practices Act, the Massachusetts Endangered Species Act and any other town bylaw or regulation, including but not limited to Leverett zoning laws, subdivision regulations and conservation restrictions and including Board of Health regulations and bylaws. The Massachusetts Wetland Protection Act (310 CMR 10) contains a number of restrictions on farming activities in or near wetland resources.

The Act contains certain exemptions for land presently and primarily used in producing agricultural commodities for commercial purposes. The Leverett Conservation Commission is charged with local enforcement of this Act.

20-6. 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 sales or lease-hold agreement is signed.

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

20-7. 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 Select Board, the Zoning Enforcement Officer, the Conservation Commission 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 Select Board, Zoning Enforcement Officer or Conservation Commission 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.

20- 8. 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.

Chapter 24: Community Preservation Committee

[HISTORY: Adopted by the Town of Leverett: STM, 3/18/2002 Art. 1 and 2.]

24-1. Establishment

The Town of Leverett hereby establishes a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority, and the term of office for the committee members shall be as follows:

- One member of the Conservation Commission as designated by the Commission for term of three years;
- One member of the Historical Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years;
- One member of the Planning Board as designated by the Board for a term of three years;
- One member of the Recreation Commission as designated by the Commission for a term of three years;
- One member to act in the capacity of, or perform like duties of, a member of a housing authority; this member is to be appointed by the Select Board for an initial term of one year and thereafter for a term of three years;
- Two community members at-large to be appointed for an initial term of one year and thereafter for a term of three years.

Should any of the Commissions, Boards, Councils, or committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Select Board.

24-2. Duties

1. The Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
2. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition, preservation, rehabilitation and restoration of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing, and for the rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided

in Section 5 of MGL Chapter 44B. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
4. In every fiscal year, the annual revenues of the Community Preservation Fund shall be distributed among open space, historic resources, community housing, and administrative and operating expenses of the Community Preservation Committee, according to the following allocation:
 - Not less than ten percent of the annual revenues in the Community Preservation Committee Fund shall be spent, or set aside for later spending, for open space (not including land for recreational use); additional revenues allocated to open space beyond this ten percent may include land for recreational use;
 - Not less than ten percent of the annual revenues shall be spent, or set aside for later spending, for historic resources;
 - Not less than ten percent of the annual revenues shall be spent, or set aside for later spending, for community housing;
 - Up to five percent of the annual revenues may be appropriated for administrative and operating expenses of the Community Preservation Committee.
5. The Community Preservation Committee shall make recommendations which may be in the form of proposed articles with supporting information to the Town Meeting prior to an annual or Special Town meeting for such action as the Town Meeting deems appropriate.

24-3. Requirement for a quorum and cost estimates.

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

24-4. Amendments.

This chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL Chapter 44B.

24-5. Severability.

In case any section, paragraph, or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall constitute in full force and effect.

24-6. Effective date.

Following Town Meeting approval, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments.

Should any appointing authority fail to make its appointment in the allotted time, the Select Board shall make the appointment.

Chapter 26. Affordable Housing Trust Fund

§26-1. Authority/Establishment/Purpose:

Pursuant to the authority of Chapter 44, Section 55C of the Massachusetts General Laws, there is hereby created a local municipal affordable housing trust fund to be known as the Leverett Affordable Housing Trust Fund (hereinafter "Trust Fund"). The purpose of the Trust Fund shall be to provide for the creation and preservation of affordable housing in the town for the benefit of low and moderate income households, including seniors.

The Trust will work with the Selectboard, other town committees and boards, and regional and state agencies as warranted to determine the town's best avenues for providing affordable, community-supported senior and family housing. The Trust is to be the catalyst for new affordable housing. The focus will be on four clear needs for affordable housing in Leverett: affordable housing for seniors; affordable housing for Leverett families; affordable housing for Leverett town employees; and sustaining an economic mix in town.

§26-2. Composition.

There shall be a Board of Trustees consisting of not less than five and not more than nine Trustees appointed by the Selectboard. At least one of the Trustees shall be a member of the Selectboard, who shall serve as the representative of the Selectboard. Trustees shall be residents of the Town of Leverett. In making appointments, the Selectboard shall endeavor to provide a broad-based membership.

§26-3. Term of Office.

The Trustees shall be appointed for two (2) year terms.
Initially, a minimum of two of the Trustee appointments shall be for a term of one (1) year. These Trustees may be re-appointed for two year terms.

§26-4. Organization.

The Board of Trustees shall annually elect one Trustee who shall serve as Chairperson and a second Trustee who shall serve as Clerk.

§26-5. Filling of Vacancies.

In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment. No appointment is needed as long as there are five (5) Trustees.

If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Board, except for good cause, the position shall be deemed vacant and shall be filled with a new appointment as set forth above.

§26-6. Meetings, Quorum.

Meetings of the Board of Trustees shall be held on a regular basis. Notice of any meeting of the Board shall be filed with the Town Clerk and posted in accordance with M.G.L.

Ch. 39, §23, the Open Meeting Law. A quorum of the Board of Trustees shall be the majority of the number of authorized Trustees.

§26-7. Powers and Duties.

The Board of Trustees of the Leverett Affordable Housing Trust Fund shall have the powers and duties specified in Chapter 44, Section 55C, so long as the powers and duties do not conflict with this bylaw. In order to guarantee additional oversight of significant transactions, the Board shall have no ability to purchase, sell, lease, exchange, transfer or convey any interest in real property or expend over \$50,000 without prior approval of the Leverett Selectboard. The Board also may not borrow money for greater than the extent of the Trust Fund's assets without a 2/3 vote at any Annual or Special Town Meeting.

The Board shall have the following additional powers:

- 1) To accept and receive money from Chapter 44B (Community Preservation Act) and from the Town of Leverett;
- 2) To establish criteria and/or qualifications for housing recipients in accordance with Trust Fund's above-stated purposes;
- 3) To establish criteria for expenditures in accordance with Trust Fund's above-stated purposes;
- 4) To monitor the expiring use of any affordable housing in Leverett;
- 5) To compensate the town for town employees' services provided as authorized by the Board, including but not limited to staff dedicated to the Board, engineering and highway support for project specific activities, and other town services as requested by the Board.

§26-8. Treasurer as Custodian.

The Town of Leverett's Treasurer shall be the custodian of the Trust Fund's funds and shall maintain separate accounts and records for said funds. The Treasurer shall invest the funds in the manner authorized by M.G.L Chapter 44, s 55 (Public Funds on Deposit; Limitations; Investments,) s 55A, (Liability of Depositor for Losses Due to Bankruptcy), s 55B (Investment of Public Funds). Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund.

Expenditures by the Board of Trustees shall be processed through the warrant but shall be controlled by the provisions of M.G.L. Chapter 44, s.55C. The yearly approved budget, and any approved budget revisions will be recorded by the Treasurer.

As custodian, the Treasurer shall issue checks as directed by the Board.

In accordance with M.G.L. Chapter 44, s.55C, the books and records of the Trust Fund shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust Fund shall be audited as part of the town audit when possible.

§26-9. Severability.

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

Part II: General Legislation

Chapter 46: Advertisements, posting of

46-1. Prohibited activity.

[HISTORY: Adopted by the Town of Leverett 2/7/1949 Annual Town Meeting, Art. 16. Amendments noted where applicable.]

46-1. Prohibited activity.

No person shall affix any poster or sign on any public utility pole or structure.

Chapter 58: Building Construction

[The Town of Leverett operates under the Massachusetts State Building Construction Code, a copy of which is on file in the town offices.]

58-1 STRETCH ENERGY CODE

§ 1 Definitions

§ 2 Purpose

§ 3 Applicability

§ 4 Authority

§ 5 Stretch Code

§ 1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ 2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law. Updated 2/18/10

§ 5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Leverett's General Bylaws, Chapter 58.

The Stretch Code is enforceable by the building inspector.

Portia Weiskel moved the Town vote to amend the Code of the Town of Leverett (general by-laws) by enacting a new section, 58-1, "Stretch Energy Code" to Chapter 58 titled "Building Construction" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code 780 CMR, the "Stretch Energy Code" including amendments or modifications thereto. (SEE LANGUAGE ABOVE

Chapter 60: Buildings, numbering of

[HISTORY: Adopted by the Town of Leverett: Art. 1, 2/17/1973 Annual Town Meeting, Art. 11; Art. 2, 4/24/1993 Annual Town Meeting, Art. 19, Amendments noted where applicable.]

ARTICLE I

Establishment of System

[Adopted 2/17/1973 ATM, Art. 11]

60-1. Authorization to institute system.

The Planning Board is authorized to institute a house-numbering system for the purpose of aiding the dispatch of emergency vehicles and for general public convenience.

60-2. Assignment of numbers notice.

The Board is empowered to assign numbers to all existing and future structures, notifications of such assignments to be mailed to the owners by the Planning Board after approval by the Select Board.

60-3. Map to be kept on file [Added 4/24/1993 ATM, Art. 19]

A complete map of all existing house numbers is to be kept of file in the office of the Town Clerk.

ARTICLE II

Display of numbering

[Adopted 4/24/1993 ATM, Art. 19]

60-4. Legislative intent.

The purpose of this Article shall be to require the clear display of house (or building) numbers for all residences and places of business. This is intended to aid in the delivery of emergency services, recognizing that some of these services are delivered by out-of-town agencies.

60-5. Display required; location.

- A. Every house and place of business shall be adequately labeled with its official house number.
- B. It is the intent of the Article that all property owners use common sense in the placement of clear, easy-to-read house numbers on all residences and places of business in the town. If the structure is easily visible and accessible from the street

during twelve (12) months of the year, the number would ideally be placed on the structure.

- C. If, by placing the number on the structure, the number is not easily read by emergency service responders approaching from either direction on the street during all twelve (12) months of the year, then the number should be placed on a stake at the edge of the driveway leading to the house. The location of numbers on a mailbox will suffice if the mailbox is labeled on both sides and is located at the driveway and there is no confusion about the location of the dwelling.
- D. In the case of shared driveways, property owners should adequately label all building numbers at the entrance to the driveway, and additional markings should be posted at appropriate junctions in the driveway to alleviate any questions in the mind of emergency service personnel.

60-6. Enforcement.

Violations shall be enforced by the Select Board and/or its designee.

The following is the text approved by the Attorney General's Office as it pertains to the Demolition Delay Bylaw. The Attorney General's Office said a fine of \$300 was the maximum a Town could levy (G.L. c. 40 S. 21). The Commission recommend to the Inspector, after an open meeting, that this penalty be waived.

The following text is what was approved on June 17, 2010.

Chapter 61. Demolition Delay

{History: Adopted at ATM April 24, 2010, Approved by the Attorney General with exceptions approved by the Historical Commission, on June 17, 2010}

- (1) INTENT AND PURPOSE: This bylaw is adopted for the purpose of protecting and preserving historically significant buildings and structures, as defined in Subsection (2)h, below, which constitute or reflect distinctive features of the history of the Town of Leverett, and for the purpose of promoting the public welfare through the preservation of the architectural, historical, cultural and aesthetic qualities of the Town. Through this bylaw the Town desires to encourage owners and others to preserve, rehabilitate or restore such historically significant buildings or structures rather than demolishing or removing them.
This bylaw does not pertain to customary and usual maintenance of, or repairs to, historically significant buildings and structures.
- (2) DEFINITIONS: For the purposes of this bylaw, the following words and phrases shall have the following meanings:
 - a. APPLICANT - A person applying for Demolition Delay Review with the Leverett Historical Commission.
 - b. APPLICATION – An application for Demolition Delay Review sent to the Leverett Historical Commission.
 - c. BUILDING -- A freestanding structure designed for the shelter or housing of persons, animals, chattels or property of any kind.
 - d. COMMISSION -- The Leverett Historical Commission.
 - e. DAYS -- For the purposes of this bylaw, "days" shall mean calendar days.
 - f. DEMOLITION -- Any act of pulling down, destroying, altering significantly, or razing a structure or building or attached portion thereof, such that at least one entire exterior wall, or more than one partial wall, is affected. For the purposes of this bylaw, an alteration that affects less than one exterior wall of a building or structure is not considered demolition.

g. DEMOLITION PERMIT -- The permit issued by the Building Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure from its lot or the moving of the building or structure on its lot.

h. HISTORICALLY SIGNIFICANT BUILDING – Any building or structure which is (1) associated with any one or more historic persons or events or the architectural, cultural, economic, political or social history of the Town of Leverett, the Commonwealth of Massachusetts and/or the United States of America; or (2) is historically or architecturally important by reason of type, period, style and method of building, either by itself or in the context of a group of buildings or structures.

i. INSPECTOR – A building inspector representing the Town of Leverett.

j. PREFERABLY PRESERVED BUILDING -- Any building or structure meeting the above definition of a historically significant building or structure, which is determined, after a public hearing by the Commission and a review of a demolition/removal plan, to be significant to the architectural landscape of Leverett. The loss of such building or structure, or a portion thereof, by virtue of significantly meeting one or more criteria of a historically significant building, would thus constitute a significant loss to the architectural landscape.

k. REMOVAL -- To transfer a building or structure from its existing location.

l. STRUCTURE -- Any combination of materials assembled, constructed, erected or maintained in a fixed location and placed permanently or temporarily in or on the ground.

(3) REGULATED BUILDINGS AND STRUCTURES: The provisions of this bylaw shall apply only to buildings or structures meeting one or more of the following conditions:

a. Buildings or structures over 100 years old on the date of the Application;

b. Buildings or structures placed on a list filed by the Commission with the Inspector prior to the date of Application, such buildings or structures being listed because they are an Historically Significant Building as defined in Subsection (2) h.

(4) PROCEDURE:

a. Application: Approval from the Commission is required before the Building Inspector will review any Demolition Permit Application. An Application for Demolition Delay Review must be obtained and forwarded to the Commission for approval before any Application for Demolition is sent to the Building Inspector.

b. Historically Significant Building determination: Within 30 days from the Commission's receipt of an Application, the Commission shall hold an open meeting to hear and collect information and evidence to determine whether or not the building or structure is historically significant. The Applicant shall be notified by mailing notice at least seven days prior to the open meeting. The thirty-day period may be extended by written agreement signed by the Applicant and the chair of the Commission.

1. If the Commission determines that, based upon available information and evidence, the building or structure is not historically significant, or that the proposed alterations do not constitute an alteration of the historical significance of the building or structure, the Commission shall forthwith notify the Applicant of its decision, including the reasons for such a determination, and the Applicant may apply for a Demolition Permit.

2. If the Commission determines that, based upon available information and evidence, the building or structure is historically significant, the Commission shall forthwith notify the Applicant, in writing, of its decision, including the reason for such a determination.

c. Preferably Preserved Building designation:

1. After the Commission's determination that a building or structure is historically significant, the Applicant shall submit to the Commission six copies of a demolition/removal plan that includes the following information:

(a) A map showing the present location of the building or structure to be demolished/removed on its property with references to lot lines and neighboring buildings;

- (b) Three-inch by five-inch photographs of all sides of the building or structure; and
- (c) A brief description identifying the reasons for the proposed demolition/removal, including any data to justify the need for demolition/removal, and identifying the proposed reuse of the parcel on which proposed demolition is located. Any additional information addressing the criteria outlined in Section (4) c.3. herein.

2. Within 50 days of its receipt of the demolition/removal plan, the Commission shall hold a public hearing. The Applicant, the Leverett Planning Board, the Inspector and all immediate abutters of the property where the building or structure is to be demolished/removed shall be notified by mailing notice of the public hearing at least seven days prior to the date of the public hearing.

3. The Commission shall review the following factors when determining if a building or structure is a Preferably Preferred Building:

- (a) The age of the building or structure;
- (b) The condition of the building or structure;
- (c) The historical significance of the building or structure;
- (d) The location of the building or structure;
- (e) The proximity to other historically significant buildings or structures; and
- (f) Any other factor deemed significant by the Historical Commission.

d. Decision: Within 30 days of the public hearing, the Commission shall make a written decision stating its reasons for determining whether or not the building is a Preferably Preserved Building.

1. If the building is not determined to be a Preferably Preserved Building, or if the Commission fails to decide within 30 days of the public hearing for the demolition/removal plan, the Commission must approve the Application and the Applicant may apply for a Demolition Permit.

2. If the building is determined to be a Preferably Preserved Building, the Commission shall not approve the Application for a period of 18 months from the date the Commission determined that the building is preferably preserved, unless the Commission determines, prior to the expiration of the eighteen-month period, that:

- (a) In the opinion of the Commission there is no likelihood of preserving, restoring or rehabilitating the building; or
- (b) The Commission is satisfied that the Applicant has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building who is willing to preserve, rehabilitate or restore the building; or
- (c) The Applicant has agreed to accept approval according to certain conditions stipulated by the Commission.

In such cases, the Commission may approve the application and the Applicant may apply for a Demolition Permit.

- (5) Emergency demolition: If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building may request issuance of an emergency demolition permit from the Inspector, bypassing the demolition delay review process as set forth in this bylaw. As soon as practicable after the receipt of such request from the owner, the Inspector shall arrange to have the property inspected. After inspection of the building or structure and consultation with the Leverett Fire Chief and/or the Leverett Board of Health, and the Commission Chair or designee of the Commission Chair, the Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety, and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. Whenever the Inspector issues an emergency demolition permit under the provisions of this bylaw section, the Inspector shall prepare and file a written report describing the condition of the building or structure and the basis of his decision to issue an emergency demolition permit with the Commission. Nothing in this bylaw shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Massachusetts General Laws Chapter

143, Sections 6--10, but the Commission Chair must be invited to accompany the Inspector on any inspections under this bylaw section.

- (6) Noncompliance: In addition, the Inspector shall not issue a building permit pertaining to any property on which a building or structure identified in Subsection (3) has been demolished for a period of two years from the date of demolition, unless a Demolition Permit was obtained and fully complied.
- (7) Severability: In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of the bylaw shall continue in full force and effect.

Chapter: 78 Dogs

[HISTORY: Adopted at the Annual Town Meeting, April 29, 2006, Art. 20 and 21.]

Provisions.

The town accepts the provisions of MGL chapter 140, section 173 Section 173. A city or town may make additional ordinances or by-laws relative to the licensing and control of animals not inconsistent with sections 136A to 174F, inclusive.

78-1. Registering, numbering, fees.

The town establishes the following bylaw pursuant to MGL Chapter 140, Section 147A, but is in addition to.

Section 1

- 1.1 The registering, numbering, description and licensing, pursuant to the provisions of MGL chapter 140, of all dogs and kennels in the Town of Leverett shall be conducted in the office of the Town Clerk. Said licensing period is from March 1 to June 1. All dogs six months of age or older shall be licensed and have a current rabies inoculation as required under MGL chapter 140, sections 137 and 145B as amended.
- 1.2 The fees shall be as prescribed in MGL chapter 140, except that the annual fee for the licenses shall be:
 - Male \$10
 - Female \$10
 - Neutered Male \$ 5
 - Spayed Female \$ 5
 - Kennel license
 - a. Not more than four dogs \$15
 - b. Five to nine dogs \$30
 - c. Ten or more dogs \$50
- 1.3 The Select Board as deemed necessary will approve any future changes to the fee structure of the dog licensing program. Kennel fees shall be set from time to time by the Select Board and shall reflect the cost for boarding and care of a dog on a daily basis.
- 1.4 No fee shall be charged for a license for a service dog specifically trained and certified as such. No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying, neutering, removal from the Town or any other disposal of the dog.
- 1.5 All monies collected for licenses, fees or fines related to the licensing and care of dogs will be deposited by the Town in the general fund.

78-1. Prohibited activities

Any owner or keeper who allows his/her dog to do any of the following is in violation of the bylaw:

- A. Run at large or go beyond the confines of his or her property unless the animal is held firmly on a leash or under the verbal control of the owner or keeper.
[Adopted by the Town of Leverett 6/23/1977 STM, article 5]
- B. Bite, bark, howl, worry or in any other manner disturb the peace or quiet of any neighborhood or endanger the safety of any person.
- C. Run at large or unmuzzled in violation of any order of the Select Board or the Dog Officer.
- D. Worry, kill, maim or otherwise injure another's fowl, livestock or domestic animal.
- E. Chase another's vehicle, person, bicycle or horse (being lead, ridden, under saddle or harness) in any way open to public travel.
- F. Be unlicensed or untagged in violation of state law.
- G. Is in any other way a nuisance or danger to a person or the Town.

78-3. Complaints; Dog Officer and Town Kennel regulations

- A. Any person may complain to the Dog Officer of a violation of the preceding subsections. On receipt of such a complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain or muzzle it as the Officer deems necessary and pursuant to law. The Officer may file a report with the Select Board asking permanent restraint or destruction of the dog. The Select Board, in receipt of such report and after examination of the complaint under oath, may make such order to restrain, muzzle or dispose of such dogs, as they deem necessary.
- B. The Dog Officer may pick up nonconforming dogs as described in Section 2.1. If by licensee or other means the owner of a dog can be identified, the Dog Officer may return the dog to the owner upon collection of fee; or he/she may confine the dog to the Town Kennel for not more than 10 days.
- C. No dog shall be released until it is licensed and all kennel fees and penalties are paid.
- D. Any dog not claimed after 10 days may become the property of a local nonprofit humane organization.

78-4: Violations and penalties

Penalties for any violation of this bylaw shall be \$15 for the first offense and \$30 or each subsequent offense in a calendar year.

78-5. Liability for damage to person or property

If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant of such action.

78-6. Property damage: appraisal and reimbursement

- A. Whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by a licensed or unlicensed dog or dogs, outside the premises of the owner or keeper of such dog or dogs, may inform the Dog Officer who shall proceed to the premises where the damage was done and determine whether the same was inflicted by the dogs and, if so, appraise the amount thereof if it does not exceed \$50.
- B. If, in the opinion of said Dog Officer, the amount of said damage exceeds \$50, the damage shall be appraised, on oath, by three persons acting as appraisers. The appraisers shall be comprised of the Chairman of the Select Board, the Chief of Police or his designee and a person designated by the person alleged to be damaged. Said appraisers shall determine, if possible, the owner of the licensed or unlicensed dogs and present said dog owner, by certified mail, with such evidence and a certificate of damage to include the labor and time necessary expended in the finding and collecting of the livestock or fowl injured or separated and the value of the lost or otherwise damaged livestock or fowl. Awards shall in no case exceed the fair cash market value of such livestock or fowl. Said dog owner shall pay the aggrieved person for the damage within 30 days of the receipt of the certificate of damage. The aggrieved person shall have the right to take District Court action if said dog owner fails to comply with the required payment.
- C. If the appraisers cannot determine the owner of the licensed or unlicensed dog or dogs then payment shall be made from the Town Reserve Fund. In no case shall damages exceed \$500.

78-7. Reimbursement in certain cases

No owner of livestock or fowl shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog or dogs if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of six months of age or older. No reimbursement shall be made on account of damage inflicted by a dog or dogs to a deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge or other livestock or fowl determined by the Department of Fish and Wildlife to be wild unless they are kept by a permit issued by said Department. No reimbursement shall be made for damage inflicted by a dog or dogs to dogs, cats or other household pets.

78-8. Prolonged Chaining or Tethering of Dogs

[History: Adopted Annual Town Meeting, April 27, 2013, Article 29.]

**On October 31, 2012, an Act Further Regulating Animal Control "Animal Control Law" was passed into law (GL c. 140 S. 136A-174E). General Laws Chapter 140, Section 174E of the new Animal Control Law address the subject of chaining and tethering of dogs. The Town should ensure that its by-law is applied in a manner consistent with G.L. cl 140 s. 174E. As per Attorney General decision case #6788.*

A. Prolonged Chaining or Tethering of Dogs to Stationary Objects is Prohibited.

1. No person owning or keeping a dog in the town shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than three (3) total hours in any twenty-four hour period.
2. The tether must be positioned in such a way as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object (i.e. fence) or edge that could result in the strangulation or injury of the animal.
3. The tether must be designed for dogs (e.g., logging chains and other lines or devices not for the purpose of tethering dogs may not be used) and have swivels on both ends. No chain or tether shall weigh more than one-eighth (1/8) of the dog's body weight. The tether must be at

least three times the length of the animal, as measured from the tip of his nose to the base of his tail and of sufficient length to allow the dog to access food, water and shelter.

4. A dog must be provided with sufficient shade to allow the dog to be out of the direct rays of the sun when sunlight is likely to cause overheating or discomfort. The inside of a dog house does not qualify as sufficient shade.

Nothing in this section shall be construed as prohibiting a person from walking a dog on a hand-held leash.

B. Prolonged Chaining or Tethering Requirements.

A person owning or keeping a dog in the town may chain or tether such dog outside for longer than three hours, but no more than ten (10) hours total in a twenty-four hour period through the use of a trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:

1. Only one dog may be tethered to each cable run.
2. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering a dog to a cable run.
3. There must be a swivel on at least one end of the tether to minimize tangling of the tether and no tether shall weigh more than one-eighth (1/8) of the dog's body weight.
4. The cable run must be at least fifteen (15) feet in length mounted at least four (4) feet but not more than seven (7) feet above ground level.
5. The cable run must be of appropriate configuration to confine the dog to the owner's property, protect the animal from injury, prevent the animal or tether from becoming entangled with other objects or animals and prevent the tether from extending over an object (i.e. fence) or edge that could result in the strangulation or injury of the animal.
6. The tether must be of sufficient length to allow the dog to access food, water and shelter and enable the dog to lie down and enter shelter without strain to the neck or body.
7. A dog must be provided with sufficient shade to allow the dog to be out of the direct rays of the sun when sunlight is likely to cause overheating or discomfort. The inside of a dog house does not qualify as sufficient shade.

C. Restrictions on Chaining or Tethering

1. No person owning or keeping a dog in the town may leave a dog chained or tethered outside between the hours of 10:00 p.m. and 6:00 a.m.
2. No dog in the town shall be chained or tethered when the actual or effective temperature will cause the dog discomfort.
3. No dog less than 6 months of age and no unspayed dog shall be chained or tethered outdoors.

D. Exceptions to Chaining and Tethering

Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

E. Violations and Penalties

Any person owning or keeping a dog in the town who violates any provisions of this ordinance are subject to the following penalties and enforcement actions:

1. First violation. Violator will be subject to a warning only unless the town deems conditions warrant a penalty, in which case the violator will be subject to a fine of fifty dollars (\$50.00)

and must meet remediation requirements set forth by the town no later than ten (10) calendar days after the violation. Failure to satisfy the conditions of the first violation shall immediately subject the violator to a second violation.

2. Second violation. Violator will be subject to a fine of one hundred dollars (\$100.00) and must meet remediation requirements set forth by the town no later than ten (10) calendar days after the violation. Failure to satisfy the conditions of the second violation shall immediately subject the violator to a third violation.

3. Third violation. Violator will be subject to a fine of three hundred dollars (\$300.00), impoundment of the dog in the town's shelter at the owner/guardian's expense pending compliance with the by-law, and *potential loss of ownership of the dog.

**In accordance with G.L. c. 40 s. 21, the Town's bylaws can only be enforced through a fine. The Town has no authority to impound a dog or revoke the ownership of a dog based on a bylaw violation. Those penalties are only available for a violation of the state law. See Chapter 140, s. 174E. Therefore in order for the town to impound a dog and/or take away ownership of a dog based upon a bylaw violation, the enforcing officer must determine that the dog-owner has violated G.L. c. 140, s. 174E. We suggest the Town consult with Town Counsel on these issues. Attorney General decision case #6788.*

Chapter 107: Herbicides

[HISTORY: Adopted by the Town of Leverett 2/17/1968 Annual Town Meeting, Art. 12. Amendments noted where applicable.]

107-1. Use prohibited; removal of trees.

The use of herbicides and the removal of trees from town-owned rights-of-way without prior consultation with the Town Conservation Commission is prohibited.

Chapter 126: Peace and Good Order

[HISTORY: Adopted by the Town of Leverett 2/3/1947 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

126-1. Tampering with signs.

No person shall, with malicious intent, remove, mutilate or destroy any sign, signpost or other thing lawfully set or erected upon any street, public place or public property of this town.

126-2. Debris on public ways.

No person shall cause to be placed waste, refuse, boxes or other waste matter on or within the boundary lines of any street or public way in this town or commit any nuisance thereon.

126-3. Violations and penalties

Whoever violates any of the provisions of this chapter shall pay a fine of not more than twenty-five dollars (\$25) for each violation.

Chapter 127: NOISE

[HISTORY: Adopted by the Town of Leverett 4/26/2008 Annual Town Meeting, Art. 9. Amendments noted where applicable.]

127-1. Excessive Noise.

It shall be unlawful for any person or persons between the hours of 10:00 p.m. and 6:30 a.m. occupying, having the charge of, or being present in or about any building, structure, premises, shelter, vehicle, boat, or conveyance, or any part thereof, in the Town of Leverett at any time to cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing devices or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or making of loud and boisterous shouting or singing by any persons or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced.

The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this bylaw. Any person shall be deemed in violation of this bylaw who shall make, or aid and abet, or cause or suffer, or countenance, or assist in the making of such noise.

127-2. 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 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) Agricultural, farm-related, and forestry-related activities as defined by Massachusetts General Laws Chapter 128, Section 1A, as amended, including, but not limited to, the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

127- 3. Penalties.

If the aggrieved has made a good will attempt to talk to the offending resident the aggrieved will report to the Select Board who will notify the offender in writing that the next violation will be punishable with a fine of \$100. A second violation of this bylaw within 12 months after the first violation shall be punished by a fine of two hundred dollars (\$200.00). Any further violation within 12 months after such second violation shall be punished by a fine of three hundred dollars (\$300.00). Each such violation which continues or is repeated within twenty-four (24) hours after issuance of a written notice of violation of this bylaw shall constitute a separate offense and shall be prosecuted as such. If a violation occurs on the premises of rental property, the owner must be notified in writing that the violation has occurred. For any violation within six (6) months thereafter at the same premises, said owner shall be considered to have aided and abetted, or caused or suffered, or countenanced, or assisted in the making of such noise.

127-4. Other Remedies.

- a) If a person responsible for a violation of this bylaw cannot be identified and apprehended, the person(s) in lawful custody or control of the premises of the violation, 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) Any person responsible for an activity that violates 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.

127- 5. Enforcement

The Police Department has the authority to enforce this bylaw.

127- 6. 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.

Chapter 130: Plowing

[HISTORY: Adopted by the Town of Leverett 2/3/1951 Annual Town Meeting, Art. 21. Amendments noted where applicable.]

130-1. Proximity to highway.

No person shall plow or plant any land within ten (10) feet of the traveled part of any highway.

130-2. Responsibility for repairs.

Any damage done to the highway by such plowing or planting shall be repaired by the Highway Department at the expense of the owner of such land.

Chapter 135: Public ways

[HISTORY: Adopted by the Town of Leverett as follows: Art. 1 2/16/1974 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

ARTICLE 1

Paving

[Adopted 2/16/1974 ATM, Art. 26]

135-1. Public hearing required.

No public way or portion of any public way within the Town of Leverett which is unpaved at the time of adoption of this chapter shall be paved at any future time, except with the prior written consent of the Planning Board, with there first being a public hearing regarding such paving.

135-2. Conduct of hearing

The hearing shall be conducted by the Planning Board, which shall notify the Conservation Commission, Historical Commission, and Select Board of the time, date and subject of such hearing and advertise the same in a newspaper of general circulation in the town, appearing not less than one week prior to the hearing.

Chapter 144: Roads, Discontinuance of

[HISTORY: Adopted by the Town of Leverett 4/26/1986 Annual Town Meeting, Art. 25 Amendments noted where applicable.]

144-1. Roads to be discontinued; exceptions

The town, pursuant to MGL C. 82 § 21, discontinues any and all public rights which may exist in any roads or ways in Leverett, with the exception of those ways or portions of ways currently maintained by the town, which are as follows: Dry Hill Road; Dudleyville Road; Chestnut Hill Road; Old Coke Kiln Road; Long Hill Road; Mill Hill Road; Lead Mine Hill Road; Two Mile Road; that portion of Lawton Road which was accepted at the 1985 Annual Town Meeting; and the following roads for the designated distances measured on the center of the traveled way, beginning at the center of the traveled way of the abutting road; Number Six Road [ninety-three hundredths (.93) miles]; Richard Dudley Road [one-hundred four thousandths (.104) mile]; Hannah Dudley Road (eleven-hundredths (.11) miles); Millers Road [eight-hundredths (.08) miles]; Bradway Road [nine-hundredths (.09) miles]; Dickinson Road [fifteen-hundredths (.15) miles]; Richardson Road [seventy-one hundredths (.71) miles]; Skerry Road [nine-hundredths (.09) miles]; Sprinkle Road [fourteen hundredths (.14) miles]; Old Briggs Place [sixteen hundredths (.16) miles]; Church Road [one-tenth (.1) miles]; Moore's Road [twenty-three hundredths (.23) miles]; January Road [forty-three hundredths (.43) miles]; and Old Montague Road [eighty-three hundredths (.83) miles].

144-2. County and state roads.

This does not affect the status of the following currently maintained ways, which are county roads: Amherst Road; North Leverett Road; Montague Road; Shutesbury Road; Rattlesnake Gutter Road; Hemenway Road; Jackson Hill Road; Depot Road; Old Long Plain Road; Juggler Meadow Road; Teawaddle Hill Road; Cushman Road; East Leverett Road; Pratt Corner Road; Bull Hill Road; Cave Hill Road; Old Mountain Road; Broad Hill Road; Mill Yard Road; or Plum Tree Road (Route 63), which is a public way.

144-3. Intent.

In voting to discontinue all roads not enumerated about, insofar as and to the extent to which such roads may, in fact, be town or public ways, it is the intention of the Town Meeting to ensure that, unless duly and subsequently voted upon, the town shall not be liable for or required to maintain or improve any other roads now or in the future.

Chapter 150: Solid Waste

ARTICLE I

Acquisition of land for landfill

[Adopted 2/4/1950 ATM, Art. 15]

150-1. Authority of Select Board [Amended 4/24/1993 ATM, Art. 18]

The Select Board is authorized to take by eminent domain, if necessary, suitable property for public landfills.

ARTICLE II

Mandatory Separation of Materials

[Adopted 4/30/1988 ATM, Art. 28; amended in its entirety 4/24/1993 ATM, Art. 9]

150-2. All citizens of the Town of Leverett shall be required to separate recyclable waste materials and other waste as determined by Board of Health regulations before disposing of the same at said solid waste disposal facility.

150-3. Rules and Regulations.

The Board of Health shall adopt rules and regulations regarding the proper disposal of all waste, including recyclable materials, in conformance with the Massachusetts General Laws and Department of Environmental Protection regulations.

150-4. Enforcement.

- A. The Board of Health shall adopt regulations for enforcement of this Article under MGL C. 40 § 21D, and MGL C. 111, §§ 31, 31A, 31B, 31C, 150 and 150A.
- B. The Select Board shall be the enforcing agent.

Chapter 170: Zoning

[Town of Leverett Zoning Bylaws are available for purchase or inspection at the Town Hall and online at www.leverett.ma.us]

Chapter 187: Personnel Policies

[Adopted 6/24/1985]

187-1. Reimbursement of expenses

The mileage reimbursement rate will be set by the Select Board annually.

[Adopted 10/31/1988]

187-2. Pre-employment physical exam required.

All newly hired, full-time personnel shall be required to have a pre-employment physical examination, to be paid for by the town.

[Adopted 5/8/1989]

187-3. Resolution to secure equal opportunity in employment [Amended 4/28/2001 ATM, Art. 18]

The Town of Leverett, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, sex, color, handicap, religion, national origin, national ancestry, sexual orientation or age, resolves to take necessary measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

187-4. Responsibility of employees. [Amended 4/28/2001 ATM, Art. 18]

Nondiscrimination and equal opportunity are the policies of the Town of Leverett in all of its programs and activities. To that end all employees and elected or appointed officers shall take steps to ensure equality of opportunity in the internal affairs of all departments, as well as in their relations with the public including

those persons and organizations doing business with any agent of the Town. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity. The Town will undertake every possible effort to effectuate the mandates of Executive Order No. 227 and the commonwealth's civil rights laws and regulations.

187-5. Policy requirements. [Amended 4/28/2001 ATM, Art. 18]

The policy requires the elimination of discriminatory barriers regarding race, color, handicap, creed, national origin, national ancestry, age, sexual orientation and sex. It also must include positive and aggressive measures to ensure equal opportunity in internal personnel practices and those programs which can affect persons inside as well as outside of Town government. This policy includes efforts necessary to address the effects of present or past discriminatory patterns and action necessary to guarantee equal opportunity for all people.

Chapter 190: Recreation Commission

A Recreation Commission for the Town of Leverett exists and is active within the town. More information on its activities is available in the office of the Town Clerk.

Chapter 208: Herbicides

[History: Adopted by the Board of Health of the Town of Leverett 6/15/1983. Amendments noted where applicable.]

208-1 Purpose

Due to the risk of groundwater contamination by the extensive use of herbicides, the Board of Health this date adopts the following regulation in accordance with MGL C. 111, § 31, in regard to herbicide use.

208-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

HERBICIDE- Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccative.

208-3. Use regulated.

The use of herbicides is prohibited along easements, rights-of-way, railroads, power lines and/or uses other than agricultural or domestic within the town borders.

Chapter 215: Radioactive Waste

[History: Adopted by the Board of Health of the Town of Leverett. Amendments noted where applicable.]

215-1. Prohibited use of land.

No use of land within the Town of Leverett, Massachusetts, shall be used for the collection, treatment, storage, burial, incineration or disposal of radioactive wastes, including but not limited to low-level radioactive wastes.

Chapter 218: Sewer systems, individual
[see Board of Health regulations.]

Chapter 222: Wells
[see Board of Health regulations.]

Chapter 229: Subdivision of Land
[see Zoning Bylaws, Subdivision regulations.]

APPENDIX

Chapter A232 General Laws and Special Acts

A. General Laws of the Commonwealth accepted by the Town of Leverett.

<u>Accepted/voted</u>	<u>Reference</u>	<u>Subject</u>
11/15/1912	Ch. 503, Acts of 1912	Pensioning of laborers
3/2/1914	Ch. 807, Acts of 1913	Workman's compensation
11/3/1914	Ch. 790, Acts of 1914	Party enrollment
11/4/1919	Ch. 311G, Acts of 1919	Continuation of schools
11/6/1946	MGL C. 32 §§ 1-28	Contributory retirement
2/4/1950	MGL C. 48 §§42, 43, 44	Control of firefighting equipment and personnel,
2/4/1950	MGL C. 111, § 128	structure of Fire Department Minimum building standards

9/7/1960	C. 349, Acts of 1960	Unlimited tenure for present incumbent of district Director of Veteran's Services of Central Franklin
10/26/1964	MGL C. 40 § 8C	Conservation Commission and Conservation Fund established
10/26/1964	MGL C. 71 §§ 16-16I	Establishment of Regional School District and regional School
2/20/1965	C. 486, Acts of 1964	Increase of certain pension and retirement allowances
4/26/1965	MGL C. 71 §§ 16-16I	Establishment of a Regional School District
11/6/1968	MGL C 32B, § 7A, 9D, 10	Town employee health insurance Plan
2/19/1972	MGL C. 41 § 1	Town allowed to elect a separate Bd. of Health
2/19/1972	MGL C. 152 § 69	Inclusion of certain School Dept. employees under the provisions of MGL C. 152 § 68-75
11/9/1972	Ch. 486, Acts of 1971	Beano
2/17/1973	MGL C. 40 § 8D	Historical Commission established
2/16/1974	MGL C. 40 § 15	All town roads, except state highway (Rt 63) designated as scenic roads
2/16/1974	C. 1140, § 20, Acts of 1973	Highway maintenance
2/16/1974	MGL C. 497	Reimbursement from gas tax revenue
5/25/1981	MGL C. 258 § 13	Indemnification
5/25/1981	MGL C. 40 § 8G	Police mutual aid
5/25/1981	MGL C. 71 § 71E	Continuing education
4/24/1982	Ch. 743, Acts of 1981	Abatements for widows
4/24/1982	MGL C. 262 § 34	Town Clerk fees*
4/30/1983	MGL C. 40 § 4G	Threshold for bidding
4/30/1983	MGL C. 148 § 260, 26E	Automatic smoke or heat detectors
11/28/1983	MGL C. 59 § 5, clause 37A	Real estate tax exemption for blind persons
11/28/1983	MGL C. 59 § 5 clause 41B	Real estate tax exemption for the elderly
4/27/1985	Ch. 55 Acts of 1984	Property tax less than \$25 due in single payment
12/9/1985	Ch. 188, § 13, Acts of 1985	Professional development grant

12/9/1985	MGL C. 71 § 40	program Minimum teacher salary
12/9/1985	MGL C. 71 § 71F	Deposit of tuition payment funds received by School Committee
4/26/1986	MGL C. 40 § 4A	Establishment of joint Wiring, Plumbing, and Gas, inspection programs
10/27/1986	MGL C. 41 § 41B	Authorization of public employee payment by direct bank credit
10/27/1986	MGL C. 44 § 53	Authorization for town to accept and expend grants and gifts for designated purposes
4/25/1987	MGL C. 59 § 5, clause 17D	Tax exemption for qualifying survivors of elderly
4/25/1987	MGL C. 59 § 5 clause 41C	Tax exemption for certain senior citizens
9/14/1987	MGL C. 71 § 71E	Separate account for after-school activity proceeds
4/30/1988	MGL C. 90 § 20A	Authorizes town to issue parking tickets
4/30/1988	Ch. 402, Acts of 1987	Certain property taxes due in single payment, due first tax-billing period
5/23/1988	MGL C. 71 § 40	Teachers pay
4/29/1989	MGL C. 40 § 6B	Authority to purchase uniforms for fire and police
4/28/1990	Ch. 653 § 40, Acts of 1989	Assessment date changes for new growth
4/27/1991	Ch. 291, Acts of 1990	Allows the town to receive enhanced 911 service
9/23/1991	MGL C. 40 § 57	Allows the town to pass bylaw allowing denial , revoking or suspending local licenses or permits for failure to pay municipal taxes
4/25/1992	MGL C 41 § 100G1/4	Town pays for reasonable funeral and burial for fire/police killed in performance of duty
4/24/1993	MGL C. 44 § 53D	Establishes Recreation Revolving Fund
4/29/2000	MGL C. 60 §§ 3C and 3D	To allow the town to design and designate a place on its property or auto excise tax bill or design a special enclosure with the tax bill
4/29/2000	MGL C. 59 § 5K	Enables the Select Board to establish a program to allow persons over the age of 60 to volunteer services to the town in exchange for a reduction in the real property tax
4/28/2001	MGL C. 59 § 5 (54)	Allow town to establish a minimum fair cash value of personal property to be taxed

4/28/2001	MGL C. 59 § 5 (71E) and (41D)	Allows the town to increase the income and asset limits that apply to surviving spouses, minors, or elderly persons seeking a real estate tax exemption under MGL C. 59 § 5 (17), (17C), (17c1/2), 17D, (41), (41B) and (41C)
3/18/2002	MGL C. 44 (§ 3-7)	Establishes a Community Preservation Fund
3/18/2002	MGL C. 44B (§ 3-7)	Establishes a Community Preservation Committee
4/27/2002	MGL C. 32B (§ 18)	Medicare benefits
10/28/2002	Ch. 116 Acts of 2002	Early retirement incentive program
4/26/2003	MGL C. 143 § 3z	Allows part-time Building Inspectors to contract themselves out, but not in the area over which they have jurisdiction as Building Inspector
4/24/2004	MGL C. 41 § 55	Authorizes the Select Bd. to appoint a Town Accountant
4/24/2004	MGL C. 46 § 12 of	Allow firefighters to participate in the Town's health insurance program
4/24/2004	MGL C. 32b, 9A	Retiree Health Ins. At 50%
4/30/2005	MGL C. 41 § 97	Structure of Police Department
4/29/2006	MGL C. 184 § 51, Acts of 2002	Decreases eligibility age for senior tax exemptions from 70 to 65 etc.
4/29/2006	MGL 140 § 147A	Allows town to enact bylaws relative to the regulation of dogs
4/28/2007	MGL C. 40 § 4A	Inter-municipal Mutual Aid
4/28/2007	MGL C. 184 § 51 Of the Acts of 2002	Decrease eligibility age for senior tax exemptions
11/13/2007	MGL C. 44 § 55C	Creation of Affordable Housing Trust Fund
4/25/2009	MGL C.82A § 22	Make Select Bd. the trench permitting authority
4/25/2009	MGL C. 60 § 15	Allows the collection of \$10 for each demand written by the Tax Collector
4/30/2011	MGL C. 32B § 20	Establish Other Post Employment Benefits Liability Trust Fund
4/27/2013	MGL C. 164	Creation of Municipal Light Plant
4/29/2017	MGL C. 40 S. 13E	Establishes Reserve Fund or transfer for unexpected out-of-district tuition or Transportation costs

B. Special acts of the commonwealth pertaining to the town of Leverett.

<u>Acts of</u>	<u>Chapter</u>	<u>Subject</u>
1985	37	Recall elections

1986	239	Authorization of Town of Sunderland to acquire certain land in the Town of Leverett for aquifer purposes
1986	289	Provides for the appointment of a Treasurer and Tax Collector in the Town of Leverett

Chapter A233: Resolutions

1. Use of herbicides
2. Opposition to proposition 21/2
3. Request for additional state aid
4. Honoring of John Sirosky
5. Rejection of civil defense crisis relocation plan
6. Curtailing of emissions causing acid rain
7. Nuclear-free Leverett
8. World Peace Tax Fund
9. Halting of deportation to El Salvador and Guatemala
10. Withdrawal of troops from Central America
11. Diversion of military expenses
12. Call for unilateral halt of testing
13. Lift of embargo against Nicaragua
14. Opposition to militarization of outer space
15. Sharing of growth in state revenues
16. Military spending
17. Nuclear weapons testing
18. Appreciation of services of the Fire and Police Departments
19. Appreciation of services provided by Highway Department
20. Request for distribution of gas tax receipts
21. Reduction of military budget
22. Language arts and Mathematics MCAS test results
23. Call for the elimination of nuclear weapons and the reprioritization of federal spending
24. Denounces Patriot Act
25. Protect farms, food, environment
26. Preservation of Board of Health Regulations
27. Raise awareness of domestic violence
28. Nuclear weapons free world
29. Opposition to Vermont Yankee “uprate”
30. Seeks to lower electricity rates in a competitive market
31. Opposition to Iraq War
32. Impeaching of George Bush and Richard Cheney
33. Requests the decommissioning of Vermont Yankee
34. Urges direct U.S. diplomacy with Iran
35. Request Leverett Planning Bd. revise bylaws to allow a cell tower
36. Questions re-unionizing of school system and call for collaboration
37. To assist in the safe resettlement of cleared Guantanamo detainees
38. To legalize democracy and abolish corporate personhood
39. To recognize and encourage the work of the Leverett Peace Committee
40. Encourages the labeling of Genetically Modified Food

- 41. Votes to abolish the Nuclear Regulatory Commission and form a new agency
- 42. Condemns the use of Drones
- 43. Opposes Tennessee Gas Pipeline and encourages sustainable energy

The following resolutions have been enacted by the Town Meeting of the Town of Leverett. They are designed to be of particular significance by the town officials and, therefore are included here. Consult the Town Clerk for additional information.

1. Use of herbicides [Adopted 4/26/1980 ATM, Art. 12]

Be it resolved that any use of herbicides or chemicals such as on utility rights-of-way including power lines, roadsides, railroads, etc. or any use other than agricultural or domestic be forbidden within the town borders and that the town stand resolute in objecting to drift from spray or runoff from such chemicals used in adjacent towns to state forests or act otherwise thereon.

2. Opposition to Proposition 2 ½ [Adopted 4/25/1981 ATM, Art. 18]

The town votes this statement of intent to be sent to the legislature: We, the citizens of Leverett, are strongly opposed to Proposition 2 ½ as written. The damage to our community from the implementation of this law will be severe. We strongly urge that the legislature provide immediately for a workable override of Proposition 2 ½.

3. Request for additional state aid. [Adopted 4/25/1981 ATM, Art. 19]

The town requests the state legislature to provide additional state aid to prevent irreversible damage to our school program resulting from the mandated limitation of expenditures under Proposition 2 ½, or the act otherwise thereon.

4. Honoring of John Sirosky. [Added 4/24/1982]

Whereas, John Sirosky, citizen of Leverett, having dwelt in this town for most of his 70 years, has witnessed and experienced the many changes which have taken place in our community and is one of a few who have participated in both the 150th and 200th anniversaries of the town; and

Whereas, his fellow citizens, in recognition of his love and devotion for Leverett and in recognition of their trust and faith in his civic and public capabilities, have elected and appointed him continuously for the past 32 years to a wide number of town offices such as Board of Selectman, Chairman of the Board of Selectmen, Board of Health, Board of Public Welfare, Auditor, Civil Defense Director, Police Officer, Chief of Police, juror, Building Code Review Committee, Town Hall Improvement Committee, Town Bicentennial Committee, numerous ad hoc committees of the town and, most recently, the Finance Committee; and

Whereas, his talents as a public official have been recognized in a number of ways beyond the borders of Leverett, including his election, during his selectman years, as president of the Franklin County Selectman’s Association; and

Whereas, in a few short weeks John and his wife Ceila plan to celebrate their 50th wedding anniversary;

Now, therefore, let it be resolved that we, the citizens of Leverett, do hereby extend to John Sirosky, our sincere congratulations on his lengthy tenure in the service of the town, our

heartfelt thanks for his many years of devotion of this community, and our best wishes for the years ahead; and

Be it further resolved that a copy of this resolution be spread upon the records of the town in official recognition of this occasion.

5. Rejection of Civil Defense Crisis Relocation Plan. [Adopted 4/23/1982 ATM, Art. 16]

Be it resolved that the town rejects the civil defense crisis relocation plan as would be applied in the event of nuclear war or the threat thereof. Said law is unworkable and immoral and the town will stand resolute in rejecting its implementation.

6. Curtailing of emissions causing acid rain. [Adopted 4/30/1983 ATM, Art. 18]

Whereas the rainfall in the Town of Leverett now exceeds ten (10) to fifty (50) times the normal acidity; and our wildlife, plant life, ponds, streams and water supplies are beginning to feel the detrimental effects of this low pH contamination, we, the citizens of the Town of Leverett, call upon the state and federal governments to immediately implement a program to curtail industrial pollution and the automobile and truck emissions which are causing this problem before the effects become irreversible.

7. Nuclear-free Leverett [Adopted 4/30/1983]

To promote the health, safety, and well-being of the people of Leverett and surrounding communities, the town is hereby declared a nuclear-free zone.

- A. No nuclear weapons may be designed, produced or deployed within the Town of Leverett, nor may any nuclear energy be produced within the town.
- B. No nuclear weapons, nuclear fuel or nuclear wastes of any kind may be transported through, disposed of or stored within the Town of Leverett.
- C. The town shall not participate in nuclear civil defense or crisis relocation planning.
- D. The town chooses not to be defended by the use of nuclear weapons and wishes to be removed from the target lists of all nuclear powers.

8. World Peace Tax Fund [Adopted 4/27/1985 ATM, Art. 29]

The town votes to send letters to Senators Kennedy and Kerry and Representative Conte urging them to become cosponsors of the World Peace Tax Fund which, when enacted, would provide a legal means for those who oppose the use of their money to prepare for war to pay their full share of taxes for alternative humanitarian purposes.

9. Halting of deportation to El Salvador and Guatemala [Adopted 4/27/1985]

The town votes to offer a resolution of support to the bill, to be introduced by Rep. John Moakely from the Ninth District of Massachusetts, which would halt the deportation back to El Salvador and Guatemala citizens who have fled these countries to the United States for sanctuary.

10. Withdrawal of troops from Central America. [Adopted 4/27/1985 ATM, Art. 31.]

The town votes to call upon our Federal government to immediately withdraw all troops and military advisors from El Salvador, Honduras and Guatemala and stop all aid to the forces fighting to overthrow the government of Nicaragua. Funds now used for such purposes should be redirected to the domestic economy to create jobs and improve services.

11. Diversion of military expenditures. [Adopted 4/27/1985 ATM, Art. 32]

The town votes to call upon our federal government to cut military expenditures and appropriate these funds for such human needs as health care, services for the poor, elderly and handicapped, education and small farm loans.

12. Call for unilateral halt of testing. [Adopted 4/26/1986 ATM, Art. 28]

The town votes to call upon the President of the United States as well as our local representatives to the House of Representatives and Senate to immediately respond to the Soviet's unilateral halt of testing by joining them in a mutual and verifiable suspension of testing as a first step toward freezing and reversing the arms race.

13. Lift of embargo against Nicaragua. [Adopted 4/30/1988 ATM, Art. 34]

The town authorizes the Selectmen of the Town of Leverett to call upon the Massachusetts Delegation to the United States Congress to introduce legislation to lift the United States embargo against Nicaragua and normalize relations therewith and for the Selectmen of the Town of Leverett to request Town Counsel to notify the Massachusetts Delegation of the United States Congress that present United States policy toward Nicaragua is in violation of United States and international law.

14. Opposition to the militarization of outer space. [Adopted 4/30/1988 ATM, Art. 35]

The town authorizes the Town Clerk to notify the President of the United States that we, the people of Leverett are not in favor of the militarization of outer space and do not want any development, testing and deployment of the strategic defense initiative (SDI/star wars) and further authorize the Town Clerk to forward copies of this resolution to the United States Secretary of Defense, the Chairman of the House and Senate Defense Appropriation Committees and the Massachusetts Congressional Delegation.

15. Sharing of growth in state revenues. [Adopted 4/29/1989 ATM, Art. 30]

Whereas, the very survival of municipal government has depended on adequate amounts of local aid from the state;

Whereas, local governments can not raise the money needed to provide essential services without the active participation of the state;

Whereas, local government provides the most basic services to our citizens; police and fire protection, education, water, and sewer services, trash removal and the like;

Whereas, drastic reductions in local aid will inevitably result in decreases in basic local services or increases in the regressive property tax;

Whereas, sixty-five percent (65%) of the general public of the commonwealth opposes cuts in local aid;

Whereas, state revenue projections indicate fiscal year 1990 state revenue without a state tax increase will increase more than six hundred million dollars (\$600,000,000) over fiscal year 1989 revenue;

Resolved that the Leverett Town Meeting urges the state to continue its necessary partnership with the municipality by sharing the growth in state revenues with cities and town as it has for the past nine (9) years.

16. Military spending. [Adopted 4/28/1990 ATM, Art. 18]

It is the will of the people of Leverett, Massachusetts, that the President of the United States be notified by our Town Clerk that we feel compelled by conscience, civic responsibility and common sense to protest the draining of our scarce financial resources for excessive military spending. This year, while Leverett struggles to balance its town budget, approximately two

million nine hundred eighty thousand dollars (\$2,980,000) from Leverett residents will be spent on the Pentagon's budget of three hundred billion dollars (\$300,000,000,000).

Particularly at a time when the cold war is officially recognized as over, we affirm that our security depends not on the quantity of our missiles, bombers, and overseas military bases, but on the availability of such basic and fundamental necessities as first-rate education for our children, affordable housing, low-cost medical care and a clean environment.

17. Nuclear weapons testing. [Adopted 4/28/1990 ATM, Art. 19]

Whereas, finding the arms race contributes to record budget deficits that threaten our nation's economic security;

Whereas, a ban on nuclear testing would promote the security of the United States by constraining new developments in the United States/Soviet nuclear arms competition and by strengthening efforts to prevent the spread of nuclear weapons to non-nuclear countries (nonproliferation);

Whereas, a ban on nuclear testing would be a concrete and easily achievable first step towards deep reductions of ever-expanding nuclear arsenals;

Whereas, a ban on nuclear testing can be verified with high confidence by a worldwide network on seismic monitors, satellites and other verification technology operated by the United States and other nations; and

Whereas, funding the design and testing of nuclear weapons involves using funds which otherwise could be spent on research and implementation of methods necessary for coping with ever-increasing threats to the well-being of our shared environment;

Therefore, let it be resolved by the citizens of Leverett:

That the citizens of the Town of Leverett call upon the President of the United States to immediately respond to the Soviet offer to halt testing of nuclear weapons by joining them in a mutual and verifiable suspension of testing as a first step towards freezing and reversing the arms race.

Be it further resolved that the citizens of the Town of Leverett call upon the members of the Massachusetts congressional delegation to support legislation that would enact a moratorium on nuclear testing, to be continued as long as the Soviets do not test and until a formal comprehensive test ban treaty can be negotiated.

18. Appreciation of services of the Leverett Fire and Police Departments. [Adopted 4/25/1992 ATM, Art. 20]

Be it resolved that the town appreciates the services provided by the Police and Fire Departments and desires to support the level of services now provided.

19. Appreciation of services of the Leverett Highway Department. [Adopted 4/25/1992 ATM, Art. 21]

Be it resolved that the town appreciates the services provided by the Highway Department and desires to support the level of services now provided.

20. Request for distribution of gas tax receipts [Adopted 4/25/1992 ATM, Art 22]

Be it resolved that the Town of Leverett calls upon the legislature to annually appropriate and fully distribute the legally required 15% of gas tax receipts to cities and towns for the construction, maintenance and policing of local roads.

21. Reduction of military budget and peaceful uses of those funds. [Adopted 4/25/1992 ATM, Art. 23]

Whereas since the cold war has ended and the Soviet Union has expired; and
Whereas this means military expenditures can be drastically reduced.

Therefore, let it be resolved that the military budget be reduced by \$30,000,000,000 each year for the next five years; and

Be it further resolved that these savings be used to assist employers in converting from military to peacetime production; providing federal aid to states, counties, cities and towns as was done in prior years; and to meet human needs; healthcare, education, housing, full employment, transportation and restoring and protecting our environment; and

Be it further resolved that the Town Clerk communicate this resolution to our Representatives and Senators in Congress, Governor Weld, and President Bush.

22. Language Arts and Mathematics MCAS test results. [Adopted 4/28/2001 ATM, Art. 27]

Whereas, the Town of Leverett fully supports the objectives of ensuring that public education is of high quality and, therefore, ensuring that state and local funds for education are used efficiently, and

Whereas, a “high-stakes” testing program will encourage higher drop-out rates, discouraging many middle and high school students who perform at marginal levels, and unnecessarily frustrate some young children especially those with special needs, because of the unreasonably high benchmarks for passing the Massachusetts Comprehensive Assessment System (MCAS) as required by the Massachusetts Department of Education, and

Whereas, there is inadequate verification that the MCAS test results distinguish failing performance from performance that needs improvement, and

Whereas, no single test is an adequate measure of student performance,

Now therefore, be it resolved that the Town of Leverett opposes the use of a passing grade on the tenth grade language arts and mathematics MCAS test as a mandatory requirement of graduation from high school, and

Furthermore, that once the validity of the test has been resolved and other tests have been developed to measure the achievement of special needs students, the Town of Leverett will support the use of MCAS tests, but as one of several criteria for determining high school graduation, and

Therefore, the Town of Leverett calls upon the Great and General Court to prohibit the use of the MCAS test results as a mandatory requirement for a high school diploma.

23. Call for elimination of nuclear weapons and reprioritization of federal spending. [Adopted 4/28/2001 ATM, Art. 28]

The Town of Leverett Massachusetts:

CALLS upon the governments of all nuclear weapons states to take all nuclear weapons off alert status and to begin negotiations now to prohibit and eliminate all nuclear weapons; CALLS upon the United States government to not begin deployment of a ballistic missile system;

CALLS upon the Congress and the President to begin immediately to reprioritize federal spending in support of the health, education and housing of our citizens, the infrastructure of our towns and cities, public transportation, and the quality of our environment;

And directs the Town Clerk to send copies of this resolution to our United States Senator and the President.

24. Denounces Patriot Act [Adopted 4/27/2002 ATM, Art. 22]

Whereas the Bill of Rights of the United States Constitution and the Constitution of Massachusetts guarantee those living in the United States the following rights:

Whereas, we believe these civil liberties are precious and are now threatened by:

A. The **USA PATRIOT ACT**, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government’s ability to conduct secret searches;

- Gives the Attorney General and the Secretary of State the power to designate domestic groups as “terrorist organizations”; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

B. Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas, the Executive Order on secret military tribunals also undermines the U.S. government’s ability to denounce atrocities carried out in secret military tribunals elsewhere in the world; and

Whereas, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism,

Therefore, we the people of Leverett, Massachusetts, call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney’s office, and the FBI to:

1. Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;
2. End racial profiling in law enforcement and detentions without charges;
3. Not participate, to the extent legally permissible, in law-enforcement activities that threaten civil rights and civil liberties of the people of Leverett, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize;
We the people of Leverett call on our local Government to:
4. Openly work for the repeal of the parts of the Act and Orders that violate civil rights and civil liberties, and:
5. Ask the Town Clerk to notify the above authorities of our action in this regard

25. Protect farms food and the environment. [Adopted 4/28/2002, ATM, Art. 22]

Whereas genetically engineered (GE) foods have been shown to cause long-term damage to the environment, the integrity of rural, family farm economies, and can have serious impacts on human health;

Whereas GE crops have been found to contaminate other crops through cross-pollination and are stringently regulated in more than 30 countries, and;

Whereas citizens throughout the United States are taking steps to address the problem of GE foods at the state and local levels, in response to the failure of Congress and federal regulatory agencies to adequately address this issue, the residents of Leverett:

Call upon our Legislators and Congressional Representatives to support the mandatory labeling of all genetically engineered food and seeds, as well as a moratorium on the further growing of GE crops until there is credible and independent scientific evidence that these products are no longer harmful to our health, the environment, and the survival of family farms.

26. Preservation of Board of Health Regulations. [Adopted 4/26/2003 ATM, Art. 21]

Whereas, on May 3, 1973 the Leverett Board of Health enacted comprehensive Regulations, proposed and adopted by then Board of Health members David Evans, Caryle F. Field, and Leslie L. Allen, pertaining to septic systems and wells for drinking water; and

Whereas said Regulations set forth minimal standards for the protection of the ground water of Leverett, in light of local conditions, as provided for by applicable General Laws and Regulations of the Commonwealth of Massachusetts;

Whereas said Regulations of 1973 have well served the community and the best interests of the residents of Leverett by protecting the groundwater of the community;

Whereas, every resident of Leverett, of necessity, depends solely upon groundwater pumped from private wells for household and drinking water; and

Whereas every household must, of necessity, use its own septic system for the disposal of sanitary waste; and

Whereas the lawful regulations of the Board of Health, including the Regulations of 1973, should not be modified so as to be an instrument to either foster and promote development, or to retard it;

Whereas the current Board of Health has, upon information and belief, acted so as to grant variances from said Regulations for the purposes of new construction, whether informally or formally; and

Whereas the current Board of Health, upon information and belief, may act to amend, modify, or abolish said Regulations of 1973, and

Therefore, Be It Resolved

That no changes to the Regulations of 1973 be made for purposes of new construction except as may be more protective of the community's groundwater and more restrictive, as changing conditions may require, except as may be voted by town meeting, and specifically that the following minimal requirements of the Regulations of 1973 be maintained and set forth in any revised or new Board of Health Regulations:

1. At least four (4) feet depth of UNFILLED NATURALLY OCCURRING PERVIOUS SOIL shall be maintained between maximum groundwater elevation and the bottom elevation..." of the distribution system.
 2. At least 25 feet distance between any septic construction and the nearest of any property lines.
 3. The distance from any portion of a Leaching areas shall be no less than 55 feet to the center line of the nearest town roadway.
 4. All Percolation tests pursuant to any provision of the Regulations of the Board of Health must be done during highest ground water levels, December 1 - May 15.
- And Also That
5. There shall be a lawful procedure for the issuance of variances for repairs to failed septic systems, with the Town regulations to be liberally interpreted as may be required, but as to still be in conformance with the state code.
 6. There shall be no variances granted for purposes of new construction.

27. Raises awareness about domestic violence. [Adopted ATM 4/26/2003, Art. 20]

Whereas, last year, the New England Center for Women in Transition (NELCWIT) received 2,500 hotline calls and provided services to 850 victims of domestic violence in Franklin County;

Whereas, domestic violence is a serious problem in all towns of Franklin County, including Leverett;

Whereas, silence on the issue of domestic violence hides the fact that it exists;

Whereas, silence on the issue of domestic violence conveys an attitude of tolerance, whether or not that attitude is intended, the residents of Leverett.

28. Nuclear Weapons free world. [Adopted ATM 4/24/2004, Art. 15]

Whereas 20th Century science and technology created a real and present threat of exterminating the human species and our natural environment with nuclear weapons, we ardently hope for a 21st Century society in which science and technology are utilized for humane purposes.

The Town of Leverett, Massachusetts, USA, as a participant in the Mayors for Peace initiative and the 2020 Vision Campaign hereby demand that:

- 1) National governments increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT);
- 2) Nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forthwith; and
- 3) The 2005 NPT Review Conference in New York, which takes place just prior to the 60th anniversary of the atomic bombings, demand that nations begin to map the road to a nuclear-weapons free world with adoption by 2010 and a commitment to reach that goal by 2020.

We hereby declare our renewed determination to act on behalf of our citizens to eliminate nuclear weapons and create a world without war in which resources are used to reduce hunger, poverty, refugee status, and human rights violations.

A copy of this declaration is to be sent to President George Bush, US Ambassador to the United Nations John Negroponte, Security General of the United Nations Kofi Annan, Speaker of the House Dennis Hastert, President Pro Tem of the Senate William Frist, Senator John Kerry, Senator Edward Kennedy, Representative John Olver, Mayor of Hiroshima and President of the Mayors for Peace Tadatashi Akiba.

29. Opposition to Vermont Yankee “uprate.” [Adopted ATM 4/24/2004, Art. 16]

The owners of Vermont Yankee (VY), Entergy, are planning a 20% “uprate” or increase in capacity. Vermont Yankee, a 540 megawatt facility in Vernon, Vermont is nearing its projected lifespan of 40 years with only 8 years remaining. *20% is the maximum* allowable rate of increase permitted and is unprecedented for an aging reactor such as Vermont Yankee. Entergy has requested this uprate without due consideration to an INDEPENDENT engineering assessment in their planning. In case of an accident or terrorist attack on this target, the radioactive cloud would be 34% more toxic than is now the case according to the Union of Concerned Scientists.

Vermont Yankee stores 25 million curries of irradiated fuel and is a potential target for terrorism. VY is an aging GE Mark I boiler reactor that is vulnerable to accidents.

Therefore, we, ask the town to vote on a resolution to send a letter stating that the Citizens of Leverett, Massachusetts object to Entergy’s placing of profit before the safety of our communities and that we demand that an INDEPTH INDEPENDENT (4 month) engineering assessment be conducted similar to that conducted by Maine Yankee before any increase in capacity is considered. And that the letter outlining these concerns be sent to:

Vermont Public Service Board
Entergy (owners of Vermont Yankee)
Vermont Yankee Nuclear Plant
Vernon, Vermont Select Board
Nuclear Regulatory Commission

Our Senators and Representatives
Greenfield Recorder
Daily Hampshire Gazette
The Montague Reporter

30. Resolution to seek lower electric rates in a competitive electricity market. [Adopted ATM 4/30/2005, Art. 29]

Whereas the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric industry; and,

Whereas citizens of the Town of Leverett have substantial economic, environmental and social interest at stake; and,

Whereas the Town of Leverett's residential and business consumers are interested in reducing their electric rates and improving service;

Be it therefore resolved that the Town Meeting of Leverett grant the Select Board authority to develop and participate in a contract, or contracts, for power supply and other related services, independently or in joint action with other towns or cities. Such contracts may be for a term of up to five years. In the instance of joint actions with other towns or cities, the chief executive officer of the town is hereby authorized to execute an inter-municipal agreement for this purpose, to develop an energy plan and to further comply with all requirements for the aggregated purchase of energy and energy related services as required by the Commonwealth. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative for service they desire, and

Be it further resolved that the chief executive officer will appoint a representative to a sub-committee of the Franklin Regional Council of Governments to oversee the development of any such joint action and make recommendations to the Council and member towns.

31. Opposition to Iraq War. [Adopted ATM 4/30/2005, Art. 30]

Whereas in October 2002 the United States Congress adopted a joint resolution to authorize the use of United States Armed Forces against Iraq, relying on statements that were untrue, when in fact the United States:

was not threatened with attack by Iraq

Saddam Hussein had no weapons of mass destruction

Saddam Hussein had no role in the 9/11 attacks

Whereas in going to war the President did not meet the conditions imposed by Congress, failing to show Congress why he;

decided a diplomatic or peaceful means alone would not protect the national security of United States or lead to enforcement of Security Council resolutions on Iraq;

Whereas the very presence of 150,000 Americans in Iraq has become a rallying point for dissatisfied people in the Arab world and has both intensified the rage of the extremist Muslim terrorists and also ignited civil hostilities in Iraq that have made United States troops and Iraqi civilians substantially less safe.

Whereas more than \$230 billion has been appropriated by Congress with \$80 billion additional being sought in 2005 causing the erosion of America's fiscal stability, and the cutting of programs for health, education, welfare and the environment, programs needed for the long term well-being of our society.

Whereas the removal of the United States military from Iraq will help diminish one of the major causes of Iraq's growing insurgency.

Whereas the town of Leverett and its citizens profoundly wish to see an end to the death wounding, and psychological devastation to the men and women serving in the United States Armed Forces in Iraq and to the horrors of war being endured by Iraqi society.

Whereas the best way to truly support members of the United States Armed Forces stationed in Iraq is to remove them from harm's way.

Now therefore be it resolved by the town of Leverett that it is the sense of the town that the President should:

- 1) develop and implement a plan to begin the immediate withdrawal of United States Armed Forces from Iraq with the goal of removing all U.S. military bases and personnel from Iraq;
- 2) develop and implement a plan for reconstructing Iraq's civil and economic infrastructure;
- 3) convene an emergency meeting of Iraq's leadership, Iraq's neighbors, the United Nations, and the Arab League to create an international peacekeeping force in Iraq and to replace United States armed forces in Iraq with Iraqi police and Iraqi National Guard forces to ensure Iraq's security; and
- 4) take all necessary steps to provide the Iraqi people with the opportunity to complete the control of their internal affairs.

(The resolution is based on House Congressional Resolution, 35, submitted by Congresswoman Lynn Woolsey and 24 other members of Congress)

The Town Meeting further instructs the town clerk to send copies of this resolution to President Bush, Senator Kennedy, Senator Kerry, Representative Olver, and media.

32. Calls for the impeachment of President George Bush and Vice President Richard Cheney [Adopted ATM 4/28/2007, Art. 37]

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 that 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.

33. Calls for the decommissioning of Vermont Yankee Power Plant [Adopted April 26, 2008 Article 36]

WHEREAS the town of Leverett lies approximately twenty miles to the southeast of the Entergy Nuclear corporation's Vermont Yankee nuclear power reactor in Vernon, Vermont;

WHEREAS the residents of Leverett and other neighboring towns have an inalienable right to have their voices heard regarding possible threats to the health, safety, and general well-being of themselves, their property, and the surrounding environment arising from the continued operation of the Entergy Nuclear reactor; and,

WHEREAS the people of Leverett, and people everywhere, want a safe, renewable, and affordable energy supply for themselves and future generations;

THEREFORE, we the citizens of Leverett call for:

1. The decommissioning of the Entergy Nuclear reactor on or before the expiration of its 40-year license in March of 2012, and for immediate efforts to decontaminate the reactor site employing current workers at full pay and utilizing the safest and most effective technologies available;

2. The development and implementation of strategies for full re-employment of displaced workers after decontamination operations have been completed; and,

3. Immediate efforts to replace the electricity now provided by the Entergy Nuclear reactor with a combination of energy conservation and efficiency measures and sustainable sources of power that are safe, renewable, and affordable, and that provide safe jobs at livable wages.

We further direct the Leverett town clerk, upon passage of this resolution, to send copies to Leverett's state representative, state senator, congressional representative, U.S. senators, the governor of Massachusetts, and the Vermont Senate, House of Representatives, and Governor, with an accompanying cover letter stating that this resolution was passed on (date) by the residents of Leverett at their Annual Town Meeting.

34. Resolution Urging Direct U. S. Diplomacy With Iran and Requesting Leadership Against any Military Action Towards Iran [Adopted April 26, 2008 Article 37]

Whereas, plans for a major bombing campaign have already been drawn up by the U. S. Strategic Air Command under the Bush Administration's direction; and,

Whereas, active duty and retired generals and admirals have told the Administration that a bombing campaign could lead to serious economic, political, and military consequences for the United States; and,

Whereas, a U. S. bombing campaign would result in the deaths of thousands of innocent civilians and would have devastating consequences for the environment; and,

Whereas, the United Nations' Atomic Energy Agency and the top U. S. intelligence agencies agree that Iran does not at the present have an active nuclear weapons program; and,

Whereas, for psychological, moral, and financial reasons, the United States must forego their reliance on war as a principal means of foreign policy,

Now, Therefore Be It Resolved that the Town of Leverett, acting through its annual 2008 Town Meeting, calls upon our representatives in Congress to take the lead in actively:

- (1) Promoting direct negotiations between the U. S. and Iran;
- (2) Preventing, by its sole powers to wage war, any unilateral attack on Iran;
- (3) Urging Iran to allow open international inspections of its nuclear program.
- (4) Urging Iran not to initiate a program to develop nuclear weapons
- (5) Insuring that information provided by this administration on the Iranian nuclear issue is accurate,

And, upon passage, directs the Town Clerk to send copies of this resolution to Senators Kennedy and Kerry, and Congressman Olver.

35. Requests the Planning Board change the Zoning Bylaws to allow a cell tower

Whereas the current bylaws for wireless telecommunication towers in Leverett were created before the wireless revolution. These bylaws were created to contain the visual development of these towers, keeping Leverett's rural character but making it difficult and unpleasant for a provider to put a tower in. Since that time, a shift in telecommunications has occurred, with more residents requiring the use of cell phones and high-speed internet. As the infrastructure of phone lines in many of the villages is substandard, and the phone company seems content with giving high-speed to a minority of residents, it is important that we as a community change parts of the bylaws [4900-4940 Telecommunication Facilities] so to allow for the easy building of at least one tower in Leverett.

36. Questions school re-unionizing, calls for collaboration

WHEREAS the Town of Leverett is committed to providing a quality education for all school-aged residents;

WHEREAS the Education Reform Act provides for every student in the Commonwealth to have the right to a quality education;

WHEREAS local schools, as places for learning, gathering, and community events contribute to the fabric and spirit of their communities;

WHEREAS collaboration between local and regional districts for transportation, school supplies, heating fuel, computers, and other necessary resources leads to cost-savings;

WHEREAS consolidation of school districts at a county or state level may impact class size, transportation time, local representation in district decisions, quality of education, with questionable long term fiscal benefit to affected districts or towns,

BE IT RESOLVED that the Town of Leverett, in support of its local schools and in ensuring the highest quality education for its students, recognizes the inherent benefits of increased collaboration between local school districts to save on the costs of transportation, fuel, heating, supplies, computers, and other resources necessary for our local schools to function;

AND THAT in order to provide the highest quality education for its students; to minimize transportation time between home and school; to ensure that local schools remain places for learning, gathering, and community events which contribute to the fabric and spirit of their communities; to ensure that Leverett citizens, who take great pride in their town's tradition of supporting high quality programs in its schools, maintain adequate control and supervision over those schools, the Town of Leverett asserts that undertaking any initiatives to collaborate, consolidate, or otherwise partner with neighboring school districts are decisions best left to local school committees, select boards, and other town boards impacted by such actions.

BE IT FURTHER RESOLVED that in response to concerns from the Department of Elementary and Secondary Education as well as area legislators, and in pursuit of its goal of offering a high quality education to its school-aged residents, the Town of Leverett is involved simultaneously in two efforts: the first is a joint effort with other members of Union 28, to maximize the cost-effectiveness, capacity, and curriculum alignment of Union 28 with its partnering regional school districts, and the second is a study of the educational, as well as fiscal, effectiveness of developing closer educational ties with the towns of Amherst, Pelham and Shutesbury.

37. Calls for the legalization of democracy and the abolition of corporate personhood [Adopted April 24, 2010 Article 26]

Whereas, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

Whereas, free and fair elections are essential to democracy and effective self-governance, and;

Whereas, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, and;

Whereas, corporations are entirely human-made legal fictions created by express permission of We The People and our government, and;

Whereas, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People, and;

Whereas, in addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights, and;

Whereas, corporations are not mentioned in the Constitution. The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States.

Whereas, interpretation of the US Constitution by unelected Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People, and;

Whereas, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and;

Whereas, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

Whereas, large corporations' profits and survival are often in direct conflict with the essential needs and rights of human beings, and;

Whereas, large corporations have used their so-called 'rights' to overturn democratically enacted laws passed at municipal, state and federal levels, aimed at curbing corporate abuse, thereby rendering local governments ineffective in protecting their citizens against corporate

harms to the environment, to health, to workers, to independent business, to local and regional economies, and;

Whereas, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and forces elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

Whereas, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and;

Whereas, tens of thousands of people and municipalities across the nation are joining with the *Campaign to Legalize Democracy in the United States* to call for an Amendment to the US Constitution to Abolish Corporate Personhood;

Therefore be it resolved that the Town of Leverett, Massachusetts hereby calls on our Select board to join the tens of thousands of citizens, grassroots organizations and local governments across the county in the *Campaign to Legalize Democracy in the US* and to call for an Amendment to the Constitution to Abolish Corporate Personhood and return our democracy, our elections, our communities back to America's human persons and to thus reclaim our sovereign right to self-governance.

Be it further resolved that the Town of Leverett, Massachusetts supports education to increase public awareness of the threats to our democracy posed by Corporate Personhood, and encourages lively discussion to build understanding and consensus to take appropriate community and municipal actions to democratically respond to these threats.

38. Assists in the safe resettlement of cleared Guantanamo detainees [Adopted April 24, 2010 Article 27]

WHEREAS, President Obama has vowed to close the prison at Guantánamo Bay Naval Base by January 2010; and

WHEREAS, many detainees at Guantánamo have been cleared by our government of wrongdoing and have been determined to pose no threat to the United States; and

WHEREAS, many of these detainees cannot be repatriated because they are either stateless or fear the harm awaiting them if returned to their home country; and

WHEREAS, our government has asked other countries to accept cleared detainees but has banned their settlement in the United States; and

WHEREAS, these detainees have suffered unjust imprisonment for many years; and

WHEREAS, the Pioneer Valley has many resources to help such detainees with trauma from their imprisonment; and

WHEREAS, the Pioneer Valley has welcomed in the past many refugees from a variety of traumatic experiences in other countries,

THEREFORE BE IT RESOLVED that the Leverett Town Meeting of April 24, 2010

1) Urges Congress to repeal the ban on releasing cleared detainees into the United States and

2) Welcomes such cleared detainees into our community as soon as the ban is lifted.

And **BE IT FURTHER RESOLVED** that copies of this Resolution be sent to the President and Attorney General of the United States, the United States Senators for Massachusetts, and the United States Representative for Massachusetts' First District.

39. To recognize and encourage the work of the Leverett Peace Committee (adopted April 30, 2011)

WHEREAS life is rare and precious, existing in this fathomless universe only on this tiny blue planet, Earth, as far as we know; and

WHEREAS human beings are a wonder of creation, beautiful, intelligent, powerful, capable of joy, wonder, wisdom, and compassion; and

WHEREAS without war, the Earth and its peoples would have a better chance to prosper; and

WHEREAS war does grievous damage to human bodies, minds, hearts, and spirits; and

WHEREAS the energy of war deepens the divisions and exacerbates conflicts between peoples; and

WHEREAS the domination, humiliation, and injustice that come of war often cause people to strike out in acts of violence called terrorism; and

WHEREAS military preparations and operations are the foremost polluters and users of resources; and

WHEREAS war destroys natural habitat and agricultural land; and

WHEREAS solving the urgent and unprecedented problems facing humankind at this time requires all the human and material resources presently being expended on war; and

WHEREAS people are waking up to the fact that war is obsolete and unnecessary, and are learning techniques of resolving inter-group and international conflict by other, non-violent means; and

WHEREAS the survival of humankind and our familiar and beloved community of life require our generation to invent a world without war, and in so doing, overcome the feelings of weariness, powerlessness, cynicism, and despair that diminish us as human beings and threaten our body politic; and

WHEREAS the people of Leverett, acting through our annual town meeting, have a history, reaching back to the time of Shay's Rebellion and the Constitutional period, and continuing for over 200 years, of concerning ourselves with the great issues of the day, making our voices heard, and bringing to bear on them whatever influence, we can,

THEREFORE BE IT RESOLVED THAT

1. We encourage ourselves and each other in our faith in humanity, and we proclaim our right, and accept our responsibility to imagine and work towards a peaceful future; and

2. We, the members of Leverett Town Meeting recognize and encourage the work of the Leverett Peace Committee, which in turn welcomes the wisdom of all the people of Leverett as we seek a path to peace. We support the effort to find ways that the town can move towards greater resilience and sustainability, and how our people and our town can be of assistance to humanity in its effort to move beyond war into a wise and harmonious relationship to the planet.

3. We urge our elected representatives to understand the moral and practical impermissibility of war, and to embrace the proposition that humanity can and must outgrow war. Based on these understandings, we urge our elected representatives to initiate and support efforts aimed at moving the United States and other nations to:

- A. Withdraw, as quickly as possible, from current wars;
- B. Drastically reduce military spending;
- C. Rid the world of nuclear weapons;
- D. De-legitimize war as a means of advancing perceived national interest; and
- E. Support non-violent conflict resolution and peace-building studies and initiatives.

4. Copies of this resolution be sent by the Town of Leverett, the labor and expense to be borne by private citizens of Leverett and their friends who are supporters of this resolution to Stephen Kulik and select members of the Massachusetts House; Stan Rosenberg and select members of the Massachusetts Senate; Governor Deval Patrick; Congressman John Olver and select members of the United States House of

Representatives; John Kerry, Scott Brown, and select members of the United States Senate; Secretary of State Hillary Clinton; President Barack Obama; local, state, and national news outlets.

40. Resolution to Promote Protection of the Environment in Response to the Dangers Posed by Genetically Engineered Foods

[Adopted April 27, 2013, ATM]

Whereas the Leverett Town Meeting voted on April 28, 2002, to protect farms food and the environment, stating, among other things, the following:

“Whereas genetically engineered (GE) foods have been shown to cause long-term damage to the environment, the integrity of rural, family farm economies, and can have serious impacts on human health;

Whereas GE crops have been found to contaminate other crops through cross-pollination and are stringently regulated in more than 30 countries, and;

Whereas citizens throughout the United States are taking steps to address the problem of GE foods at the state and local levels, in response to the failure of Congress and federal regulatory agencies to adequately address this issue, the residents of Leverett: call upon our Legislators and Congressional Representatives to support the mandatory labeling of all genetically engineered food and seeds, as well as a moratorium on the further growing of GE crops until there is credible and independent scientific evidence that these products are no longer harmful to our health, the environment, and the survival of family farms.”

THEREFORE, be it resolved that the citizens of Leverett vote to direct our Select Board to contact, in its official capacity, our state legislators, Rep. Steven Kulik and Sen. Stan Rosenberg, to express and convey the Town’s sentiments in regard to the foregoing and to request that both legislators actively support and promote the below identified two bills currently filed in the Massachusetts House of Representatives.

H.808, introduced by Rep. Todd Smola of 1st Hampden District, “An Act relative to the labeling of genetically engineered food” and

H. 813, introduced Rep. Ellen Story of Amherst, “An Act relative to the labeling of seed.”

BE IT FURTHER RESOLVED that the Town of Leverett, Massachusetts supports public education to increase public awareness of the threats to our environment posed by the development and increasing use of genetically engineered crops, seeds, and foods, and encourages lively discussion to build understanding and consensus to take further appropriate community and municipal actions to control and limit the dangers to the environment and to public health posed by genetically engineered crops, seeds, and foods.

41. To Abolish the Nuclear Regulatory Commission, and to Create a new Regulatory Agency

[Adopted April 27, 2013, ATM]

The Vermont Yankee nuclear power plant, owned by the Entergy Corporation of Louisiana, is located about 20 miles as the crow flies from Leverett. It is a Mark I reactor built by General Electric, and is one of its first generation of reactors. It has been recognized from its beginnings in the early 1970s as poorly designed for safety. Vermont’s reactor is exactly the same as the ones that melted down at Fukushima, Japan. It has been plagued by so called “minor” accidents for years. The company has repeatedly lied to the Nuclear Regulatory Commission, the public, and to officials from the State of Vermont on matters concerning its design, operation, and condition. The plant is vulnerable in several ways:

- Its diesel pumps, which are located right on the edge of the Connecticut River, are vulnerable to flooding, the cause of the meltdown in Japan.

- The cooling pool for spent uranium fuel rods is located seven stories above ground, and is vulnerable to a seismic event or terrorist act. The potential for radioactive poisoning from this source dwarfs the Hiroshima bomb, could endanger Boston’s water supply, and would create a vast sacrifice

zone around the plant, including Leverett. In the worst case scenario, we would all have to permanently evacuate our homes. The company could reduce the risk by moving the older spent fuel rods to dry cask storage, but fails to do so because of the expense involved.

- The containment vessel as designed is vulnerable to high pressures, and this plant is now 41 years old, beyond the age for which it was designed.

With strong support from surrounding states and local jurisdictions, including Leverett acting through its Select Board, the legislature and the governor of the State of Vermont have sought to close the plant. Vermont demanded the right to rule on re-licensure of the plant at the end of its 40 year operating license, and the company agreed to that demand when the State approved the purchase of the plant by Entergy. Federal courts, favoring corporations over the states and the people, have ruled that the contract Entergy signed with the State of Vermont need not be honored, and that the sole authority to regulate the safety of nuclear power plants lies with the Nuclear Regulatory Commission. In 2011 The NRC renewed Vermont Yankee's operating license for another 20 years starting in March 2012. The NRC has never turned down a nuclear industry request to re-license a plant. Thus, people all over the US, including the people of this region have been denied our democratic right to protect our safety.

The citizens of Leverett, Massachusetts feel an urgent need to protect our beloved land and culture from the clear and present danger of nuclear annihilation. Given its past callous disregard for public safety we hereby express our lack of faith in the existing Nuclear Regulatory Commission to protect us from nuclear accident. The Nuclear Regulatory Commission receives much of its funding from the industry itself and has consistently served as its protector and promoter. We appeal to the President and to the Congress to abolish the NRC, and to assign the regulatory role to a new or different agency, such as the Environmental Protection Agency. We appeal to the Federal Court to honor the contract signed by Entergy with the State of Vermont, and to enforce Vermont's order that Vermont Yankee cease to operate.

Given our immediate proximity to Vermont Yankee, a facsimile reactor to Fukushima, whose radiation plume spread much more than 50 miles to Tokyo, we require for our citizen and school safety a more effective evacuation plan.

Therefore we demand that the Entergy Corporation expand from 10 to 50 miles the minimum radiation hazard evacuation zone. After the Fukushima disaster the Nuclear Regulatory Commission advised US Nationals in Japan to evacuate if they were within a radius of 50 miles.

Further we demand that Governor Patrick and our Congressional delegation press Entergy and relevant governmental agencies, such as the Environmental Protection Agency and the National Consumer Protection Board to create such a 50 mile evacuation zone and also demand that Entergy make funds available to construct and practice such evacuation plans in conjunction with local first responders, school officials, related governmental and department heads.

We direct the Town Clerk to send this official act of our Town Meeting to the NRC, Federal Judges, our governor and our representatives in Congress—McGovern, Warren and our interim senator. We urge our Congressional representatives to represent our interests by introducing a bill into Congress to eliminate the NRC and to assign its regulatory role to another agency.

42. To condemn the use of Drones

[Adopted May 3, 2014, ATM]

WHEREAS, the use of drones, commonly called Unmanned Aircraft Systems (UAS) by industry proponents, raises concerns with respect to targeted killing in our names, privacy, freedom of assembly, and freedom of speech, and thus ushers in the loss of constitutional protections, democracy, and the rule of law, and

WHEREAS, drones have been used in foreign lands to intentionally kill people, including at least two American citizens without appropriate public judicial review, and

WHEREAS, the weapons launched by drones have killed, injured and maimed thousands of people, including men, women and children, resulting in trauma to these individuals, families, communities and the environment, and
WHEREAS, such use of lethal force without due process constitutes misuse of governmental powers specifically prohibited in the United States Constitution, and
WHEREAS, drones now being marketed to domestic law enforcement agencies are capable of being armed with weapons and used for unlawful purposes, and
WHEREAS, drone technology as a means of data collection has the potential for misuse that could affect individual privacy and civil liberties, including the freedom of association and assembly, equal protection and due process under the law, and
WHEREAS, small, low-flying drones, when granted the “public right of transit” under federal law, present a real and imminent threat to our privacy, property rights and local sovereignty, violate a century of legal precedent, and contradict the intent of the US Congress when it established federal airspace under the Air Commerce Act of 1926,
NOW, THEREFORE, BE IT RESOLVED, that this Resolution declares that no agency of the Town of Leverett, nor any agent(s) under contract with the Town of Leverett, will operate drones in the airspace over Leverett in a manner that violates the constitutional rights of residents, and
BE IT FURTHER RESOLVED, that the Town of Leverett affirms that, within the Leverett Town limits, landowners and tenants, subject to state laws and local ordinances, have exclusive control of the immediate reaches of the airspace and, that no drone, unmanned aircraft, or other airborne object, shall have the “public right of transit” through this private property, and
BE IT FURTHER RESOLVED, that the Town of Leverett requests its representatives, Congressman Jim McGovern and Senators Elizabeth Warren and Ed Markey, to introduce a resolution in the United States Congress to end the practice of extrajudicial killing by armed drone aircraft, to specifically withhold money for that purpose, to make restitution for injuries, fatalities and environmental damage resulting from the actions of the United States government, the Department of Defense, the Central Intelligence Agency, allied nations and/or its private contractors.

44. To oppose the Tennessee Gas Pipeline and champion sustainable energy

[Adopted May 3, 2014, ATM]

WHEREAS Tennessee Gas Pipeline Company, L.L.C. is preparing to construct a high-pressure pipeline carrying natural gas obtained through hydraulic fracturing through our state, including nine towns in Franklin County; and
WHEREAS the process of hydraulic fracturing is currently the focus of intense scientific scrutiny, generating citizen protests, moratoriums, and calls for accelerated development of green energy sources; and
WHEREAS said pipeline would destroy unknowable amounts of forest, wetlands, conservation land and farmland in Franklin County and throughout the state; and
WHEREAS a high-pressure gas pipeline, by its nature, carries the potential for leaks, ruptures or devastating explosions posing a risk to the integrity of our drinking water, public safety, and personal health; and
WHEREAS said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and
WHEREAS the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law to be paid for by Tennessee Gas Pipeline Company, L.L.C., making ratepayers bear financial risk for the endeavors of a private corporation;
NOW, THEREFORE BE IT RESOLVED, that the people of Leverett, Massachusetts:

- 1) Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth;
- 2) Support Massachusetts House Bill #3796 which acts to protect our drinking water, public safety and personal health from hydraulic fracturing and the chemicals and fluids associated with fracking for a period ending December 31, 2024; and
- 3) Hereby instruct our state legislators and executive branch officials to enact legislation and take other such actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well-being and our personal safety, and instead to legislate more stringent energy efficiency and further exploration of subsidies for renewable energy sources.

AND BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Federal Energy Regulatory Commission; U.S. Senators Markey and Warren; Congressman Jim McGovern; Governor Deval Patrick; State Senator Stan Rosenberg; and State Representative Stephen Kulik.

