

# WARRANT

Town of Leverett  
FY 2007 Annual Town Meeting  
Saturday April 29, 2006  
9:00 A.M. Leverett Elementary School

## **Franklin, SS.**

To one of the Constables of Leverett:  
Greetings:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of Leverett, qualified to vote in Town affairs, to meet in the Elementary School auditorium, on Saturday the 29<sup>th</sup> of April, 2006, at 9:00 in the morning (9:00 A.M.), then and there to act on the following articles, namely:

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

**Article Two: (by petition)** To see if the town will amend the town Bylaws by adding the following new section:

### I.

#### Subsurface soil absorption systems for sanitary waste

All designs for sanitary sub-surface soil absorption systems (SAS), also known as septic systems, for new construction shall conform to the following minimum design requirements, in addition to those other requirements set forth in any relevant statutes and regulations of the Commonwealth of Massachusetts and in addition to other design requirements set forth in the regulations of the Leverett Board of Health. Where any design requirements of any statute or regulation are less restrictive than the following requirements then the following requirements shall be fully complied with.

At the time of the Soil Evaluation, at least four (4) feet depth of unfilled naturally occurring pervious soil shall exist between the maximum groundwater elevation, or the Estimated Seasonal High Water Table (ESHWT) as determined by soil mottling, whichever is higher, and the ground surface of the naturally occurring soil profile.

At least 25 feet of distance shall be maintained between any part of each component of a proposed septic system and all property lines.

All Soil Evaluations and Percolation Tests submitted to the Board of Health must have been performed during the period of time from December 1 through and inclusive of the following May 15.

## II.

### Variances

There shall be no variances granted, from any requirement of this Bylaw, for purposes of new construction.

**Article Three:** To see if the Town will vote to approve an amendment to the Amherst-Pelham Regional School District Agreement which shall enable the realignment of annual assessments to be in line with said Agreement while supporting the strongest possible Regional budget, such that the Towns of Leverett and Shutesbury will each make a transitional contribution of an amount to be specified in addition to the assessments determined for each member town by Section VI of the Regional Agreement (“per-pupil method”), such an amount to offset the assessment to the Town of Amherst, which amendment shall apply to Fiscal Year 2007 only, or take any action relative thereto.

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

**Article Five:** To see if the town will vote to raise and appropriate the sum of \$3,700 to assume the costs of high speed internet access for the Town Hall, or take any action relative thereto.

**Article Six:** To see if the town will vote transfer from Free Cash the sum of \$16,500 for the purchase of municipal payroll and accounting software and related equipment/software/ data transfer expenses needed for the new system’s operation for the Accounting office, or take any action relative thereto.

**Article Seven:** To see if the town will vote to transfer from Free Cash the sum of \$3,000 to purchase computers and related equipment/software for the Executive Administrator’s and Select board’s Offices, or take any action relative thereto.

**Article Eight:** To see if the town will vote to transfer from Free Cash the sum of \$10,000 to install and repair the roof on the Town Hall, or take any action relative thereto.

**Article Nine:** To see if the town will vote to transfer from Free Cash the sum of \$2,000 to make repairs to the Old Highway Garage, or take any action relative thereto.

**Article Ten:** To see if the town will vote to transfer from Free Cash the sum of \$800 to connect the welder at the Public Safety Complex to the generator, or take any action relative thereto.

**Article Eleven:** To see if the town will vote to transfer from Free Cash the sum of \$1,200 to install heat detectors in the Highway and Fire departments garage bays at the Public Safety Complex, or take any action relative thereto.

**Article Twelve:** To see if the town will vote to transfer from Free Cash the sum of \$10,000 to complete an engineering study on the Bull Hill Road culvert, or take any action relative thereto.

**Article Thirteen:** To see if the town will vote to transfer from Free Cash the sum of \$2,340 for initial expenses, including wages, involved in organizing the Emergency Planning Office, or take any action relative thereto.

**Article Fourteen:** To see if the town will vote to transfer from Free Cash the sum of \$6,500 to install a canopy and railings on the rear library deck and stairs at the Elementary School, or take any action relative thereto.

**Article Fifteen:** To see if the town will vote to transfer from Free Cash the sum of \$5,000 for consulting services to the Planning Board for revisions to the subdivision bylaw regulations, or take any action relative thereto.

**Article Sixteen:** To see if the town will vote to transfer the sum of \$70,000 from the Free Cash Account into the Stabilization Account, or take any action relative thereto.

**Article Seventeen:** To see if the town will vote to expend the sum of \$35,000 from the Free Cash Account and the sum of \$80,000 from the Stabilization Account to offset the tax rate for debt payments, or take any action relative thereto.

**Article Eighteen:** To see if the Town will vote to accept, commencing with Fiscal Year 2007, the provisions of Chapter 184, Section 51 of the Acts of 2002, amending Chapter 59, Section 5 (41C) of the Massachusetts General Laws, by decreasing the eligibility age for senior tax exemptions from 70 to 65, by increasing the gross receipts limit from \$13,000 to \$20,000 if single and from \$15,000 to \$30,000 if married, by increasing the whole estate limit from \$28,000 to \$40,000 if single and from \$30,000 to \$55,000 if married, and by increasing the amount of the exemption from \$500 to \$1,000, or take any action relative thereto.

**Article Nineteen:** To see if the town will vote to establish an Agricultural Commission to represent the agricultural community, or take any action relative thereto.

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:

- o Encouraging the practice of farming and forestry in the town;
- o Promoting new and existing agricultural activities and related economic opportunities in the town;
- o Providing resources and information about farming, forestry, and sustainable agricultural practices to the public and owners and users of working lands;
- o Advising town boards and committees on agriculture-related issues;
- o Helping to resolve conflicts related to agricultural activities in the town;

- o Representing-when requested-town boards and committees at regional and state discussions or meetings about agriculture;
- o Contributing to the restoration of the agricultural community in the Commonwealth.

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.

**Article Twenty:** To see if the town will accept the provisions of Massachusetts General Laws Chapter 140, Section 147A to empower the town to enact by-laws and ordinances relative to the regulation of dogs, or take any action relative thereto.

**Article Twenty-One:** To see if the Town will vote to establish the following bylaw pursuant to MGL Chapter 140, Section 147A, and further, upon its acceptance and approval by the Attorney General, to annul and repeal any other by laws relevant to the regulation of dogs heretofore existing, or take any action relative thereto.

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.

## Section 2: Prohibited Activities

- 2.1 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 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.

## Section 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 a 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.

#### Section 4: Violations and penalties

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

#### Section 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.

#### Section 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 Chairperson of the Selectboard, the Chief of Police or his/her 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's Reserve Fund. In no case shall damages exceed \$500.

## Section 7: Reimbursement in certain cases

No owner of livestock or fowl shall be reimbursed for damages inflicted by his/her own dog or dogs, nor shall he/she be reimbursed for any damage by any dog or dogs if, at the time such damage was inflicted, he/she 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.

**Article Twenty-Two:** To see if the Town will vote to reserve the following from FY 2007 Community Preservation Fund revenues: \$13,134.50 for open space purposes (excluding recreational purposes); \$13,134.50 for historic resources; \$13,134.50 for community housing; and \$89,941.49 to the FY 07 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

**Article Twenty-Three:** To see if the Town will vote to appropriate \$2,000 from FY 2007 Community Preservation Fund revenues for administrative and operating expenses, including legal expenses, of the Leverett Community Preservation Committee, or take any action relative thereto.

**Article Twenty-Four:** To see if the town will vote to appropriate \$1,500 from the Community Preservation Fund Balance Reserved for Historic Resources to complete the restoration of the east side and re-side the south facing (road side) of the Moore's Corner School/Meeting house, or take any action relative thereto.

**Article Twenty-Five:** To see if the town will appropriate \$5,500 from the Community Preservation Fund Balance Reserved for Open Space Purposes to acquire 9.375 acres of land that provides access to the Robert Frost Trail, or take any action relative thereto.

**Article Twenty-Six:** To see if the town will appropriate \$9,800 from the Community Preservation Fund Balance Reserved for Open Space Purposes to restore the inlet channel at the south end of Leverett Pond, or take any action relative thereto.

**Article Twenty-Seven:** To see if the town will appropriate \$11,337 from the Community Preservation Fund Balance Reserved for Open Space Purposes to restore the wetland and historic landscape on the Leverett Library grounds, or take any action relative thereto.

**Article Twenty-Eight:** To see if the town will urge the state Legislature to create a system of universal health care in Massachusetts that provides all Massachusetts residents with comprehensive health care coverage (including free choice of doctors and other health professionals, facilities and services and also including prescription drugs) and eliminates the role of insurance companies in health care by creating a publicly administered insurance trust fund, similar to the Federal Social Security trust fund; and commend Senator Stanley Rosenberg and Representative Steven Kulik for their support of single payer legislation and urge them to use their full influence to move such legislation forward, or take any action relative thereto.

**Article Twenty-Nine:** To see if the town will vote to transfer the sum of \$701.61 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto.

**Article Thirty:** To see if the town will vote to transfer the sum of \$789.16 from Bond Premiums Reserved and the sum of \$18,405.79 from the Reserved for School Debt Payment to the School Interest Account, or take any action relative thereto.

**Article Thirty-One:** To see if the town will vote to transfer the sum of \$1,377.58 from the FY 2006 Regional School Debt Account to the FY 2007 Regional School Debt Account, or take any action relative thereto.

**Article Thirty-Two:** To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2006 as presented in the accompanying table, or take any action relative thereto.

<b>Revolving Fund</b>	<b>Who is Authorized To Spend</b>	<b>Revenue Source</b>	<b>Use</b>	<b>FY 2007 Spending Limit</b>
Library	Library Director	Fees for copying and printing	Copier and printer expenses	\$1,000
Library	Library Director	Fines	Purchase books, audios & videos	\$2,500
Historical Commission	Historical Commission	Sale of plants, donations	Maintain town gardens & landscape town property	\$1,000
Town Hall	Select board	Fund raising suppers, donations	Town Hall maintenance, purchase equipment, furnishings	\$500
Fire Inspections	Fire Chief	Inspections	Fire Inspectors and fire inspection expenses	\$2,500

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

**Article Thirty-Four:** To see if the town will vote to transfer the sum of \$397.85, which represents Leverett's share of the Franklin County dog monies, from the General Fund to the Library Account in accordance with MGL Chapter 140, Section 172, or take any action relative thereto.

**Article Thirty-Five:** To see if the town will vote to transfer the sum of \$5,382 from the Road Machinery Fund to the Highway Equipment Account, or take any action relative thereto.



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

**Given under our hands this 20<sup>th</sup> day of April 2006.**

**SELECT BOARD OF LEVERETT**

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Fenna Lee Bonsignore, Chair Person

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Richard P. Brazeau

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James C. Lyons

A true copy I attest:

Lisa Stratford, Town Clerk

I have served this Warrant as directed therein:

Date: \_\_\_\_\_ Constable: \_\_\_\_\_