

DRAFT WARRANT

Town of Leverett
FY 2015 Annual Town Meeting
Saturday, May 3, 2014
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 3rd day of May, 2014, at 9:00 in the morning (9:00 A.M.), then and there to act on the following articles, namely:

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

Article Two: To see if the Town will vote to reserve the following from FY 2015 Community Preservation Annual Fund revenues: \$17,370.64 for open space purposes (excluding recreational purposes); \$17,370.64 for historic resources; \$17,370.64 for community housing; and \$112,909.16 to the FY 2015 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Article Three: To see if the Town will vote to appropriate \$7,500.00 from FY 2015 Community Preservation Annual Fund revenues for administrative and operating expenses, including legal expenses, of the Leverett Community Preservation Committee, or take any action relative thereto.

Article Four: To see if the Town will vote to acquire, pursuant to MGL c. 44B, the Community Preservation Act, for the purchase price of \$210,000, and including up to an additional \$10,000 for surveying, appraisal and closing costs, approximately 101 acres on Cave Hill Road, being a portion of Lot 59 on Assessors Map 1; said land to be owned and managed by the Conservation Commission for the Town of Leverett, with a Conservation Restriction to be held by the Rattlesnake Gutter Trust; and to appropriate \$32,878.00 from the Community Preservation Fund Balance Reserved for Open Space and \$152,122 from the Community Preservation Undesignated Fund Balance, for a total of \$185,000 of Community Preservation funds with the \$35,000 balance of the purchase price and said costs to be paid by contributions made to the Rattlesnake Gutter Trust and designated for said purchase, or take any action relative thereto. In the event that more than \$35,000 has been donated to said Trust and so designated by the closing date, said excess funds shall be applied to reduce the Town share paid from the Undesignated Fund Balance.

Article Five: To see if the Town will vote to appropriate \$6,000.00 from the Community Preservation Fund Balance Reserved for Historic Resources for professional restoration of approximately 20 gravestones at the Moore's Corner Cemetery located on Rattlesnake Gutter Road near the North Leverett Coop and shown as Assessors Map 4 Lot 16, and to pay for materials for the purchase of supplies to be used by cemetery volunteers, or take any action relative thereto.

Article Six: To see if the Town will vote to amend the Zoning Map of the Town of Leverett by expanding the existing Residence/Rural District (RR) to include the adjacent land that is now zoned commercial (CO) and is located easterly of Long Plain Road, northerly of Depot Road and westerly of the railroad tracks, or take any action relative thereto.

Article Seven: To see if the town will vote to transfer the sum of \$7,250 from available funds to repoint the brick on the south wall of the Elementary School's 1950 building, or take any action relative thereto.

Article Eight: To see if the Town will vote to transfer the sum of \$4,850 from available funds to repair the slate roof on the Elementary School, or take any action relative thereto.

Article Nine: To see if the Town will vote to transfer the sum of \$8,000 from available funds for the purchase of new turnout gear for the Fire Department, or take any action relative thereto.

Article Ten: To see if the Town will vote to transfer the sum of \$14,352 from available funds for the purchase of new self-contained breathing apparatus (SCBA) for the Fire Department; such expenditure to be contingent upon the receipt of Federal Fire Act funds to pay for the remaining 90% of the apparatus cost, or take any action relative thereto.

Article Eleven: To see if the Town will vote to transfer the sum of \$13,000 from available funds to defend the town against a legal issue, or take any action relative thereto.

Article Twelve: To see if the Town will vote to transfer the sum of \$36,000 from the Stabilization Account to purchase and equip a new police cruiser, or take any action relative thereto.

Article Thirteen: To see if the Town will vote to transfer from available funds the sum of \$62,000 into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

Article Fourteen: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Selectboard for the repair and/or replacement of the roof and windows in the 1950 and 1956 portions of the Leverett Elementary School located at 85 Montague Road; the proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a school construction grant for the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is capable of supporting the discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Leverett may receive from the MSBA for the project shall not exceed the lesser of (1) 51.42 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto.

Article Fifteen: To see if the Town will vote to transfer from available funds the sum of \$23,716 to reimburse the Elementary School for funds received from Medicaid for Special Education Costs, or take any action relative thereto.

Article Sixteen: To see if the Town will vote to transfer the sum of \$501.09 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto.

Article Seventeen: To see if the Town will vote to transfer the sum of \$613.31 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 Eighteen: To see if the town will vote to authorize a revolving account in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53E½ to account for fees and donations collected by the Council on Aging, such funds to be under the authority of the Council on Aging Chairperson. Monies from the fund will be used to pay for costs associated with programs sponsored by the Council on Aging, and expenditures from the fund shall not exceed the amount of \$3,000 in Fiscal Year 2015, or take any action relative thereto.

Article Nineteen: To see if the Town will vote to reauthorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2014 as presented in the accompanying table, or take any action relative thereto.

Revolving Fund	Who is Authorized To Spend	Revenue Source	Use	FY 2015 Spending Limit
Library	Library Director	Fees for copying and printing	Copier and printer expenses	<i>\$1,000</i>
Library	Library Director	Fines	Purchase books, audios & videos	<i>\$3,000</i>
Town Grounds Maintenance	Selectboard	Sale of plants, donations	Maintain town gardens & landscape town property	<i>\$1,000</i>
Fire Inspections	Fire Chief	Inspections	Fire Inspectors and fire inspection expenses	<i>\$2,500</i>
Home Composting Program	Transfer Station Administrator	Sale of compost bins and donations	Home composting bin distribution program expenses	<i>\$1,000</i>

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

Article Twenty-One: To see if the Town will vote to set the salaries of elected officials as presented in the budget, or take any action in relation thereto.

Article Twenty-Two: To see if the Town will vote to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2015 as required by Section VI of the Regional Agreement, or take any action relative thereto.

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

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

Drones Resolution of Leverett, Massachusetts

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.

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

**CITIZENS PETITION TO
Oppose the Tennessee Gas pipeline and to champion sustainable energy**

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.

And you are hereby directed to serve this Warrant by posting up attested copies thereof on the Post Office, in the Town Hall and Congregational Church at Leverett, 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 22nd day of April, 2014.

SELECTBOARD OF LEVERETT

Richard P. Brazeau, Chair

Peter d'Errico

Julia Shively

A true copy I attest:

Lisa Stratford, Town Clerk

I have served this Warrant as directed therein:

Date: _____ Constable: _____