

WARRANT

Town of Leverett
FY 2014 Annual Town Meeting
Saturday April 27, 2013
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 27th day of April, 2013, 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 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 2014 as required by Section VI of the Regional Agreement, or take any action relative thereto.

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

Article Four: To see if the town will vote to transfer the sum of \$110,000 from the Stabilization Account and the sum of \$30,000 from available funds to purchase and equip a new dump and sander truck with snow plow frame for the Highway Department, or take any action relative thereto.

Article Five: To see if the town will vote to transfer the sum of \$20,700 from available funds to purchase and install new gas pumps and other related equipment at the Public Safety Complex, or take any action relative thereto.

Article Six: To see if the town will vote to transfer the sum of \$3,000 from available funds to repaint the brick on the south wall of the Elementary School's 1950 building, or take any action relative thereto.

Article Seven: To see if the Town will vote to transfer the sum of \$7,300 from available funds to install new door handles on the classroom doors for safety reasons at the Elementary School, or take any action relative thereto.

Article Eight: To see if the Town will vote to transfer the sum of \$4,000 from available funds to upgrade the front door lock system and connect it to administrative phones at the Elementary School, or take any action relative thereto.

Article Nine: To see if the Town will vote to transfer the sum of \$5,000 from available funds to purchase a new copier and related equipment at the Town Hall, or take any action relative thereto.

Article Ten: To see if the Town will vote to transfer the sum of \$1,200 from available funds to purchase a hearing impaired listening system for the Library, or take any action relative thereto.

Article Eleven: To see if the town will vote to transfer the sum of \$15,000 from available funds to complete a survey on the proposed site, design and other expenses for the installation of a new water supply to the houses down gradient of the Leverett Landfill, or take any action relative thereto.

Article Twelve: To see if the Town will vote to reserve the following from FY 2014 Community Preservation Annual Fund revenues: \$16,837.83 for open space purposes (excluding recreational purposes); \$16,837.83 for historic resources; \$16,837.83 for community housing; and \$110,364.83 to the FY 2014 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Article Thirteen: To see if the Town will vote to appropriate \$7,500.00 from FY 2014 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 Fourteen: To see if the Town will vote to appropriate \$17,000.00 from the Community Preservation Undesignated Fund Balance to improve the Leverett Elementary School Preschool Playground by replacing the climbing structure and the fence and completing other updates as needed, or take any action relative thereto.

Article Fifteen: To see if the Town will vote to appropriate \$2,500.00 from the Community Preservation Undesignated Fund Balance to the Leverett Conservation Commission for the Leverett Trails Committee, which is co-sponsored by the Leverett Conservation Commission and Rattlesnake Gutter Trust, for materials for two bridges to be built by local volunteers, members of the Leverett Trails Committee, and the Town Highway Department in the Bill Rivers Conservation Area, or take any action relative thereto.

Article Sixteen: To see if the Town will vote to rescind the action taken by Article Six of the April 28, 2007 Annual Town Meeting “to rescind the action taken by Article 25 of the April 29, 2006 Annual Town Meeting and to appropriate \$5,500 from the FY 2007 Community Preservation Fund Budgeted Reserve to acquire 9.37 acres of land more or less that provides access to the Robert Frost Trail under Massachusetts General Laws Chapter 44B; said parcel shown as Assessors Map 1, Lot 32; said land to be managed and controlled by the Selectboard with a perpetual conservation restriction on it to be inserted into the deed; and that the Selectboard be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Leverett to affect such purchase.” and to return \$5,500.00 to the Community Preservation Fund Budgeted Reserve from which it was appropriated or take any action relative thereto.

Article Seventeen: To see if the Town will vote to authorize the Selectboard to appoint a three member municipal light board consisting of three residents of the Town, each for a term of six years, with the powers granted under Chapter 164 of the General Laws. Of the three-member board, initially one shall be chosen for two years, one for four years, and one for six years, and every second year thereafter one for a term of six years. The municipal light board shall have authority for all purposes allowable under the laws of the Commonwealth, including without limitation the authority to construct, purchase or lease a gas or electric plant or telecommunications system in accordance with the vote of the Town and to maintain and operate the same, or take any action in relation thereto.

Article Eighteen: To see if the town will vote to approve the following Amendment to the Leverett Zoning By-Laws for Wireless Telecommunication Facilities or take any action in relation thereto:

1. In Section 4921.A. change the number 50 to 100.

Section 4921.A would then read:

No Repeater shall be located closer than 100' to an existing Dwelling Unit, nor less than 25' above ground.

Article Nineteen: To see if the Town will vote to raise and appropriate and transfer from Free Cash the sum of \$60,000 into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

Article Twenty: To see if the Town will vote to transfer from Free Cash the sum of \$25,544 to reimburse the Elementary School for funds received from Medicaid for Special Education Costs, or take any action relative thereto.

Article Twenty-One: 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 Twenty-Two: 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 Twenty-Three: 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, 2013 as presented in the accompanying table, or take any action relative thereto.

Revolving Fund	Who is Authorized To Spend	Revenue Source	Use	FY 2014 Spending Limit
Library	Library Director	Fees for copying and printing	Copier and printer expenses	\$1,000
Library	Library Director	Fines	Purchase books, audios & videos	\$3,000
Town Grounds Maintenance	Selectboard	Sale of plants, donations	Maintain town gardens & landscape town property	\$1,000
Fire Inspections	Fire Chief	Inspections	Fire Inspectors and fire inspection expenses	\$2,500
Home Composting Program	Transfer Station Administrator	Sale of compost bins and donations	Home composting bin distribution program expenses	\$1,000

Article Twenty-Four: 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-Five: To see if the Town will vote to authorize the Selectboard rescind the Conservation Restriction recorded at the Franklin County Registry of deeds on June 28, 2002 (Book 4032, Page 295), and authorize the Selectboard to execute and record a new Conservation Restriction that has the benefit of M.G.L. Chapter 184, section 32 and provides for public access that is compatible with water supply protection on the land purchased through Article Seven of the April 27, 2002 Annual Town Meeting, such Conservation Restriction to be obtained, held, and monitored by the Commonwealth's Department of Conservation and Recreation; and that the Selectboard be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Leverett to effect said recording, or take any action relative thereto.

Article Twenty-Six: To see if the Town will vote to adopt the following Resolution or take any action relative thereto:

Whereas Massachusetts funds charter schools by withholding aid to the cities and towns that send students to charter schools, and

Whereas the amount of such aid withheld for each student leaving to attend a charter school exceeds by a large factor the amount of per pupil aid that the district receives from the state, and

Whereas the loss of monies to a district results in either reducing programs in the local public schools or raising local taxes, thus shifting additional costs onto local taxpayers without their approval, and

Whereas charter schools are not required to follow the same regulations and requirements that public schools must follow,

We hereby call on the state to change the funding mechanism so that Commonwealth charter schools, which are approved and supervised solely by the state, be funded directly out of a line item in the state budget.

Article Twenty-Seven: To see if the Town will vote to authorize the Selectboard to file a petition with the General Court for special legislation as set forth below to allow the town to provide new employees hired after the effective date of this act retirement and/or health insurance benefits outside of the provisions of Chapters 32 and 32B of the General Laws; provided; however, that the General Court may make grammatical or editorial changes of form only to such bill, unless the Selectboard approves amendments to the bill before enactment by the General Court, and that the Selectboard is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or to take any action relative thereto.

An Act Relative To Retirement And Health Insurance Benefits To The Town Of Leverett

SECTION 1. Notwithstanding the provisions of section 4B of Chapter 4 or of Chapters 32 and 32B of the General Laws, or of any other general or special law to the contrary, the Town of Leverett shall have the option at the discretion of the Selectboard of providing a retirement/pension plan and/or health insurance benefits to employees hired after the effective date of this Act, including health insurance to such employees upon retirement, on such terms and conditions as said Selectboard determines to be fair, reasonable and equitable, and in the best interests of the town. Prior to providing such plans or benefits, said Selectboard shall hold at least one public hearing, notice of which shall be provided in a newspaper of general circulation in the town in each of two weeks immediately prior to said hearing. Said retirement/pension and/or health insurance benefits shall be subject to bargaining under Chapter 150E of the General Laws for employees represented by employee organizations that are covered by said chapter. The Town may provide different premiums, contribution rates, plan designs, and/or retirement benefits to different groups or classes of employees.

SECTION 2. Section 1 shall not affect the health insurance or retirement benefits of employees or retirees that were employees for the Town prior to the effective date of this Act.

SECTION 3. This act shall take effect ninety (90) days following its passage or upon the July 1st immediately following its passage, whichever date is later.

Article Twenty-Eight (by petition): TO SEE if the Town will vote to adopt the following Resolution or take any action relative thereto:

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

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.

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

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

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.

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

Article Twenty-Nine (by petition): To see if the Town will vote to adopt the following change to the Code of Leverett or take any action relative thereto:

Chapter 78 of the Code of Leverett, which relates to dogs, contains information regarding licensing, loose dogs and liability for damages. There is nothing pertaining to the welfare of dogs, specifically those confined outdoors. This proposed bylaw will add a section to Chapter 78, which will regulate outdoor chaining and tethering of dogs. The intention of this bylaw is not to make it hard for residents to keep their dogs outside. It is intended to prevent situations, which could lead to a dog becoming neglected, isolated and possibly aggressive.

Prolonged Chaining or Tethering of Dogs

(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.

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 16th day of April, 2013.

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: _____

April 27, 2013