



WARRANT

Town of Leverett
FY 2020 Annual Town Meeting
Saturday, April 27, 2019
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, 2019, 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 (Ballot Question): Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town?

Article Three: To see if the Town will vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection j) as follows: "For Fiscal Year 2020 only, the alternative operating budget assessment shall be calculated as 30% of a five-year average of minimum contributions with the remainder of the assessment allocated to the member towns in accordance with the per-pupil method found in Section VI e) of the Amherst Pelham Regional School District Agreement. The five-year average of minimum contributions will include the five most recent years.", or take any other 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 set the salaries of elected officials as provided by MGL Chapter 41, Section 108, to be made effective from July 1, 2019 as presented in the budget, or take any action relative thereto.

Article Six: To see if the Town will vote to raise and appropriate the sum of \$33,126 for FY 2020 operating expenses of the Leverett Elementary School. These funds shall not become part of the School's FY 20 operating budget, shall not be incorporated into the school's FY 2021 budget base, and will have an estimated 0.547% increase on the FY20 budget and an estimated \$.13/thousand impact on the FY 20 tax rate, or take any action relative thereto.

Article Seven: To see if the Town will vote to accept Massachusetts General Laws Chapter 40, Section 13E, which creates a Special Education Reserve Fund, or take any action relative thereto.

Article Eight: To see if the Town will vote to raise and appropriate the sum of \$33,093 for wages, benefits, fees, part time back-fill hours and other costs associated with hiring a third full time police officer in the Police Department. These funds shall not become part of the Police Department's FY 2020 operating budget and will have an estimated 0.547% increase on the FY20 budget and an estimated \$.13/thousand impact on the FY 20 tax rate, or take any action relative thereto.

Article Nine: To see if the Town will vote to transfer from Free Cash the sum of \$80,000 into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

Article Ten: To see if the Town will vote to transfer the sum of \$44,000 from the Stabilization Account to purchase and equip a new police cruiser, or take any action relative thereto.

Needs 2/3 vote to pass

Article Eleven: To see if the Town will vote to accept Mass General Laws Chapter 41, Section 97A and rescind the April 30, 2005 acceptance of Chapter 41, Section 97 regarding the structure of the Police Department, or take any action relative thereto.

Article Twelve: To see if the Town will vote to transfer the sum of \$7,000 from Free Cash for installation and maintenance of the donated SCBA Compressor unit for the Fire Department, or take any action relative thereto.

Article Thirteen: To see if the Town will vote to transfer the sum of \$4,300 from Free Cash for the purchase of new turnout gear for the Fire Department to replace expired gear and meet NFPA standards, or take any action relative thereto.

Article Fourteen: To see if the Town will vote to transfer the sum of \$4,100 from Free Cash to purchase, install and cover other related expenses for a wireless internet access point at the North Leverett Fire Station, or take any action relative thereto.

Article Fifteen: To see if the Town will vote to transfer the sum of \$10,000 from Free Cash to purchase, install and cover other related expenses for a computer back-up system for town computers, or take any action relative thereto.

Article Sixteen: To see if the Town will vote to proceed with one or more of the following articles, or take any action relative thereto.

Article Sixteen-1: To see if the Town will vote to appropriate the sum of two million, three hundred and thirty-three thousand dollars (\$2,333,000) to construct a water line extension from Amherst Public Water supply to provide water to the houses located downgradient of the Leverett capped landfill and have those connected houses become customers of the Amherst Water System. To raise this appropriation the Treasurer, with the approval of the Selectboard, is hereby authorized to borrow \$2,333,000 pursuant to Chapter 44 section 8 (8) of the MGL, or any other enabling authority; said amount to be reduced by any Federal or State grants received for the project. No funds shall be borrowed or expended hereunder unless the Town shall have voted to exempt from the limitations on total taxes imposed by Chapter 59 Sections 21C of the MGL (Proposition 2 ½ so called) the amounts required to pay the principal and interest on any bonds or notes issued hereunder, or take any action relative thereto. **Needs 2/3 vote to pass**

Article Sixteen-2: To see if the Town will vote to appropriate by borrowing or transfer from available funds the sum of one hundred and fifty thousand dollars (\$150,000) to install a series of new wells for the houses located downgradient of the Leverett capped landfill. Once the wells are installed, the homeowners will own, maintain and replace the wells and associated equipment as needed. To raise this appropriation by borrowing the Treasurer, with the approval of the Selectboard, is hereby authorized to borrow \$150,000 pursuant to Chapter 44 section 8 (8) of the MGL, or any other enabling authority; said amount to be reduced by any Federal or State grants received for the project. No funds shall be borrowed or expended hereunder unless the Town shall have voted to exempt from the limitations on total taxes imposed by Chapter 59 Sections 21C of the MGL (Proposition 2 ½ so called) the amounts required to pay the principal and interest on any bonds or notes issued hereunder, or take any action relative thereto. **Borrowing needs 2/3 vote to pass**

Article Sixteen-3: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of twenty thousand dollars (\$20,000) to appraise the houses located downgradient of the Leverett capped landfill to establish the fair market value of them prior to the town taking them by eminent domain as they come up for sale, or take any action relative thereto.

Article Seventeen: To see if the Town will vote to reserve the following from FY 2020 Community Preservation Annual Fund revenues: \$11,583.38 for open space purposes (excluding recreational purposes); \$11,583.38 for historic resources; \$11,583.38 for community housing; and \$76,583.64 to the FY 2020 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

Article Eighteen: To see if the Town will vote to appropriate \$4,500 from FY 2020 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 Nineteen: To see if the Town will vote to appropriate the sum of \$100,712 from the Community Preservation fund reserved for open space and \$59,288 from the Community Preservation Budgeted Reserve, for a total of \$160,000 to fund a request from the Friends of Leverett Pond to assist in paying for the replacement of the failing Leverett Pond dam, or take any action relative thereto.

Article Twenty: To see if the Town will vote to appropriate the sum of \$12,500 from the Community Preservation Budgeted Reserve to fund a request from the Leverett Historical Commission for Phase 2 of the Leverett Historic Assets Plan to survey and educate town residents about town historic resources, or take any action relative thereto.

Article Twenty-One: To see if the Town will vote to approve the clarification in language to **Chapter 61 of the Town Code, Leverett's Demolition Delay Bylaw** to read:

Section (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.

(2) 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.

Article Twenty-Two: To see if the Town will vote to amend the Leverett Zoning-Bylaw by adding a new Section 2500 as follows:

2500. Demolition Delay

Prior to the issuance of any demolition permit for either:

- a. A building or structure over 100 years old on the date of application or
 - b. A building or structure placed on a list filed by the Leverett Historical Commission with the Leverett Building Inspector prior to the date of application, because such building or structure is an Historically Significant Building, as defined in Chapter 61 of the Code of the Town of Leverett,
- the applicant shall have complied with the Demolition Delay provisions of Chapter 61 of Code of the Town of Leverett.

or take any action relative thereto. **Needs 2/3 vote to pass**

Article Twenty-Three: To see if the Town will vote to approve the following change to the Town Code as follows:

Chapter 8: Finances

8-2. Finance Committee provisions

From:

- 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 and any other unpaid, temporary, ad hoc committee that has no budget.

To:

- 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.

Article Twenty-Four: To see if the Town will vote to approve the following change to the Town Code as follows:

Chapter 16: Capital Planning

From:

16-2. Powers and duties

The Committee shall study proposed capital outlays including the acquisition of land or other property requiring and expenditure of four thousand dollars (\$4,000) or more and having a useful life of at least five (5) years. All officers, boards, departments and committees, including the Select Board and the School Committee, shall, by September 1 each year, give to the Capital Planning Committee information concerning all such capital projects anticipated by them to require Town Meeting action during the ensuing six (6) years. The Committee shall consider the relative need, timing and cost of these expenditures and the effect each will have on the financial position of the town. Any request for a capital outlay which did not appear in the information provided in prior years' reports of projected needs will not be recommended by the Capital Planning Committee to the Select Board or to the Town Meeting, unless a report shall have first been submitted by the requesting agency explaining the omission.

16-3. Annual report; investigations and hearings

- A. The Committee shall prepare a report containing the Committee's recommendations for capital budget items for the next fiscal year for presentation to Annual Town Meeting. Also, a capital program plan for the following five (5) fiscal years shall be prepared and included in the report.
- B. The Committee may undertake such investigations and hold such hearings as it may deem necessary.

To:

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.**

Article Twenty-Five: To see if the Town will vote to create a Revenue Committee to explore, examine, and present for consideration potential ongoing revenue opportunities for the Town of Leverett. This body will focus on creating and/or exploiting ongoing municipal revenue sources (other than tax surcharges, licensing, permits, etc.). Town infrastructure, zoning and other restrictions, and aesthetics will be considered by the Committee. This body will meet and deliberate on a twice-monthly basis, interface with other municipal bodies as appropriate, and report to the Select Board with its' findings on a quarterly basis. The Selectboard shall appoint up to 5 individuals to serve on this Committee for a period of one year, or take any action relative thereto.

Article Twenty-Six: To see if the Town of Leverett will vote to accept Massachusetts General Laws Chapter 40, Section 22F to allow boards and departments that provide a service to set fees, or take any action relative thereto.

Article Twenty-Seven: To see if the Town of Leverett will vote to accept Massachusetts General Laws Chapter 64L, Section 2 (a) to impose a .75% tax on the sales of restaurant meals, or take any action relative thereto.

Article Twenty-Eight: To see if the Town of Leverett will vote to accept Massachusetts General Laws Chapter 64G, Section 3A to impose a 6% local option excise tax on short term rentals, or take any action relative thereto.

Article Twenty-Nine: To see if the Town of Leverett will vote to accept Massachusetts General Laws Chapter 64G, Section 3D (a) to impose 3% impact fees on professionally managed short-term rentals, or take any action relative thereto.

Article Thirty: To see if the Town of Leverett will vote to accept Massachusetts General Laws Chapter 64G, Section 3D (b) to impose 3% impact fees on short term rentals located within a two- or three-family dwelling that includes the operator's primary residence, or take any action relative thereto.

Article Thirty-One: To see if the Town will vote to authorize the Selectboard to enter into a ten (10) year contract with the option for a five (5) year extension, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services, or take any action relative thereto.

Article Thirty-Two: To see if the Town will vote to transfer the sum of \$10,000 from Account #712 for the Fiber Optic Network construction to the town debt principal account, or take any action relative thereto.

Article Thirty-Three: To see if the Town will vote to transfer from Free Cash the sum of \$23,108.19, which is the sum received from Medicaid for Special Education Cost at Leverett Elementary School as follows: \$21,108.19 to the OPEB trust account and \$2,000 to the FY 2020 operating budget of the Elementary School to cover expenses incurred for Medicaid reporting, or take any action relative thereto.

Article Thirty-Four: To see if the Town will vote to transfer the sum of \$400 from Free Cash to pay the FY 2018 bonding service fee as a bill of prior year, or take any action relative thereto. **Needs 4/5 vote to pass**

Article Thirty-Five: To see if the Town will vote to transfer the sum of \$398.35 from Free Cash to pay an FY 2018 Public Safety Complex generator service invoice as a bill of prior year, or take any action relative thereto. **Needs 4/5 vote to pass**

Article Thirty-Six: To see if the Town will vote to transfer the sum of \$412.92 from Free Cash to pay an FY 2017 invoice for office supplies at the Elementary School as a bill of prior year, or take any action relative thereto. **Needs 4/5 vote to pass**

Article Thirty-Seven: To see if the Town will vote to reauthorize the following spending limits for the revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2019, or take any action relative thereto:

Revolving Fund	Revenue Source	Use	Restrictions or Conditions on Expenditures
Library	Fees for copying and printing	Copier and printer expenses	Spending limit of \$1,000
Library	Fines	Purchase books, audios & videos	Spending limit of \$3,000
Town Grounds Maintenance	Sale of plants, donations	Maintain town gardens & landscape town property	Spending limit of \$1,000
Fire Inspections	Inspections	Fire Inspectors and fire inspection expenses	Spending limit of \$2,500
Home Composting Program	Sale of compost bins and donations	Home composting bin distribution program expenses	Spending limit of \$1,000
Council on Aging	Fees and Donations	Costs associated with programs sponsored by the Council on Aging	Spending limit of \$5,000

Article Thirty-Eight: 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 Thirty-Nine: To see if the Town will vote to transfer the sum of \$803.66 from Bond Premiums Reserved to the Town Interest Account, or take any action relative thereto.

Article Forty: To see if the Town will vote to transfer the sum of \$941.22 from Bond Premiums Reserved for School Debt Payment to the School Interest Account, or take any action relative thereto.

Article Forty-One (by Petition): To see if the Town of Leverett will vote to adopt the following resolution, or take any action relative thereto:

We, the undersigned residents of Dudleyville Road, Leverett request that the following article be placed on the agenda of the Town Meeting, April 27th, 2019

Background: Every spring, because of poor drainage, inadequate foundation material and top surface, Dudleyville Road becomes virtually impassable. In March of this year, it became completely impassable from either North Leverett Road or Montague Road (Shutesbury), placing the residents of Dudleyville Road in danger, as no emergency vehicle could access property on the road. Residents had to abandon cars and walk home and some were unable to get to work for days. Propane delivery and mail services were all were suspended.

It is a fundamental requirement that the town of Leverett maintain roads so that tax payers can reach their property safely on all 365 days of the year. Because Dudleyville Road was not constructed properly, the Highway Department has been fighting a losing battle to keep the road open. In March of 2019, they lost the battle completely.

Therefore, we ask the Town Meeting to:

- 1) approve funds (not to exceed \$15,000) for an engineering study to determine what steps are needed to install proper drainage, construct a roadbed and a road surface that can be maintained by the Highway Department for all weather travel
- 2) allocate funds to carry out reconstruction of the road, to include safety barriers, culverts and bridges, as needed; this activity can be phased in over a period of no more than 3 years from the time that the engineering report is received

Article Forty-Two (by Petition): To see if the Town of Leverett will vote to adopt the following resolution, or take any action relative thereto:

A POLICY OF SUPPORT AND COMPASSION TOWARDS REFUGEES

- WHEREAS we have a crisis of refugees fleeing for their lives from violent circumstances the United States has contributed to, and
- Whereas these refugees who are in danger are seeking safety as refugees in the United States as they are entitled to under international and US law, and
- Whereas the US government has created life threatening obstacles to those seeking asylum, and
- Whereas the US government has detained these asylum seekers in horrible living conditions including cages, and
- Whereas the treatment of these refugees is contrary to the values and principles of the US, and
- Whereas the politics of fear and intimidation behind these cruel and illegal policies threatens all Americans and debases who we are as a nation,

THEREFORE, we urge our elected officials and challenge ourselves to defend and protect our endangered brothers and sisters. We stand against hate speech and actions with words and deeds of compassion, and a belief in inclusion. Finally, we call on our elected officials to work with us to change the hateful and fearful US immigration policies.

Article Forty-Three (by Petition): To see if the Town of Leverett will vote to adopt the following resolution, or take any action relative thereto:

A RESOLUTION

Calling for The US to Join the Treaty on the Prohibition of Nuclear Weapons

WHEREAS, nuclear weapons cannot be used without catastrophic humanitarian consequences that violate every principle of international law and human morality; and

WHEREAS, the continued existence of these weapons poses an intolerable risk to human survival, since they can be detonated by accident as well as by design; and

WHEREAS, the United States, together with Britain, France, Russia and China, signed and ratified a legally binding commitment more than 50 years ago to negotiate “in good faith” and “at an early date” the total elimination of their nuclear arsenals; and

WHEREAS, the International Court of Justice ruled, in their 1996 Advisory Opinion on the Legality of Nuclear Weapons, that the legally binding commitment to negotiate means “bringing those negotiations to a successful conclusion;” and

WHEREAS, in the year 2000 the United States, together with Britain, France, Russia and China gave an “unequivocal undertaking” to 187 other nations that they would fulfill their commitment to accomplish the total elimination of their nuclear arsenals; and

WHEREAS, in July 2017, 122 nations adopted the Treaty on the Prohibition of Nuclear Weapons, making it illegal under international law to develop, test, produce, possess, stockpile, transfer, use, or threaten to use nuclear weapons¹; and

WHEREAS, once this Treaty enters in force, it will be illegal in all countries who are party to this Treaty to assist, encourage or induce, in any way, anyone to engage in any activity prohibited by the Treaty; and

WHEREAS, more and more countries will continue to sign and ratify this Treaty, including sooner or later many key allies of the United States;

WHEREAS, this means that the United States will find it increasingly difficult to develop, manufacture, deploy or justify its continued dependence on nuclear weapons; and

WHEREAS, in 2018 our town voted to adopt the Back From the Brink call for the Prevention of Nuclear War, which called on the US government to take immediate steps to reduce the threat of nuclear war.

NOW THEREFORE BE IT RESOLVED that we the residents of Leverett call on the [selectboard] to take all necessary steps to align ___*town name*___ with the U.N. Treaty on the Prohibition of Nuclear Weapons.

NOW THEREFORE BE IT RESOLVED that the town of Leverett calls upon our federal leaders to sign the Treaty on the Prohibition of Nuclear Weapons and to invite the other nuclear armed nations to do likewise, leading to an agreed multilateral pathway for the elimination of all nuclear weapons worldwide.

BE IT FURTHER RESOLVED that the town of Leverett calls upon the Commonwealth of Massachusetts to align with the Treaty on the Prohibition of Nuclear Weapons by setting up, as a first step, a Citizens Commission to look into the implications of doing so, as per bills HD.3477 and SD.1688, currently before the State Legislature.

BE IT FURTHER RESOLVED that the town clerk shall cause a copy of this resolution to be sent to U.S. Congressman Jim McGovern, U.S. Senator Ed Markey, U.S. Senator Elizabeth Warren, and President Donald J. Trump.

¹<http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/>

Article Forty-Four (by Petition): To see if the Town of Leverett will vote to adopt the following resolution, or take any action relative thereto:

- Resolution in Support of Changing the State Flag and Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620;

Whereas members of the Native Nation were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623

Whereas the Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword;

Whereas the history of relations between Massachusetts and the Native Nations who continue to live within its borders includes the forced internment of Natives on Deer Island where they died by the hundreds, their subsequent enslavement in Boston and beyond, the offering of bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686;

Whereas Native Nations of Massachusetts were kept in a state of serfdom until the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

And whereas Native Americans have long suffered many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

- Therefore, BE IT RESOLVED that the Town of Leverett hereby adopt this resolution in support of HD.2968 and SD.1495, a "Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth," and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

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, 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, 2019.

SELECTBOARD OF LEVERETT

Peter d'Errico, Chair

Julia Shively

Thomas Hankinson

A true copy I attest:

Lisa Stratford, Town Clerk

I have served this Warrant as directed therein:

Date: _____ Constable: _____