

# WARRANT

Town of Leverett  
FY 2017 Annual Town Meeting  
Saturday, April 30, 2016  
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 30<sup>th</sup> day of April, 2016, 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 Tree Warden become an appointed Tree Warden of the town?

**Article Three** (Ballot Question): Shall the town vote to have its elected Assistant Moderator become an appointed Assistant Moderator of the town?

**Article Four:** To see if the town will vote to change the Code of Leverett as follows, contingent upon the affirmative vote of the ballot question in Articles Two and Three of this warrant:

### **Chapter 3 Administration**

#### **Article 1 Elected Boards and Offices**

3-2 Officers; terms

Change

**from** "Officers of the town to be elected for three-year terms of office shall be a Moderator, a Town Clerk and three (3) Constables. Officers to be elected for one-year terms of office shall be an Assistant Moderator and a Tree warden."

**to** "Officers of the town to be elected for three-year terms of office shall be a Moderator, a Town Clerk and three (3) Constables. ~~Officers to be elected for one-year terms of office shall be an Assistant Moderator and a Tree warden.~~"

Or take any action relative thereto.

**Article Five:** To see if the town will vote to amend the Amherst Pelham Regional School District Agreement such that, notwithstanding Section VI, for Fiscal Year 2017 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of taxable property values and the other 90% will be allocated to the member towns in accordance with the per-pupil method found in the Amherst Pelham Regional School District Agreement, or take any action relative thereto.

**Article Six:** To see if the town will vote to prefer allocating the total amount to be contributed by each member town of the District as required by Section VI of the Regional Agreement, which is the equal-per-pupil cost method, or take any action relative thereto.

**Article Seven:** To see if the town will vote to have the Town Moderator form an exploratory committee to investigate the possibility of the Leverett School District forming an elementary Region with one or more local elementary school districts or take any other action relative thereto.

**Article Eight:** 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 Nine:** 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, 2016 as presented in the budget, or take any action relative thereto.

**Article Ten:** To see if the Town will vote to reserve the following from FY 2017 Community Preservation Annual Fund revenues: \$17,600.26 for open space purposes (excluding recreational purposes); \$17,600.26 for historic resources; \$17,600.26 for community housing; and \$115,201.85 to the FY 2017 Community Preservation Fund Budgeted Reserve, or take any action relative thereto.

**Article Eleven:** To see if the Town will vote to appropriate \$8,000 from FY 2017 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 Twelve:** To see if the Town will vote to appropriate \$11,250 from the Community Preservation Fund Balance Reserved for Historic Resources to pay for the professional restoration of 30 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 and for the purchase of supplies to be used by cemetery volunteers, or take any action relative thereto.

**Article Thirteen:** To see if the Town will vote to appropriate a total of \$24,275 from the Community Preservation Fund Balance Reserved for Historic Resources to pay for the restoration of the Jackson Hill cemetery, \$2,475.00 of which is for tree work to protect the cemetery and monuments, and \$21,800 for the professional restoration of 100 gravestones at the Jackson Hill Cemetery located on Jackson Hill Road and shown as Assessors Map 1, Lot 18, and to pay for materials and for the purchase of supplies to be used by cemetery volunteers, or take any action relative thereto.

**Article Fourteen:** To see if the Town will vote to appropriate a total of \$125,000 from the Community Preservation Fund, \$16,390 of which is to come from the Community Preservation Fund Balance Reserved for Historic Resources and \$108,610 of which is to come from the Community Preservation Fund Budgeted Reserve, to pay for the rehabilitation and preservation of the 1948 original Highway Department Building located on Montague Road, and shown as Assessors Map 5 Lot 109, contingent upon the Selectboard's determination that the proposed rehabilitation and preservation work outlined in its proposal will not trigger any building, fire, health, safety or other codes that would require the expenditure of any additional monies for the Highway Department Building, or to take any action relative thereto.

**Article Fifteen:** To see if the town will approve changes to Section 4970 (Solar Electric Overlay District) of the Leverett Zoning Bylaws and in addition make minor changes for text consistency in Sections 2100, 2234, 2235, 2340 and other sections as needed. Section 4970 presently regulates installation of ground mounted photovoltaic systems greater than 10KW and not to exceed 1MW. As changed this section would regulate the installation of such systems larger than 1750 square feet (approximately 30 KW) of panels, or take any action relative thereto.

The following summarizes the significant changes to the Bylaw:

1. Three size categories for ground mounted installations shall be “Small”, up to 1750 square feet of panels, “Medium”, 1750 square feet to 40,000 square feet of panels, and “Large”, 40,000 square feet to 200,000 square feet of panels.
2. A Small system may be built anywhere in town subject to setbacks and other regulatory controls. A Medium system shall be permitted as of right but shall require Site Plan Review except in the Rural Village District, Lake & Stream District, Rattlesnake Gutter Overlay District, and Upper Elevation District where a Special Permit shall be required. A Large system shall require a Special Permit in all zones except the following: Rural Village, Rattlesnake Gutter Overlay District, Upper Elevation, and the Lake & Stream District where Large systems are not permitted.
3. The setback from property lines for Small systems shall be consistent with the underlying zoning for structures. Medium systems and Large systems shall require a 100’ setback on all sides, which may be reduced through submission of a Special Permit to the Planning Board.
4. Small, Medium, and Large systems do not require a minimum parcel size and can be constructed on lots that are not approvable for residential or commercial construction. Existing zoning by-law requires systems over 10KW to be on a legal building lot.

The full text of these changes is available from the town clerk and shall replace Section 4970 in its entirety.

**Article Sixteen:** To see if the town will vote to transfer the sum of \$12,500 from Free Cash to purchase a paper compactor and related equipment and supplies for the Transfer Station, which is the town’s match to a \$7,500 Department of Environmental Protection grant, or take any action relative thereto.

**Article Seventeen:** To see if the Town will vote to transfer the sum of \$5,580 from Free Cash to purchase and install programmable thermostats and complete other heating and cooling work at the Leverett Library, or take any action relative thereto.

**Article Eighteen:** To see if the Town will vote to transfer the sum of \$1,600 from Free Cash to purchase and install new carpets at the Leverett Library, or take any action relative thereto.

**Article Nineteen:** To see if the Town will vote to transfer the sum of \$6,500 from Free Cash for the purchase of new turnout gear for the Fire Department, or take any action relative thereto.

**Article Twenty:** To see if the Town will vote to transfer the sum of \$14,000 from Free Cash for the purchase of a new 2,000 gallon tanker to replace the present 1,000 gallon military tanker, 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 Twenty-One:** To see if the town will vote to transfer from available funds the sum of \$5,000 to support the Town of Montague in their role as a full intervenor in Dept. of Public Utilities (DPU) docket 15-178 (or any subsequently assigned number), and in any other related appeals. DPU 15-178 being a regulatory proceeding that will approve or disapprove Berkshire Gas's proposed contract ("precedent agreement") to buy gas transportation on the portion of the NED pipeline that would ship gas from Pennsylvania's fracking fields to Wright, NY, or take any action relative thereto.

**Article Twenty-Two:** To see if the Town will vote to broaden the use of the funds approved under Article Ten of the May 3, 2014 Annual Town Meeting that appropriated matching funds for the 2014 self-contained breathing apparatus grant, to include any safety gear or equipment that may be needed by the Fire Department, or take any action relative thereto.

**Article Twenty-Three:** To see if the Town will vote to rescind the votes taken by Articles Nineteen and Twenty of the May 2, 2015 Annual Town meeting designating residential and municipal electricity be purchased through the Hampshire Council of Governments and reaffirm the electricity aggregation votes taken by the town in April 2005 and April 2011, or take any action relative thereto.

**Article Twenty-Four:** To see if the Town will vote to transfer from available funds the sum of \$30,450 into the Stabilization Account to fund the Capital Plan, or take any action relative thereto.

**Article Twenty-Five:** To see if the Town will vote to transfer the sum of \$1,038.20 from Free Cash to the Stabilization Account to reimburse Stabilization for the amount expended at the October 27, 2015 Special Town Meeting, or take any action relative thereto.

**Article Twenty-Six:** To see if the Town will vote to transfer from Free Cash the sum of \$34,414.42, which is the sum received from Medicaid for Special Education Cost at Leverett Elementary School, to the OPEB trust account, or take any action relative thereto.

**Article Twenty-Seven:** To see if the Town will vote to transfer the sum of \$55.40 from Free Cash to pay for an advertising bill of prior year for the Planning Board, or take any action relative thereto.

**Article Twenty-Eight:** 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 income from recycling entities and donations collected by the Transfer Station for recycling programs, such funds to be under the authority of the Transfer Station Coordinator. Monies from the fund will be used to pay for costs associated with programs sponsored by the Transfer Station, and expenditures from the fund shall not exceed the amount of \$3,000 in Fiscal Year 2017, or take any action relative thereto.

**Article Twenty-Nine:** 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, 2016 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 2017 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	\$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
Council on Aging	Council on Aging Chair	Fees and Donations	Costs associated with programs sponsored by the Council on Aging	\$5,000

**Article Thirty:** 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-One (by Petition):** To see if the Town will vote to adopt the following Resolution or take any action relative thereto:

### **Campaign Finance Resolution**

In support of a resolution proposing a Constitutional Amendment to protect and renew American democracy the citizens of the town of Leverett, Massachusetts, resolve as follows:

Free, fair elections and equal representation for all are essential to democracy and effective governance, without corruption or favor for the powerful;

Following Citizens United, vast amounts of money have been deployed in our elections, with the source of such money concentrated among a very small elite of the very wealthy, the largest corporations, unions, and super PACs. The results of such spending deprive Americans' equal rights, equal representation, and equal responsibility to protect the integrity of elections and government;

These results undermine sound government and pressure elected representatives to be accountable to a moneyed elite rather than to their constituents;

Under Article V of the United States Constitution we the people and states of the United States of America have the right and duty to use the constitutional amendment process to correct decisions of the United States Supreme Court that undermine our equal rights as human beings and our democracy and republican government;

Millions of Americans, irrespective of political party, in hundreds of cities and towns and numerous States have called for a 28th Amendment to the U.S. Constitution that will reverse Citizens United and restore equal representation, accountable government, fair and free elections, and the unalienable rights of human beings, not corporations, in our Constitution.

Therefore, we, the citizens of the town of Leverett, Massachusetts:

- (1) Demand that the United States Congress pass and send to the States for ratification a Constitutional amendment that effectively overturns Citizens United, restoring the ability of our communities, states and nation to limit the corroding effect of concentrated money in our elections and protecting the rights of human beings, not corporations, in our Constitution;
- (2) Require that all contributions, whether to campaigns, political parties, or super PAC's, be identified as to source, i.e., abolish "dark money";
- (3) Support legislation to reduce the overall impact of private, i.e., non-public, money in national and local elections;
- (4) Instruct our elected representatives at every level of government to assist with the prompt enactment of a 28th Amendment reflecting the above principles and to enact campaign finance, anti-corruption and other laws and policies consistent with these principles.

**Article Thirty-Two (by Petition):** To see if the Town will vote to adopt the following or take any action relative thereto:

This petition is for a change in hiring practice for the Leverett Transfer Station (Station) if a suitable candidate cannot be found within two weeks.

It is public knowledge the Station was under threat of termination because, reportedly, it was too difficult to find someone to work there. It is my understanding colleges students were ruled-out for consideration for the positions. The Station ran well at all levels for 15 years using college students. In fact, the previous two Station Supervisors were college students.

The following petition would require the Town to post the current Station employment positions with University/College Student Employment if a suitable candidate cannot be found within two weeks through their preferred channels.

**Article Thirty-Three (by Petition):** To see if the Town will vote to adopt the following or take any action relative thereto:

This petition is to Terminate the Contract with the Franklin County Solid Waste District.

The Franklin County Solid Waste District was recruited by the Town to provide administrative and other support services after the departure of Richard Drury and the subsequent elimination of the Solid Waste Administrator Position. An initial overview of costs in 2015 (using 2014 figures) indicated it's costing over \$14,000 more per year to operate the Station than previously, this figure is around 25% to 30% of the total annual cost to operate the Station (excluding payroll). (A complete analysis using 2015 data will be presented). Plus, terminating this agreement could allow for reinstatement of on-site services (except for hazard waste, which would be brought to nearby Amherst).

The following petition is to terminate the contract for out-sourced administration and return to handling all Station-related affairs in house.

**Article Thirty-Four (by Petition):** To see if the Town will vote to adopt the following or take any action relative thereto:

This petition is to keep the Leverett Transfer Station (Station) open unless closed by an Environmental Regulatory Agency or a majority vote at Town Meeting.

It is the current understanding that the Select board could vote to close the Station. In light of some events, one may wonder if that's where the decision should rest. We saw a very cost-effective operation become far less so; it almost had to be closed because of a refusal to use an established hiring practice. A submission with a simple solution to remedy unnecessary costs was presented and not taken advantage of. And then there was the questionnaire that posed the difficult to fathom, "Would you...switch to curbside pickup if the total cost were \$100 per year..." It is difficult to understand where this is going and what it means. And for that reason, it may be best if residents decide.

The following petition would require the Station to remain open unless voted otherwise at Town Meeting.

**Article Thirty-Five (by Petition):** To see if the Town will vote to adopt the following or take any action relative thereto:

This petition is to keep the Leverett Transfer Station (Station) open both weekend days unless voted otherwise at Town Meeting.

The Station went through a difficult time during its early years trying to find the optimum operating schedule for both users and employees. What we now have is the fruit of that labor. Every so often the notion arises to close one weekend day. This could significantly hurt the Station and be unnecessarily inconvenient for those using it. Residents are paying for the Station and should have a say if it appears services need to be curtailed.

The following petition would require the Station to remain open both weekend days unless voted otherwise at Town Meeting.

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 19<sup>th</sup> day of April, 2016.**

**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: \_\_\_\_\_