

2024 Special
Town Meeting Warrant

Wednesday, November 13, 2024
Beginning at 6 p.m.

Pioneer Valley Performing Arts
15 Mulligan Drive, South Hadley, MA

**SCAN HERE WITH YOUR
MOBILE DEVICE TO VIEW
BACKGROUND MATERIALS**



COMMONWEALTH OF MASSACHUSETTS
SOUTH HADLEY, MASSACHUSETTS

WARRANT

Hampshire, ss.

TO: Either of the Constables of the Town of South Hadley

ADA ADVISORY

Anyone in need of special arrangements for the Town Meeting, please contact the Office of the Selectboard at (413) 538-5030 ext. 6136 or Selectboard@southhadleyma.gov by November 1, 2024 in order that reasonable accommodations may be made.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of South Hadley that the SPECIAL TOWN MEETING will be held at Pioneer Valley Performing Arts, 15 Mulligan Drive, South Hadley, Massachusetts on Wednesday, November 13, 2024 at 6:00 PM or as soon thereafter as the subject matter of this warrant can then and there be reached, and the Town Clerk is required to notify and warn the Town Meeting Members then and there to meet and act on the following articles;

Election of Redevelopment Authority

1. Term to end June 30, 2027 and commence upon vote

REPORTS

ARTICLE 1: HEAR REPORTS

To see if the town will hear and act upon the reports of the Town Officers, Boards, and Committees; or take any other action in relation thereto.

CAPITAL

ARTICLE 2: CAPITAL BUDGET

To see if the Town will vote to amend the FY2023, FY2024 and FY2045 Capital Budgets as follows:

	Original Funding	Transfer/(Reduce)	Final Funding
School Van (FY24)	30,000	46,000	76,000
Senior Center Van (FY23)	85,000	(46,000)	39,000
Buttery Brook Park (FY24)	715,000	182,087.08	897,087.08
Police Roof Repairs (FY23)	90,000	(31,450)	58,550
Police Fire Detection (FY25)	25,000	(6,298.55)	18,701.45
DPW Skid Steer (FY23)	80,000	(64,027.37)	15,972.63
Parks: Furnace (FY25)	15,000	(6,000)	9,000
Rec/School Fencing/Netting (FY24)	65,000	(63,005)	1,995
Middle Floor Repair (FY24)	50,000	(553)	49,447
HS Classroom Conversion (FY24)	25,000	(10,753.16)	14,246.84

; or take any other action relative thereto.

ARTICLE 3: WASTEWATER CAPITAL BUDGET

To see if the Town will transfer \$200,000 from WWTP Enterprise Fund Receipts and \$440,000 WWTP Retained Earnings in the sum of \$640,000 make the following purchases, repairs, or replacements:

Fiscal Year 2025	Capital Request Detail	Request
WWTP	Vactor Truck	\$640,000

; or take any other action relative thereto.

ARTICLE 4: LANDFILL CAPITAL BUDGET

To see if the Town will transfer \$240,000 from Enterprise Fund Receipts and \$500,000 from Landfill Retained Earnings the sum of \$740,000 to make the following capital purchases, repairs, and replacements:

Fiscal Year 2025	Capital Request Detail	Request
Landfill	Trash and Recycling Carts	\$740,000

; or take any other action relative thereto.

GENERAL BYLAWS

ARTICLE 5: UNHITCHED TRAILER BYLAW

To see if the Town will vote to amend Chapter 179 of the General Bylaws by adding a new section as follows:

§ 179-6 Trailers Not Attached to Motor Vehicles Prohibited.

A. Definitions.

TRAILER Automobile trailer, boat trailer, utility trailer, trailer coach, any portable structure or vehicle so constructed and designed as to be attached to a motor vehicle and any portable structure or nonmotorized vehicle so constructed and designed as to permit occupancy thereof, for dwelling, sleeping purposes or commercial uses.

B. Trailers unattached on public ways.

No trailer shall be parked on public ways or other Town property unless such is attached to a motor vehicle in a safe and proper fashion as it is constructed and designed to be so as to be able to be immediately towed without any further connections and/or adjustments by the motor vehicle to which it is so attached. Notwithstanding anything in this section to the contrary, this section shall not apply to any trailer being currently used in its specific function for the following:

- (1) Actively loading or unloading.
- (2) Emergency repairs being performed.
- (3) Emergency operations or traffic enforcement.
- (4) Highway and utility maintenance and construction, necessary excavation in or repairs of bridges, streets or highways, or any public utility installation by or on behalf of the Town, any public utility or any agency of the Commonwealth of Massachusetts.
- (5) Events or activities that have been duly authorized by the Selectboard; and
- (6) Organized sporting events, school band activities, or duly authorized parade on designated street as sanctioned by the Town or sports Organizations.
- (7) Any validly permitted construction project.
- (8) Landscaping or contracting activities which do not require a permit, only while active work is in progress

C. Violations and penalties; removal of trailer.

- (1) The enforcement authority for this bylaw shall be the South Hadley Police Department pursuant to Chapter 46 § 46-1E of the South Hadley Bylaws.
- (2) Violations of this bylaw may result in a fine not exceeding \$50 per day to the owner of the trailer as described in paragraph A of this section. Each day that such violation continues shall constitute a separate violation.
- (3) Such fines shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws.
- (4) The Chief of Police or their designee shall be authorized to remove, to some convenient place, through the agency of a person or persons in the employ of the Police Department or of the Town or by an independent contractor, any such trailer as described in paragraph A of this section parked or standing on any part of a way under the control of the Town.
- (5) The owner of the trailer as described in paragraph A of this section shall be liable, in addition to the above-stated fine, for the reasonable cost of such removal and for the storage costs, if any, resulting therefrom.

; or take any other action relative thereto.

ARTICLE 6: ANIMAL IMPOUNDMENT

To see if the Town will vote to amend Chapter 194, Sections 4, and 5, entitled Pets and Domesticated Animals, of the General Bylaws of the Town of South Hadley as follows, with additions set forth in ***bold italics*** and deletions set forth in ~~striketrough~~ and to renumber the remaining sections accordingly:

§ 194-4 Enforcement; violations and penalties; appeals.

Failure to comply with provisions of this bylaw or any part thereof may result in a first offense fine of \$50, and a second or additional violation of this bylaw within a two-year period may result in a fine of up to \$300. ***Violations of this bylaw may also be enforced by an order of impoundment, as provided in § 194-5, at the discretion of the enforcing officers.*** The enforcement of this penalty is given to the Health Department, Police Department and/or the Animal Control Officer. A hearing for appeal of this bylaw can be made to the South Hadley Board of Health. Uncollected fines may be levied against future licenses or permits if unpaid.

§ 194-5

A. Any officer empowered to enforce this bylaw as defined by § 194-4 may cause a dog to be impounded for any of the following causes:

- (1) If found without a license when a license is required;***
- (2) If found unleashed as set forth in § 194-2 of this bylaw;***
- (3) For violation of an order of the Select Board under G.L. Ch. 140, §§ 157 or 167;***
- (4) For having bitten, injured or physically molested any person;***
- (5) For having physically injured any domestic animal;***
- (6) To restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his dog from causing a nuisance by continuous barking or howling;***
- (7) To ensure the safety and well-being of the particular dog; and,***
- (8) For any violation of this Bylaw.***

B. The owner or keeper of a dog impounded under this section may claim the dog as provided by law upon the occurrence of the following:

- (1) Presenting a valid dog license and certificate of rabies vaccination;*
- (2) Paying all boarding and other fees;*
- (3) Providing the name and address of the owner or owners and the dog;*
- (4) In the event that an impounded dog does not have a current rabies vaccination, a receipt from a licensed veterinarian showing prepayment of a rabies vaccination; and,*
- (5) In the event that an impounded dog is unlicensed, payment for, or security in the amount of payment required for, a dog license.*

§ ~~194-5~~ 194-6

As used in this bylaw, the following terms shall have the meanings indicated:

PET/DOMESTICATED ANIMAL

Includes, but not limited to, dogs, pigs, monkeys or any animal which is kept for companionship, entertainment, or deemed by the Health Department through consultation with the Animal Control Officer and/or the Building Commissioner, when appropriate, to be defined as a pet/domestic animal.

; or take any other action relative thereto.

ARTICLE 7: NUISANCE BYLAW AMENDMENT - PROPERTY MAINTENANCE

To see if the Town will vote to amend Chapter 179 of the General Bylaws as follows (new text in **bold italics** and deletions set forth in ~~strike through~~ and to renumber the remaining sections accordingly:

§ ~~179-4~~ **Property maintenance:**

~~A. All property owners will be responsible to keep their property in a reasonable state of repair. Grass will be kept no higher than six inches; leaves, excessive grass clippings will be removed, composted or otherwise properly disposed of; damaged branches will be addressed; and other debris or litter will be eliminated from the property.~~

~~B. Violation of this bylaw may result in a fine of \$100 per day. The enforcement authority for this bylaw shall be the South Hadley Police Department or South Hadley Health Department.~~

§ ~~179-5~~ 179-4

; or take any other action relative thereto.

ARTICLE 8: *NUISANCE BYLAW AMENDMENT - ENFORCEMENT*

To see if the Town will vote to amend Chapter 179 of the General Bylaws as follows (new text in **bold italics** and deletions set forth in ~~strike through~~;

§ 179-2. Unreasonable noise.

C. The Police, Health or Inspection Services Departments, or any designee thereof, shall have power to enforce this bylaw in accordance with Chapter 179, Section 179-5 of these General Bylaws. Any person who violates any provision of this bylaw, or who is the owner of property on which such violation occurs, shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.

§ 179-5 Enforcement.

The enforcing person as each Section of Chapter 179 specifies shall enforce against violations of said sections by non-criminal disposition pursuant to the authority and procedure of G.L. c. 40, § 21D. Unless otherwise specified, fines for violations of Chapter 179 shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.

; or take any other action relative thereto.

ZONING BYLAWS

ARTICLE 9: Amendment to Zoning Bylaw Chapter 255-31 Flexible Development and 255 Attachment 1 Use Regulations Schedule

To see if the Town will vote to replace the Zoning Bylaw Chapter 255-31 Flexible Development with the proposed revised bylaw, and amend the Use Classifications Schedule, as further articulated in the Planning Board's Report to Town Meeting (Appendix A); or take any other action relative thereto.

ARTICLE 10: New Zoning Bylaw Chapter 255-95 Common Drive

To see if the Town will vote to adopt a new Zoning Bylaw Common Drive to regulate such in multifamily developments and in developments with more than one building for dwelling purposes on a single parcel of land, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A); or take any other action relative thereto.

ARTICLE 11: New Zoning Bylaw Chapter 255-96 Common Open Space

To see if the Town will vote to adopt a new Zoning Bylaw Common Open Space to provide consistent standards for the provision and maintenance of such wherever common open space is required as a component of a residential development within the Zoning Bylaw; or take any other action relative thereto.


ARTICLE 12: Amendment to Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings

To see if the Town will vote to replace the Zoning Bylaw Chapter 255-47 Multifamily and multiple dwellings with the proposed revised bylaw, as further articulated in the Planning Board’s Report to Town Meeting (Appendix __, Attachment D); or take any other action relative thereto:


D. Required open space. Multifamily developments and developments with more than one building for dwelling purposes on a single parcel of land shall include Common Open Space which conforms to the provisions of 255-47 Common Open Space of the Zoning Bylaw; and, as further articulated in the Planning Board’s Report to Town Meeting (Appendix A)

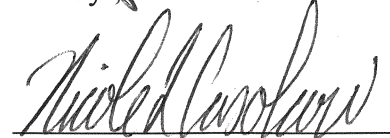
; or take any other action relative thereto.

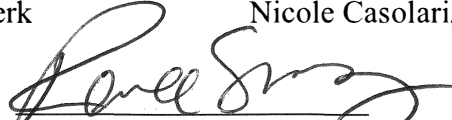
Given under our hands this 22nd day of October 2024:


Andrea Miles, Chair


Jeff Cyn, Vice-Chair



Carol Constant, Clerk


Nicole Casolari, Member


Renee Sweeney, Member

**SELECTBOARD
TOWN OF SOUTH HADLEY**

True copy, attest:


Sarah Gmeiner, Town Clerk
Town of South Hadley