

# Special Town Meeting

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## 2012 SPECIAL TOWN MEETING

October 29, 2012

The Special Town Meeting was called to order by the Town Moderator, Mr. Edward Ryan, Jr. in the town hall auditorium at 7:01 P.M. Present were the Moderator, Town Clerk Carlene Hamlin and Town Meeting Member Ira Brezinsky. The Moderator called for a motion to adjourn the meeting because a quorum was not present due to in climate weather. Mr. Brezinsky made a motion to adjourn the meeting until November 15, 2012. The Moderator seconded the motion and the meeting was adjourned at 7:04 PM.

The Special Town Meeting was reconvened by the Town Moderator, Mr. Edward Ryan, Jr. at 7:02 PM on November 15, 2012 and announced that there were 88 Town Meeting Members present. The members pledged allegiance to the flag. A review of the how the meetings would proceed was reviewed and Mr. Ryan appointed Peter Gagne and Dale Johnston as counting tellers. A moment of silence was held for in memory of Margery Kaufmann who recently passed away.

The Moderator recognized Dale Johnson an ECAC member who explained the new email system for Town Meeting Members.

### ARTICLE 1.

The Town voted to ratify, approve and confirm the vote of the Town passed under Article 1 of the warrant for the December 14, 2011 Special Town Meeting, which vote read as follows:

“to appropriate the sum of Ten Million One Hundred Thousand (\$10,100,000) Dollars to design, construct, and furnish a new public library and to meet said appropriation by authorizing the Treasurer with the approval of the Selectboard to borrow up to Four Million Two Hundred Thousand (\$4,200,000) Dollars under M.G.L. Chapter 44, Section 7(3) or any other enabling authority; said appropriation is subject to the affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59 Section 21C(k) or Proposition 2 ½, so called, and further that the Selectboard and Board of Library Trustees are authorized to apply for grants, gifts and donations for the purposes of this vote from federal, state, and private sources and the said Selectboard and Library Trustees were hereby authorized to accept such grants, gifts, or donations on behalf of the Town and that the amount of such grants, gifts, or donations received by the Town shall reduce the amount to be borrowed by the Town to the extent the grants, gifts and donations combined together with the \$4,200,000 borrowing authorization exceeds \$10,100,000”. The Town Moderator informed the elected members that a two thirds majority vote of the town meeting body was required to pass the article under MGL 44:8. Voice vote was called for. The Town Moderator was satisfied with the voice vote.

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Appropriation Committee unanimously supported this article

Capital Planning unanimously supported this article

Unanimous Affirmative Vote – Motion carried

## ARTICLE 2.

The Town voted to transfer from Free Cash, the sum of \$22,174, to the Ledges Golf Club Other Expenses, for the purpose of funding a new contract for Maintenance of Ledges Golf Club for FY2013.

Appropriation Committee unanimously supported this article

Unanimous Affirmative Vote – Motion carried

## ARTICLE 3.

The Town voted to transfer from Free Cash, the sum of \$13,659, for the purpose of funding the 2012 Retained Earnings deficit of the Ledges Golf Club Enterprise Fund.

Appropriation Committee unanimously supported this article

Unanimous Affirmative Vote – Motion carried

## ARTICLE 4.

The Town voted to appropriate the sum of \$13,000, in addition to the \$230,000.00 previously appropriated under Article 8 of the warrant for the June 19, 2012 Special Town Meeting for the purpose of funding a Capital Plan of non-school projects to include the following:

1. Purchase backhoe
2. Purchase 6 – wheel dump truck with plow;

and that to meet this appropriation the Treasurer with the approval of the Selectboard is authorized to borrow an additional \$13,000.00 for a total of \$243,000.00 under MGL c.44 §7 or any other enabling authority; and that the Selectboard is authorized to take any other action necessary to carry out this project.

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The Town Moderator informed the elected members that a two thirds majority vote of the town meeting body was required to pass the article under MGL 44:8. Voice vote was called for. The Town Moderator was satisfied with the voice vote.

Appropriation Committee unanimously supported this article

Capital Planning unanimously supported this article

Unanimous Affirmative Vote – Motion carried

### ARTICLE 5.

The Town voted to raise and appropriate the sum of \$8,600, to replenish the Reserve Fund Account.

Appropriation Committee unanimously supported this article

Majority Vote – Motion passes

### ARTICLE 6.

The Town voted to transfer from Free Cash, the sum of \$115,739, to the Storm Reimbursement Account, to cover the unreimbursed Storm costs from the October 2011 storm.

Appropriation Committee unanimously supported this article

Unanimous Affirmative Vote – Motion carried

### ARTICLE 7.

The Town voted to raise and appropriate the sum of \$10,000, for the purpose of funding a compliance audit of the payroll & benefits process.

Appropriation Committee voted 5 in favor, 2 against and 1 abstention

Majority Vote – Motion carries

### ARTICLE 8.

The Town voted to raise and appropriate the sum of \$11,865, to the Selectboard Personal Services Account, for the purpose of funding a clerical position in the Town Clerk/Treasure's Office.

Appropriation Committee unanimously supported this article

Majority Vote – Motion carried

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## ARTICLE 9

The Town voted to amend the Zoning Bylaw by amending Section 8(F) of the Zoning Bylaw regarding signs (to provide for signs which are associated with public facilities, residential developments, and expand the business signage allowed to accommodate multiple tenants including those with "outparcels" as part of a planned retail/office/business center) as detailed in the Planning Board's Report to Town Meeting dated October 23, 2012.

The changes are as follows:

1. In Section 8 **GENERAL PROVISIONS**, Subpart (F), **Signs** add the following subparagraph "d" to paragraph #1 "Signs in Business and Industrial Districts" to read as follows:
  - d. Notwithstanding the limitation of item 8(F)1.b, facilities with multiple tenants including separate tenants on free-standing parcels which were created as a plan for such facility (i.e., shopping centers, industrial parks, and office parks) are permitted to also have a single free-standing sign to identify the name and location of said center or park and list the names of the several businesses located in said center or park.
    1. This free-standing sign must be located at least thirty (30) feet from an adjoining lot line and ten (10) feet from the street line and does not exceed an area of one (1) square foot for each four (4) lineal feet of lot frontage occupied by the premises, or sixty (60) square feet, whichever is the smaller.
    2. Names of businesses located on individual parcels which were depicted as individual parcels on the site plan approved by the Planning Board and subsequently divided from the original parcel on which the center or park was developed, may be listed on the free-standing sign of the center or park; however, 50% of the area of the center or park sign which is occupied by the name of the business is to be deducted from the maximum size of the free-standing sign allowed on the individual parcel on which the business is located.
    3. The space allotted for the name of a business not located on the parcel on which the sign structure is located may not exceed twenty (20) square feet.

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2. In Section 8 **GENERAL PROVISIONS**, Subpart (F), **Signs** add the following subparagraph “d” to paragraph #2 “Signs in Residence and Agricultural Districts” to read as follows:
  - d. To provide for the identification of public facilities, to convey activities and events associated with such facilities, and temporary and emergency messages, one (1) free-standing sign may be permitted on a parcel occupied by a municipal (Town of South Hadley, South Hadley Fire District Number One, and/or South Hadley Fire District Number Two), State, or Federal facility. Said sign shall be located at least thirty (30) feet from an adjoining lot line and ten (10) feet from the street line and does not exceed an area of 0.75 square foot for each four (4) lineal feet of lot frontage occupied by the premises, or twenty (20) square feet, whichever is the smaller. Further, the height of such signs shall not exceed six (6) feet at any point.

The Town Moderator informed the elected members that a two thirds majority vote of the town meeting body was required to pass the article under MGL 44:8. Voice vote was called for. The Town Moderator was satisfied with the voice vote.

Unanimous Affirmative Vote – Motion carried

### ARTICLE 10

The Town voted to amend the Zoning Map by amending Sections 3, 5, and 7 of the Zoning Bylaw to provide for a gas to energy processing facility as detailed in the Planning Board’s Report to Town Meeting dated October 23, 2012.

The changes are as follows:

3. In Section 3 **DEFINITIONS**, Subpart (B), **Definitions**:
  - a.) Insert the following definition of “Gas to Energy Facility”:

“    . Gas to Energy Facility. A facility which processes the gas resulting from decomposition of nearby landfill waste into electricity.”

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- b.) Renumber all successive definitions in sequential order.
2. In Section 5 **USE REGULATIONS**, Subpart (D), **Use Regulations Schedule** insert the new use “Gas to Energy Facility” in the Industrial Uses section and indicate the following:
- a. *Permitted only by Special Permit (as denoted by “SP”) in the following zoning districts:* Agricultural, Industrial A, and Industrial B
  - b. *Add a footnote stating:* Such a facility is only permitted in an Agricultural District if it is on site of the landfill generating the gas being processed. All Gas to Energy Facilities are subject to the provisions of Section 7(W) and the Special Permit granted by the Planning Board.
3. In Section 7, **SUPPLEMENTAL DISTRICT REGULATIONS** by inserting the following new Subpart (W) entitled “**Gas to Energy Facility**” which shall read as follows:

W     **Gas to Energy Facility**

As provided for in Section 5, a Gas to Energy Facility may only be permitted by Special Permit if they meet the following conditions:

1. **Source of the gas.** The Gas to Energy Facility may only process gas generated by the decomposition of waste material deposited at a licensed landfill in which the boundaries of the parcel of land on which the licensed landfill is situated are in close proximity of the property on which the Gas to Energy Facility is located. This distance is measured from the property lines of the respective parcels.
2. **Proximity to residences.** The Gas to Energy Facility must be located no less than 500 feet from residential dwellings in existence at the time the Special Permit was granted. This distance is measured within from the perimeter of the Gas to Energy facility to the perimeter of the structure in which the dwelling is located and not from the limits of either property boundary.
3. **Compliance with applicable regulations.** The Gas to Energy Facility must be operated, continuously, in accordance with applicable local, state, and federal regulations.

The Town Moderator informed the elected members that a two thirds majority vote of the town meeting body was required to pass the article under MGL 44:8. Voice vote was called for.

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The Town Moderator was satisfied with the voice vote and declared the motion passed by a two thirds majority voice vote.

Motion carried

### ARTICLE 11.

The Town voted, pursuant to the consent voted by the Select Board, that the *care, custody, management and control* of the following land known as the Black Stevens Conservation Area, being a portion of Map 15 Parcel 117 and as shown on plan entitled Black Stevens Conservation Area Sketch Plan (which plan is available for inspection in the Selectboard office), be transferred from the custody of the Selectboard to the Conservation Commission for the conservation purposes set out under G.L. Ch. 40 §8C.

Discussion ensued about what should or should not happen. The Moderator called for a vote.

Motion failed

### ARTICLE 12.

The Town voted, pursuant to the consent voted by the Select Board, that the *care, custody, management and control* of the following land known as the Bynan Conservation Area, being a portion of Map 10 Parcel 1; all of Map 10 Parcel 3; and the 7.56 acres of land within the northeast corner of the existing site assignment land, as shown on the plan entitled Bynan Conservation Land—EOEA Self Help Grant, prepared for Interstate Waste Services, Inc., Sheets C-1 and C-2, dated October 3, 2012 (said plan is available for inspection in the Selectboard office), be dedicated to the Conservation Commission for the conservation purposes set out under G.L. Ch. 40 §8C and in compliance with the Self-Help Grant and agreement.

Janice Stone was recognized to speak to the article. She referred to the handouts that were submitted to Town Meeting Members.

Amendment was offered to include the 16 acres of the Bynan Property but the Moderator ruled that the amendment was out of order and beyond the scope of the article and reread the original motion and asked the body to vote on the original motion.

Motion passed by majority vote

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ARTICLE 13. No motion was offered.

Moderator called for motion to adjourn, seconded. Meeting adjourned at 9:24 PM

A true copy Attest:

*Carlene C. Hamlin*

Carlene C. Hamlin, Town Clerk/Treasurer