

**TOWN OF LONGMEADOW  
SPECIAL TOWN MEETING**  
October 16, 2018 – 7:00 p.m.  
Longmeadow High School

**WARRANT**

COMMONWEALTH OF MASSACHUSETTS, HAMPDEN, ss  
To Katherine Ingram, Town Clerk, or any of the Constables of the Town of Longmeadow, in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Longmeadow, qualified to vote in elections and Town affairs, to meet in the AUDITORIUM of the LONGMEADOW HIGH SCHOOL in said Town on TUESDAY, the 16<sup>th</sup> day of OCTOBER, 2018 at 7:00 p.m. o'clock in the evening and if the AUDITORIUM of the LONGMEADOW HIGH SCHOOL, shall not, in the opinion of the Moderator, be adequate to contain such Inhabitants who shall meet, then to meet also in and such other locations in the LONGMEADOW HIGH SCHOOL as the Moderator deems appropriate, at such time and place then and there to act on the following articles to wit:

**ARTICLE 1.**

To see if the Town will vote to transfer from the Solid Waste / Recycling Enterprise Retained Earnings account the sum of \$55,920.69, or a greater or lesser sum, for the purposes of paying Bills of Prior Year, or take any other action relative thereto.

*A timing error that began at the end of FY 2016 was discovered during the process of making final payments in FY 2018. In FY 2016, only 11 monthly payments were made to the Solid Waste / Recycling hauler leaving an appropriation balance of just over \$76,000.00 that was closed into the Retained Earnings account. In FY 2017, 12 monthly payments were made to the hauler covering June 2016 through May 2017. In FY 2018, 13 monthly payments were presented to the Accounting Office that would have covered June 2017 through June 2018. The appropriation was not ample to cover the 13 monthly payments presented and thus the June 2018 invoice was stopped in order to get the service dates aligned with the proper fiscal year timetable of payments.*

**9/10ths Vote Required**

Recommended by the Finance Committee

**ARTICLE 2.**

To see if the Town will vote to raise and appropriate the sum of \$435.35, or a greater or lesser sum, for the purposes of paying Bills of Prior Year, or take any other action relative thereto.

*In the spring of 2018, a minor Fair Labor Standard Act infraction was discovered through the internal review of a departmental payroll. It involved the non-payment of wages at a rate of time and one-half to a few non-exempt employees of the department. The matter was immediately rectified for FY 2018. Through advice of labor counsel, it was suggested that the Town audit the last two fiscal years' departmental payrolls in order to discover and rectify any of the same issues that had been discovered in FY 2018. The audit of the FY 2016 and FY 2017 payroll records discovered a few other infractions. This appropriation will allow the Town to rectify the prior year infractions.*

**9/10ths Vote Required**

Recommended by the Finance Committee

**ARTICLE 3.**

To see if the Town will vote to raise and appropriate the sum of \$132,300.00, or a greater or lesser sum, from the FY 2019 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$44,100.00, CPA Fund Balance Reserve for Community Housing \$44,100.00, and CPA Fund Balance Reserve for Historic Preservation \$44,100.00, or take any other action relative thereto.

*The Community Preservation Act (CPA) requires Town Meeting to appropriate or reserve for future appropriation at least 10% of the estimated annual CPA revenue for acquisition and initiatives for each of the following three categories: Open Space, Community Housing and Historic Preservation. Approval of this article will satisfy the requirement for FY 2019. Currently, the FY 2019 State matching share is estimated at 11.5% of our current year’s estimated revenues; surcharge, \$370,000.00 and other miscellaneous revenues \$25,000.00, and State match \$46,000.00.*

Recommended by the Finance Committee

**ARTICLE 4.**

To see if the Town will vote to (A1) appropriate \$1,345,000.00 from the premium paid to the Town upon the issuance of the bonds for the Department of Public Works Facility project issued on August 28, 2018 to pay costs of such capital project; (A2) appropriate \$110,000.00 from the premium paid to the Town upon the issuance of the bonds for the Dwight Road Improvement District infrastructure project issued on August 28, 2018 to pay costs of such capital project and to reduce the amount authorized for such project by the same amount; (A3) transfer any remaining premiums, net of issuance costs , to the Premiums Reserved for Capital Projects account; and (B) supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any other action relative thereto.

*This is an administrative correction required under the amended MGL Chapter 44 Section 20 to bond authorizations made after the November 2016 effective date of the statute. It mainly impacts the May 9, 2017 authorizations for the new DPW Facility (Article #10) and the Dwight Road Improvement District (Article #14) and the May 8, 2018 authorization for the new Council on Aging Facility (article # 14). It allows the Town to structure its bids on bonds being sold in such a way to attract competition through the use of premiums and thus lowering the True Interest Costs the Town pays on the financing. The article does not increase the amounts authorized to be borrowed. Any premiums received on a bond bid structure can be used as part of the financing of the project and thus may be used to reduce the amount actually issued by like amounts. Part B of the article satisfies the statute to allow future borrowings under existing appropriations that have been previously authorized by town meeting to be structured in a similar manner without further town meeting action.*

**2/3rds Vote Required**

Recommended by the Finance Committee

**ARTICLE 5.**

To see if the Town will vote to raise and appropriate or transfer from available funds, the amounts from the below listed sources, all to the FY 2019 Operating Budget accounts, to cover the FY 2019 debt service on the new DPW facility,

General Fund

Raise and appropriate	\$ 50,000.00	Retirement of Long Term Debt
Raise and appropriate	\$367,096.00	Interest on Long Term Debt

Sewer Enterprise Fund		
Sewer Retained Earnings	\$ 55,173.00	Interest on Long Term Debt

Water Enterprise Fund		
Water Retained Earnings	\$ 67,495.00	Interest on Long Term Debt

or take any other action relative thereto.

*These additional amounts to the FY 2019 operating budget will satisfy the first year’s debt service on the DPW Bond issued on August 28, 2018. The debt service schedule was designed to minimize the impact to the tax rate along with the water and sewer rates over the life of the bond.*

Recommended by the Finance Committee

**ARTICLE 6.**

To see if the Town will vote to transfer from available funds in the Treasury the sums, or greater or lesser sums, from the below listed sources, to the Operating Stabilization Fund, or take any other action relative thereto.

Available funds in the Treasury	\$ 250,000.00
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*Per policy of the Select Board, all free cash, which is synonymous with “available funds in the Treasury”, amounts in excess of \$500,000.00, once the Town’s fiscal year’s budget is balanced and related financial matters covered, shall be transferred into the Town’s Operational Stabilization Fund established by vote of town meeting on November 18, 2003 pursuant to Massachusetts General Law Chapter 40, Section 5B. Additionally, the transfer will help improve future Moody’s credit rating opinions that currently state the Town’s “financial position is satisfactory with reserves below the median for the credit category” of Aa2. The August 1, 2018 Moody’s Credit Opinion can be read on the Finance Department’s web page on the Town website. The July 1, 2018 balance in the Operational Stabilization Fund was \$3.52 million.*

Recommended by the Finance Committee

**ARTICLE 7.**

To see if the Town will vote to raise and appropriate the sum of \$130,000.00, or a greater or lesser sum, for the purposes of supplementing the FY 2019 budgetary accounts as listed below, or take any other action relative thereto.

Health Insurance – Employee	\$ 75,000.00
Liability Insurance	\$ 55,000.00

*The FY 2018 Employee Benefits / Liability Insurance function ended up fiscal year 2018 with a \$1,870.00 deficit. This function includes 10 specific accounts. Within the function, the FY 2018 Employee Health Insurance account was \$111,021.00 in the deficit and the Liability Insurance account was \$18,218.00 in deficit (FY 2017 deficit was \$16,629.00). These deficits were mainly covered with excess funds in the other accounts within the function. The FY 2019 increase in the Health Insurance budget correlated with the percent increase in premiums but starting off \$111,000.00 in red potentially means we may end up with the same deficit at the end of FY 2019. The FY 2019 Liability Insurance account was increased by \$35,000.00. FY 19 premiums for Property / Casualty Insurance, Workers’ Compensation Insurance and Police / Fire Accident Insurance have already been paid in amounts exceeding the FY 2018 premiums by \$70,000.00. Funds within the Employee Benefits / Liability Insurance function can only be used for the function purpose and would revert to the General fund if unexpended at fiscal year-end.*

Recommended by the Finance Committee

**ARTICLE 8.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$37,000.00, or a greater or lesser sum, for the purchase of five (5) in-car video systems for the Police Department, or take any other action relative thereto.

*These dash mounted audio and video recording systems provide an unbiased account of events that occur between the Police and the public thereby eradicating any doubt that may exist in court testimony when officer behavior is questioned. Some of the benefits of this technology include: enhancing officer safety, facilitating evidence gathering, gathering of information of suspects, training of new officers, protecting the department from law suits, refuting allegations of officer misconduct, enhancing professionalism and performance, and promoting transparency.*

Recommended by the Finance Committee

**ARTICLE 9.**

To see if the Town will vote to transfer from the Sewer Retained Earnings account the sum of \$40,000.00, or a greater or lesser sum, for the purposes of replacing two (2) channel grinders at the Emerson Road Pump Station, or take any other action relative thereto.

*The channel grinders have a 4 to 6-year life span. The current set was purchased in 2014 and the teeth are nearly worn out. The channel grinders have reached their expected life span. JWC Environmental is the direct supplier for the core replacements and quoted an estimate of \$40,000.00.*

Recommended by the Finance Committee

**ARTICLE 10.**

To see if the Town will vote to transfer from the Water Retained Earning account the sum of \$28,800.00, or a greater or lesser sum, from the Sewer Retained Earnings account the sum of \$28,800.00, or a greater or lesser sum, and from the Capital Stabilization Fund the sum of \$28,800.00, or a greater or lesser sum for a total of \$86,400.00, for the purposes of purchasing a Department of Public Works replacement skid steer, or take any other action relative thereto.

*Our 1995 bobcat skid steer loader experienced a major component failure that made it cost prohibitive to repair. The piece of equipment is a critical part of pavement repair operations. The skid steer, with the asphalt paver attachment, enables a DPW crew to mill damaged pavement sections, sweep up the millings, and lay down new pavement. The skid steer is used for roadway repairs related to water main breaks, potholes, sinkholes and catch basin repairs.*

**2/3rds Vote Required in the case of transfers from a Stabilization Fund**

Recommended by the Finance Committee

**ARTICLE 11.**

To see if the Town will vote to amend the General Bylaws of the Town of Longmeadow by adding a new Article 2, Chapter 500, Section 2-516 to read as follows:

**Subsection 2-516. Prohibition on Single-Use Plastic Bags**

1. Purpose

Longmeadow has adopted this bylaw by town meeting to combat the devastating long-term environmental effects and a need to reduce dependence on fossil fuels. Within six months of this bylaw taking effect, no store shall provide a single-use carryout bag to a customer at the point of sale.

## 2. Definitions

As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

- A. Director means the Health Director, or other administrator assigned by the Town Manager.
- B. ASTM D6400 means the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.
- C. ASTM D7081 means the ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.
- D. Compostable plastic bag means a plastic bag that:
  - 1. conforms to the current ASTM D6400 for compost ability;
  - 2. is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and
  - 3. conforms to any other standards deemed acceptable by this section.
- E. Department means the Longmeadow Department of Health.
- F. Marine-degradable plastic bag means a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional Department-approved standards are as stringent as ASTM D7081.
- G. Postconsumer recycled material means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- H. Recyclable Paper Bag means a paper bag that is:
  - 1. 100 percent recyclable including the handles;
  - 2. contains at least 40% post-consumer recycled paper content; and
  - 3. displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.
- I. Reusable grocery bag means a sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.
- J. Single-use plastic bag means a bag made of plastic or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag. A single-use carryout bag does not include the following:
  - 1. a newspaper bag;
  - 2. a bag provided to contain an unwrapped food item; or
  - 3. a non-handled bag that is designed to be placed over articles of clothing on a hanger.
- K. Store means a retail establishment store, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers’ markets, public markets, jewelry stores, and household goods stores.

## 3. Plastic Bag Reduction

- A. In keeping with the intent and purpose of this bylaw, Stores shall be permitted to make available to customers at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the Store only reusable shopping bags or recyclable paper bags as provided in this bylaw or cardboard boxes, with or without charge.
- B. Customers are encouraged to bring their own reusable shopping bags to stores. Grocery stores are to make reusable checkout bags available for sale to customers at a reasonable price. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and

other similar merchandise, typically without handles, are still permissible, but Stores are encouraged to seek out alternative environmentally friendly options.

- C. List of Approved Alternatives Not later than 180 days following the adoption of this bylaw, the Longmeadow Board of Health or its designee shall adopt a list that it shall periodically update of approved and available alternatives for each product type, including those cited in this bylaw as well as any approved additional ones.

The approved alternatives shall be

- 1. appropriate for the respective product type; and
- 2. consistent with the other provisions of this bylaw.

#### 4. PENALTIES AND ENFORCEMENT

- A. The Director of the Longmeadow Department of Health, or other administrator as assigned by the Town Manager shall have the authority to enforce this bylaw.
- B. Each Store shall comply with this bylaw.
- C. If it is determined that a violation has occurred the Director shall issue a warning notice to the Store for the initial violation.
- D. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
  - 1. \$25 for the first offense
  - 2. \$50 for the second offense and all subsequent offenses.
  - 3. No more than one penalty shall be imposed upon a Store within a seven (7) calendar day period.
  - 4. The Store shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

#### 5. EFFECTIVE DATE

All of the requirements set forth in this bylaw shall take effect within six months of passage. In the event that compliance with the effective date of this bylaw is not feasible for a small Store because of undue economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representation to the Board of Health.

#### 6. SEVERABILITY

It is the intention of this bylaw that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

or take any other action relative thereto.

*This article is a bylaw intended to ban the use of certain non-biodegradable, single use plastic bags. Currently, more than 80 communities in Massachusetts have implemented similar bans. The bylaw is necessary to implement the passage of the citizen's petition, approved at the May 8, 2018 Annual Town Meeting. The Article, numbered 34 and approved by Town Meeting, stated its intent "to reduce plastic bag use by banning lightweight, non-biodegradable, single use, plastic carryout bags which are typically made of synthetic polyethylene and non-renewable fossil fuels. This bylaw is modeled after the other Massachusetts towns' bylaws and allows on-going use of other types of plastic bags such as bags for: dry cleaning, newspapers, fish, meat, produce and other product bags selected by the consumer to deliver items to the point of sale of the checkout area of a store."*

AND you are hereby directed to serve this Warrant by posting attested copies thereof in five (5) public places in said Town fourteen (14) days, at least, before the time of holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given UNDER our hands this 17<sup>th</sup> day of September 2018 A.D.

SELECT BOARD OF LONGMEADOW

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*Mark Gold, Chair Person*

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*Marie Angelides, Vice Chair Person*

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*William Low, Clerk*

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*Richard Foster*

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*Thomas Lachiusa*

## **Town Meeting Rules of Procedure**

*Moderator Rebecca M. Townsend*

Welcome! Longmeadow Town Meeting is conducted in accordance with the Commonwealth of Massachusetts General Laws, our Charter, Bylaws, *Town Meeting Time*, tradition, and Moderator discretion and policies. Wherever possible the Moderator will explain to Town Meeting her rulings, keeping in mind the flow of the deliberation and an eye on the clock.

### **Attendance**

1. Longmeadow registered voters are allowed on the floor of Town Meeting. Visitors and the press must be seated in the designated areas.
2. Once voting has begun and is in process, no one is to be allowed into the Town Meeting room(s). Voters should stay until the vote is called.
3. There will be no distribution, dissemination, or solicitation of any materials of any kind within Town Meeting without first obtaining permission from the Moderator.

### **Speech**

1. All questions and discussions must be directed through the Moderator.
2. To speak to an issue at Town Meeting, wait to be recognized by the Moderator and identify yourself by name and address.
3. Be brief. Speakers are encouraged to add new points to the deliberation as opposed to repeating what others have already stated. Speech must be civil, respectful, and ethical.
4. People in line who have not yet had a chance to speak will be given preference over repeat-speakers whenever feasible. A voter may speak twice on a given issue and shall wait until others have had an opportunity to speak before he or she speaks a third time (except for clarification or explanation). Any speaker wishing to speak a fourth time must gain approval of Town Meeting.

### **Motions**

1. All motions for amendments must be in writing. The motion is then available for general deliberation— in favor, opposed, or questions.
2. Remember to listen closely to the motion as orally stated. Articles printed in the warrant provide a “warning” to voters about what will be presented. Motions may vary slightly from the printed article in the warrant, and must be within the scope of the article. The motion activates the warrant article; voters vote on *motions*, not on warrant articles.
3. After a motion has been made and seconded, the chief proponent of the motion speaks first, followed by a representative from appropriate Town Boards, who state the board’s majority opinions, if applicable.
4. Non-debatable motions (e.g., to move the previous question/come directly to a vote, or to lay or remove from the table) must be made *directly* after speaker identification. If such a motion comes at the end of a speech, it will be ruled out of order.

### **Votes**

1. Only those registered voters issued a colored card may vote at Town Meeting. Voters shall raise this card so that it may be seen by the Moderator.
2. Town Meeting voters must be seated in order to have their votes counted.
3. If there is a question or doubt about the result that the Moderator announces, that doubt should be raised immediately after the announcement. A voting card count shall be conducted.
  - a. Counted votes will be conducted by tellers appointed by the Moderator.
  - b. Tellers will work in pairs and only count in the section assigned to them. One will have a hand-clicker. The other will have a clipboard, pen, and tally sheet.
  - c. Voters must pay attention to the directions the tellers make. They will instruct voters in a given row to raise their cards at a given time and will individually count each section. They will compare the subtotal immediately. If there is a discrepancy, they will recount that section right away, otherwise they will move on to the next row.

- d. Each pair of tellers will report their section's total votes to the Moderator via a microphone. The Moderator, Clerk, and Town Counsel will tally the votes, and the Moderator will announce the outcome.
- For a listing of relevant laws, please see "Massachusetts Laws About Town Meetings" <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-subj/about/townmeeting.html>
  - Citizens may also consult to the Secretary of State's Office for the "Citizen's Guide to Town Meetings" <http://www.sec.state.ma.us/cis/cistwn/twnidx.htm>
  - Town Charter: <http://www.longmeadow.org/documentcenter/view/1549>
  - Longmeadow's Bylaws: <http://www.longmeadow.org/282/Town-Bylaws>

### **Relevant Sections of the Bylaws**

**3-313. Order and Decorum.** The Moderator has the duty to preserve order and decorum in a Town Meeting and to this end; he has authority to direct a police officer or constable of the Town to do any act that he believes is appropriate.

**3-316. Precedence of Motions.** When a question is before a Town Meeting, the Moderator shall not receive a motion that does not relate to that question, except a motion to adjourn or some other motion that is privileged in its nature. The Moderator shall not receive a motion relating to the question except: (a) A motion to lay on the table; (b) A motion for the previous question; (c) A motion to postpone to a time set; (d) A motion to commit or re-commit; (e) A motion to postpone indefinitely; or (f) A motion to amend. These motions have precedent in the order in which they are here arranged. The Moderator shall permit debate upon the merits of the main question upon a motion to postpone indefinitely or upon a motion to amend.

**3-317. Motion to Cut Off Debate.** The Moderator shall not receive a motion to cut off debate on any motion that is before a meeting until at least five (5) voters have spoken for, and five (5) voters have spoken against, the pending motion; but if fewer than five (5) voters have asked to speak for or against the pending motion, the Moderator may receive a motion to cut off debate after the voters who have asked to speak, not to exceed five on either side, have had an opportunity to do so.

**3-318. Limits on Speech.** Except when the Moderator has recognized a voter for the correction of an error or to state an explanation, a voter is not entitled to speak more than two (2) times on one question until others who have not spoken have had an opportunity to do so, and a voter is not entitled to speak more than three (3) times on one question, without first obtaining leave of the meeting to do so.

**3-319. Written Motion.** The Moderator has the authority to require that a motion be reduced to writing.

**3-321. Use of Names.** The Moderator is authorized to refer to a person by name for the purpose of identification or recognition; but otherwise, one person shall not refer to another person by name in a Town Meeting.

**3-322. Debate Question.** A person who desires to ask of another person a question relating to debate shall put the question to the Moderator.

If citizens have more questions about Town Meeting, please contact [rtownsend@longmeadow.org](mailto:rtownsend@longmeadow.org)

"Stand up to be seen. Speak up to be heard. Sit down to be appreciated"

--John Wheeler, Moderator, Plymouth, VT for 28 years

(Cited by Frank Bryan in *Real Democracy*)