



TOWN OF LONGMEADOW  
SPECIAL (Fall) TOWN MEETING  
Tuesday, October 25, 2022 at 7:00 p.m.  
Longmeadow High School Gymnasium  
95 Grassy Gutter Road Longmeadow, Massachusetts.



**WARRANT**

COMMONWEALTH OF MASSACHUSETTS, HAMPDEN, ss

To Timothy Donnelly, 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 **Longmeadow High School Gymnasium** in said Town on **TUESDAY, the 25th day of October 2022 at 7:00 o'clock** in the evening and if the Longmeadow High School Gymnasium, 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 Longmeadow High School as the Moderator deems appropriate, at such time and place then and there to act on the following articles to wit:

**TOWN MEETING WARRANT GUIDE**

WARRANT: The publication of the Warrant is the first event leading up to Town Meeting. The Warrant serves as the agenda for the Meeting. It is a combination of proposals by the Town's committees and professional staff, and those brought by petitions signed by at least 10 names/signatures/addresses of registered Town voters for an Annual Town Meeting warrant and received and certified by the Town Clerk by the last Monday in January of said year. In order for a petition to be guaranteed placement on the Special Town Meeting warrant, 100 names/signatures/addresses of registered Town voters are required, and must be certified by the Town Clerk at least 45 days prior to the meeting date. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action. Any motion made under an Article at Town Meeting must fit within the scope of that Article as presented in the Warrant as determined by the Moderator.

The phrases "or take any other action relative thereto" and "or any other sum" in a Warrant Articles signify that the motion under the Article presented at Town Meeting may vary somewhat in proposed action and dollar amount, so long as the motion remains within the scope of the Article. The motion will omit those phrases and often will be more specific. For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined as a result of discussion during the public hearing process.

Some Articles provide for various funding methods. The phrase "raise and appropriate" means funding through general revenues of the Town (taxes, state aid, and local receipts). The phrase "transfer from available funds" means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes. Finally, the Treasurer may be authorized "with the approval of the Select Board, to borrow." This means the issuance of debt for which the Town commits its full faith and credit to make future repayment of the loan with interest. The motion made under a financial Article will always specify the financing method from among the possible options. The amount of money in the motion may vary slightly from the amount appearing in the Warrant Article text.

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**TOWN OF LONGMEADOW**  
**SPECIAL (Fall) TOWN MEETING WARRANT**

Tuesday, October 25, 2022

**ARTICLE 1.**

***Two-thirds vote required in the case of borrowing***

To see if the Town will vote to appropriate, borrow or transfer from available funds, \$1,600,000, or a greater or lesser sum to be expended under the direction of the Glenbrook Middle School Building Committee for a Feasibility Study for Glenbrook Middle School 110 Cambridge Circle Longmeadow, MA, which may include studying a potential consolidation with the Williams Middle School 410 Williams Street Longmeadow, MA, for which the feasibility study the Town of Longmeadow may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action relative thereto.

*The Massachusetts School Building Authority (MSBA) authorized the Town of Longmeadow into the MSBA's "Eligibility Period" for the Glenbrook Middle School Project. This period runs from August 1, 2022 through April 28, 2023. A local vote authorizing funding of a Feasibility Study along with a Feasibility Study Agreement must be in place by April 28, 2023. Although only Glenbrook Middle School was invited into the MSBA process, the Town has the opportunity to use the feasibility study to look at both Glenbrook and Williams Middle Schools. Based upon recent historical data of similar type and sized projects throughout Massachusetts, it is estimated that the Feasibility Study will cost \$1.60 million dollars +/- .The feasibility study will comprehensively assess existing conditions, study enrollment patterns, evaluate existing and needed educational space and ultimately identify a cost effective and educationally appropriate solution to the town's middle school facility needs. Taking into consideration a number of factors including but not limited to the predicted Free Cash, the balance in the Operational Stabilization Fund, the role that our reserves play in our credit rating, our current amount of outstanding debt and the current impact that the excludable debt has on the tax rate (estimated at \$2.48 in FY 2023), it is the Town's recommendation that \$800K (estimated 50% of the cost) be taken from Free Cash and the remainder be borrowed within the limitations of Proposition 2 ½ and be paid back through the utilization of BANs over a period of up to 10years. The length of time needed to retire the BANs can be modified depending on debt service impact on the future operational budgets.*

*Recommended by the Finance Committee*

**ARTICLE 2.**

To see if the Town will vote to Raise and Appropriate the sum of \$50,000, or greater or lesser sum, for the purpose of increasing the FY2023 Operating Budget - Planning and Community Development / Building Department - Code Enforcement Salaries, or take any other action relative thereto.

*The additional appropriation of funds to the Planning and Community Development Department / Building Department - Code Enforcement Salaries will allow for the hiring of up to two non-benefited part-time code enforcement officers. These positions would be responsible for investigating general and zoning bylaw complaints, education and follow up. This is a permanent addition of up to two part-time employees to be hired on or about January 1, 2023.*

*Not Recommended by the Finance Committee*

**ARTICLE 3.**

To see if the Town will vote to Raise and Appropriate the sum of \$60,000, or a greater or lesser sum, for the purpose of increasing the FY 2023 Operating Budget - Human Resources Department Salaries - Clerical \$30,000, and Human Resources Department Other Expenses \$30,000, or take any other action relative thereto.

*The Human Resources Department provides benefits, payroll, hiring and separation services for the Town and School, representing approximately 1,200 employees and 600 retirees. The responsibilities of the HR department have grown with the addition of federal and state mandates including the Affordable Care Act and FMLA/ADA processing. The role further expanded during COVID and the workload in the department continues to exceed staff capacity, as we come out of COVID the workload has continued to grow with significant increases in resignations and unemployment cases and the corresponding hiring/staffing challenges. With the addition of one permanent full time employee the HR department will be able to perform benefits audits, provide more timely assistance on FMLA requests and keep up with the surge of job postings, hiring and departures that continue. This warrant article would fund a permanent addition of one full-time employee to be hired on or about January 1, 2023. The remainder of this warrant article would fund improvements to the town/school payroll module in MUNIS to create efficiencies, sunset antiquated accrual tracking software and deploy the Employee Self Service module to better serve employees with electronic access to paystubs, w-2s and accrual information.*

*Recommended by the Finance Committee*

**ARTICLE 4.**

To see if the Town will vote to Raise and Appropriate the sum of \$132,304, or greater or lesser sum, to the Municipal Opioid Abatement Fund to be expended by the Longmeadow Public Health Department in accordance with the 2021 Massachusetts Attorney General's Statewide Opioid Settlements, or take any other action relative thereto.

*Several years ago the Town joined the class action lawsuit against the major opioid drug manufacturers. In 2021, claims were resolved against the nation's three largest drug distributors and drug maker Johnson & Johnson. In response to this resolution, the Town will receive \$132,304 for FY23 and then ongoing payments of approximately \$28,000/+/- each year until 2038. Per Department of Revenue instruction, in order to use the funds received during FY2023, the Town will both record the anticipated \$132,304 as an estimated receipt and raise and appropriate the \$132,304. When the town's tax levy is calculated, the estimated receipt will offset the tax. Because of the offset, the \$132,304 will not be raised as taxes, but will be appropriated and available to spend. The funds will be held in a "Municipal Opioid Abatement Fund" to be expended in accordance with the requirements of the settlement. Eligible uses include supporting and promoting the treatment of persons with Opioid Use Disorder (OUD), providing connections to care for people who have, or are at risk of developing OUD through programs, and efforts to prevent overdose deaths or other opioid-related harms including increasing the availability of naloxone. The distribution of the funds will be overseen by the Longmeadow Public Health Department.*

*Recommended by the Finance Committee*

**ARTICLE 5.**

To see if the Town will vote to raise and appropriate \$181,020, or a greater or lesser sum, from the FY 2023 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$60,340, CPA Fund Balance Reserve for Community Housing \$60,340 and CPA Fund Balance Reserve for Historic Preservation \$60,340, or take any other action relative thereto.

*The Community Preservation Act (CPA), Massachusetts General Law Chapter 40B, 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 2023. Currently the FY 23 State matching share is estimated at 35% of the estimated surcharge, or \$154,100. Other FY 2023 estimated revenues are; surcharge, \$440,300 and other miscellaneous revenues \$9,000.*

*Recommended by the Finance Committee*

**ARTICLE 6.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$75,000, or a greater or lesser sum, for the Fiscal Year 2024 Department of Revenue mandated five-year valuation update of all properties in Town, or take any other action relative thereto.

*Every five years, the Department of Revenue requires Massachusetts municipalities to do a complete analysis of residential and commercial property data in order to certify that property assessments are at full and fair cash value. Such analysis includes sales data to insure the valuations are within the parameters set by the Bureau of Local Assessments within the Department of Revenue. Appropriating the funds now allows for ample time to bid for the services and have the services completed prior to setting the FY 2024 tax rate – roughly December 2023.*

*Recommended by the Finance Committee*

**ARTICLE 7.**

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$200,000, or a greater or lesser sum, for the purpose of increasing the FY 2023 Operating Budget for Legal Expenses to cover costs associated with litigation regarding the DPW facility, or take any other action relative thereto.

*The Town has been involved in litigation related to the new DPW site for several years, one case involves the eminent domain taking of the site and the other case involves the asbestos cleanup (21E). The two cases were consolidated in September 2021. The Town has entered the discovery phase which is estimated to cost approximately \$200,000 for the remainder of FY2023. If the Town is successful in the 21E case, the cleanup cost for the site and legal fees could be recovered.*

*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 \$140,000, or a greater or lesser sum, for the purpose of increasing the FY 2023 Operating Budget for Legal Expenses to cover costs associated with protecting the Town's interests in the construction of a natural gas facility, or take any other action relative thereto.

*The Town continues to review natural gas projects that have an impact on the residents of the Town of Longmeadow. Eversource Gas intends to build the Western Mass Reliability Project, a new point of delivery station and additional supply line through the Town to service customers in Agawam, West Springfield, Southwick, Springfield, Longmeadow, East Longmeadow, and Chicopee. Eversource Gas has filed plans with the Massachusetts Environmental Policy Act Office (MEPA) and the Energy Facility Siting Board (EFSB). The Town has hired an attorney who filed a response to the MEPA filing and will respond to the EFSB filing in FY2023. The Town has instructed the attorney to hire experts to assist and testify in the EFSB proceeding. At the Fall 2021 Special Town Meeting, a warrant article appropriated \$100,000.00 towards legal fees for gas litigation. Of that amount, approximately \$32,000.00 has been expended and \$68,000.00 remains unspent. The attorney has estimated that an additional \$140,000.00 will be required to fund legal representation through the entirety of the EFSB proceeding, for a total of \$240,000.00 anticipated to be spent challenging the Western Mass Reliability Project.*

*Recommended by the Finance Committee*

**ARTICLE 9.**

***Four-fifths vote required***

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$40,048, from Sewer Retained Earnings the sum of \$259, from Water Retained Earnings the sum of \$259 and from Stormwater Retained Earnings the sum of \$244, or greater or lesser sums, for the purpose of having to pay bills of prior year, or take any other action related thereto.

*Obligations of the Town from the prior fiscal year were discovered since the closing of the FY2022 books in early September. As often happens, bills from the prior fiscal year unexpectedly arrive after the close of the books of the preceding year. These invoices are for ADA signage, engineering services, auto parts, disposal of hazardous waste, safety inspections, and custodial supplies. This appropriation would allow the Town to pay its obligations.*

*Recommended by the Finance Committee*

**ARTICLE 10.**

To see if the Town will vote to transfer from available funds in the Treasury, or other available sources, the sum of \$100,000, or a greater or lesser sum, for roads, grounds, and facility design needs, or take any other action relative thereto.

*To enable the Town and the DPW to aggressively pursue grant opportunities, design funds are needed to develop preliminary designs necessary for “shovel” ready projects. Recent grant opportunities include the Federal Safe Streets and Roads For All (SS4A) that would cover improvements for pedestrian crosswalks, sidewalks, carryout work in known problem areas, and implement traffic calming road designs. Grant opportunities available through Green Communities for facilities related projects include, upgrades and/or replacements to HVAC systems and building envelopes for energy efficiency. Grounds related grant opportunities from the Massachusetts Office on Disability to increase ADA access at parks and playgrounds and Park land Acquisition and Renovation for Communities grants to fund improvements at public parks and recreation facilities.*

*Recommended by the Finance Committee*

**ARTICLE 11.**

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$285,000 or a greater or lesser sum, to the OPEB Stabilization Fund, to move closer towards fully funding the OPEB liability, or take any other action relative thereto.

*Other Post-Employment Benefits (“OPEB”) are benefits, other than pension or retirement income benefits, that are earned during employment but are payable upon retirement. The Town’s OPEB include post-employment healthcare and life insurance benefits. Generally, Accepted Accounting Principles (“GAAP”) view OPEB as a form of deferred compensation and require that the costs related to these benefits be recognized during employment. Annually the Town pays for actual health and life insurance benefits for retirees currently costing \$1.55 million. As of June 30, 2021, the calculated unfunded liability is \$25,930,000. An updated actuarial study is due to be completed in the late fall of 2022. The additional \$285,000 brings the FY 2023 appropriation to the OPEB Stabilization up to the Select Board’s FY 2023 policy target of 1.12% of the tax levy limit. The balance of the OPEB Stabilization Fund as of July 1, 2022 is \$5,845,592.*

*Recommended by the Finance Committee*

**ARTICLE 12.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$785,148, or greater or lesser sum, to the Operating Stabilization Fund, or take any other action relative thereto.

*Per policy of the Select Board, all free cash 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. This will help improve future credit rating opinions. Our most recent one from Standard and Poor’s states our rating could be raised if “budgetary flexibility were to materially increase, including growth in reserve levels, along with making meaningful progress in mitigating its debt, OPEB, and pension liabilities.” This article would help increase our reserve levels. The balance of the Operating Stabilization Fund as of July 1, 2022 is \$7,142,436. The June 8, 2021 Standard and Poor’s Global Rating Opinion can be read on the Finance Department’s web page on the Town website.*

*Recommended by the Finance Committee*

**ARTICLE 13.**

To see if the Town will vote to transfer from the Fire Truck Fund \$60,000, or a greater or lesser sum, for the refurbishment and equipping of the fire department vehicle known as Squad-4, or take any other action relative thereto.

*Squad-4 is a 2005 all-wheel drive vehicle that is used primarily for brush fires, towing and rescues. It is a low mileage vehicle with 39,732 miles and 2,687 hours on the truck chassis (9/2022). In August of 2022, the firefighting pump failed. Examination of the pump failure showed it was due to age and that replacement of the pump would not be an easy or sound investment. However, the truck itself (minus the firefighting capabilities) is in very good condition and is a great candidate for refurbishment with modern components. The truck was already on the next Capital Improvement Program cycle for full replacement (FY2024 - estimated at \$150,000). The retrofit/refurbishment can be accomplished at a much lower cost than a full replacement with very little wait time. Current full vehicle wait times are approximately 36 months. The fire truck fund has a current balance of \$517,584. Any unused funds will be returned to the Fire Truck Replacement Fund.*

*Recommended by the Finance Committee*

**ARTICLE 14.**

To see if the Town will vote to transfer from the Water Retained Earnings Account the sum of \$200,000, to the FY2023 Water Operating Budget - Engineering Services, or a greater or lesser sum, for the purposes of engineering work related to water infrastructure design and capital planning, or take any other action relative thereto.

*In August 2022, a power surge at the Forest Glen pump station disabled the building's electricity, exposing a vulnerability in the water infrastructure system. This warrant article would cover the cost of a design and provide cost estimates for a generator at Forest Glen pump station to allow water to continue to be pumped into the water tank during a power outage. It will also cover the cost of updating and analyzing the Town's water infrastructure to create a phased long-term capital plan for water line replacements. Additionally, the money will be used for the design of an additional redundant water tank which will provide fire protection and increased water storage capacity in the event of a supply issue.*

*Recommended by the Finance Committee*

**ARTICLE 15.**

To see if the Town will vote to transfer from the Water Retained Earnings Account the sum of \$150,000, or a greater or lesser sum, into the FY2023 Water Operating Budget - Hydrants \$50,000, Water and Valve Replacements \$100,000 to pay costs of hydrant and water valve replacements, or take any other action relative thereto.

*The annual DPW budget funds approximately 2-3 hydrant replacements. However, there is a backlog of hydrants in need of replacement and this warrant article would fund an additional 10 hydrants being replaced. This will then clear the backlog of offline hydrants and get the town closer to having all hydrants in service. The remainder of the article provides the necessary funding for the annual maintenance and replacements of water main line valves. The functioning of water shut off valves is critical during a water main break. These valves need to be exercised regularly and repaired as needed. The allocation in the annual budget has not been enough to keep up on this work.*

*Recommended by the Finance Committee*

**ARTICLE 16.**

To see if the Town will vote to transfer from the Sewer Retained Earnings Account the sum of \$32,500 or a greater or lesser sum, for the replacement of the pump and flow meter located at the Bay Path University Pump Station, or take any other action relative thereto.

*This article is to pay for the replacement of the town owned pump and flow meter located at the Bay Path University Pump Station. The seals on the pump are failing and the entire pump is in need of replacement. The original flow meter, pump and pump seals were installed in 2007. The seals have been rebuilt numerous times in the last 15 years and it is no longer cost effective to continue to rebuild the pump. The Bay Path pump station is a municipal pump station built in 2007. The pump is on a regular maintenance schedule. This summer a leak was detected in the pump seals. Rebuilding these pumps is no longer cost effective. This project would have appeared on the FY 2024 capital program had the seals not been found leaking unexpectedly. Replacing these pumps is vital to continued functioning of the municipal pump station and to prevent a sanitary sewer overflow.*

*Recommended by the Finance Committee*

**ARTICLE 17.**

To see if the Town will vote to transfer from the Sewer Retained Earnings Account the sum of \$50,000 or a greater or lesser sum, for the replacement of two sewer grinders at the wastewater pump stations, or take any other action relative thereto.

*This article is to pay for the replacement of two channel grinders at the Emerson Rd wastewater pump station. The channel grinders prevent solids from entering the wet well and causing damage to the pumps. Scheduled replacement of these channel grinders is every 5 years and these grinders were installed in 2018. Because of supply chain issues this project is being brought earlier rather than in the spring of 2023.*

*Recommended by the Finance Committee*

**ARTICLE 18.**

To see if the Town will vote to transfer from the Sewer Retained Earnings account, the sum of \$25,000, or greater or lesser sum, for the purpose of cleaning out the wet well of the Sewer Pumping Station, or take any other action relative thereto.

*This article is to pay for the cleaning of the grit out of the wet well of the Emerson Rd Wastewater Pump Station. Historically the wet wells at Emerson Rd Pump Station were cleaned every 10 years. The last cleaning was done in 2010. This cleaning is done to ensure grit does not make its way into the pumps which would cause the pumps to fail. The cleaning of the wet well is crucial to the system operating properly. This article funds the cleaning which requires the material to be disposed of in a particular manner.*

*Recommended by the Finance Committee*

**ARTICLE 19.**

To see if the Town will vote to transfer \$100,000, or greater or lesser sum, from the Sewer Retained Earnings account for the purpose of funding the FY 2023 Sewer Enterprise Fund operating budget as adopted by the Annual Town Meeting May 10, 2022, or take any other action relative thereto.

*The Select Board, acting as Water and Sewer Commissioners, voted on September 19, 2022 to change the sewer user charge billing structure from a rate of \$2.75 / cubic foot with a fiscal year cutoff of 220 units to a rate of \$3.26 / cubic foot with a 55-unit cutoff in the first and second quarterly bills of the fiscal year. Sewer users will not retroactively be charged the new rate; however, the revised cutoff will be retroactive and approximately \$100,000 in credits / loss revenue will be incurred. Utilization of the \$100,000 from the Sewer Retained Earnings will assure a balanced Sewer budget is in place thus satisfying the Department of Revenue’s oversight in the tax rate setting process.*

*Not Recommended by the Finance Committee*

**ARTICLE 20.**

To see if the Town will vote to adopt the Outdoor Water Use Bylaw as follows:

**Town of Longmeadow  
OUTDOOR WATER USE BYLAW**

**Section 1: Authority**

This bylaw is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 *et seq.* and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This bylaw also implements the Town’s authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §§ 15-17. This bylaw is also intended to implement the Town’s Authority under M.G.L. c. 21G, the “Massachusetts Water Management Act”, and its regulations promulgated at 310 CMR 36.00.

## **Section 2: Purpose**

The purpose of this bylaw is to protect, preserve and maintain public health, safety, and welfare, and the health of the environment, especially whenever there is in force a “State of Water Supply Conservation”, a “State of Drought” or a “State of Water Supply Emergency”, by ensuring an adequate supply of water for drinking and fire protection.

These purposes will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw, by the Board of Commissioners of Springfield Water and Sewer Commission under Chapter 40N of the Massachusetts General Laws, and/or by the Department of Environmental Protection under its state law authorities.

## **Section 3: Applicability**

All customers of the public water supply system shall be subject to this bylaw. Irrigation systems supplied by water from private wells are not subject to this bylaw.

This bylaw shall be in effect year round.

## **Section 4: Definitions**

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Enforcing agents shall include Public Safety Officers, the Building Inspector, Code Enforcement Officer, the Public Health Director, and members of the Department of Public Works.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
- irrigation with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by The Town, through its Water Commissioners or their designee:

- irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM;
- irrigation to establish replanted or re-sodded lawn or plantings during the months of May and September;

- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

Public Water Supply System shall mean the municipally-owned and operated system for the provision to the public of water for human consumption through pipes or other constructed conveyances.

State of Drought shall mean a Drought Advisory, Watch, Warning or Emergency declared by the Secretary of Energy and Environmental Affairs in consultation with the Massachusetts Drought Management Task Force.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 5 of this bylaw.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17.

Water Commissioners are the Select Board, as enabled by the Charter of the Town of Longmeadow (Article 3 Section 3-2(b)), or as appointed.

Water Customers, or Customers, shall mean all persons (as defined above) receiving the Town of Longmeadow's public water supply irrespective of that person's responsibility for payment for use of the water.

Water Department is the staff or division of the Longmeadow Department of Public Works that operates the Town's water supply, system, plant, and equipment for public use.

### **Section 5: Declaration of a State of Water Supply Conservation**

The Town, through its Board of Water Commissioners or their designee authorized to act as such:

- a) may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection. Such determination may be based on factors including, but not limited to:
  - mechanical failure or similar type of emergency, including inability to maintain storage tanks, loss of power, loss of pumping capacity, loss of storage capabilities, or major breaks or leaks;
  - necessary repair or maintenance of the public water system; inadequate source of water;
  - inadequate distribution system capacity;
  - declaration of a State of Drought declared by the Secretary of Energy and Environmental Affairs in consultation with the Massachusetts Drought Management Task Force.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Town Manager or DPW Director to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 7 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

## **Section 6: Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 7.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for a Town or Water District without a Water Management Act permit, to two days or fewer per week.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation, and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

## **Section 7: Public Notification and Notification of DEP**

- a) Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. Notification may also include email, the Town website and social media accounts, public service announcements on local media, reverse 911 calls, or other such means reasonably calculated to reach and inform all water customers.
- b) Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

## **Section 8: Termination of a State of Water Supply Conservation; Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 7 for notice of its imposition.

## **Section 9: Penalties**

The Town through its Water Commissioners or their designee including the Town Manager or DPW Director may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts enumerated in Article I Chapter 500 of the Town of Longmeadow General Bylaws.

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the DPW Director or the DPW Director’s designee. If a State of Water Supply Emergency has been declared the Water commissioners may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

**Section 10: Severability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

**ARTICLE 21.**

*Two-thirds vote required*

To see if the Town will vote to accept the charter amendments to Article 3-5 Housing Authority Section (a) Composition: Term of Office, or take any other action relative thereto.

Section 3-5 (a) Composition; Term of Office - There shall be a housing authority consisting of five members who shall be voters of the town. ~~1 member of the housing authority shall be a tenant member appointed by the Select Board and 3 members shall be elected by the town. Four members shall be elected for terms of five years, so arranged that as nearly as possible one term shall expire each year, and~~ The fifth member shall be appointed by the Commonwealth as provided by law.

*In 1984 Town Meeting voted to create a Housing Authority pursuant to MGL Ch. 121B. The article recited the membership that followed the MGL at the time, 4 members elected and a 5th member appointed by the state. The Town Charter, adopted in 2004, carried forward the creation of the Housing Authority and calls for the same membership structure with 4 members being Elected. MGL 121B has changed since 1984 and the 2004 Charter adoption. MGL Ch. 121B section 3 now allows for 3 members to be elected, 1 tenant member and 1 appointed by the State. The Town Charter is in conflict with MGL 121B section 3 and this warrant article clears up the conflict and aligns the Charter with State Law.*

**ARTICLE 22.**

To see if the Town will vote to renumber and recaption the General Bylaws of the Town by (a) assigning a chapter/article number to each of the General Bylaws; (b) renumbering each section of each bylaw accordingly; (c) inserting chapter, article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Longmeadow, dated September 2022, on file with the Town Clerk, or take any other action relative thereto.

*The Town of Longmeadow contracted with General Code to prepare a codification of the Town's bylaws and certain regulations. The purpose of this project has been to provide the Town with an opportunity to make revisions to its legislation via in-depth review of the bylaws and regulations so that conflicts, errors, outdated information, and ambiguities could be identified and addressed in order to bring consistency and order to the general body of the Town's law. This warrant article will renumber the bylaws and create consistency allowing for easier use by staff and the public.*

**ARTICLE 23.**

To see if the Town will vote to adopt the following changes to the General Bylaws as set forth in the Final Draft of the Code of the Town of Longmeadow, dated September 2022, on file with the Town Clerk, or take any other action relative thereto.

General Revisions:

References to the Massachusetts General Laws are standardized to the following format: MGL c. \_\_, § \_\_.

Throughout the General Bylaws, references to the "Parks and Recreation Commission" are amended to read "Park and Recreation Commission"; the term "Chairman" are amended to read "Chair"; references to the "Board of Appeals" are amended to read "Zoning Board of Appeals."

Throughout Chapter 116, Alarm Systems, the word "fee" is amended to read "fine."

The following existing chapters of the General Bylaws are repealed:

Section 2-515, Prohibition on marijuana establishments, adopted November 7, 2017, STM, approved February 14, 2018.

Specific Revisions:

## **Ch. 1. General Provisions.**

### **Art. I, Title; Authority; Amendments; General Penalty.**

Section 1-5 is added to read as follows:

*The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to assign appropriate numbers to sections, subsections, paragraphs and subparagraphs of the Town general bylaws and zoning bylaw, where none are approved by Town Meeting. Where Town Meeting has approved numbering of sections, subsections, paragraphs and subparagraphs of the Town general bylaws and zoning bylaw, the Town Clerk, or an agent designated by the Town Clerk, after consultation with the Town Manager, shall be authorized to make nonsubstantive editorial revisions to the numbering to ensure consistent and appropriate sequencing, organization and numbering of the bylaws.*

Section 1-6 is amended as indicated:

~~*In documents of the Town of Longmeadow, these bylaws are cited in the following form: Bylaws 1-102; Bylaws 3-410; Bylaws 4-506; etc. In a writing that is not a document of the Town of Longmeadow, these Bylaws are cited in the following form: Longmeadow Bylaws 1-102; Longmeadow Bylaws 3-410; Longmeadow Bylaws 4-506; etc. The Home Rule Charter referenced in &sect;&nbsp;1-2 above is cited in these bylaws as HRC 3-3; HRC 4-3; HRC 5-3; etc. Massachusetts General Laws appearing in these bylaws are cited as MGL.*~~

### **Art. II, Definitions and Interpretation.**

Section 1-9B is amended to read as follows:

*The provisions of any bylaw are severable. If any provision of a bylaw is held invalid, the other provisions of the bylaw shall not be affected. If the application of a bylaw or any of its provisions to any person or circumstance is held invalid, the application of the bylaw and its provisions to other persons and circumstances shall not be affected.*

### **Art. III, Noncriminal Disposition of Certain Violations.**

Section 1-11 is amended to delete references to Town ordinances.

Section 1-12 is amended as indicated: "...set forth in the respective order, ordinance, bylaw, rule or regulation which is violated."

Section 1-13 is amended to update the reference to Massachusetts General Laws, Chapter 90G to MGL c. 277, § 70C.

## **Ch. 8. Boards, Commissions, Committees and Councils.**

### **Art. II, Appointment Procedures.**

Section 8-5 is amended to change "(Sections 4-5 and 9-5-k)" to "(Section 4-5)."

Section 8-12 is amended to change "Massachusetts General Bylaws" to "Massachusetts General Laws," where applicable.

Section 8-12B is amended to change "The applicant has sworn into office" to "The applicant has been sworn into office."

**Art. VI, Council on Aging.**

Section 8-20 is amended as indicated:

*The Select Board shall appoint a Council on Aging to carry out programs designed to meet the problems of the aging in coordination with programs of the Massachusetts ~~Commission on Aging~~ Department of Elder Affairs established under ~~Section 73 of Chapter 6 of the General Laws~~ MGL c. 19A.*

**Art. VIII, Conservation Commission.**

Section 8-27 is amended as indicated:

*To the extent necessary to pursue the goals of this article, the Town is authorized to acquire, hold, manage and control ~~of the~~ interest in land or water, and it may purchase the interest or, within limits stated in MGL c. 40, § 8C, it may use its power of eminent domain.*

Section 8-28 is amended as indicated:

*The Commission has authority to adopt rules and regulations governing the use of land and water under its control and to include in those rules and regulations penalties for violation of the rules and regulations.*

**Art. XI, Cultural Council.**

Section 8-36 is amended to change "three of its members shall have three terms" to "three of its members shall have three-year terms."

**Ch. 31, Finance and Budget.**

Section 31-4 is amended to change "Director of Finance and Administration" to "Finance Director."

Section 31-7 is amended as indicated:

*All current and future negotiated labor contracts shall be announced in ~~our local newspaper(s)~~ a newspaper of general circulation in the Town no later than two weeks ~~of~~ after said settlement. ~~A hard copy~~ Hard copies of all negotiated labor contracts shall be deposited in their entirety at Storrs Library.*

**Ch. 65, Officers and Employees.**

**Art. IV, Town Treasurer.**

Section 65-7 is amended to update the reference to Chapter 41, Sections 35 through 37, of the General Laws of the Commonwealth, to MGL c. 41, §§ 35 and 36.

**Ch. 85, Records and Reports.**

**Art. III, Property and Tax Records.**

Section 85-4 is amended to change "have such others" to "maintain such other records."

## **Ch. 92. Select Board.**

Section 92-1 is amended to delete the reference to Section 9.5(f) of the Home Rule Charter.

Section 92-3 is amended to change the reference to Section 9-5(a) of the Home Rule Charter to Section 3-2(a).

Section 92-9, lead-in paragraph, is amended to change "compile and publish" to "compile and make available."

Section 92-9A is amended as indicated:

*The annual report of the Town Manager, each Town officer, board, committee, department and commission (except that the Select Board may omit from the ~~printing of the~~ annual report of an officer, board, committee or commission such financial data relating to the activities of that officer, board, committee, department or commission as is reflected in the report of the Finance Director);*

## **Ch. 101. Town Meeting.**

Section 101-3 is amended to change "6:30 o'clock in the evening" to "6:30 p.m."

## **Ch. 119. Alcoholic Beverages.**

Section 119-3A is amended as indicated:

*A person shall not consume an alcoholic beverage in a public building or on public property, including a park, cemetery, school, ~~house~~, school ground or public square or on a public way or private way to which the public has access.*

## **Ch. 123. Amusement Devices.**

Section 123-1 is amended as indicated: "This chapter does not apply to private in-home use, coin-operated jukeboxes, pool tables, billiard tables, bowling alleys and athletic training devices."

## **Chapter 127. Animals.**

Original Sec. 5-306, second paragraph, of the General Bylaws, which read "A person who violates this section is subject to a fine of \$25," is repealed.

Section 127-8 is amended as indicated:

*The presence of a dog on the land of a person other than the owner or keeper of the dog when the dog is not restrained by a chain or leash that does not exceed six feet in length is prima facie evidence that the owner or keeper of the dog has violated the preceding section. ~~The penalty for the violation is \$25 for each offense, subject to the provisions of MGL c. 140, § 173A.~~*

Sections 127-10 and 127-13 are amended to change "10 days" to "seven days."

Section 127-19 is amended to change "penalty of \$30" to "late fee of \$30."

Original Sec. 5-322(c) and (d), regarding violations for the removal of dog waste provisions, of the General Bylaws is repealed.

Section 127-23 is added to read:

*Any violation of this chapter shall be punishable by a fine of \$50 for a first offense. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the Town may order the*

animal spayed or neutered.

## **Chapter 135. Building Construction.**

### **Art. I, Stretch Energy Code.**

Section 135-1 is amended to read as follows:

*For the purpose of regulating the design and construction of buildings for the effective use of energy, ~~pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments, or modifications thereto,~~ is adopted by the Town of Longmeadow with a concurrency concurrent start date of January 1, 2014, and a sole effective date of July 1, 2014.*

## **Ch. 138. Buildings, Demolition of.**

### **Art. I, Demolition Delay for Structures of Historical or Architectural Significance.**

Section 138-6B is amended as indicated:

*The Longmeadow Building Demolition Committee is satisfied that there is no reasonable likelihood that either the owner or some other person or group is or will be willing to purchase, preserve, rehabilitate or restore such structure, and so advises the Building Commissioner, in writing.*

## **Ch. 142. Business and Retail Hours.**

Section 142-4 is amended to change "with or without any conditions and may be imposed" to "with or without any conditions that may be imposed."

## **Ch. 178. Junk and Secondhand Article Dealers.**

Section 178-7 is added to read as follows:

*Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without a license, or in any other place or manner than that designated in his license or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction shall forfeit \$20.*

## **Ch. 189. Licenses and Permits.**

### **Art. I, Denial, Suspension or Revocation for Failure to Pay Taxes or Charges.**

Section 189-1 is amended as indicated:

*The Department of Finance and Administration ~~shall be responsible for records of all municipal taxes, assessments, betterments and other municipal charges,~~ hereinafter referred to as the "Tax Collector," shall ~~quarterly~~ annually, and may periodically, furnish to each department, board, commission, or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a sixty-day period,~~ and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.*

Section 189-3B is amended to delete "bicycle permit, Section 11 A of Chapter 85;" following "open burning, Section 13 of

Chapter 48."

**Ch. 211. Parks and Recreation.**

**Art. I, Park Programs and Development.**

Section 211-1 is amended to change "Park Commissioners" to "Park and Recreation Commission."

**Art. II, Use of Recreational Equipment.**

Section 211-2 is amended to add the following to the end thereof: "Any person violating this section shall be subject to a fine of \$20."

Section 211-4 is amended to change "motorized motor vehicle" to "motorized recreational vehicle."

**Ch. 215. Peace and Good Order.**

Section 215-7 is amended to change "Water Department" to "Public Works Department."

**Ch. 224. Property Maintenance.**

**Art. I, Foreclosed, Vacant and Abandoned Properties.**

Section 224-5B is amended as indicated: "Where a penalty is not ~~specific violation~~ specified, violation of this bylaw shall be subject to a fine not to exceed \$300 for each violation; each day shall be considered a new violation."

**Ch. 227. Public Property and Facilities.**

**Art. I, Parks and Common Land.**

Section 227-2 is amended as indicated:

*This section does ~~no~~ not apply to an employee of the Town[,] or to an employee of a telephone, telegraph, or electric light company[,] or of a cable television ~~franchise~~ franchisee, while acting within the scope of his employment.*

**Ch. 236. Sale of Merchandise.**

Section 236-4 is amended to change "Building Commissioner" to "Town Clerk."

**Ch. 248. Soliciting and Canvassing.**

Section 248-6B is amended to change "a profit organization" to "a for-profit organization."

Section 248-9A is amended as indicated: "Any person or organization who, after being advised and given a copy of this bylaw, violates any of the provisions of the bylaw shall be subject to a fine ~~not to exceed~~ of \$300 for each offense."

**Ch. 259. Streets and Sidewalks.**

**Art. I, Streets.**

Original Art. 4, Ch. 200, Sec. 4-210, Explosive Devices, of the General Bylaws is repealed.

Original Art. 4, Ch. 200, Sec. 4-211, Games, of the General Bylaws is repealed.

Original Art. 4, Ch. 200, Sec. 4-212, Flying Objects, of the General Bylaws is repealed.

Section 259-12 is amended as indicated:

*A person shall not leave a vehicle unattended on a public way for more than one hour at any time between the hour of 1:00 a.m. and 6:00 a.m. local time, regardless of whether local time is standard time or daylight saving time when the offense occurs, except in an emergency.*

**Art. III, Sidewalks and Tree Belts.**

Section 259-20B is amended to change "noxious woods" to "noxious weeds."

Section 259-28A is amended to change the fine amount from \$25 to \$10.

**Ch. 284. Vending Machines.**

Section 284-1 is amended as indicated:

*A. No vending machines, including, but not limited to, newspaper vending machines, shall be placed in any area under the care and control of the Town.*

~~*B. Disapproved by Attorney General 8-17-1987.*~~

~~*C. The provisions of this section shall be severable so that the failure of the Attorney General to approved either Subsection A or B shall not affect the validity of the other subsection.*~~

**Ch. 290. Waste Management.**

**Art. I, Recycling.**

Section 290-4B is amended to change "corrugated" to "corrugated cardboard."

**Art. II, Single-Use Plastic Bags.**

Section 290-6 is amended as indicated:

~~*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 plastic bag to a customer at the point of sale.*~~

In § 290-7, the defined term "reusable grocery bag" is amended to read "reusable shopping bag."

In § 290-7, the definition of "single-use plastic bag" is amended as indicated: "A single-use ~~carryout~~ plastic bag does not include the following."

Section 290-8B is amended to change "reusable checkout bags" to "reusable shopping bags."

Section 290-9D is amended as indicated:

*The penalty for each violation that occurs after the issuance of the warning notice shall be ~~no more than \$25 for the first offense and \$50 for the second offense and all subsequent offenses~~ as provided in Chapter 1, § 1-7.*

### **Art. III, Single-Use Plastic Straws and Packaging.**

In § 290-13, the definition of "public venues" is amended to change "Recreation Department" to "Park and Recreation Department."

Section 290-14 is amended as indicated:

*~~Neither~~ Single-use plastic straws, unless being used to accommodate for persons with limited mobility or any other condition that necessitates the use of a single-use adjustable straw or prepackaged drinks that come with plastic straws, ~~nor~~ and polystyrene shall not be used, dispensed, or sold by food establishments, ~~retail establishments~~ stores and/or public venues within the Town of Longmeadow on or after six months after this bylaw is approved by the Attorney General's office of Massachusetts.*

Section 290-15C is amended as indicated: "If it is determined that a violation has occurred, the Director shall issue a warning notice to the store, food establishment or public venue for the initial violation."

Section 290-15D is amended as indicated:

*The penalty for each violation that occurs after the issuance of the warning notice shall be ~~no more than \$25 for the first offense and \$50 for the second offense and all subsequent offenses~~ as provided in Chapter 1, § 1-7.*

## **Ch. 295. Water, Sewers and Stormwater.**

### **Art. I, Water and Sewer.**

Section 295-10 is amended as indicated:

*The Finance and Administration Department shall keep and maintain the books, accounts and records of the Water and Sewer Commissioners[,] and provide for the collection of monies due the Town and the preparation of such reports as the Commissioners or Town Manager requires.*

### **Art. II, Stormwater Enterprise Fund.**

Section 295-26B is amended to change "Finance Department" to "Department of Finance and Administration."

Section 295-26C is amended as indicated: "If a ~~bill for~~ Stormwater Enterprise Fund bill is not paid in full by the 30th day from the date the bill is issued, interest at the rate of 12% per annum shall accrue on any unpaid balance."

### **Art. III, Illicit Connections and Discharges to Storm Drain System.**

In § 295-29, the definition of "authorized enforcement agency" is amended to change the Town Charter reference from Section

6-3(c) to Section 6-3(b).

Section 295-35A is amended as indicated: "Discharge or flow resulting from firefighting activities is exempt."

Section 295-40 is amended as indicated:

*Residential property owners shall have 14 days from the effective date of the bylaw to comply with its provisions. An extension may be granted, provided good cause is shown for the failure to comply with the bylaw during that period.*

#### **Art. IV, Stormwater Management and Land Disturbance.**

In § 295-42, the definition of "authorized enforcement agency" is amended to change the Town Charter reference from Section 6-3(c) to Section 6-3(b).

In § 295-42, the definition of "estimated habitat of rare wildlife and certified vernal pools" is amended to update the reference to 304 CMR 11.00 to read "302 CMR 16.00."

Section 295-46C is amended to change "Building Department" to "Planning and Community Development Department."

#### **Art. V, Post-Construction Stormwater Management.**

In § 295-55, the definition of "outstanding resource waters (ORWS)" is amended to change "Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement" to "Natural Heritage and Endangered Species Program of the Massachusetts Department of Fish and Game."

In § 295-55, the definition of "The DPW Director" is amended to change the Town Charter reference from Section 6-3(c) to Section 6-3(b).

Section 295-57B is amended as indicated: "Exemptions. The following activities are not subject to this bylaw."

Section 295-63A(4) is amended as indicated:

*The DPW Director shall inspect the system to confirm its as-built features. ~~This inspector shall also and~~ and evaluate the effectiveness of the system in an actual storm. If the ~~inspector~~ DPW Director finds the system to be adequate, he shall ~~so report to the DPW Director which will~~ issue a certificate of completion.*

#### **Ch. 304. Wetlands Control.**

Section 304-2 is amended as indicated: "... and receiving and complying with a permit issued pursuant to this bylaw."

Section 304-3A is amended as indicated: "Application must be filed concurrently with or after application for all other variances and approvals required by Zoning Bylaw, the Subdivision Control Law or any other bylaw or regulation ~~have been obtained.~~"

Section 304-5 is amended to read as follows:

*Any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw, or in violation of any order of conditions issued under this bylaw, shall forthwith comply with any such order, or restore the land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such a person, unless such action is commenced within three years following the recording of the deed, or the*

*date of the death by which such real estate was acquired by such person.*

**ARTICLE 24.**

***Two-thirds vote required***

To see if the Town will vote to renumber and recaption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 315 of the Code of the Town of Longmeadow; (b) renumbering each section and subsection of the bylaw accordingly; (c) inserting article, section and subsection titles; and (d) updating internal references to reflect the new numbering system, all as set forth in the Final Draft of the Code of the Town of Longmeadow, dated September 2022, on file with the Town Clerk, or what it will do in relation thereto.

*The Town of Longmeadow contracted with General Code to prepare a codification of the Town's bylaws and certain regulations. The purpose of this project has been to provide the Town with an opportunity to make revisions to its legislation via in-depth review of the bylaws and regulations so that conflicts, errors, outdated information, and ambiguities could be identified and addressed in order to bring consistency and order to the general body of the Town's law. This warrant article will renumber the zoning bylaws and create consistency allowing for easier use by staff and the public.*

**ARTICLE 25.**

***Two-thirds vote required***

To see if the Town will vote to adopt the following changes to the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Longmeadow, dated September 2022, on file with the Town Clerk, or what it will do in relation thereto.

**General Revisions:**

References to the Massachusetts General Laws are standardized to the following format: MGL c. \_\_, § \_\_.

Throughout this bylaw, the term "Board of Selectmen" is amended to read "Select Board"; the term "Building Inspector" is amended to read "Building Commissioner"; the terms "Department of Public Health," "Department of Health," and "MDPH" are amended to read "Cannabis Control Commission"

**Specific Revisions:**

In § 315-4, the definition of "hazardous material" is amended to change "because of its quality" to "because of its quantity."

References to 105 CMR 725.00 are updated to 935 CMR 501.000 in the following sections:

- Section 315-4, definitions of "off-site medical marijuana dispensary (OMMD)" and "registered marijuana dispensary (RMD)."
- Section 315-27, Prohibition on marijuana establishments.
- Section 315-67, Purposes.
- Section 315-69B.

Section 315-7A is amended to change "Section 14 of Chapter 40A of the General Laws" to "MGL c. 40A, § 12."

Sections 315-7B and 315-17A(6) are amended to change "Inspector of Buildings " to "Building Commissioner."

Section 315-7B is amended to change 10 days to 30 days.

Section 315-9F is amended to read as follows:

*Except as otherwise provided in this bylaw, any violation of the provisions of the bylaw, the conditions of a permit granted under this bylaw, or any decision rendered by the Zoning Board of Appeals or Planning Board under this bylaw shall be liable to a fine of \$100 for each violation. Each day such violation continues shall be deemed a separate offense.*

Section 315-11 is amended as indicated:

*These zones are shown on a map on file in the office of the Town Clerk under the title "Zoning Map of Longmeadow, Massachusetts, January 1991, as amended."*

Section 315-15E(3)(b) is amended as indicated:

*Within 10 days of the receipt of the application, the Zoning Board of Appeals shall transmit one copy of the development plan to the Conservation Commission, Board of Health, Select Board, Planning Board, ~~Water and Sewer Commission~~, and Building Commissioner.*

Section 315-27 is amended as indicated:

*This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of ~~Chapter 369 of the Acts of 2012 and 935 CMR 501.000~~ MGL c. 91I and 935 CMR 501.000 (as the same may be amended from time to time).*

Section 315-36 is amended to read as follows:

*Within the Town of Longmeadow, no lot or parcel of land on which a structure is erected or maintained shall be subdivided so that the lot area is reduced below the minimum requirements of this article, except in the case of a land taking by eminent domain.*

Section 315-38 is amended to delete the word "ordinances" from "other pertinent bylaws, ordinances, and regulations."

Section 315-45C is amended as indicated: "The applicant shall submit a \$250 filing fee established by the Planning Board and pay any expenses connected with the public hearing and review of the plan."

Section 315-45D is amended as indicated: "Persons proposing a residential development who do not elect to make a unified submission must satisfy individually this article's requirements and the requirements under the Subdivision Control Law."

Section 315-45E is amended to change "parties of interest" to "parties in interest."

Section 315-46D(1) is amended as indicated: "The site shall be designed to provide for the convenience and safety of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties."

Section 315-50A is amended to update 527 CMR 25.00 to 527 CMR 1.00.

Section 315-56B is amended as indicated:

*The loading and unloading area shall be designed and constructed to accommodate the largest vehicles likely to service the use of the property, but in no case shall the area be less than 12 feet in width and 25 in length, and the area shall be a minimum of 300 square feet and have a minimum of 14 feet of overhead clearance from the roadway grade.*

Section 315-66A(2) is amended as indicated: "The Building Commissioner or Sign Officer shall issue a permit for a sign when an application therefor has been made and the sign complies with all applicable regulations of the Town and the State Building

Code, ~~Article 14.~~"

Section 315-66B(1) is amended to change "State Outdoor Advertising Board" to "Office of Outdoor Advertising in the State Department of Transportation."

Section 315-67 is amended as indicated:

*It is recognized that ~~the nature of the substance cultivated, processed, and/or sold by~~ medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment.*

Section 315-68D(4) is amended to change "city official" to "Town official."

Section 315-69E is amended to change "Site and Design" to "site and design review."

Section 315-74A is amended as indicated:

*Any special permit issued hereunder shall require that the emissions from any facility and accessory equipment shall be monitored monthly by the operator, to ascertain whether they equal or exceed the threshold of toxic air pollutants or hazardous air pollutants designated as such by state Department of Environmental Protection or federal Environmental Protection Agency classifications.*

Section 315-76 is amended as indicated: "No exterior lighting at any proposed facility location shall project above the horizontal plane or project beyond property lines, and exterior lighting shall be restricted to a minimum."

Section 315-83C is amended as indicated:

*All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of the Town shall be as limited as possible. All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the wireless communications facilities on adjacent abutters, residential neighbors and other areas of the Town, and ~~owners of wireless communications facilities~~ in a manner that blends them into the structure, building, tower and/or landscape where they are located.*

Section 315-84A(8) is amended as indicated:

*A statement of the services to be supported by the proposed wireless communication facilities and a delineation on the Zoning District Map of all areas in Longmeadow which will ~~not~~ be served by the proposed installation for the primary and an alternate site.*

In § 315-87, the definition of "as-of-right siting" is amended to change "local zoning ordinances or bylaws" to "the Zoning Bylaw."

**ARTICLE 26.**

*Two-thirds vote required*

To see if the Town will vote to adopt the following changes to the Home Rule Charter as set forth in the Final Draft of the Code of the Town of Longmeadow, dated September 2022, on file with the Town Clerk, or take any other action relative thereto.

**Specific Revisions:**

**Home Rule Charter.**

Section 4-3(a) is amended to change "The shall be" to "There shall be."

Section 4-5 is amended to change "Section 9" to "Section 4-5."

Section 6-5(b) is amended to change "parks and recreation commission" to "park and recreation commission."

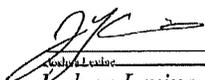
Section 6-6(b) is amended to change "section 3-3(b) to "section 3-3(c)."

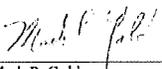
AND you are hereby directed to serve this Warrant by posting attested copies thereof in five (5) public places in said Town fourteen (14) days, at least, before the time of holding said meeting.

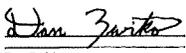
HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk at or before the time of holding said meeting.

Given UNDER our hands this 3rd day of October, 2022, A.D.

**SELECT BOARD OF LONGMEADOW**

  
\_\_\_\_\_  
Joshua Levine  
Joshua Levine, Chairperson

  
\_\_\_\_\_  
Mark P. Gold  
Mark P. Gold, Vice Chairperson

  
\_\_\_\_\_  
Dan Zwirko  
Dan Zwirko, Clerk

\_\_\_\_\_  
Thomas Lachiusa

**I hereby certify that the above notice has been duly posted in all 5 precincts.**

Constable:   
\_\_\_\_\_

Date: 10-11-22  
\_\_\_\_\_

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

### Attendance

1. If you are sick, or show signs of illness, you should stay home.
2. Longmeadow **registered voters** are allowed on the floor of Town Meeting. Visitors and the press must be seated in the designated areas.
3. Once voting has begun and is in process, no one is to be allowed into the Town Meeting space, even though doors will remain open to preserve ventilation. Voters should stay until the vote is called.
4. Adult non-voting visitors, with the exception of the Town Clerk, Town Counsel, Town Manager, Superintendent of Schools, and police officers on duty, may be present in designated areas. Minors may sit with their parents or guardians.

### 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 speak only to **add new points to the** deliberation as opposed to repeating what others have already stated. Most speeches should be  $\leq 2$  minutes.
4. **Speech must be civil, respectful, and ethical**.
5. Please avoid touching the microphones.
  - a. People in line who have not yet had a chance to speak will be given preference over repeat-speakers whenever feasible.
  - b. 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.
6. There will be **no distribution, dissemination, or solicitation of any materials** of any kind within Town Meeting without first obtaining permission from the Moderator.

### Motions

1. 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 article; voters vote on *motions*, not on warrant articles. Remember to **listen closely to the motion as orally stated**.
2. 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.
3. All motions for **amendments must be in writing and submitted to the Moderator**.
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.
5. Some motions require explanation.
  - a. **Motion to consider as a consent agenda** (as a group): Sometimes motions ask the voters to consider more than one article at a time. This is done to save time. If this motion is made and seconded, the Moderator will call out the article numbers in the proposal. Any voter who wants to **consider an article separately will call out “hold,”** and the Moderator will remove that article from the consent agenda. Voting will proceed for the motion to approve (or reject) all the articles in the group.

b. **Motion to Call the Question:** This motion seeks to end debate. By Longmeadow’s bylaws (3-317), “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.” [If a voter believes that enough information has been heard to make a decision, she or he may move to “call the question” and bring the motion to a vote. This means that if there are 10 people in line to speak in favor (or opposed) to a motion, and no one who wishes to speak on the other side, a motion to call the question becomes in order once five have spoken. A motion to call the question is not debatable. Should two-thirds of voters approve a motion to call the question, a vote on the main motion is taken immediately.]

c. **Motion of Doubtful Legality:** Votes on motions at Town Meeting are subject to review by the Commonwealth’s Attorney General’s Office. Should Town Counsel, in a preliminary review of the warrant articles, advise that a particular article could not be approved if moved as printed in the warrant, Counsel will make that information available to voters at Town Meeting. Voters may still vote on it. They are cautioned that it may not have the effect of law but nevertheless express the will of the Meeting.

d. There are many **other kinds of motions and procedures**. Should any voter want to understand how to take a certain action, or what something means, she or he could call or email the Moderator in advance, or ask on the floor when the issue arises. Conversations before the meeting are held in confidence unless otherwise directed.

## Votes

1. Only those **registered voters who the Clerk’s staff has issued voting devices may vote** at Town Meeting.
2. When the Moderator announces a vote on a motion is open, voters will have 15 seconds in which to press 1 to vote YES, or 2 to vote NO. Although voters may change their minds, the last item a voter presses at 15 seconds will be the recorded vote.
3. The Moderator will announce the vote results.
4. If there is a **question or doubt about the result that the Moderator announces, that doubt should be raised immediately**, prior to taking up new business.

For a listing of relevant laws, please see [Massachusetts law about town meetings | Mass.gov](https://www.mass.gov/info-details/massachusetts-law-about-town-meetings) (https://www.mass.gov/info-details/massachusetts-law-about-town-meetings)

- 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 another person a question relating to debate shall put the question to the Moderator.

“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*)

### **Definitions**

This document is drawn from resources of the Massachusetts Moderators Association, Massachusetts General Law, and other towns in Massachusetts.

Table of Contents

[Key Participants](#)

[The Process](#)

[Glossary of Town Meeting Terms](#)

[Types of Motions](#)

[Glossary of Common Municipal Finance Terms](#)

For a listing of relevant laws, please see

- Town Charter: <https://www.longmeadow.org/DocumentCenter/View/1549/Town-Charter?bidId=>
- Longmeadow’s Bylaws: <https://www.longmeadow.org/282/Town-Bylaws>
- “Massachusetts Laws About Town Meetings”

<https://www.mass.gov/info-details/massachusetts-law-about-town-meetings>

Citizens may also consult the following resource:

- Secretary of State’s Office “Citizen’s Guide to Town Meetings”

<https://www.sec.state.ma.us/cis/cistwn/twnidx.htm>

**Town Meeting** acts as the legislative branch of town government and considers a wide variety of decisions including:

- the type of programs and services that town government offers,
- the amount that the Town will spend annually on services including police, fire, education, and a myriad of other activities,
- by-laws and other rules and regulations including state enabling legislation,
- Other items that impact the quality of life in town.

**Annual Town Meeting:** This meeting occurs on the second Tuesday in May of every year. Longmeadow voters who petition to place an article on the warrant may do so with 10 registered voters' signatures. Typically voters will vet proposals with other town boards.

**Special Town Meeting:** Longmeadow typically holds a second town meeting called a special town meeting in the fall each year. The town can hold other special town meetings as necessary. Voters can petition for one with 200 registered voters' signatures. It takes 100 signatures of registered voters to place an item on the warrant.

**The Warrant:** The Select Board schedules Town Meeting and sets the agenda by publishing the "Warrant." Under state law, "Every town meeting shall be called by a warrant issued by the board of selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon." [MGL, Chapter 39, Section 10] The publication of the Warrant is the first event leading up to Town Meeting. It is a combination of proposals by the Town's committees and professional staff and those brought by petitions. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action.

### **Key Participants**

**Quorum** – The minimum number of voters, set by town by-law, required in attendance for Town Meeting. The quorum in Longmeadow is 50 voters .

**The Moderator** – The moderator presides (runs) the meeting. Under state law, "The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes." [MGL, Chapter 39, Section 15]

**Town Clerk** – Serves as clerk of the town meeting, and creates the official record of the proceedings. The record of the clerk is final and may not be changed or edited by the town meeting or anyone else but the clerk.

**Select Board** – Is the executive branch of town government. As the town's executives the selectmen take an active role in presenting motions for various articles and make recommendations to the meeting.

**Finance Committee** – The Finance Committee (in some towns, Advisory Committee) is responsible for analyzing the fiscal impact of proposed warrant articles and making reports and recommendations to Town Meeting. [MGL, Chapter 39, Sec. 16]

**Other Boards and Committees** – When appropriate other committees, such as the Planning Board or Board of Health, will be called upon to give recommendations on articles pertaining to their areas of responsibility.

### **The Process**

**The Warrant** - The warrant acts as the agenda for Town Meeting. It consists of a series of articles, each of which provides a general description of the action proposed. The moderator will typically follow the order of articles as contained in the warrant, although the order may be changed by the moderator or the meeting.

**Articles:** Articles contain the topic upon which Town Meeting will discuss and vote upon. We vote on motions not on the articles. Any motion made under an article at Town Meeting must fit within the scope of that article as presented in the Warrant as determined by the Moderator. The phrases “or take any other action relative thereto” and “or any other sum” in a Warrant Articles signify that the motion under the Article presented at Town Meeting may vary somewhat in proposed action and dollar amount, so long as the motion remains within the scope of the Article. The motion will omit those phrases and often will be more specific.

For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined as a result of discussion during the public hearing process.

Some Articles provide for various funding methods. The phrase “raise and appropriate” means funding through the property tax levy. The phrase “transfer from available funds” means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes.

Finally, the Treasurer may be authorized “with the approval of the Select Board, to borrow” This means the issuance of debt for which the Town commits its full faith and credit to make future repayment of the loan with interest. The motion made under a financial Article will always specify the financing method from among the possible options. The amount of money in the motion may vary up or down from the amount appearing in the Article text.

**The Motion** - All actions taken by a town meeting are taken by votes upon motions. While the article describes the general topic to be addressed, the main motion provides the specific details. The motion must be “within the scope” of the Article, which means that the proposed action in the motion is sufficiently close to what was stated in the Article that the voters have been sufficiently warned about the potential action in advance of the meeting. The moderator will customarily turn to the sponsor of an article to make the motion.. The term “motion” also refers to various procedural actions that the Town Meeting might take, such as a Motion to Adjourn the meeting for that day and resume the following evening.

**Deliberation-** Following any presentation by the sponsor of the article and upon hearing the recommendations of town committees and boards, the moderator will “open the floor” for deliberation, the weighing of pros and cons for a course of action, asking questions, and offering answers.

- All comments should be restricted to the subject being debated and conducted in a civil manner.
- “No person shall address a town meeting without leave of the moderator, and all persons shall, at the request of the moderator, be silent.” [MGL, Chapter 39, Sec. 17]
- A motion can be amended so long the amendment, just like the main motion itself, stays within “the scope of the article.” The amendment may consist of adding, deleting or substituting words in the motion to be amended<sup>1</sup> and requires a majority vote for approval. Proposed amendments must be in writing..

**Vote** - Once debate is concluded or a motion is passed to end debate, a vote is taken on the motion before the meeting. Many votes require a majority vote, though higher standards (typically two-thirds) may be required by Massachusetts law or town by-laws.

**Ending the Meeting:** “Adjournment” vs. “Dissolving” - The term “adjourn” refers to a temporary stop to a meeting with the intention to resume later. The term “dissolve” refers to the final closure of the meeting. A motion to dissolve is in order after all of the articles on the warrant have been addressed. “[O]nce the meeting has dissolved the action taken by it may not be reconsidered [taken up again], except pursuant to an article for the purpose in the warrant for a future meeting.”<sup>2</sup>

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<sup>1</sup> *Town Meeting Time, A Handbook of Parliamentary Law* Third Edition 2001. p. 93.

<sup>2</sup> *Town Meeting Time, A Handbook of Parliamentary Law* Third Edition 2001. p. 131

## Glossary of Town Meeting Terms

**Article:** Each of the individual items listed in a warrant for action by a Town Meeting.

**Bylaw:** A law made by a local authority (town) and which applies only in their area.

**Consent Agenda:** To facilitate efficient discussion, the Select Board or a citizen may propose that several articles be acted upon collectively, that is by a single vote. Typically, the articles included in a Consent Agenda cover topics that are legally required, but are considered routine and unlikely to be controversial. If a Town Meeting member opposes the inclusion of any proposed article on the consent agenda, the article/motion will be removed from the list and the remaining motions will be put before Town Meeting for a single vote. The removed article/motion will then be considered on its own.

**MGL:** Massachusetts General Law.

**Motion:** A “motion” is a proposal that the Town Meeting take some action. “Substantive motions” are proposals that the body take an official action (e.g., adopt a bylaw, appropriate funds, etc.) and any amendments to such proposals already being considered. “Procedural motions” address how the business of the meeting will be conducted (e.g., adjourn the meeting until the next evening, close debate, etc.).

**Quorum:** The minimum number of voting members who must be present at a properly called meeting in order to conduct business in the name of the group. The quorum in Longmeadow is 50.

**Warrant:** A list of items to be acted on by Town Meeting.

## Types of Motions

The following list of motions is adapted from *Town Meeting Time*, the procedural handbook that guides most town meetings in Massachusetts, including Longmeadow.

**Privileged Motions:** Privileged motions relate to the conduct of the meeting, regardless of whatever particular question, if any, may be pending, and so have priority over all other motions

1. **Dissolve:** Dissolution ends the meeting.
2. **Adjourn to a fixed time:** Temporarily stops the meeting. The motion should state fully and clearly the time and place when the meeting will resume.
3. **Point of no quorum:** This motion questions if a quorum is in place.
4. **Fix the time to (or at) which to adjourn:** This refers to two distinct motions. The first sets the time and place for resumption of the meeting following the next adjournment but does not immediately adjourn the meeting. This can be combined with the second, which sets that time at which the meeting will adjourn. E.g., “I move that when the meeting concludes the business pending as of 10 p.m., we adjourn to 7 p.m. tomorrow, in this hall.”
5. **Question of privilege:** Questions of privilege relate first to the rights and privileges of the meeting collectively, its safety, dignity and the integrity of the proceedings; and second to the rights, reputation and conduct of the voters or town meeting members individually, in their capacity as voters or members. For example, someone who is unable to hear the proceedings may request that the speaker speak more loudly, or that the sound system be adjusted.

**Subsidiary Motions:** Subsidiary Motions deal directly with the business of a specific main motion.

**Privileged Motions** (see above) have higher priority. The Subsidiary Motions have the following priority ranking among themselves.

6. **Lay on the table:** This motion both brings an immediate end to debate and kills (disapproves) the motion to which it pertains. [Note: voters can also take from the table. See #23 below.]

7. **The previous question:** The phrases “I move the previous question” or “I move the question” or “I call the question” or “I move to end debate” all mean that the person has heard all the talk they want to hear and desires to vote on the question. In some towns, moderators exercise their discretion to postpone consideration of this motion if they determine that further debate is appropriate.

8. **Limit or extend debate:** This motion may be made to set or extend time limits with respect to any debatable motion or series of debatable motions.

9. **Postpone to a time certain:** The motion serves to postpone consideration of an article until a specified time.

10. **Commit or refer:** The motion refers an article to a committee or board. The motion should clearly state whether the matter is being referred for further study and report back on what should be done, or also confers authority to take action.

11. **Amend or substitute:** The motion serves to alter, modify, rephrase a motion on the floor. As with main motions, the amendment must stay within the scope (subject matter) of the article. For example, the main motion made under an article proposing to purchase a new police cruiser cannot be amended to purchase a pickup truck for the Department of Public Works.

12. **Postpone indefinitely:** The motion does exactly what its name suggests: postpones indefinitely any further consideration of the motion to which it relates.

**Incidental Motions:** Incidental motions relate to the conduct of the meeting with respect to the pending business

13. **Point of order:** A point of order is not a motion but a question about the proceedings. For example, if a speaker seems to be discussing a different article than the one then under consideration, a Town Meeting member may rise to a point of order asking the moderator to rule on the relevancy of the speaker’s remarks.

14. **Appeal [a ruling of the Moderator]:** In Massachusetts, the moderator, by statute [MGL Chapter 39, Section 15], “decides all questions of order”.

15. **Division of a question:** If a motion can readily and logically be divided into two or more parts for separate consideration, a motion to “divide the question” and vote on the parts separately is in order. Each part may be approved or disapproved separately.

16. **Separate consideration:** A motion for separate consideration closely resembles a motion to divide the question, but differs in two respects 1) It may be applied to a proposition, such as a building code, which falls naturally into parts but which is so interrelated that the parts will not stand alone; and 2) The action, if any, taken on each part is not final until the action on the whole proposition at the end.

17. **Fix method of voting:** Calls for a vote on the method a vote will be taken (for example, a voice vote, counted vote, or secret ballot).

18. **Nomination to committees:** A motion for individuals to serve on a committee elected by the meeting.

19. **Withdraw or modify a motion:** Once a motion has been made (and seconded, if so required), it cannot be withdrawn without consent of the meeting. This motion requests such consent.

20. **Suspension of rules:** Rules relating to the conduct of the meeting, such as order of business, may be suspended but require two-thirds vote unless there is unanimous consent. Rules protecting absentees may not be suspended at all. Rules protecting minorities may be suspended only by unanimous consent.

21. **Main motions:** All actions taken by town meeting are taken by votes upon motions. The first motion made on an article is the main motion, to adopt or otherwise dispose of the matter in the article..

22. **Reconsider or rescind:**

- A Motion to Reconsider reopens debate on a question that had previously been decided. It results in a temporary postponement of final action and subjects the main motion to a new vote. Towns vary in their rules and procedures as to when and under what circumstances motions for reconsideration may be offered. Longmeadow’s Bylaws (3-323) state that:

“If a vote has been taken at a Town Meeting, the vote is not reconsidered at that meeting or at any adjournment of that meeting, unless two-thirds (2/3) of the voters present cast an affirmative vote on the motion to reconsider the issue. And, if reconsideration is sought at any adjournment of that meeting, the mover of reconsideration must inform the session at which the principal vote was taken of his intent to seek reconsideration at the adjournment.”

- A Motion to Rescind combines a vote to reconsider and a vote to annul or reverse the previous action. In other words, when a Motion to Reconsider is made, the practical question is “Shall the Meeting reopen debate and thereafter take a second vote on the previous action?” For a Motion to Rescind, the practical question is “Shall the meeting reverse the previous action?”

23. **Take from the table:** A motion to resume debate on an article than had previously been laid on the table [see #6 Lay on the table]

24. **Advance an article:** In the absence of a by-law to the contrary, the meeting has the power to change the order of articles.

### **Glossary of Common Municipal Finance Terms**

**Appropriation:** An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended.

**Assessments:** Amounts the State automatically deducts from Local Aid to cover the cost of certain State and county programs. These include e.g., the MBTA, Essex Regional Emergency Communications Centers, Mosquito Control, and others. Assessments are shown on the Cherry Sheet.

**Budget:** See Omnibus or Operating Budget

**Capital Budget:** A plan of proposed capital outlays for a fiscal year and the means of financing them. Capital items are items costing a certain amount, generally defined by a town’s financial policy, and having a useful life of five or more years.

**Capital Exclusion:** A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

**Chapter 70:** Chapter 70 is the statute that describes the school funding formula and education aid distributed by the State.

**Chapter 90:** Funds distributed to cities and towns to fund highway projects. Chapter 90 is based on a formula consisting of road local mileage, local employment level, and population estimates.

**Cherry Sheet:** The official notification to cities, towns, and regional school districts of the next fiscal year's State aid and assessments. The name comes from the cherry colored paper on which they used to be printed.

**Community Preservation Act [CPA]:** The CPA helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. The CPA is funded through a local option surcharge on property tax bills and a state match on those surcharges.

**Convey:** Conveyance is the act of transferring an ownership interest in property from one party to another. The term is used to transfer property from one town entity to another, and not an outside party.

**Debt Exclusion:** A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt; once the debt (principal and interest) is paid off the excluded amount is removed from the tax rate.

**Debt Service:** Payment of interest and principal related to debt.

**Enterprise Fund:** A standalone fund with its own assets, liabilities, fund balance, revenues and expenses in which a municipal service is operated as a business unit. Costs of the service are primarily recovered from user charges and may be supplemented by general revenues.

**Expenditure:** The spending of money by the town and schools for the programs or projects within the approved budget.  
**FTE:** A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

**Fiscal Year (FY):** A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The number attached to the letters "FY" represents the calendar year in which the fiscal year ends; for example, FY20 is the fiscal year which begins July 1, 2019 and ends June 30, 2020.

**Foundation Budget:** The spending target under the Education Reform Act of 1993 for each school district as the level necessary to provide an adequate education for all students.

**Free Cash:** Certified as of each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash per se, but rather is the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes. It is made up of Turn Backs (unexpended appropriations), revenues that came in higher than budgeted, and Free Cash carried forward from the prior fiscal year.

**General Fund:** The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

**General Obligation Bonds:** Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

**Level-Service Budget:** A budget that describes the funding required for maintaining current levels of service or activity, plus cost increases for contractual and mandated obligations. It brings previously-approved programs forward at existing levels of service.

**Levy or Property Tax Levy:** The revenue a community can raise through real and personal property taxes.

**Levy Ceiling:** The maximum amount of property taxes a community can levy. The Levy Ceiling is equal to 2 ½ percent of the total full and fair cash values of all taxable real and personal property in the community.

**Levy Limit:** The maximum the levy can be in a given year. It is equal to the previous year's levy limit times 2½% plus new growth and amounts authorized by overrides. The Levy Limit is determined annually by the Massachusetts Department of Revenue.

**Local Aid:** Revenue allocated by the State to cities, towns, and regional school districts. Local Aid is distributed by the Cherry Sheets.

**Local Receipts:** Locally generated revenues, other than real and personal property taxes. Examples include motor vehicle excise, hotel/motel/meals excise, permit fees, rentals, and charges.

**New Growth:** The additional value of new development and other growth in the tax base that is not the result of revaluation. New growth is calculated by multiplying the increases in assessed valuation by the tax rate.

**Omnibus or Operating Budget:** A plan for allocating resources to support particular services, purposes, and functions over a specified period of time. The Omnibus Budget is the spending plan for a particular fiscal year.

**Other Post-Employment Benefits (OPEB):** The set of benefits, other than pensions, that government employees earn while actively working, but do not receive until they retire. The most significant is health insurance for retirees, their spouses, and in some cases their beneficiaries.

**Override:** A vote to increase the amount of property tax revenue in excess of the automatic 2 ½ percent allowed under Proposition 2 ½. An override permanently raises the Levy Limit unless later reversed.

**Payment in Lieu of Taxes (PILOT):** An agreement between a municipality and an entity not subject to taxation, such as a charitable or educational organization, in which the payer agrees to make a voluntary payment to the municipality.

**Proposition 2 ½:** A State law, enacted by citizen initiative petition in 1980, that regulates local property tax administration and limits the amount of revenue –the levy –a city or town may raise from local property taxes each year.

**Raise or Raise and Appropriate:** A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

**Reserve Fund:** A fund appropriated each year that may be used by vote of the Finance Committee for "extraordinary or unforeseen expenditures."

**Revolving Fund:** Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund and expenditures made without further appropriation. Revolving funds are established by State law and Town bylaw.

**Stabilization Fund:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §SB). Stabilization Funds may be established for different purposes and interest generated by such funds is added to and becomes part of the Stabilization Fund. A two-thirds vote of Town Meeting is required to establish, amend the purpose of, or appropriate money out of a Stabilization Fund.

**Tax Title:** A collection procedure that secures a city's or town's lien on real property and protects the municipality's right to payment of overdue property taxes.

**Turn Back:** Unexpended funds from a prior fiscal year's operating budget which are returned to the Town and which ultimately revert to Free Cash.

**Unclassified:** Expenditure items that are not within a particular department's budget. Examples include regional pension assessments, insurances, unemployment, and others. Underride: A vote to decrease the levy limit under Proposition 2 ½. An underride permanently reduces the Levy Limit unless later reversed.



# Fall Special Town Meeting

Tuesday, October 25, 2022  
Longmeadow High School

**7:00 PM**

Listen, Discuss, Vote.

Please scan the QR code  
to view the Warrant and  
to find additional Town  
Meeting information



[www.longmeadow.org/TownMeeting](http://www.longmeadow.org/TownMeeting)