



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
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March 5, 2019

Barbara J. Hancock, Town Clerk
Town of Deerfield
8 Conway Street
Deerfield, MA 01373

Re: Deerfield Special Town Meeting of December 3, 2018 -- Case # 9264
Warrant Article # 4 (General)
Corrected Decision

Dear Ms. Hancock:

Article 4 - We approve Article 4 from the December 3, 2018 Deerfield Special Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
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cc: Town Counsel Lisa Mead

Date: March 6, 2019

On this date, I have posted copies of the bylaw amendment(s) passed at the December 3, 2018 Special Town Meeting and approved by the Attorney General of Massachusetts on March 5, 2019 at the following five public places in Town: Deerfield Town Offices, South Deerfield Post Office, Old Deerfield Post Office, Tilton Library, Deerfield Convenience Store. Any claims of invalidity by reason of any defect in the procedure of a zoning adoption or amendment may only be made within ninety days of this posting, according to MGL C40 S32. Copies of this by-law may be examined at the Town Clerk's Office, 8 Conway St, South Deerfield.

Barbara J Hancock

Barbara J Hancock, Town Clerk

3/30/19 OK to remove Postings



FRANKLIN SS

I, Barbara J. Hancock, duly appointed and qualified Clerk of the Town of Deerfield, hereby certify that the following vote was taken at the Special Town Meeting held on Monday, December 3, 2018 at the Deerfield Town Offices 8 Conway Street in the Village of South Deerfield. The Special Town Meeting convened at 7:02 pm with 42 voters in attendance.

ARTICLE 4:

Voted to amend the general by-laws of the Town of Deerfield by deleting Article VI. Capital Improvement Plan Committee in its entirety and in its place insert the following
Improvement Plan Committee in its entirety and in its place insert the following
vote to amend the GENERAL By-Laws of the Town of Deerfield by deleting Article VI. Capital Improvement Plan Committee in its entirety and in its place insert the following (namely sections 10-17 with an additional amendment voted on the floor, deleted 10-18, and 10-19 and renumbered 10-20 and 10-21).

Article VI

Capital Improvement Plan Committee

§ 10-15 Establishment; membership; terms; vacancies.

The Selectboard shall establish a seven member committee to be known as the "Capital Improvement Planning Committee." The Selectboard shall appoint one member of the Board of Selectmen, one member of the Finance Committee, one member of the Planning Board, one member of the Assessors, the Treasurer (non-voting, ex-officio), the Town Administrator (non-voting, ex-officio), and one School Committee member. The Moderator shall appoint two members of the community. The Committee shall choose its own officers. If a vacancy occurs, the appointing authority shall fill it. Appointments shall be for one year, except in the case of a vacancy.

§ 10-16 Powers and duties; submission of information.

- A. The committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which involve:
- (1) Acquisition of land for a public purpose;
 - (2) Any construction of a new facility or an addition to, or extension of, an existing facility;
 - (3) Any infrequent rehabilitation or major repair of a building, its grounds, or related equipment provided that the cost is \$25,000 or more and the improvement will have a useful life of 10 years or more;
 - (4) Any purchase of any fixed asset provided that the cost is \$10,000 or more; and
 - (5) Any planning, feasibility, engineering, or design study related to any of the above capital projects.
- B. All purchases of capital equipment or fixed assets must be presented for study by the Capital Improvement Planning Committee regardless of the source of funding.
- C. All officers, boards and committees shall, by December 1 of each year, give to the Committee, on



forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing five years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town.

§ 10-17 Capital improvement plan.

Each year, at least (60) sixty days prior to the Annual Town Meeting, the Capital Improvement Planning Committee shall submit to the Selectboard the Capital Improvement Plan (CIP) which includes the capital improvement budget for the ensuing fiscal year and recommended capital improvements for the following four fiscal years. The Selectboard, in coordination with the Town Administrator, shall submit to the Finance Committee for funding recommendation and consideration at Annual Town Meeting. The Selectboard shall post on the Town website, on the Deerfield cable access channel, and post a legal posting as to where copies of the capital improvements plan are available. Such postings shall be not less than seven days prior to any town meeting.

During the fiscal year, the Committee may amend or add an item to the adopted Capital Improvement Plan if it finds reasonable cause why such information was not submitted for consideration at the previous Annual Town Meeting, and must be acted upon before the next Annual Town Meeting. Any such amendment or addition must be submitted to the Selectboard for its consideration and approval and reported to the next Special Town Meeting for adoption.

No expenditure shall be made for a defined capital improvement as requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's plan, or until the Committee has provided its recommendation thereon.

§ 10-18 Expenditures.

Such Capital Improvement Plan, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals.

§ 10-19 Rules and regulations.

The Committee shall make reasonable rules and regulations for the administration of this by-law.

Motion as amended carried, so declared the Moderator

A true copy, Attest:


Barbara J Hancock
Town Clerk