

**ANNUAL TOWN MEETING
APRIL 27, 2015**

FRANKLIN SS

I, Barbara J. Hancock, duly appointed and qualified Clerk of the Town of Deerfield hereby certify that the following votes were taken at the Annual Town Meeting held on Monday April 27, 2015 in the Auditorium at Frontier Regional School on North Main Street in the Village of South Deerfield.

Town Meeting convened at 7:08 p.m. on April 27, 2015.

VOTED that the reading of all articles be waived and that prior to the reading of a motion under the article, the Moderator briefly summarize the content of the article to be considered and further that the unless objection is raised the reading of detailed motions be waived where the article as printed can, in the opinion of the Moderator, be incorporated by reference in any motion presented.

Motion Carried, so declared the Moderator

VOTED that the following people be allowed to address the audience during the Town Meeting:

Lisa Mead, Town Counsel
Adam Costa, Town Counsel
Brenda Hill, Town Accountant
Kayce Warren, Town Administrator
Sara Woodbury, Tilton Library Director
Patricia Cavanaugh, Business Manager, Frontier Regional/Union 38 Schools
Jeanine Heil, Principal, Deerfield Elementary School
James Laverty, Superintendent of Franklin County Technical School
Russ Kaubris, Business Manager of Franklin County Technical School
Patricia Smith, Planner, Franklin Regional Council of Governments
Felicity Hardee, Counsel for Deerfield Economic Development & Industrial Corporation

Motion Carried, so declared the Moderator

ARTICLE 1

VOTED that the Town hear the reports of the Selectmen, the Deerfield School Committee, and all other Town officers, boards, committees, and commissions.

Motion Carried, so declared the Moderator

ARTICLE 2

VOTED that the Town authorize its Treasurer and Assistant Treasurer with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2015 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws, Chapter 44, Section 17.

Motion Carried by Unanimous Vote, so declared the Moderator

ARTICLE 3

VOTED that the Town raise and appropriate, transfer from available funds, or otherwise provide any sum or sums of money for public library purposes said sum to be reimbursed to the Town by the State under provision of Chapter 151 of the Acts of 1996.

Motion Carried, so declared the Moderator

ARTICLE 4

VOTED that the Town authorize the Selectmen to apply, accept and expend for specific purposes provided by any Federal or State Grants or Programs which may be awarded to the Town.

Motion Carried, so declared the Moderator

ARTICLE 5

VOTED that the town accept and acknowledge the following gifts made to the town:

MONETARY GIFTS

Allen Chase Foundation - Eaglebrook School	\$ 26,000
Bement School	\$ 3,000
Deerfield Academy	\$103,600
Historic Deerfield	\$ 15,000
Woolman Hill	\$ 3,225
Total Monetary Gifts	\$150,825

IN-KIND DONATIONS

Deerfield Academy provided additional in-kind services for projects such as dugout repairs for Memorial Field, supplies, expertise and manpower for field maintenance for various community fields, sidewalk repairs, police station renovations, the display cabinet for Deerfield’s Paleolithic artifacts, and other projects.

Eaglebrook School, working with the Recreation Department and Frontier Regional School, donated the use of their gymnasium and Ice Skating Rink for community programs.

Pocumtuck Valley Memorial Association (PVMA) continues to enrich history programs in our community. They have secured grants, received donations, and dedicated staff time for research and coordination towards restoration of the Civil War Monument.

Motion Carried, so declared the Moderator

ARTICLE 6

No action taken.

So declared the Moderator

ARTICLE 7

VOTED to divide the article so that each appropriation is considered a separate motion.

Motion Carried, so declared the Moderator

VOTED that the Town appropriate \$39,000 from the Community Preservation Fund 2016 Estimated Revenues for the Deerfield Historical Commission Restoration of the Civil War Monument project in a manner consistent with the proposal submitted by the applicant and approved by the Community Preservation Committee, said funds to be expended within three years under the direction of the Board of Selectmen and any unused funds to be returned to the Community Preservation Fund as required by statute.

Motion Carried, so declared the Moderator

VOTED that the Town appropriate \$23,000 from the Community Preservation Fund 2016 Estimated Revenues for the Deerfield Historical Commission Restoration of the Albany Road Cemetery project in a manner consistent with the proposal submitted by the applicant and approved by the Community Preservation Committee, said funds to be expended within three years under the direction of the Board of Selectmen and any unused funds to be returned to the Community Preservation Fund as required by statute.

Motion Carried, so declared the Moderator

VOTED that the Town transfer \$21,000 (10%) of the Community Preservation Fund 2016 Estimated Revenues to the Reserve for Open Space as required by General Law Chapter 44B.

Motion Carried, so declared the Moderator

VOTED that the Town transfer \$21,000 (10%) of the Community Preservation Fund 2016 Estimated Revenues to the Reserve for Community Housing as required by General Law Chapter 44B.

Motion Carried, so declared the Moderator

VOTED that the Town transfer \$95,500 from the balance of the Community Preservation Fund FY2016 Estimated Revenues to the FY2016 Community Preservation Budgeted Reserve.

Motion Carried, so declared the Moderator

VOTED that the Town appropriate \$10,500 (5%) from the Community Preservation Fund 2016 Estimated Revenues for Community Preservation Committee administrative expenses.

Motion Carried, so declared the Moderator

ARTICLE 8

VOTED that the Town raise and appropriate \$527,213.00 and authorize the Selectmen to transfer as it becomes available said sum from the sewer receipts account established for such purposes for Fiscal Year 2016 for the operation and maintenance of the Wastewater Treatment Plants located in the villages of Old Deerfield and South Deerfield respectively, and for sewer line maintenance.

Motion Carried, so declared the Moderator

ARTICLE 9

VOTED that the Town authorize creation of a revolving fund for Recreation activities and expenses under M.G.L. c. 44, sec. 53E½ and take from the Recreation Revolving Fund, so called 223-3560-0000, \$20,000 to provide funding, as set forth in Article 9 of the Warrant, a copy of which has been distributed at this meeting which is incorporated herein by reference.

Motion Carried, so declared the Moderator

ARTICLE 10

VOTED that the Town authorize revolving funds under MGL Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2015 as set forth in Article 10 in the Warrant, and as amended in the handout which has been distributed at this meeting.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY Spending Limit
Planning	Planning Board	Fees charged for filings	Activities and expenses related to proposal and permit reviews.	\$25,000.00
Recycling	Selectboard	Receipts related to the recycling program	Operation of solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products	\$20,000.00
Plumbing Gas & Wiring	Inspections	Fees charged for permits and inspections	Activities and expenses related to permits, inspections and other related oversight.	\$75,000.00
School Resource Officer	Police Department	Donations and other receipts	Services, activities and expenses related to providing a School Resource Officer to public and private schools in town.	75,000.00
Parks & Recreation	Recreation Department	Revolving Fund created under Article 32 at Annual Town Meeting in 1999 under the provisions of MGL c.44, §53D <u>and all other fees and receipts.</u>	Activities and expenses related to providing recreational activities	75,000.00

Total Spending \$270,000.00

Motion to approve amended motion carried, so declared the Moderator
Main Motion Carried as read, so declared the Moderator

ARTICLE 11

VOTED that the Moderator read amounts recommended by the Finance Committee to be appropriated under this article; and unless objection is made, each item recommended in the report of the Finance Committee shall be tentatively accepted as appropriated for the purpose stated. If an objection is made to any recommendation, such appropriation shall be taken separately and the amount thereof and the manner of taking the same shall be determined by vote of the meeting and tentatively accepted. One vote shall be taken appropriating each amount so accepted as a single appropriation not to be exceeded.

Motion Carried, so declared the Moderator

VOTED that the town appropriate \$12,943,873 to fund the accepted amounts voted, and to meet this appropriation, transfer:

\$47,386	From the Municipal Building Fund
\$9,400	From the Insurance Indemnification Fund
\$50,000	From Overlay Surplus

And raise and appropriate a balance of \$12,837,087.

Motion Carried, so declared the Moderator

ARTICLE 12

VOTED that the Town appropriate \$89,000.00 from Free Cash, and \$11,000.00 from Sewer Reserve Funds, for the capital projects as specifically set forth in Article 12 of the warrant, a copy of which has been distributed at this meeting, which capital projects and manners are incorporated herein by reference.

Item	Department	Amount	Proposed Funding
Town Office File Server	General Government	\$20,000.00	Free Cash
Roller and Trailer	Highway	\$20,000.00	Free Cash
Ford F350 with Plow	Highway	\$40,000.00	Free Cash
Brushhog	Highway	\$9,000.00	Free Cash
Sewer Camera System	WWTP	\$11,000.00	Sewer Reserve
TOTAL		\$100,000.00	

Motion Carried, so declared the Moderator

ARTICLE 13

VOTED to confirm that all votes taken under the Omnibus Budget and financial articles will be contingent upon receipt of a Cherry Sheet and other state funding which shows sufficient state aid to allow the Town to remain within its levy limit.

Motion Carried, so declared the Moderator

ARTICLE 14

VOTED that the Town establish the salaries and compensations of all elected officers of the Town, as provided in Chapter 41, Section 108 of the General Laws as set forth in Article 10 of the warrant, a copy of which has been distributed at this meeting.

	REQUESTED	VOTED
Moderator, Annual Town Meeting	\$300.00	\$300.00
Moderator, Special Town Meeting	\$50.00	\$50.00
Selectmen, Chairman	\$2,500.00	\$2,500.00
Selectmen, Associate Members	\$2,250.00	\$2,250.00
Assessors, Chairman	\$2,500.00	\$2,500.00
Assessors, Associate Members	\$2,250.00	\$2,250.00
School Committee, Chairman	\$150.00	\$150.00
School Committee, Assoc. Members	\$100.00	\$100.00
Elector, Oliver Smith Will	\$20.00	\$20.00

Motion Carried, so declared the Moderator

ARTICLE 15

VOTED that the Town take from Free Cash \$10,000.00 to provide for an unfunded liability sick leave and vacation account.

Motion Carried, so declared the Moderator

ARTICLE 16

VOTED that the Town take from free cash \$80,000.00 to provide for extra-ordinary or unforeseen expenditures under Section 6 of Chapter 40 of the Massachusetts General Laws for the Fiscal Year beginning July 1, 2015.

Motion Carried, so declared the Moderator

ARTICLE 17

VOTED that the Town vote to take from the Fiscal Year 2015 Triennial Recertification account the amount of \$20,000.00 for the purpose of funding mandated triennial recertification updates.

Motion Carried, so declared the Moderator

ARTICLE 18

VOTED that the Town take from free cash \$42,750.00 for its share of the core assessment of the Franklin Regional Council of Governments for Fiscal Year 2016.

Motion Carried, so declared the Moderator

ARTICLE 19

No action taken.

So declared the Moderator

ARTICLE 20

VOTED that the Town transfer, from interest earned in the Dickinson Library Trust fund, \$375.00 to the Tilton Library and \$66.00, to the Frontier Regional School for Library use.

Motion Carried, so declared the Moderator

ARTICLE 21

VOTED that the Town vote to take \$4,000 from Free Cash for its share of the Frontier Regional Long-Range Planning Committee Regionalization Study.

Motion Carried, so declared the Moderator

ARTICLE 22

VOTED that the Town take from Free Cash \$73,058.00 to fund the tuition and transportation expenses of students to the Smith Vocational and Agricultural High School for the 2015-16 school year.

Motion Carried, so declared the Moderator

ARTICLE 23

VOTED that the Town vote to accept the provisions of M.G.L. c.32B, sec. 20, and establish a separate trust fund known as the Other Post-Employment Benefits Liability Trust Fund for the purpose of funding future financial obligations of the Town for health and other post-employment benefits of retirees.

Motion Carried, so declared the Moderator

ARTICLE 24

No action taken.

So declared the Moderator

ARTICLE 25

VOTED that the Town take from Free Cash \$8,500.00 to fund services by the Franklin Regional Council of Governments on behalf of the Town of Deerfield related to the pre-filing and Phase I of the Northeast Energy Direct Project proposed by Kinder Morgan.

Motion Carried, so declared the Moderator

ARTICLE 26

No action taken.

So declared the Moderator

ARTICLE 27

VOTED to authorize the Board of Selectmen to negotiate terms in the best interest of the Town and to enter into a lease not to exceed twenty-five (25) years for the Pocumtuck Ridge Cellular Tower.

Motion Carried, so declared the Moderator

ARTICLE 28

VOTED that the Town accept the 2015 Economic Development Plan as presented by the Deerfield Economic Development Industrial Corporation.

Motion Carried, so declared the Moderator

ARTICLE 29

Voted that the Town revise its existing Zoning Bylaws by adopting the proposed revisions as specifically set forth in Article 29 of the warrant, a copy of which has been distributed at this meeting which revisions are incorporated herein by reference.

2200. USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule.", or in Section 2240, "Accessory Buildings and Uses", unless exempted by Section 2250, "Nonconforming Uses and Structures", or by statute. Uses not expressly provided for herein are prohibited. [Amended 4-26-2010 ATM, Art. 1]

Symbols employed below shall mean the following:

Y — A permitted use.

Y* — A permitted use except that new building footprint, as measured along external walls, in excess of (a) 2,500 gross sq. ft. in the C-I District, or (b) 10,000 gross sq. ft. in the C-II District, as the case may be shall require a special permit from the Board of Appeals.

Y** — Site Plan Review required by the Planning Board as provided under Section 5400.

N — An excluded or prohibited use.

SP — A use authorized under special permit as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule. [Amended 4-26-2004 ATM, Art. 30; 4-28-2008 ATM, Art. 3; 4-26-2010 ATM, Art. 1; 4-25-2011 ATM, Art. 7]

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD3
A. RESIDENTIAL							
Detached single-family dwelling	Y	Y	N	N	N	N	N
Detached two-family dwelling	N	Y	N	N	N	N	N
Multi-family dwelling	N	SP	SP	N	N	N	SP
Dwelling unit incidental to commercial or industrial use	N	N	Y	Y	N	N	N
Flexible development	Y	Y	N	N	N	N	N
Conservation subdivision	Y	Y	N	N	N	N	N

Accessory apartments for the purpose of providing assistance with the activities of daily living	SP	SP	SP	N	N	N	N
B. EXTENSIVE USES AND COMMUNITY FACILITIES							
Religious or educational use exempted by G.L. c. 40A, S. 3	Y	Y	Y	Y	Y	Y	Y
Educational use not exempted by G.L. c. 40A, s. 3	SP	SP	Y	SP	SP	N	Y
Agricultural use exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y
Fur farm, piggery, raising of animals on a parcel of land not exempt by G.L.' c. 40A, s. 3	SP	SP	SP	SP	SP	N	N
Other Agricultural use not exempted by G.L. c. 40A, s. 3	SP	SP	SP	SP	SP	N	N
Child care facility or day care facility exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y
Municipal facilities	Y**	Y**	Y	Y	Y	Y	Y
Essential services	SP	SP	SP	SP	SP	SP	SP
Earth Removal	N	N	N	SP	SP	N	N
Nonprofit event ¹	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted Solar Electric Installation ⁸	Y	Y	Y	Y	Y	Y	Y
C. COMMERCIAL							
Office	N	N	Y*	Y*	Y	SP	Y
Bank, including ATM or Teller Line in or outside premises	N	N	Y*	Y*	SP	SP	Y
ATM not within or upon banking premises							
Retail sales or rental with or without display outdoors — Building 4,000 sq. ft. or less of enclosed floor area ^{4,5}	N	N	Y	SP	SP	SP	Y
Retail sales or rental with or without display outdoors — Building greater than 4,000 sq. ft. up to 30,000 sq. ft. of enclosed floor area ^{4,5,6}	N	N	SP	SP	N	SP	Y
Retail sales or rental with or without display outdoors — Building greater than 30,000 sq. ft. up to 60,000 sq. ft. of enclosed floor area ^{4,5}	N	N	N	SP	N	SP	Y
Retail sales or rental with or without display outdoors — Building greater than 60,000 sq. ft. of enclosed floor area ^{4,5}	N	N	N	N	N	SP	SP
Retail sales or rental with display, sales or storage outdoors without a building ⁵	N	N	SP	SP	SP	SP	Y
Artisan Studio -Building up to 5,000 sq. ft.	N	N	Y	Y	SP	SP	Y
Motor vehicle service station	N	N	SP	SP	N	SP	N
Motor vehicle repair shop	N	N	SP	SP	N	SP	N
Private Clubs, Bars or Nightclubs including the sale or consumption of alcoholic beverages, with or without entertainment, whether for profit or not for profit	N	N	SP	SP	N	N	SP
Junkyard or automobile graveyard	N	N	N	N	N	N	N
Hospital or sanitarium	N	N	N	SP	N	N	N
Convalescent or nursing home; assisted living residence	SP	SP	SP	SP	N	N	N
Bed and Breakfast	SP	SP	SP	SP	N	N	N
Boarding House	N	SP	Y*	Y*	N	N	N
Print or publishing establishment	N	N	SP	Y	Y	Y	Y
Service shop	N	N	Y	Y	N	SP	N
Repair shop	N	N	SP	SP	N	SP	N
Medical/dental center	N	N	SP	SP	N	SP	Y
Auction gallery for exhibition and sale by auction	N	N	SP	SP	N	N	N
Restaurant, not. including fast-food or drive-in restaurant	N	N	Y*	SP	SP	N	Y
Fast-Food or drive-in restaurant	N	N	N	N	N	N	N
Place of assembly	N	N	SP	SP	SP	N	N
Drive-in service, including restaurants, but not including ATMs or Teller Lines	N	N	N	N	N	N	N
Landscaping business ²	SP	N	SP	SP	SP	SP	N
Car wash	N	N	SP	SP	N	N	N
Commercial recreation, outdoors ²	SP	N	SP	SP	SP	N	N
Kennel or animal hospital	N	N	N	SP	SP	N	N
Major Commercial Project	N	N	N	SP	SP	SP	SP
Arcade, Amusement Park	N	N	N	N	N	N	N
Bakery, coffee shop, deli	N	N	Y	Y	Y	SP	Y
Planned Unit Development (See Section 4800)	N	N	SP	SP	SP	N	N
D. INDUSTRIAL							
Manufacturing, processing, assembly, or fabrication that can meet the Performance Standards of Section 4900	N	N	N	Y	Y	Y	Y
Manufacturing, processing, assembly, Or fabrication .that cannot meet the Performance Standards of Section 4900	N	N	N	SP	SP	SP	SP
Retail sales incidental to manufacturing facility	N	N	N	SP	SP	SP	Y
Research laboratory or facility but excluding laboratories categorized as Level 4 by the National Institutes for Health	N	N	N	SP	SP	SP	Y
Wholesale, warehouse, or distribution facility	N	N	N	SP	SP	SP	Y
Self-storage warehouse	N	N	N	N	N	SP	N
Employee services incidental to permitted use	N	N	SP	SP	SP	SP	Y
Contractor's yard	N	N	N	SP	SP	SP	N

Sawmill2	N	N	N	SP	SP	SP	N
Radioactive waste disposal	N	N	N	N	N	N	N
Truck, bus or freight terminal	N	N	N	SP	SP	SP	N
Planned Unit Development (See Section 4800)	N	N	SP	SP	SP	N	N
Large-Scale Ground-Mounted Solar Electric Installation7,8	SP	SP	SP	SP	Y**	SP	SP
Extra-Large-Scale Ground-Mounted Solar Electric Installation7,8	N	N	N	N	SP	N	N

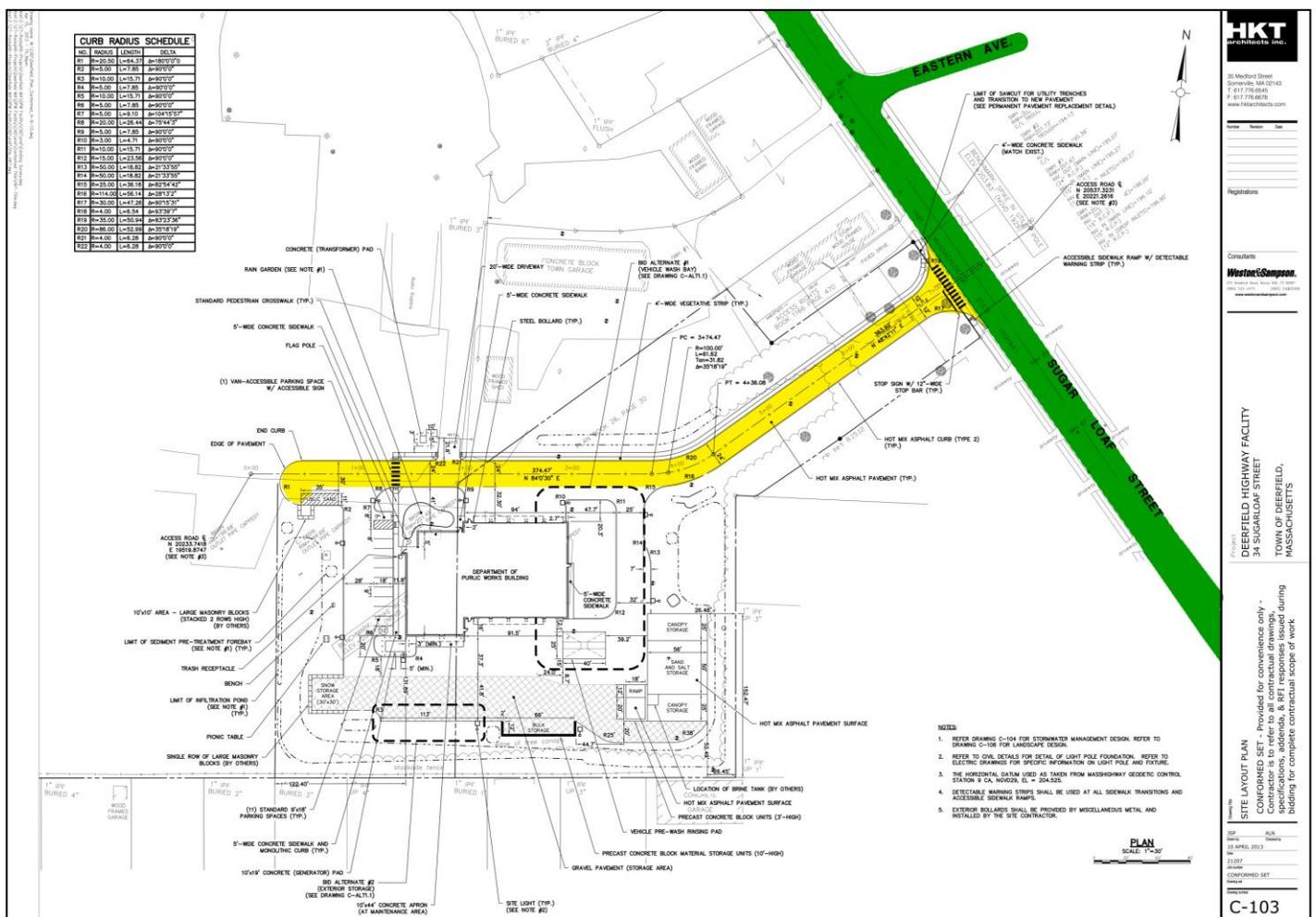
NOTES:

- 1 Subject to the issuance of a permit from the Board of Selectmen pursuant to Chapter 195 of the General By-Laws.
- 2 Minimum site of 5 acres in RA District.
- 3 A proposed Expedited Permit Project (EPP) in the Expedited Permitting District (EPD) is subject to the standards of Section 4700, including Performance Standards in Section 4750, and to Site Plan Review by the Board of Selectmen.
- 4 Square footage amounts include new buildings and expansion of existing buildings. For expansions, the existing building plus the expansion will be combined to determine the square footage amount. For example, a Special Permit would be required in the C-I or C-II Districts where an applicant proposes to add 600 square feet to an existing building of 3,500 square feet.
- 5 Outdoor storage, sales or display associated with any retail use requires Site Plan Review (see Section 5400).
- 6 Provided that in the C-I District the building footprint shall not exceed 15,000 square feet.
- 7 Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations are subject to the provisions of Section 3800.
- 8 Acreage and generating capacity thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage and output generation of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas, as per Section 3851, shall not be counted toward a facility's total acreage."

Motion Carried by Unanimous Vote, so declared the Moderator

ARTICLE 30

VOTED that the Town accept Merrigan Way as a Public Way, beginning at Sugarloaf Street and extending to the southwest/west, 672 number of feet, as more fully set forth on a plan entitled "Site Layout Plan, Drawing Number C-103" by HKT Architects, Inc. and dated January 30, 2013, a copy of which has been distributed at this meeting.



Motion Carried, so declared the Moderator

ARTICLE 31

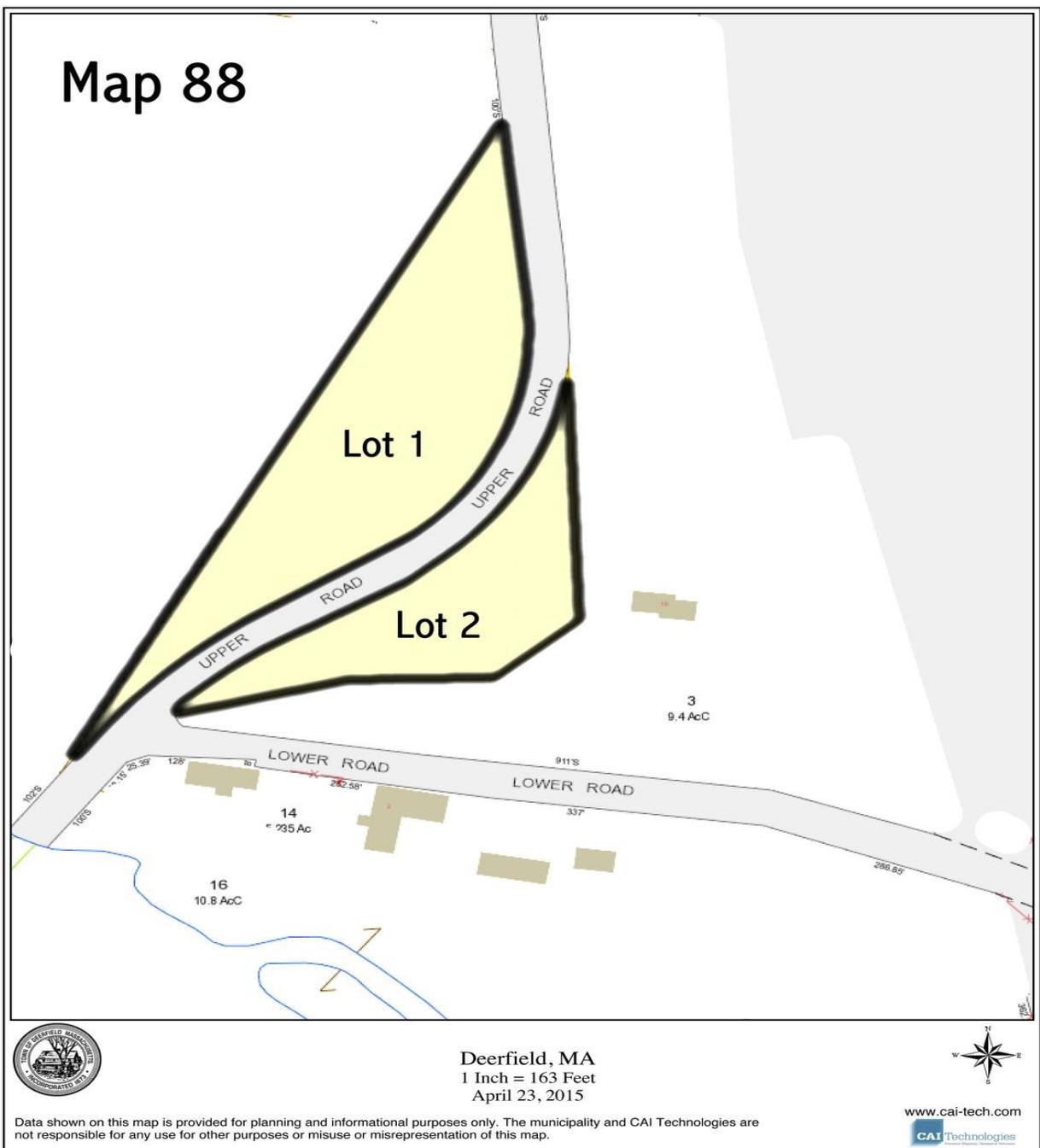
VOTED that the Town approve the Project Certification Application of New England Natural Bakers and authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of formerly known as the “Oxford Pickle Factory” located at 15 Jewett Avenue, Deerfield, MA, portions of which are shown on Assessor’s Map 168, Parcel 21, Map 169, Parcel 6, and Map 169, Parcel 185, as an Economic Opportunity Area, pursuant to the provisions of M.G.L. Chapter 23A; and further to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan with New England Natural Bakers and affiliates, pursuant to the provisions of M.G.L. Chapter 40, Section 59, in connection with the development of said property, and to authorize the Board of Selectmen to take such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Agreement and Tax Increment Financing Plan.

Motion Carried, so declared the Moderator

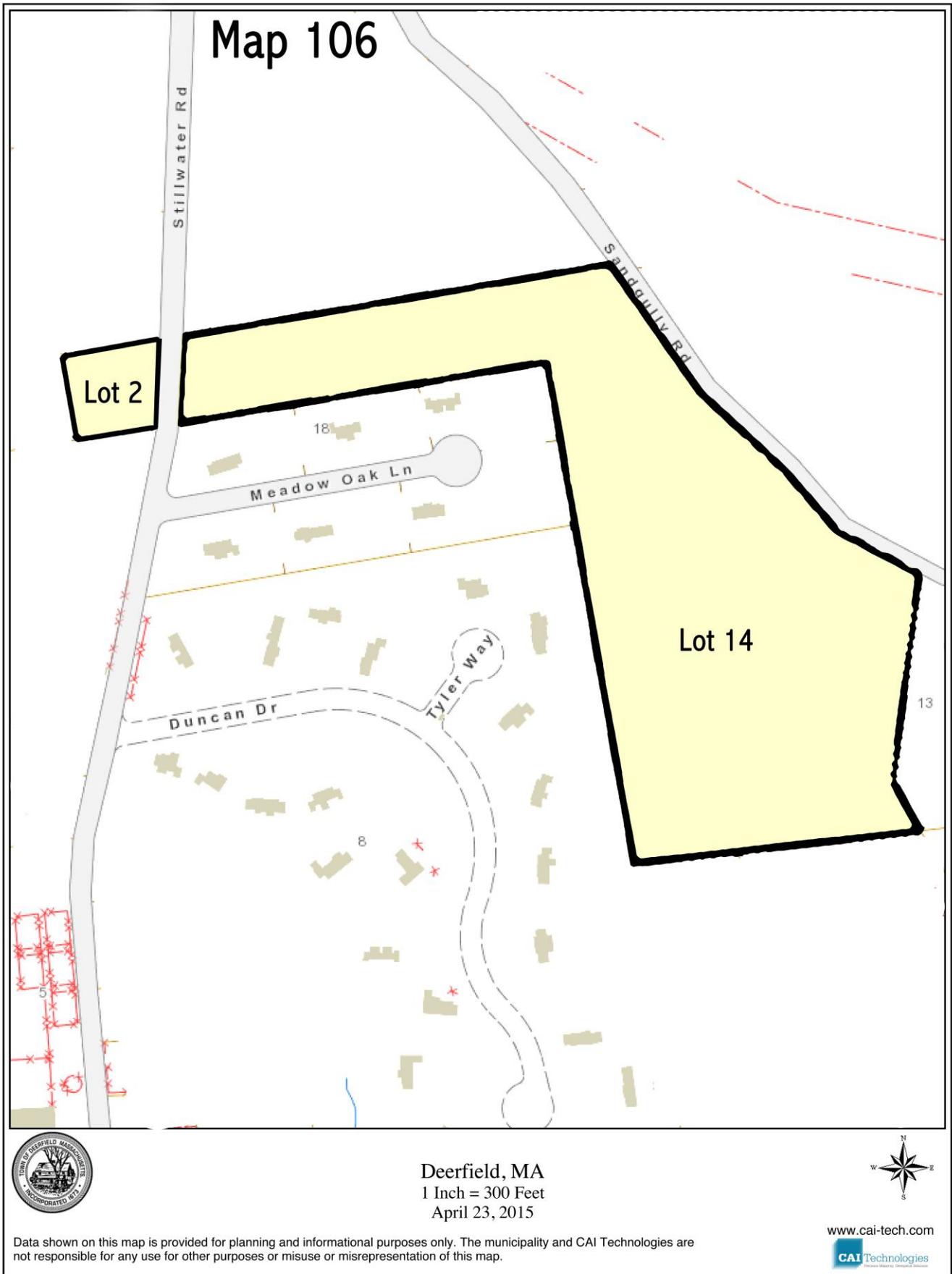
ARTICLE 32

VOTED that the Town transfer the care, custody and control of the parcels, as specifically set forth in Article 32, a copy of which has been distributed at this meeting, from municipal purposes to the purpose of conveying, selling or otherwise disposing of same and that the Board of Selectmen be authorized to enter into and negotiate all necessary and related documents, subject to such restrictions and limitations as the Selectmen deem appropriate, in order to effectuate the disposition of said parcel and that the Board of Selectmen shall be authorized to dispose of said parcel accordingly.

<u>Map/Lot</u>	<u>Acreage, more or less</u>	<u>Location/Description</u>
Map 88, Lot 1	± 2.8	Upper Road; vacant lot
Map 88, Lot 2	± 1.5	Upper Road; vacant lot
Map 106, Lot 2	± 0.987	Stillwater Road; vacant lot
Map 106, Lot 14	± 60,000 sq. ft.	Stillwater Road; vacant lot



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Motion Carried in excess of 2/3rd Vote, so declared the Moderator

ARTICLE 33

No action taken.

So declared the Moderator

ARTICLE 34

VOTED that the Town amend Chapter 35: Personnel, Article II: Personnel Policies, § 35-26 Vacation Time, and § 35-27, Sick Time, by striking them in their entirety and replacing them as follows, copy of which has been distributed at this meeting.

§ 35-26 Vacation Leave

A. Eligible Employees

All full-time and benefit eligible permanent part-time employees.

B. Collective Bargaining Agreements and Statutory Employment Agreements

If there is a conflict between this Bylaw and an applicable collective bargaining agreement or the terms of any applicable statutory employment agreement, including an employment agreement under M.G.L. c. 41, § 108N (applying to town administrators, town accountants, and/or persons performing such duties having a different title), M.G.L. c. 41, § 108O (applying to police chiefs and fire chiefs), and M.G.L. c. 78, § 34 (applying to head librarians), the terms of the collective bargaining agreement or statutory employment agreement, as the case may be, shall prevail over the Bylaw.

C. Computation of Vacation Time

Subject to subsection D. below, all Eligible Employees shall accrue vacation time beginning the first day of duty, as follows:

First Day of Duty, up to 5 years of actual service	80 hours annually, accrual rate 3.08 hrs bi-weekly
5 years, up to 10 years of actual service	120 hours annually, accrual rate 4.62 hrs bi-weekly
10 years or more of actual service	160 hours annually, accrual rate 6.16 hrs bi-weekly

D. Eligible Part-Time Employee Calculation of Vacation Time

Eligible part-time employees accrue vacation leave on a pro-rated basis, based on the amount of hours worked in the previous fifty-two (52) weeks. New hires' first year pro-rated calculation is based on hours worked.

E. Vacation Limits

Eligible Employees may accrue and carry vacation time balances equal to two (2) years' worth of vacation time. Once an employee accrues two (2) years of vacation time, the employee will no longer continue to accrue any more vacation time until such time as the employee uses some portion of the accrued, unused vacation time. Once the employee uses vacation time bringing the amount of vacation time being carried to fall below the 2-year accrual limit, accrual will resume on a bi-weekly basis.

The employee will not be compensated for non-accrued time under this policy.

Eligible part-time employees' 2-year vacation limit will be calculated on a pro-rated basis using the same calculation method used to calculate the vacation time.

F. Transition from Prior Vacation Leave System to Current System Set Forth in this Bylaw

The amendments to this Bylaw shall take effect on **July 1, 2015**.

For the purpose of implementing the transition from the prior vacation leave system to the accrual and computation system contained in this amended Bylaw, each current Town employee who is covered by this Bylaw as of the effective date on which the amendments take effect shall be permitted one-year period to use any accrued, unused vacation that such employee may have that is beyond the computation provision and accrual limits set forth subsections C. and E. above. During this transition period, any employee who has accrued vacation leave that is greater than the amount of vacation leave that may be accrued at any given time (i.e., two-years of vacation leave), as determined by the schedule set forth in subsection C. above, shall not continue to accrue any more vacation time until such time as the employee has used that amount of accrued, unused vacation time to bring the employee within the accrual limits of this Bylaw.

G. Using Vacation Time

Employees may use vacation time with the approval of their Department Head (or in the case of a Department Head, the Department Head's appointing authority) in increments up to fifteen (15) consecutive work days.

H. Vacation Requests and Scheduling

Employees shall request vacation time from their respective Department Head (or in the case of a Department Head requesting vacation, from the Department Head's appointing authority). The Department Head (or the appointing authority, as the case may be) shall schedule such vacation leave based on the operational needs of the Department.

Requests for vacation time in excess of employee's available accrued time may be granted as leave without pay at the discretion of the Department Head.

Subject to operational needs, Department Heads are responsible for the scheduling of their employees' vacation time throughout the year so that the Town's mission and employee's needs are met, and so that employees do not have a significant amount of vacation time that must be used or forfeited.

I. Employment Termination

Upon the termination of employment or retirement an employee will be compensated for the balance of their accrued but unused vacation time to the date of termination or the last pay check. Accrued but unused vacation time will be paid to the estate of an employee in the event of an employee's death.

§ 35-27 Sick Time

A. Eligible Employees

All full-time and benefit eligible permanent part-time employees.

B. Collective Bargaining Agreements and Statutory Employment Agreements

If there is a conflict between this Bylaw and an applicable collective bargaining agreement or the terms of any applicable statutory employment agreement, including an employment agreement under M.G.L. c. 41, § 108N (applying to town administrators, town accountants, and/or persons performing such duties having a different title), M.G.L. c. 41, § 108O (applying to police chiefs and fire chiefs), and M.G.L. c. 78, § 34 (applying to head librarians), the terms of the collective bargaining agreement or statutory employment agreement, as the case may be, shall prevail over the Bylaw.

C. “Immediate Family” Defined

For the purposes of this Bylaw, the term “immediate family” is defined as a spouse (or significant other that lives in the same household as the employee), son, daughter, mother, father, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, mother-in-law or father-in-law.

D. Sick Time Purpose

Sick time is a contingent benefit limited to absences caused by an eligible employee’s illness (including illness or disability arising out of or caused by pregnancy or childbirth), injury, or exposure to contagious disease, or the illness of a member of an eligible employee’s immediate family, including illness or disability arising out of or caused by pregnancy or childbirth or for medical appointments. Sick leave used for purposes other than legitimate reasons or in an excessive manner may result in disciplinary action up to and including termination of employment at the discretion of the Town.

E. Doctor’s Note

The Town, at its exclusive discretion, reserves the right to request a written certificate from a Town-selected physician, at the cost to the Town, or from the employee’s physician, relative to the employee’s ability to perform the essential functions of the job or in cases of absence under this bylaw.

F. Sick Time Accrual

Eligible employees with less than ten (10) years of service to the Town may accumulate up to a maximum of sixty (60) days* of sick time for use by the employee. Each day of accrued sick time shall equal eight (8) hours. Therefore, eligible employees with less than 10 years of service may accumulate up to a maximum of 480 hours of sick time. Eligible employees with less than 10 years of service, will accrue sick time at a rate of 0.833 sick time days per month for each month of actual service not to exceed 10 sick days per year, up to a maximum of sixty (60) days*.

Eligible employees with ten (10) years or more of service to the Town may accumulate up to a maximum of ninety (90) days* of sick time for use by the employee. Each day of accrued sick time shall equal eight (8) hours. Therefore, eligible employees with 10 or more years of service may accumulate up to a maximum of 720 hours of sick time. Eligible employees with ten (10) or more years of service, will accrue sick time at a rate of 0.833 sick time days per month for each month of actual service not to exceed 10 sick days per year, up to a maximum of ninety (90) days*.

*Eligible part-time employees shall accrue sick time on a pro-rated basis.

G. Sick Time Limits

Once an employee’s sick time limit is reached, the employee will no longer continue to accrue any more sick leave until such time as the employee uses some portion of the accrued, unused sick time. Once the employee uses sick time causing the amount of sick time being carried to fall below the sick time limit, accrual will resume on a bi-weekly basis. The employee will not be compensated for non-accrued sick time under this policy.

H. Transition from Prior Sick Time System to Current System Set Forth in this Bylaw

The amendments to this Bylaw shall take effect on **July 1, 2015**.

For the purpose of implementing the transition from the prior sick time system to the accrual and computation system contained in this amended Bylaw, any Town employee who is covered by this Bylaw who has accrued sick time that is greater than the amount of sick time that may be accrued at any given time, as set forth in subsection F. above, as of the effective date on which the amendments to this Bylaw take effect, shall not continue to accrue any more sick time until such time as the employee has used that amount of accrued, unused sick time to bring the employee within the accrual limits of this Bylaw.

I. Employment Retirement or Death

When an employee retires or upon the death of an employee, the Town will pay the employee or the employee’s estate unused sick time at a rate of one (1) day per year of service or the employee’s sick time balance, whichever is less, up to a maximum of \$4,000.00.

Motion Carried, so declared the Moderator

ARTICLE 35

VOTED that the Town present any instructions to officers, boards, committees, and commissioners.

Motion Carried, so declared the Moderator

VOTED that the Finance Committee Chair and his committee research and determine the value of all services provided to the non-profit educational institutions, including education costs. Further, that this report be shared with the Select board and that the Finance Committee lead discussions with those institutions in an attempt to seek reimbursement for the services provided in an effort to reduce the financial burden on the taxpayers of Deerfield.

Motion Carried, so declared the Moderator

VOTED to adjourn at 9:56 pm to meet in the polls at the MEETING ROOM at the TOWN OFFICES, 8 Conway Street in the Village of South Deerfield on MONDAY, the 4th day of May next at 10:00 o'clock in the forenoon, for the purpose of elections and at the closure of the polls, dissolve.

Motion Carried, so declared the Moderator

A true copy.

Attest:

Barbara J. Hancock, Town Clerk