

FRANKLIN SS

I, Mary A. Stokarski, 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 26, 2010 and continued to Monday, May 10, 2010 in the Auditorium at Frontier Regional School on 113 North Main Street in the Village of South Deerfield.

**Moderator's Motions:**

Town Meeting convened at 7:08 p.m. on April 26, 2010, at 9:00 p.m. it was voted to reconvene to a second meeting night on May 10, 2010 at 7:00 p.m.

Return of the Warrant for the Annual Town Meeting:

Moderator's Motions:

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 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, declared by the Moderator

Voted to allow the following to address the audience during the Town Meeting:

Michael Wozniakewicz, Chief of Police  
Bernard Kubiak, Town Administrator  
Regina Nash, Superintendent, Frontier Regional and Union 38 Schools  
Donald Scott, Business Manager, Frontier Regional and Union 38 Schools  
Richard K. Lane, Superintendent, Franklin County Vocational Technical School  
Russ Kaubris, Business Manager, Franklin County Vocational Technical School  
Lisa Mead, Town Counsel  
Janet Swem, Town Accountant  
Sara Woodbury, Director of the Tilton Library  
Donald Hafner, Architects, Inc.  
Pat Smith, Franklin County Vocational Technical School

Motion Carried, declared by the Moderator

A special recognition was given to Dan Blanchard for 15 years of service to the Finance Board.

Recess Annual Town Meeting and Open Special Town Meeting:

Return of the Warrant for the Special :

**ARTICLE 1:**

Voted that the Town amend Article 11 of the April 27, 2009, Annual Town Meeting by authorizing the selectmen to transfer as it becomes available the sum of \$446,332 from the sewer receipts account and transfer \$35,000.00 from the sewer reserve account, for Fiscal Year 2010 operations and maintenance of the Wastewater Treatment Plants and for sewer line maintenance.

Motion Carried, declared by the Moderator

**ARTICLE 2:**

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

Motion Carried, declared by the Moderator

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Voted that the Town amend Article 13 of the April 27, 2009 Annual Town Meeting by transferring the sum of \$2,750 from Account Number 422-5120, Highway Overtime to Account Number 541-5110, Senior Center Director Salary.

Motion Carried, declared by the Moderator

Voted that the Town amend Article 13 of the April 27, 2009 Annual Town Meeting by transferring the sum of \$2,000.00 from Account Number 422-5400, Highway Expenses, to Account Number 541-5110, Senior Center Director Salary.

Motion Carried, declared by the Moderator

Voted to dissolve the Special Town Meeting and reconvene Annual Meeting.

Declared by the Moderator

**ARTICLE 1**

Voted that we split up this article by By-Law and Map.

Motion Carried, declared by the Moderator

John Waite from the Planning Board gave a presentation in favor of this article.

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

Unanimous, declared by the Moderator

Voted to revise its existing Zoning Map as set forth in the warrant, a copy of which has been distributed at this meeting, which is incorporated herein by reference.

Unanimous, declared by the Moderator.

**ARTICLE 2**

Voted that the Town amend the general bylaws by adding a new Chapter 155 entitled STORMWATER as follows:

155-1 PURPOSES

A.) The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

- A. Establish regulations for land development activities that preserve the health of water resources;
- B. In new development, require that the amount of stormwater runoff is equal to or less than pre-development conditions and that the quality of stormwater runoff is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to terrestrial and aquatic life;
- C. Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
- D. Encourage the use of "low impact development practices," such as reducing impervious cover and preserving greenspace and other natural areas to reduce stormwater runoff and maintain hydrologic function;

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- E. Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
- F. Establish procedures for the Town's review of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.

B.) Nothing in this Bylaw is intended to replace the requirements of either, the Town of Deerfield Environmental Regulations, Watershed Protection Districts, Flood Plain District, or any other Bylaw that has been or may be adopted by the Town of Deerfield. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

155-2 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act.

155-3 SCOPE AND APPLICABILITY

A.) 1. This Bylaw shall be applicable to all new development and redevelopment, including, site plan applications, subdivision applications and applications for earth removal permits. The bylaw shall apply to any land disturbance activities that will result in an increased amount of stormwater runoff or pollutants from a parcel or contiguous parcels of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 3B of this Bylaw. All new development and redevelopment, under the jurisdiction of this Bylaw, shall be required to obtain a Stormwater Permit. The Stormwater Permit process shall be coordinated with existing permitting, where applicable.

2. An alteration, redevelopment, or conversion of land use or activities to those with higher potential pollutant loadings such as: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, road salt storage areas, outdoor storage and loading areas of hazardous substances, railroad yards and vehicle wash bays shall require a Stormwater Permit.

3. This Bylaw is not retroactive and does not affect current or approved land development or redevelopment applications.

B.) Exemptions

No person shall alter land within the Town of Deerfield without having obtained a Stormwater Permit for the property with the following exceptions:

1. Any activity for proposed residential use that will disturb an area less than 1 (one) acre;
2. Any activity for proposed commercial, industrial or institutional use that will disturb less than 12,500 square feet;
3. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Bylaw 310 CMR 10.04. This definition of agriculture shall apply to agriculture practiced in any location in the Town;
4. Conversion of land to agricultural use for crops and/or pasture;
5. Timber harvesting;
6. Maintenance of existing landscaping, gardens or lawn areas associated with residential dwellings;
7. Construction of a single-family dwelling where approval is not required, as defined under the Subdivision Control Law and where total land disturbance is less than 1 (one) acre. Prior to land disturbing activities, persons constructing a single-family dwelling are required to notify the Town Building Commissioner about actions to reduce stormwater impacts during and after construction. Persons constructing single-family dwellings are strongly encouraged to use stormwater control and site planning methods described in the Town of Deerfield Best Development Practices Guidebook;
8. Repair or replacement of a septic system;

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9. Construction of a deck, patio, retaining wall, driveway or other impervious surface expansion, shed, accessory building, swimming pool, tennis and basketball court associated with a residential dwelling;

10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not permanently alter terrain, ground cover, or drainage patterns;

11. Emergency repairs to any Stormwater Management device or practice that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority;

12. Stormwater discharges resulting from the activities subject to this Bylaw that are wholly subject to jurisdiction under the Wetlands Protection Act and that demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Conservation Commission.

155-4 DEFINITIONS

The definitions set forth below shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. The Stormwater Authority may by its regulations adopt additional definitions in furtherance hereof.

**ACCESSORY BUILDING:** A subordinate or secondary building situated on the same lot or parcel with a principal building, the use of which is customarily incidental to that of the main building or land use.

**APPLICANT:** A property owner or agent of a property owner who has filed an application for a Stormwater Permit.

**AUTO FUELING FACILITY:** A facility dedicated to the transfer of fuels from a stationary pumping station to mobile vehicles or equipment. It includes above- or underground fuel storage facilities. In addition to general service gas stations, an auto fueling facility includes pumping stations at 24-hour convenience stores, construction sites, warehouses, car washes, manufacturing establishments, port facilities, and businesses with fleet vehicles. Stormwater contamination at fueling facilities is caused by leaks/spills of fuels, lube oils, radiator coolants, and vehicle washwater.

**AUTO SALVAGE YARD:** A facility for the dismantling, storage and/or sale of vehicles for reusable parts and fluids. Fluids associated with auto salvage yards may include, but are not limited to: drained motor oil, window cleaner, antifreeze, battery acid, hydraulic oil/fluid, transmission fluid, brake fluid and oil and water recovered from steam cleaning. These fluids may enter stormwater runoff from storage areas.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BETTER SITE DESIGN:** Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural Low Impact Development (LID) Management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for LID Management.

**BUILDING ENCLOSURE:** The building assemblies comprising the outer structure of a building that enclose living and storage spaces including walls, windows, doors, roof, floors and foundation; also, building envelope, building shell.

**CONTIGUOUS PARCELS:** Adjoining lands of common ownership, even if divided by a public road, easement, rivers or streams.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

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**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**FLEET STORAGE YARD:** A facility for the storage and maintenance of vehicles owned or operated as a unit, including but not limited to, automobiles, trucks, buses and motorcycles.

**FOREST CUTTING PLAN:** A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40 - 46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts Department of Conservation and Recreation, as provided under 304 CMR 11.04.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

**LANDSCAPING:** Landscaping includes a range of maintenance and construction activities aimed at shaping, defining, and enhancing out-door spaces and environments inhabited by people. It is practiced as both a science and an art. Landscaping involves working with functional site conditions of water, soil, seasonality, wind, and light conditions, requires a thorough knowledge of plant materials, and strives to shape our living environments to achieve aesthetic effects.

**LOW IMPACT DEVELOPMENT:** Low Impact Development (LID) is an approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID seeks to design the built environment to remain a functioning part of an ecosystem rather than exist apart from it. LID tools are used to plan and engineer urban and rural sites to maintain or restore the hydrologic and ecological functions of their watersheds.

**LOW IMPACT DEVELOPMENT (LID) CREDIT SYSTEM:** A form of incentive for developers to promote conservation of natural and open space areas. Projects that comply with prescribed requirements are allowed reductions in stormwater management requirements when they use techniques to reduce stormwater runoff at the site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS AND HANDBOOK:** The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**OUTDOOR STORAGE AND LOADING AREAS OF HAZARDOUS SUBSTANCES:** Facilities that perform the loading/unloading and outside storage of liquid and solid materials at industrial and commercial locations. These areas include, but are not limited to, shipping and receiving, outside above and below ground storage, and fueling areas. Materials transferred may include, but are not limited to, products, raw materials, intermediate products, waste materials, fuels, and scrap metals. Leaks and spills of fuels, oils, powders, organic chemicals, heavy metals, salts, acids, and alkalis during transfer are potential causes of stormwater contamination. Spills from hydraulic line breaks are a common problem at loading docks.

**OWNER:** A person with a legal or equitable interest in a property.

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**OWNERSHIP:** The state or fact of being an owner.

**PERSON:** Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Deerfield, and any other legal entity, its legal representatives, agents, or assigns.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**PRE-DEVELOPMENT:** The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**RAILROAD YARD:** A facility for the storage, maintenance, repair and movement of locomotives and rail cars. Railroad yards include terminals, switching yards, maintenance yards and all associated equipment, structures and storage areas. Pollutant sources from railroad yards can include drips/leaks of vehicle fluids onto the railroad bed, human waste disposal, litter, locomotive/railcar/equipment cleaning areas, fueling areas, outside material storage areas, the erosion and loss of soil particles from the railroad bed, maintenance and repair activities at railroad terminals, switching yards, and maintenance yards, and herbicides used for vegetation management. Waste materials can include waste oil, solvents, degreasers, antifreeze solutions, radiator flush, acids, brake fluids, soiled rags, oil filters, sulfuric acid and battery sludges, and machine chips with residual machining oil and toxic fluids/solids lost during transit. Potential pollutants include oil and grease, sediment, organic chemicals, pesticides, and metals.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, alteration, transportation or improvement exceeding land disturbance of 12,500 square feet, where the existing land use is commercial, industrial or institutional.

**ROAD SALT STORAGE AREA:** A facility for the storage of deicing materials, most commonly salts such as sodium chloride, gravel, sand and other materials that are applied to highways and roads to reduce the amount of ice during winter storm events.

**STORMWATER AUTHORITY:** The Planning Board shall be the Stormwater Authority which shall have the authority to administer, implement, and enforce these Stormwater Bylaws. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in Section 6 of these Stormwater Bylaws.

**STORMWATER PERMIT:** A permit issued by the Stormwater Authority for projects in the categories and meeting the standards defined in this Bylaw, after review of an application, plans, calculations, and other supporting documents. Projects in these categories that meet these generic standards and are properly implemented are assumed to meet the requirements and intent of this Bylaw which is designed to protect the environment of the Town of Deerfield from the deleterious affects of uncontrolled and untreated stormwater runoff.

**TIMBER HARVESTING:** Operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking danger trees and trees/logs to be cut to length, felling, limbing, bucking, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel to, from and between logging sites.

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VEHICLE WASH BAY: Facilities include automatic systems found at individual businesses or at gas stations and 24-hour convenience stores, as well as self-service car washes. Types of vehicle wash bays include tunnels, rollovers and hand-held wands. The tunnel washes are housed in a long building through which the vehicle is pulled. At a rollover wash, the vehicle remains stationary while the equipment passes over. Wands are used at self-serve car washes. Wash wastewater may contain detergents and waxes that contribute to polluted stormwater runoff. Other potential pollutants from vehicle wash bays include oil, grease and sediment.

155-6 ADMINISTRATION

A.) The Planning Board is hereby designated as the Stormwater Authority. The Stormwater Authority shall administer, implement and shall enforce this Bylaw. Any powers granted or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.

B.) Stormwater Regulations. The Stormwater Authority shall adopt, implement and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Stormwater Authority to issue such rules and regulations or a legal declaration of their invalidity by a court shall not suspend or invalidate the effect of this Bylaw.

C.) The Stormwater Authority may designate another Town Board, including, but not limited to, the Conservation Commission for the purpose of reviewing Stormwater submittals and providing recommendations to the Stormwater Authority as requested from time to time by the Stormwater Authority as its authorized agent for the purposes of reviewing all Stormwater submittals and approving Stormwater Permits for any project within that particular Board's jurisdiction.

D.) Stormwater Management Standards and Handbook. The Stormwater Authority will use the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Standards and Handbook to execute the provisions of this Bylaw. This policy and criteria shall apply to land disturbance activities in any location of the Town that require a Stormwater Permit. The Handbook includes a list of acceptable stormwater treatment practices, including specific design criteria for each. The Standards and Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically revised in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards. Where the Town of Deerfield's Stormwater Bylaw and Regulations apply standards or requirements that are stricter than those of the MA DEP Stormwater Management Standards and Handbooks, the standards and requirements of the Town of Deerfield's Stormwater Bylaw and Regulations shall apply.

E.) Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

F.) Appeals of Action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 § 4.

G.) Low Impact Development (LID) Credit System. The Stormwater Authority may adopt a LID Credit System through the Regulations authorized by this Stormwater Bylaw. This credit system will allow applicants the option, if approved by the Stormwater Authority, to take credit for the use of better site design practices for stormwater and may reduce some of the requirements specified in the criteria section of the Regulations. Failure by the Stormwater Authority to issue such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

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155-7 PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations issued as permitted under Section 5 of this Bylaw.

155-8 ENFORCEMENT

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater Regulations issued as permitted under Section 5 of this Bylaw.

155-9 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Voted to call the question.

Motion Carried, so declared the Moderator

**ARTICLE 3**

Motion the Town will vote to reduce the Community Preservation Act Property surcharge from 3% to ½% or pass any vote or votes in relations thereto

Sponsored by Citizen  
Petition

Motion was made to postpone debate until after Article 14.

Both motions did not pass, so declared the Moderator

Voted that the meeting adjourn 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 3<sup>RD</sup> day of May 2010, next at 10:00 o'clock in the forenoon, for the purpose of elections:

- One (1) Selectperson for three (3) years.
- One (1) Assessor for three (3) years.
- One (1) Deerfield Elementary School Committee Member for three (3) years.
- One (1) Elector under Oliver Smith Will for one (1) year.
- Two (2) Planning Board Members for three (3) years.
- One (1) Tilton Library Trustee for three (3) years.
- Two (2) Constables for three (3) years.

And upon closure of the polls, to reconvene to a second meeting night on Monday, May 10, 2010 at 7:00 o'clock p.m. in the Frontier Regional School Auditorium on 113 North Main Street in the Village of South Deerfield to deliberate and act upon the remaining articles on the warrant.

Motion Carried, so declared the Moderator

**ARTICLE 4**

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

Lynn Rose, Coordinator from the Hazardous Waste Committee gave a report.

**ARTICLE 5**

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, 2010 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, such borrowing shall not exceed \$1,000,000.00.

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

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**ARTICLE 6**

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 7**

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 8**

Voted that the Town acknowledge gifts made in appreciation of services rendered and deposited by the Treasurer in the General Funds of the Town, there being no conditions attached to these gifts:

Deerfield Academy -- \$ 72,500.00  
Bement School -- \$ 1,000.00  
Allen Chase Foundation/Eaglebrook -- \$26,000.00  
Historic Deerfield -- \$ 15,000.00  
Woolman Hill -- \$ 2,520.00

Motion Carried, so declared the Moderator

**ARTICLE 9**

Voted to authorize the Board of Selectmen to execute an amendment to the Franklin County Solid Waste Management District, adding the Town of Leverett to said District under the terms and conditions set forth in the warrant, a copy of which has been distributed at this meeting, which proposed amendment is incorporated herein by reference.

Motion Carried, as declared the Moderator

**ARTICLE 10**

Voted that the Town amend the Frontier Regional School District Amendment as set forth in the warrant, a copy of which has been distributed at this meeting, which proposed amendment is incorporated by reference.

Motion Carried, as declared the Moderator

**ARTICLE 11**

Voted that the Town authorize the Board of Selectmen to lease upon terms and conditions which they deem appropriate, for a term of up to twenty-five (25) years, land and space at the Town owned property at 9 Lee Road (Assessors Map 110, lot 20 and Map 110, Lot 21 the former landfill), for the purpose of a photovoltaic installation (solar panels).

Motion Carried, as declared the Moderator

**ARTICLE 12**

Voted that the Town accept the provisions of G.L. c. 40 §22F as amended relative to setting fees.

Motion Carried, as declared the Moderator

**ARTICLE 13**

Voted that the Town accept the provisions of G.L. c. 272 §73A as amended relative to the removal and repairs of gravestones or other memorials and such materials.

Motion Carried, as declared the Moderator

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**ARTICLE 14**

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

Motion Carried, as declared the Moderator

Voted the Town appropriate \$21,260 from 2011 Community Preservation Fund 2011 Estimated Revenues and \$10,740 from Community Preservation Undesignated Fund Balance for the preservation of gravestones in the Sugarloaf Street Cemetery in a manner consistent with the proposal submitted to the Community Preservation Committee by the Historical Commission in December 2009; said funds to be expended within 3 years under the direction of the Board of Selectmen and any unused funds to be returned to the Community Preservation Committee undesignated fund balance.

Motion Carried, as declared the Moderator

Voted that the Town appropriate \$17,777 from the Community Preservation Undesignated Fund Balance for the preservation of municipal records in a manner consistent with the proposal submitted to the Community Preservation Committee by the Town Clerk, Mary Stokarski in December 2009; said funds to be expended within 3 years under the direction of the Board of Selectmen, and any unused funds to be returned to the Community Preservation Committee undesignated fund balance.

Motion Carried, as declared the Moderator

Voted that the Town appropriate \$77,765 from Community Preservation Reserve for Historic Preservation and \$185,694 from Community Preservation Undesignated Fund Balance for the restoration of the Tilton Library roof, front steps and façade in a manner consistent with the term "Rehabilitation" as set forth in G.L.c.44B, section 2 and consistent with the proposal submitted to the Community Preservation Committee by the Tilton Library Trustees in December 2009; said funds to be expended within 3 years under the direction of the Board of Selectmen and any unused funds to be returned to the Community Preservation Committee undesignated fund balance.

Motion Carried, as declared the Moderator

Voted that the town appropriate \$10,000 from Community Preservation Fund 2011 Estimated Revenues for Community Preservation Committee administrative expenses.

Motion Carried, as declared the Moderator

Voted that the town transfer \$21,260.00 (10%) of the Community Preservation Fund 2011 Estimated Revenues to the Reserve for Community Housing and \$21,260.00 (10%) of the Community Preservation Fund 2011 Estimated Revenues to the Reserve for Open Space as required by General Law Chapter 44B.

Motion Carried, as declared the Moderator

Voted that the town transfer \$138,820 from the balance of Community Preservation Fund 2011 Estimated Revenues to the 2011 Community Preservation Budgeted Reserve.

Motion Carried, as declared the Moderator

**ARTICLE 15**

Voted that the Town will raise and appropriate \$483,240.00 and authorize the Selectmen to transfer as it becomes available said sum from the sewer receipts account established for such purposes for Fiscal Year 2011 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, as declared the Moderator

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**ARTICLE 16**

Voted that the Town will vote to authorize revolving funds for the Planning Board under MGL Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2010 as set forth in the warrant, a copy of which has been distributed at this meeting which is incorporated herein by reference:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2011 Spending Limit
Planning	Planning Board	Fees charged for filings	Activities and expenses related to proposal and permit reviews.	\$25,000.00
Total Spending				\$25,000.00

Motion Carried, as declared the Moderator

**ARTICLE 17**

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 voted shall be taken appropriating each amount so accepted as a single appropriation not to be exceeded.

Procedural Motion Carried, so declared the Moderator

Voted that the Town appropriate \$11,126,128.00 to fund the accepted amounts voted and to meet this appropriation transfer:

- \$7,500.00 from the Municipal Building Account.
- \$5,000.00 from the Dog License revolving fund.
- \$5,000.00 from the Title Five revolving fund.
- \$10,000.00 from the Public Health Inspections revolving fund.
- And raise and appropriate a balance of \$11,098.628.00

Unanimously voted, so declared the Moderator

**ARTICLE 18**

Voted that the Town take from Free Cash the sum of \$225.91 for the City of Newton in accord with Chapter 32, Sections 56-60 of the General Laws as amended.

Motion Carried, as declared the Moderator

**ARTICLE 19**

Voted that the Town appropriate \$112,329.00 and to meet this appropriation take \$104,500.00 from Free Cash and transfer \$7,829.00 from the Sewer Reserve Account for the capital projects and in the manner as set forth in the copy of the warrant, a copy of which has been distributed at this meeting, which capital projects and manner are incorporated herein by reference:

Item	Department	Amount	Proposed Funding
Cruiser	Police	\$29,500.00	Free Cash
Grit Removal	Waste Water Treatment	\$7,829.00	Sewer Reserve Account
Elementary School Roof	School Committee	\$50,000.00	Free Cash
Ambulance Replacement	Emergency Medical Services	\$25,000.00	Free Cash

Unanimous Vote, as declared the Moderator

ANNUAL AND SPECIAL TOWN MEETINGS  
APRIL 26, 2010 & MAY 10, 2010

**ARTICLE 20**

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 the warrant, a copy of which has been distributed at this meeting, which salaries and compensation are incorporated herein by reference.

	VOTED
Moderator, Annual Town Meeting	\$300.00
Moderator, Special Town Meeting	\$50.00
Selectmen, Chairman	\$2,500.00
Selectmen, Associate Members	\$2,200.00
Assessors, Chairman	\$2,000.00
Assessors, Associate Members	\$1,750.00
School Committee, Chairman	\$150.00
School Committee, Assoc. Members	\$100.00
Elector, Oliver Smith Will	\$20.00

**ARTICLE 21**

Voted that the Town amend the Classification Plan By-Law by deleting the Classification Plan Fiscal 2009 and Compensation Plan Fiscal 2009 and by inserting a new salary schedule entitled "Classification Plan, effective July 1, 2010" and "Compensation Plan, effective July 1, 2010" as set forth in the copy of the warrant, which has been distributed at this meeting and incorporated herein by reference.

Motion Carried, as declared the Moderator

**ARTICLE 22**

Voted that the Town take from Free Cash the amount of \$18,400.00 for the unfunded liability sick leave and vacation account.

Motion Carried, as declared the Moderator

**ARTICLE 23**

Voted that the Town take from Free Cash \$100,000.00 for the Reserve Fund of the Town, 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, 2010.

Motion Carried, as declared the Moderator

**ARTICLE 24**

Voted that the Town take from Free Cash \$35,000.00 for the purpose of funding mandated triennial recertification updates.

Motion Carried, as declared the Moderator

**ARTICLE 25**

Voted that the Town will vote to raise and appropriate \$44,099.00 for its share of the core assessment of the Franklin Regional Council of Governments.

Motion Carried, as declared the Moderator

**ARTICLE 26**

Voted that the Town raise and appropriate \$260,672.00 for the purpose of providing ambulance services in the Town of Deerfield, and to meet this appropriation transfer from ambulance receipts as they become available the sum of \$170,000.00 and raise and appropriate \$90,672.00.

Motion Carried, as declared the Moderator

ANNUAL AND SPECIAL TOWN MEETINGS  
APRIL 26, 2010 & MAY 10, 2010

**ARTICLE 27**

Voted that the town transfer the interest earned for the preceding year from the Dickinson Library Trust fund to the Tilton Library \$3,502.00 and to Frontier Regional School for Library use \$500.00.

Motion Carried, as declared the Moderator

**ARTICLE 28**

Voted that the town take from Free Cash, \$29,735.00 to provide for an out of district educational placement under M.G.L. c. 74.

Motion Carried, as declared the Moderator

**ARTICLE 29**

Voted that the Town 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, as declared the Moderator

**ARTICLE 30**

Voted that the Town present any instruction to its officers, boards, committees, commissioners:

Voted that the Town Meeting instruct the Board of Selectmen and Tilton Library Board of Trustees to carefully consider the need for viable accessibility to the upper level of the Tilton Library and consider the need for structural masonry repairs needed before proceeding with bidding for repairs to the roof and front steps of the library as voted in Article 14.

Motion Carried, as declared the Moderator

**CONCLUDING VOTE:**

Voted that the meeting adjourn at 9:15 p.m.

Motion Carried, as declared the Moderator

A true copy

Attest:

Mary A. Stokarski, Town Clerk