

# Warrant for Special Town Meeting

October 15, 2007 • Commonwealth of Massachusetts • Town of East Longmeadow

HAMPDEN, ss:

To the Constables or the Tax Collector for the Town of East Longmeadow:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town of East Longmeadow, Massachusetts to meet on Monday, October 15, 2007 at 7 o'clock in the evening, in the auditorium of the Senior High School, at which time and place action upon the following Articles will be taken:

**ARTICLE 1.** To see if the Town will vote to appropriate and transfer a sum of money for unpaid bills that were incurred and not paid in prior fiscal years; and pass any vote or take any action relative thereto.

Sponsored by: Board of Selectmen

Appropriations Committee  
Recommendation: Recommended  
*Estimated Appropriation*  
\$9,039.00

**ARTICLE 2.** To see if the Town will vote to transfer a sum of money from available funds to the School Cafeteria Fund; and pass any vote or take any action relative thereto.

Sponsored by: School Committee

Appropriations Committee  
Recommendation: Recommended  
*Estimated Appropriation*  
\$6,546.00

**ARTICLE 3.** To see if the Town will vote to appropriate and transfer a sum of money including \$45,000.00 from the Ambulance Service Control Line Item and other available funds to the Police Department Personal Services Control Line Item; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen

Appropriations Committee  
Recommendation: Recommended  
*Estimated Appropriation*  
\$90,000.00

**ARTICLE 4.** To see if the Town will vote to authorize an increase in the amount of \$20,000.00 for a total not to exceed \$60,500.00 during the fiscal year that may be expended from the Local Cable Access Revolving Fund, as approved by the Board of Selectmen; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen

Appropriations Committee  
**R e c o m m e n d a t i o n :**  
Recommendation not available at time of print.  
*Estimated Appropriation*  
\$20,000.00

**ARTICLE 5.** To see if the Town will vote to establish an annual rate of compensation for members of the Board of Library Trustees; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Library Trustees

Appropriations Committee  
**R e c o m m e n d a t i o n :**  
Recommendation not available at time of print.

**ARTICLE 6.** To see if the Town will vote to appropriate from the Community Preservation Fund annual revenues a sum or sums of money as recommended by the Community Preservation Committee for administrative expenses, community preservation projects and other permissible expenses in fiscal year 2008:

Appropriations:  
From FY 2008 estimated revenues for Committee Administrative Expenses up to 5%

Reserves:  
From FY 2008 estimated revenues for Historic Resources Reserve: 10%

From FY 2008 estimated revenues for Community Housing Reserve: 10%

From FY 2008 estimated revenues for Open Space Reserve: 10%

From FY 2008 estimated revenues for the Legally Undesignated General Reserve: 65%;

and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen and the Community Preservation Committee  
Appropriations Committee  
Recommendation: Recommended

**ARTICLE 7.** To see if the Town will vote raise and/or appropriate, transfer or otherwise provide a sum of money from the Community Preservation Fund to be expended under the jurisdiction of the Community Preservation Committee to pay all costs and expense related to, arising out of, or in any way related to the moving of the old depot building to another site; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen and the Community Preservation Committee  
Appropriations Committee  
Recommendation: Recommended

**ARTICLE 8.** To see if the Town will vote to accept the provisions of M.G.L. c. 32B, § 18 which reads as follows:

Section 18. In a governmental unit which has accepted the provisions of section ten and which accepts the provisions of this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section eleven C or section sixteen; provided, that benefits under said plan and Medicare part A and part B together shall be of comparable actuarial value to those under the retiree's existing coverage. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to

time request from any retiree, a retiree's spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for Medicare part A and part B coverage. The governmental unit shall pay any Medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan;

and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen  
Appropriations Committee  
Recommendation: Recommended

**ARTICLE 9.** To see if the Town will vote to adopt M.G.L. c. 71, § 37M which reads as follows:

Section 37M. (a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law or in a town, the annual town meeting or in a town with no town meeting, the town council.

(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a);

and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen  
Appropriations Committee  
Recommendation: Recommended

**ARTICLE 10.** To see if the Town will vote to accept the provisions of M.G.L. c. 41, § 100B which reads as follows:

Section 100B. Any city operating under a Plan D or Plan E charter which accepts this section by the affirmative vote of two thirds of all the members of its city council, and any other city which accepts this section by a majority vote of its city council with the approval of its mayor, and any town which accepts this section by a majority vote of its inhabitants at an annual town meeting or a special town meeting, may, upon written application by any of its police officers or fire fighters retired either before or after the acceptance of this section under a general or special law specifically relating to retirement for accidental disability, except a special law applicable to one person, or in the event of the death of any such police officer or fire fighter, upon written application by his widow or, if he leaves no widow, by his next of kin, indemnify, out of any funds appropriated for the purposes of this section, such police officer or fire fighter or, in the event of his death, his widow, or if he leaves no widow, his next of kin, for all reasonable

hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry incurred by such police officer or fire fighter after his retirement; provided, however, that no person shall be indemnified under this section unless a majority of the members of a panel consisting of (a) the chairman of the retirement board of the city or town, (b) the city solicitor, town counsel or other officer having similar duties or a person designated in writing by such solicitor, counsel or officer to act for him, and (c) such physician as the city or town manager or, if there is none, the mayor or selectmen in writing appoint shall, upon receipt from the applicant of due proof, certify:—(1) that the expenses for which indemnification is sought were the natural and proximate result of the disability for which the police officer or fire fighter was retired; (2) that such expenses were incurred after the acceptance of this section; (3) that the hospital, medical and surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for podiatry to which such expenses relate were rendered within six months before the filing of the application; (4) that such expenses were in no ways attributable to the use by the police officer or fire fighter of any intoxicating liquor or drug or to his being gainfully employed after retirement or to any other willful act or conduct on his part; and (5) that such expenses are reasonable under all the circumstances;

and pass any vote or take any other action relative thereto.

Appropriations Committee  
Recommendation: Not Recommended

**ARTICLE 11.** To see if the Town will vote to authorize the Town of East Longmeadow, acting by and through its Board of Public Works, to agree to indemnify Hasbro, Inc., its employees, officers, directors and agents from any damages, claims, causes of action, and costs (including, without limitation, reasonable attorney's fees and expenses) related to or arising out of (i) the injury of any persons within the Easement Area, except injuries that are the result of willful, wonton or reckless misconduct by Hasbro, Inc., its employees, officers, directors or agents, (ii) the injury of any person who trespasses onto Hasbro's other property from the Easement Area, provided that Hasbro, Inc. shall maintain its other property abutting the Easement Area in condition that is reasonably safe and is not reckless or intentionally hazardous, or (iii) damage to Hasbro's property of improvements thereon adjacent to the Easement Area caused by or related to the Town's activity within the Easement Area; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen and Board of Public Works

**ARTICLE 12.** To see if the Town will vote to amend the East Longmeadow Zoning By-laws to exempt municipal structures and uses from the provisions of the Zoning By-law; and pass any vote or take any other action relative thereto.

Sponsored by: Board of Selectmen

**ARTICLE 13.** To see if the Town will vote to authorize the Board of Selectmen, by virtue of M.G.L. c. 79, to take in fee simple for highway purposes the following street as recommended by the Board of Public works and the Planning Board:

Birch Avenue: a strip of land Forty (40) feet in width beginning at the southerly terminus of Bartlett Avenue and running easterly for a distance of approximately Six Hundred Eighty-three (683) Feet to its terminus, as shown on plans recorded in the Hampden County Registry of Deeds at Book of Plans A, Page 70; and pass any vote or take any other action relative thereto.

Sponsored by: Planning Board

**ARTICLE 14.** To see if the Town will vote to authorize the Board of Selectmen, by virtue of M.G.L. c. 79, to take in fee simple for highway purposes the following streets as recommended by the Board of Public works and the Planning Board:

#### ORCHARD ROAD

A strip of land sixty (60) feet in width beginning at the previously accepted portion of Orchard Road the point of beginning being the Southwesterly corner of Lot 13 and the Northwesterly corner of Lot 14, as shown on Book of Plans 70, page 106, being approximately Eight Hundred Ninety-five (895) feet Westerly from the Westerly side of Parker Street, thence running Westerly, Southerly, Westerly then Northerly for a distance of approximately Two Thousand Six Hundred and Eighty-five (2,685) feet as shown on Book of Plans 309, page 68 – 70 inclusive, to its' intersection with Theresa Street and the cul-de-sac as shown on plans recorded in the Hampden County Registry of Deeds Book of Plans 328, Page 2.

#### PINE GROVE CIRCLE

A strip of land sixty (60) feet in width beginning at Orchard Road thence running Northerly, then Westerly, then Southerly a distance of approximately One Thousand Nine Hundred (1,900) feet to its terminus at the intersection of Orchard Road as shown on plans recorded in the Hampden County Registry of Deeds at Book of Plans 309, Page 69;

and pass any vote or take any other action relative thereto.

Sponsored by: Planning Board

**ARTICLE 15.** To see if the Town will vote to amend the Zoning By-laws of the Town of East Longmeadow to allow home-based service business by special permit

Pursuant to G.L. c. 39, § 10, the following registered voters hereby request that the selectmen insert into the Warrant the following Article

Article I: To see if the residents of the Town of East Longmeadow will vote to amend the Zoning Bylaws as follows:

[A] To add the following definition(s):  
**HOME-BASED SERVICE BUSINESS** ["HBSB"] — A home occupation that operates from a single-family residence, or structure on an adjoining lot

*Continued on next page*

