

**TOWN OF EAST LONGMEADOW  
ANNUAL TOWN MEETING  
May 1, 2006**

In accordance with the warrant of the Selectman, the Annual Town Meeting was held in the Auditorium of the East Longmeadow High School on Monday evening, May 1 2006. Town Moderator, Mr. James Sheils, called the meeting to order at 7:16PM; there being 1,086 registered voters present. Mr. Sheils offered the opening prayer and led the assembly in the Pledge of Allegiance. He then congratulated the various elected town officials who were recently elected at the April 11<sup>th</sup> Annual Town Election.

Mr. James Driscoll, Chairman for the Board of Selectman, requested the Assembly to recognize those town employees who had anniversaries celebrated in 2005. Jim also recognized the various department heads and their staffs for their hard work and dedication throughout the past year.

Mr. Carl Ohlin, Chairman of the East Longmeadow Independence Day Parade Committee, presented a plaque to Ms. Merle Safford in honor of Ms. Safford being named Honorary Grand Marshall of the 2006 East Longmeadow Independence Day Parade. Merle was honored for her many past and present contributions to the Town of East Longmeadow, especially her work to restore the Norcross House.

Mr. Sheils then proceeded with some housekeeping issues: Location of Fire exits; Articles can be moved within the warrant if approved by a 2/3 majority vote and the introduction of Jack Claffey as Assistant Moderator for people located in the Gymnasium.

There was then a vote taken to allow The Town Moderator to determine, without a count, whether a 2/3's quorum town vote has been obtained, subject to the right of challenge by seven (7) voters as authorized the Town By-Law, Section 2.030 Chapter 13. If seven (7) or more voters challenge the vote, a teller count shall be required. This motion was recognized, seconded and voted upon. The motion passed unanimously.

## **Article 1**

### **Annual Town Election**

The annual Town Election was held on Tuesday, April 11, 2006. Mr. Sheils again recognized the officials who were voted into their respective offices.

## **Article 2**

### **Reports of Officers and Committees**

The Town Report is available in the Selectman's Office and the Town Clerk's Office at the Town Hall. The Town Report is also available in CD ROM at both before mentioned locations as well as on the Town's website, [www.eastlongmeadow.org](http://www.eastlongmeadow.org).

### Article 3

#### Appropriations Committee - Operating Budget

To hear and act on the report of the Operating Budget as recommended by the Appropriations Committee and to raise and appropriate such sums of money as may be required to carry on the business of the Town Departments for the period of July 1, 2006 through June 30, 2007:

TOWN OF EAST LONGMEADOW							
OPERATING BUDGET SUMMARY – July 1, 2006 – June 30, 2007							
UMAS CODE	Department	Personal Services F.Y. 2007	Other Expenses F.Y. 2007	Total Recommended F.Y. 2007	% Change FY07 vs. FY06	Appropriated in F.Y. 2006	Actual in F.Y. 2006
<b>Funded Expenses</b>							
292	Dog Officer	10,200	2,550	12,750	2.0%	12,500	7,779
	<i>(12,500 from Dog Fund Revolving)</i>						
12-450	Water Fund	375,269	773,250	1,148,519	6.6%	1,077,088	961,406
13-440	Sewer Fund	264,217	772,836	1,037,053	1.8%	1,018,551	853,597
	<b>Sub Total</b>	<b>649,685</b>	<b>1,548,636</b>	<b>2,198,321</b>	<b>4.3%</b>	<b>2,108,139</b>	<b>1,822,782</b>
<b>Town-Wide Expenses</b>							
132	Reserve Fund	0	200,000	200,000	0.0%	200,000	407,781
151	Law Department	28,440	37,740	66,180	34.5%	49,196	43,618
231	Ambulance Service	0	36,154	36,154	1.0%	35,795	35,412
430	Trash Collection/Disposal	0	847,813	847,813	0.0%	847,813	787,374
752	Interest on S/T Borrowing	0	15,000	15,000	0.0%	15,000	0
912	Workers' Compensation	0	143,625	143,625	-7.3%	155,000	124,891
914	Health & Life Insurance	0	3,675,249	3,675,249	9.0%	3,371,788	2,728,852
919	Employee Benefits – Other	0	279,488	279,488	6.6%	262,150	233,200
945	Liability Insurance	0	362,229	362,229	5.0%	344,980	278,891
	<b>Sub Total</b>	<b>28,440</b>	<b>5,597,298</b>	<b>5,625,738</b>	<b>6.5%</b>	<b>5,281,722</b>	<b>4,640,019</b>
<b>Capital Budget Items</b>							
710	Retirement of Debt	0	2,456,956	2,456,956	8.0%	2,274,583	1,990,000
	<i>(Water Fund 478,985.33 &amp; Sewer Fund 383,895.33)</i>						
751	Interest on L/T Debt	0	1,453,740	1,453,740	4.5%	1,391,743	1,291,382
	<i>(Water Fund 289,329.15 &amp; Sewer Fund 222,280.39)</i>						
	<b>Sub Total</b>	<b>0</b>	<b>3,910,696</b>	<b>3,910,696</b>	<b>6.7%</b>	<b>3,666,326</b>	<b>3,281,382</b>
<b>Departmental Expenditures</b>							
<b>School Committee</b>							
300	Education	17,213,424	3,786,432	20,999,856	6.3%	19,753,251	19,464,693
399	School Committee	4,200	0	4,200	0.0%	4,200	4,200
	<b>Sub Total</b>	<b>17,217,624</b>	<b>3,786,432</b>	<b>21,004,056</b>	<b>6.3%</b>	<b>19,757,451</b>	<b>19,468,893</b>
<b>Moderator</b>							
114	Town Moderator	500	150	650	0.0%	650	500
<b>Appropriations Committee</b>							
131	Appropriations Committee	2,500	500	3,000	0.0%	3,000	3,000
<b>Board of Assessors</b>							
141	Board of Assessors	143,630	14,830	158,460	17.2%	135,183	128,544
<b>Planning Board</b>							
175	Planning Board	102,295	11,241	113,536	4.0%	109,170	100,331
<b>Public Library</b>							
610	Public Library	435,465	116,825	552,290	4.9%	526,501	597,026
<b>Board of Public Works</b>							
421	Hwy/Sts – Administration	961,516	468,359	1,429,875	2.6%	1,393,469	1,595,327
423	Hwy/Sts – Snow & Ice	20,297	91,339	111,636	0.0%	111,636	202,146
422	Building Maintenance	149,830	562,086	711,916	41.8%	502,122	64,125
433	Waste Collection/Disposal	14,784	24,200	38,984	0.0%	38,984	36,272
	<b>Sub Total</b>	<b>1,146,426</b>	<b>1,145,984</b>	<b>2,292,410</b>	<b>12.0%</b>	<b>2,046,211</b>	<b>1,897,870</b>

**Article 3 cont.**

UMAS CODE	Department	Personal Services F.Y. 2007	Other Expenses F.Y. 2007	Total Recommended F.Y. 2007	% Change FY07 vs. FY06	Appropriated in F.Y. 2006	Actual in F.Y. 2006
	<b>Board of Selectmen</b>						
122	Board of Selectmen	188,357	10,860	199,217	3.0%	193,398	176,982
135 & 149	Town Accountant	157,227	30,200	187,427	6.6%	175,758	166,527
145 & 158	Treasurer/Clerk/Collector	263,016	43,350	306,366	2.0%	300,359	290,409
155	Mgmt. Information Systems	111,287	194,867	306,154	4.1%	293,999	283,994
159 & 152	Operations Support – Other	0	51,537	51,537	1.9%	50,575	30,877
160 & 113	Election & Registration	14,000	17,800	31,800	-6.6%	34,052	33,667
171 & 176	Conservation/Zoning Comm.	0	4,989	4,989	2.0%	4,892	3,491
199 & 291	Town Communications	0	11,075	11,075	2.5%	10,890	10,809
210	Police Department	1,821,112	86,083	1,907,195	11.9%	1,704,113	1,639,274
220	Fire Department	532,259	81,990	614,249	3.8%	591,649	581,635
241 & 242 243 & 244	Insp. – Buildings – Wiring – Plumbing – Weights	74,436	8,640	83,076	2.0%	81,439	71,880
519	Health Department	12,895	59,150	72,045	0.0%	72,045	36,040
541	Council on Aging	167,018	6,310	173,328	4.4%	166,007	164,236
543	Veterans	4,303	23,715	28,018	2.0%	27,469	14,411
630	Recreation Commission	109,466	28,500	137,966	2.0%	135,324	133,644
691 & 692 693	Cultural, Parade, Hist. Comm., Celebrations	0	21,180	21,180	135.2%	9,004	18,628
	<b>Sub Total</b>	<b>3,455,377</b>	<b>680,246</b>	<b>4,135,622</b>	<b>7.4%</b>	<b>3,850,892</b>	<b>3,656,505</b>
	<b>GRAND TOTALS</b>	<b>23,181,492</b>	<b>16,812,838</b>	<b>39,994,780</b>	<b>6.7%</b>	<b>37,485,245</b>	<b>35,596,852</b>

Passed Majority as declared by Town Moderator.

**Article 4****Board of Selectmen - Payment of Previous Years Bills**

Voted that the Town raise and appropriate \$78,794.68 to pay outstanding bills incurred in FY 2005 or previous years as follows:

\$ 6,989.18 Fire Expenses  
 \$ 1,753.35 Police Expenses  
 \$ 4,209.96 Building Expenses  
 \$65,842.19 Long Term Debt  
 \$78,794.68

Appropriations Committee Recommendation: Recommended  
 Passed Unanimously.

Motion made to move Article 23 to follow Article 5. Teller count was taken with a 2/3 majority needed to move the article. 712 Yes, 325 No. Motion passed to move the presentation of the article immediately after Article 5.

## Article 5

### Capital Planning Committee - Capital Budget

Voted that the Town appropriate, for the purpose of providing or otherwise constructing the Capital Items for FY2007 as contained in the chart attached to the warrant entitled Capital Planning Article; to determine whether such appropriation shall be raised by taxation, by transfer from water undesignated fund balance, by transfer from unexpended proceeds of prior bond issues of the Town, and by borrowing as described in such chart as recommended by the Capital Planning Committee and the Appropriations Committee:

<b>CAPITAL PLANNING COMMITTEE</b>			
Taxation:		\$286,543	
By Transfer (from):			
<i>Water Fund-Water Undesignated Fund Balance</i>		\$150,000	
<i>Closed Capital Projects</i>		\$829,700	
By Borrowing Under Terms of Massachusetts General Laws – Chapter 44		\$1,813,518	
<b>Total Capital</b>		<b>\$3,079,761</b>	
Project	Amount Requested	Capital Planning Committee Recommendation	Appropriations Committee Recommendation
<u>School Committee</u>			
Meadowbrook School Boiler Replacement & 2 Pumps**	168,000	168,000	168,000
Mountain View School Replace 2 Boilers & Pumps**	180,000	180,000	180,000
High School Replace 9x9 Asbestos Tiles with VCT Tiles-South Wing**	130,000	130,000	130,000
Auditorium Rigging, Asbestos, Curtain, Stage Lights**	80,000	80,000	80,000
Replace Hall Fire Doors**	79,092	79,092	79,092
Excavate Old Oil Tank & Replace****	129,000	129,000	129,000
<u>District Wide Requests</u>			
Computers**	250,000	250,000	250,000
New Bus Fleet (Year 5 of 5)****	157,543	157,543	157,543
Electrical Upgrades / Projects **	220,000	220,000	220,000
Plumbing Upgrades / Projects ***	211,223	211,223	211,223
ADA Projects / Upgrades***	70,000	70,000	70,000
<b>Sub Total Schools</b>	<b>1,674,858</b>	<b>1,674,858</b>	<b>1,674,858</b>
<u>Police</u>			
2 Crown Victoria Cruisers**	59,030	59,030	59,030
1 Crown Victoria Cruiser**	23,000	23,000	23,000
Flooring / Paint / Ceiling Tiles***	31,896	31,896	31,896
Rear Parking Lot / Lighting**	30,000	30,000	30,000
<b>Sub Total</b>	<b>143,926</b>	<b>143,926</b>	<b>143,926</b>
<u>Fire</u>			
F150 Pick-up Truck**	27,500	27,500	27,500
Repairs to Fire Engines**	36,000	36,000	36,000
<b>Sub Total</b>	<b>63,500</b>	<b>63,500</b>	<b>63,500</b>
<u>Senior Center</u>			
Replace Windows / Exterior Doors – Brick**	95,000	95,000	95,000
HVAC Upgrade / 3 Phase Electric**	240,000	240,000	240,000
Bathroom Demolition / Rebuild ADA**	75,000	75,000	75,000
<b>Sub Total</b>	<b>410,000</b>	<b>410,000</b>	<b>410,000</b>
<u>Town Hall</u>			
HVAC / Lighting / Ceiling (1 <sup>st</sup> Floor)**	35,000	35,000	35,000
Replace Windows**	60,000	60,000	60,000
<b>Sub Total</b>	<b>95,000</b>	<b>95,000</b>	<b>95,000</b>
<u>Information Technology</u>			
Fiber Phone**	25,896	25,896	25,896
<b>Sub Total</b>	<b>25,896</b>	<b>25,896</b>	<b>25,896</b>

**Article 5 cont.**

Project	Amount Requested	Capital Planning Committee Recommendation	Appropriations Committee Recommendation
<u>Sewer</u>			
Sewer Main Replacement***	134,567	134,567	134,567
Sewer Station Upgrade**	50,000	50,000	50,000
Sanitary Sewer Inflow / Infiltration***	50,000	50,000	50,000
<b>Sub Total</b>	<b>234,567</b>	<b>234,567</b>	<b>234,567</b>
<u>Water</u>			
Low Pressure Improvements***	282,014	282,014	282,014
Water Meters	150,000	150,000	150,000
<b>Sub Total</b>	<b>432,014</b>	<b>432,014</b>	<b>432,014</b>
* To be funded from Water Fund (150,000)			
** To be bonded in future periods (1,813,518)	<b>\$3,079,761</b>	<b>\$3,079,761</b>	<b>\$3,079,761</b>
*** To be funded from closed Capital Projects (\$829,700)			
**** To be funded from Taxation (\$286,543)			

Appropriations Committee Recommendation: Recommended  
Passed Unanimously.

**Article 23****Planning Board - Amend Zoning By-Laws in Business Districts**

Voted that the Town, through its Board of Selectman, amend Section 3.33 Business Districts of the zoning by-laws of the Town of East Longmeadow by adding a new paragraph as printed in the Town Warrant:

**3.333 Limitation on Size of Buildings in Business Districts.**

- 1) For all buildings located within a business district, the floor area, whether located in a single building, combination of buildings on a single parcel or multiple parcels if within three thousand (3,000) feet of each other, whether for single tenant space and/or combination of tenant's spaces, shall not exceed forty-thousand (40,000) square feet. This limitation shall be applied as follows:
  - a. In calculating the floor area of a building, there shall be included all mezzanines and basements accessible to the general public, the first floor and all stories above the first floor, and the area of all portions of the site outside of the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
  - b. The gross area of buildings on a single parcel or two or more parcels within three thousand (3,000) feet of one another shall be aggregated in the case where the buildings:
    - i. Are being used for the selling of similar or related goods, wares, merchandise or services and are operated under common management;
    - ii. Shared checkout stands, storage areas, warehouse or distribution facilities;
    - iii. Are owned, leased, possessed or otherwise controlled in any manner, directly or indirectly, by (A) the same individual(s) or entity(ies), including, but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s); or (B) by different individuals or entities, including but not limited to

- corporations, partnerships, limited liability companies or trust where such individual(s) or entity(ies) have a controlling
- iv. ownership or contractual rights with the other individual(s) or entity(ies); or
- v. Otherwise operate as associated, integrated or cooperative business enterprises.

And by amending Section 5.23, Dimensional and Density Regulations, by adding the following section:

5.235. The provisions of section 3.333 shall also apply to all buildings located in a planned business development.

And by amending Table 3-2 – Table of Dimensional Regulations, under the Business District, by adding the following new column and footnote:

**BUSINESS DISTRICT**

Any permitted use 40m000 max. size\* (sq.ft.)

Residential Use none

Planned Business Development 65,000 max size\* (sq. ft.)

\*For size limits, see Sections 3.333 and 5.235.

And amending Section 3.34 Industrial Districts, by adding the following new section:

**Limitation on size of Buildings in Industrial Districts,**

1. For all retail buildings located within an Industrial District, the floor area, whether located in a single building, combination of buildings on a single parcel, single tenant space and/or combination of tenant spaces, shall not exceed forty-thousand (40,000) square feet in size. This limitation shall be applied as follows:
  - a. In calculating the floor area of a building, there shall be included all mezzanines and basements accessible to the general public, the first floor and all stories above the first floor, and the area of all portions of the site outside of the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
  - b. The gross area of buildings on a single parcel or two or more parcels within three thousand (3,000) feet of one another shall be aggregated in the case where the buildings:
    - i. Are being used for the selling of similar or related goods, wares, merchandise or services and are operated under common management;
    - ii. Shared checkout stands, storage areas, warehouse or distribution facilities;

**Article 23 cont.**

- iii. Are owned, leased, possessed or otherwise controlled in any manner, directly or indirectly, by (A) the same individual(s) or entity(ies), including, but not limited to, corporations(s), partnership(s), limited liability company(ies) or trust(s); or (B) by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trust where such individual(s) or entity(ies) have a controlling ownership or contractual rights with the other individual(s) or entity(ies); or
- iv. Otherwise operate as associated, integrated or cooperative business enterprises.

Amend Table as 3-2, Table of Dimensional Regulations, under the Industrial District, by adding the following:

**INDUSTRIAL DISTRICT**

Industrial use  
None

Retail use  
40,000 max. size\* (sq.ft.)

Residential use  
None

Planned Business Development  
65,000 max size\* (sq.ft.)

Storage of sale of used motor vehicles  
65,000 max. size\* (sq.ft.)

\*For size limits, see Section 3.34

It is to be noted that Substitute Town Moderator Richard Brown presided over this article due to Town Moderator James Sheils involvement of his law office with this Article.

Article 23 passed 2/3 majority as declared by Substitute Town Moderator.  
999 Yes, 38 No.

## Article 6

### **Board of Selectmen - Appropriate Funds to be added to Stabilization Account**

Voted that the Town vote to raise and appropriate \$150,000.00 to be added to the Stabilization Fund Account for the purpose of setting aside funds for future capital expenditures.

Appropriations Committee Recommendation: Recommended

Capital Planning Committee: Recommended

Passed 2/3 Majority as declared by Town Moderator.

## Article 7

### **Board of Assessors - Fund the Third Year of a Multi Year Revaluation Contract**

Voted that the Town, acting through its Board of Assessors, appropriates a sum of \$53,000 to enable the Board of Assessors to fund the third year of a multi-year revaluation contract.

Appropriations Committee Recommendation: Recommended

Passed Majority as declared by Town Moderator.

## Article 8

### **Board of Public Works – Highway Construction**

Voted that the Town appropriate \$350,605.00 to be provided for by taxation, from available funds in the Treasury, for highway construction and/or reconstruction or maintenance purposes, which is to be reimbursed by the Commonwealth of Massachusetts. Said money to be expended under the jurisdiction of the Board of Public Works.

Appropriations Committee Recommendation: Recommended

Passed Unanimously.

## Article 9

### **Board of Public Works - Transfer of Funds from Water and Sewer Undesignated Fund Balance**

Voted that the Town appropriate and transfer \$768,314.48 from the water undesignated fund balance and \$606,265.72 from the sewer undesignated fund balance to the General Fund Long Term Debt and Interest Accounts to fund Water and Sewer Long Term Debt and Interest.

Appropriations Committee Recommendation: Recommended

Capital Planning Committee: Recommended

Passed Unanimously.

## Article 10

### **Board of Health - Fund Landfill Issues**

Voted the Town appropriate \$150,000.00 to fund the warrant article for landfill issues under the jurisdiction of the Board of Selectman acting as the Board of Health.

Appropriations Committee Recommendation: Recommended  
Capital Planning Committee: Recommended

Passed Unanimously.

## Article 11

### **School Committee - New Elementary School Classrooms**

Voted the Town raise and/or appropriate by borrowing or otherwise provide a sum of \$2,872,025.00 for the construction of 12 new elementary school classrooms (4 at Meadow Brook, 4 at Mapleshade and 4 at Mountainview). The funding is to come from a debt exclusion ballot vote of the Town. The Treasurer, with the approval of the Board of Selectman is authorized to borrow under Chapter 44 of the Massachusetts General Laws.

Motion made to move Article 11 prior to Article 6. Teller count was taken with a 2/3 majority needed to move the article. 493 Yes, 263 No. Motion failed to move the presentation of the article immediately before Article 6.

Appropriations Committee Recommendation: Recommended  
Capital Planning Committee: Recommended

Article 11 passed 2/3 Majority as declared by the Town Moderator to go to a ballot question.

## Article 12

### **Board of Selectmen - Senior Center Expansion / Property Acquisition**

No motion made.  
No action.

## Article 13

### **Citizen Petition - Independence Day Parade**

No motion made.  
No action.

**Article 14**

**Board of Selectmen - Revolving Fund – Local Cable Access**

Voted that the Town, acting through its Board of Selectman, to re-establish a “Local Cable Access Revolving Fund” for Fiscal Year 2007, which fund shall be separate from the General Fund, in accordance with the provisions of Chapter 75 of the Acts of 1990, which added Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the local cable access program activities, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$35,000 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed Unanimously.

**Article 15**

**Board of Selectmen - Revolving Fund – Solid Waste Disposal**

Voted that the Town, acting through its Board of Selectman/Board of Health, re-establishes a “Solid Waste Disposal Revolving Fund” for Fiscal Year 2007, which fund shall be separate from the General Fund, in accordance with the provisions of Chapter 75 of the Acts of 1990, which added Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the solid waste disposal program, without further appropriation, said funds to be expended in an amount not to exceed \$75,000 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed Unanimously.

**Article 16**

**Board of Selectmen - Revolving Fund – Center School Park**

Voted that the Town, acting through its Board of Selectman, re-establishes a “Center School Park Revolving Fund” for Fiscal Year 2007, which fund shall be separate from the General Fund, in accordance with the provisions of Chapter 75 of the Acts of 1990, which added Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the Center Hill Park development activities, as administered by the East Longmeadow Cultural Affairs Council, without further appropriation, said funds to be expended in an amount not to exceed \$20,000 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed Unanimously.

**Article 17**

**Board of Library Trustees - Revolving Fund – Library**

No motion made.

No action.

**Article 18**

**Board of Selectmen - Amend Chapter 2 of the General By-Laws for the Town**

Voted that the Town, acting through its Board of Selectman, amend Chapter 2 of the general by-laws of the Town of East Longmeadow regulating Town Meeting as printed in the Town Warrant. It is to be noted that Substitute Town Moderator Richard Brown presided over this article due to Town Moderator James Sheils position recommending passage of this Article in his capacity as Chair of the By-Law Review Committee appointed by the Board of Selectman.

**1. Section 2.010 (D)**

Delete:

(D) The meeting for the transaction of other business shall be held the first Monday in May, starting at 7 P.M.

Insert in place thereof:

(D) The meeting for the transaction of other business shall be held the third Monday in May, starting at 7 P.M.

**2. Add New Section 2.010(E) to read:**

(E) Unless for good cause, as determined by the Board of Selectmen, town Meetings shall take place at the High School.

**3. Delete Section 2.020 (B), which presently reads:**

(B) If the Annual Town Report includes a true copy of the Warrant and is distributed under the same requirements as Sec. 2.020 (A), this shall fulfill the requirements of that section.

And renumber the remaining subsections of Section 2.020

**4. Section 2.030 (A) Delete:**

(A) QUORUM. A quorum at any town meeting shall be 150 voters, except that a quorum for any adjourned town meeting or special town meeting shall be 100 voters. In the event that the necessary quorum for any regular, adjourned or special town meeting has not been attained within thirty (30) minutes after the scheduled starting time, the Moderator shall adjourn said meeting to another date and time certain. Persons entering the meeting hall shall be issued identification sufficient to distinguish voters from non-voters.

Insert in place thereof:

QUORUM. A quorum at the Annual Town Meeting shall be 150 voters, except that a quorum for any adjourned town meeting or any special town meeting shall be 100

**Article 18 cont.**

voters. In the event that the necessary quorum for any regular, adjourned or special town meeting has not been attained within thirty (30) minutes after the scheduled starting time, the Moderator shall adjourn said meeting to another date and time certain. Persons entering the meeting hall shall be issued identification sufficient to distinguish voters from non-voters. *(The only change between the two paragraphs is the word "any" before "special town meeting" in line two.)*

**5. Section 2.030 (B) I. Delete:**

- 1. The Moderator shall determine the limits of the floor for any town meeting.

Insert in place thereof:

- 1. The Moderator shall determine the limits of the floor for any Town Meeting if not covered by these by-laws or by Massachusetts law.

**6. Section 2.030(B) Delete:**

- 2. Lobbying and circulation of handbills or other voter information within the building shall be at the discretion of the Moderator.

Insert in place thereof:

- 2. No lobbying and circulation of handbills or other voter information shall take place within 150 feet of the entrance to the building in which Town Meeting is held unless authorized by the Moderator.

**7. 4. When facilities permit, seating may be provided for non-voters.**

Insert in place thereof:

- 4. Non-voters, non-resident board members and non-resident employees will be assigned seating selected by the Moderator.

**8. Add new Section 2.030(B) 9, to read:**

- 9. The Moderator shall appoint by May 1 a Deputy Moderator for a one year term.

**9. Section 2.030(C) 1. Delete**

- 1. The general rules of parliamentary procedure shall prevail in such matters not covered by law, or in these General By-laws for conducting the business of any town meeting.

Insert in place thereof:

- 1. The then-current edition of Town Meeting Time, A Handbook of Parliamentary Law, shall prevail in such matters not covered by law, or in these General By-laws for conducting the business of any town meeting.

**10. Section 2.030 (C) 5. Delete**

- 5. No person shall speak more than three times on any questions without obtaining permission of the Moderator, except to correct an error, make an explanation or to answer a question.

Insert in place thereof:

- 5. No person shall speak on any question more than two times, with a limit of three minutes each, without obtaining permission of the Moderator, except to correct an error, make an explanation, to answer a question, or to make the initial presentation of a warrant article.

**Article 18 cont.**

**11. Section 2.030 (C) 6. Delete:**

6. Persons entitled to speak shall rise and address the Moderator, remaining standing while speaking.

Insert in place thereof:

6. Within ADA Guidelines, persons entitled to speak shall rise and address the Moderator, remaining standing, using microphones when possible, while speaking. No person may speak without first being recognized by the Moderator.

**12. Section 2.030 (C) 8. Delete**

8. Every motion or amendment to the motion shall be reduced to writing

Insert in place thereof:

8. Except for procedural motions, every motion or amendment to the motion shall be reduced to writing by the presenter.

**13. Section 2.030 (C) 17.**

17. In the absence of the Moderator, or until a Temporary Moderator is elected, the Clerk of the Town shall preside.

Insert in place thereof:

17. In the absence of the Moderator, the Deputy Moderator shall preside. If the Deputy Moderator is absent, the Clerk of the Town shall preside until a Temporary Moderator is elected.

**14. Add new 2.030 (C) 18 to read:**

18. Subject to the provisions of subsection (13) relating to questioning a count, the Moderator shall have the power to declare that the requirements of a two-thirds vote have been satisfied without the necessity of a teller count if the Moderator reasonably believes such to be the result of a voice or standing vote.

Passed Majority as declared by Substitute Town Moderator.

**Article 19**

**Board of Selectmen - Amend Chapter 9 of the General By-Laws for the Town**

Voted that the Town, acting through its Board of Selectman, amend Chapter 9 of the general by-laws of the Town of East Longmeadow regulating Animal Control as printed in the Town Warrant:

Section 9.010 (C)

Animal Control (Leash Law)

Delete:

A violation of this section shall be punishable by a fine of ten dollars (\$10.00) for the first offense and twenty dollars (\$20.00) for each subsequent offense within the calendar year. The owner of any dog picked up shall pay a fee of three (\$3.00) to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be ten (\$10.00) in addition to the above described procedures, the provisions of this section may also be enforced by the Dog Officer or any police officer of the town, by non-

**Article 19 cont.**

criminal complaint pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.

Insert in place thereof:

A violation of section 9.010, including subsection (I), this section shall be punishable by a fine of ten dollars (\$10.00) for the first offense and twenty dollars (\$20.00) for each subsequent offense within the calendar year. The owner of any dog picked up shall pay a fee of twenty-five (\$25.00) to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be ten (\$10.00). In addition to the above described procedures, the provisions of this section may also be enforced by the Dog Officer or any police officer of the town, by non-criminal disposition procedure pursuant to Section 8.130.

Passed Majority as declared by Town Moderator.

**Article 20****Citizen Petition - Amend Chapter 9 of the General By-Laws for the Town**

Voted that the Town, acting through its Board of Selectman, amend Chapter 9 of the general by-laws of the Town of East Longmeadow by adding a new section as printed in the Town Warrant:

**9.025 Prolonged Confinement of Dogs Outside**

- (A) Prolonged Chaining or Tethering of Dogs is Prohibited. No person owning or keeping a dog in the town shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than six total hours in any twenty-four hour period. Nothing in this section shall be construed as prohibiting a person from walking a dog on a hand-held leash.
- (B) Permissible Outside Confinement. A person owning or keeping a dog in the town may confine such dog outside for longer than six total hours in a twenty-four hour period through the use of any of the following three methods:
1. A pen or secure enclosure, if the following conditions are met:
    - a) The pen or secure enclosure has adequate space for exercise with a dimension of at least one-hundred square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement.
    - b) The pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed.
  2. A fully fenced or otherwise securely enclosed yard wherein a dog has the ability to run but is unable to leave the enclosed yard.
  3. A trolley system or a tether attached to a pulley on a cable run if the following conditions are met:
    - a) Only one dog may be tethered to each cable run.

**Article 20 cont.**

- b) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.
  - c) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
  - d) The tether and cable run must be at least ten feet in length and mounted at least four feet but not more than seven feet above ground level.
  - e) The length of the tether from the cable run to the dog's collar or harness must allow continuous access to water and appropriate shelter as described in paragraph (C) of this by-law. The trolley system or tether must be of appropriate configuration to confine the dog to the owner's property, to prevent the trolley system or tether from extending over an object or an edge that could result in injury or strangulation of the dog; and to prevent the trolley system or there from becoming tangle with other objects or animals.
- (C) Access to Water and Shelter. Any person owning or keeping a dog in the town confined outside in accordance with Paragraph (B) of this section must provide the dog with access to water and an appropriate dog shelter. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter.
- (D) No Outside Confinement at Night. No person owning or keeping a dog in the town may leave a dog chained, tethered or confined outside between the hours of 11:00 p.m. and 6:00 a.m.
- (E) Hazardous Weather Conditions. The Dog Officer shall determine if weather conditions are hazardous to a particular dog or dogs chained, tethered or confined outside in accordance with Paragraphs (A) or (B) of this section. Upon such determination, the Dog Officer shall order the owner or keeper of the dog to provide the dog with immediate access to an approved area. The failure of the owner or keeper of a dog to provide access to an approved area pursuant to the Dog Officer's order shall constitute a violation of this section.
- (F) Consequences of Violation. A violation of this section shall be punishable by a written warning for the first offense. Subsequent offenses shall be punishable by a fine of one hundred dollars (\$100.00) each, and the Dog Officer and/or his assistant shall have the authority to impound and confine the dog in accordance with Paragraph (G) of this section. In addition to the above described procedures, the provisions of this section may also be enforced by the Dog Officer or any police officer of this town, by non-criminal complaint pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21 D.
- (G) Impounded Dogs. Animals impounded under the authority of this section shall be confined in a place suitable for the care and detention of animals, or they may be placed in the car of the holder of a kennel license, such place or holder of a kennel license to be designated by the Board of Selectmen. The owner or keeper of the dog will be notified in writing of the impoundment and will have a period of ten calendar days within which to recover the dog.

**Article 20 cont.**

The owner or keeper of the dog shall be required to pay the reasonable expense of maintaining the dog in confinement, including, but not limited to cost of boarding, feeding, medical care, and medicines. Return of the animal to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of the responsibility by the licensed owner or keeper. If the owner or keeper fails to claim the dog or perform all actions necessary for the return of the dog in said 10 days, the dog officer shall find permanent placement for the dog in a new home or rescue. If placement is not obtainable, as in the case of a vicious dog, the dog may be ordered euthanized.

- (H) Payment of Fines and Fees. Fines and fees for violation of this section shall be collected by the East Longmeadow Town Clerk and shall be turned over to the East Longmeadow Town Treasurer. Failure of the owner or keeper of the dog to tender the applicable fines or fees to the Town Clerk within thirty days shall result in the imposition of a municipal charge lien on any property in the Town of East Longmeadow owned by the dog owner or keeper.
- (I) Consequence of Multiple Violations. If any owner or keeper of a dog in the town violates this section more than five times, the Dog Officer may after a hearing, with not less than 10 days notice to owner or keeper, confiscate the dog or order the person to permanently surrender the dog for placement. If placement is not obtainable, as in the case of a vicious dog, the dog may be ordered euthanized.

Passed Majority as declared by Town Moderator.

**Article 21****Amend Chapter 8, Sec. 3 of the General By-Laws for the Town**

Voted that the Town, acting through its Board of Selectman, amend the general by-laws of the Town of East Longmeadow municipal charges lien, section 3, adopted at the May 2, 2005 Annual Town Meeting, by adding:

4. Fees for licenses and permits and penalties for violations of the rules and regulations of the Board of Health including interest and costs to record said liens in the Hampden County Registry of Deeds.

Passed Unanimously.

## Article 22

### Board of Selectmen - Amend Chapter 8 of the General By-Laws for the Town

Voted that the Town, acting through its Board of Selectman and Police Department, amend Chapter 8 of the general by-laws of the Town of East Longmeadow by adding a new section 8.809 as printed in the Town Warrant:

- A. Obstruction of Passage. No person shall remain in or block the entrance to any doorway or driveway in or about any building after being notified to move by the owner or individual in control of said premises. No person shall use or obstruct any sidewalk or public way in such a way that the public's right to travel on said sidewalk or public way is impeded, restricted or made unsafe. Refusal to move after proper notification and in the presence of a police officer will be deemed a violation of this ordinance.
- B. Prohibition of Specific Activities at Specific Locations.
1. No person shall ride, drive propel or use a sidewalk surfboard, skateboard, roller skates, in-line skates or similar items on the following public areas, public ways or sidewalks adjacent to the following streets and buildings:
    - a. Center Square Business District
      - Crane Avenue
      - Elm Street
      - Maple Court
      - Maple Street
      - North Main Street
      - Pleasant Street
      - Prospect Street
      - Shaker Road
      - Somers Road
    - b. North Main Street Business District
      - Benjamin Street
      - Harkness Avenue
      - North Main Street
    - c. Public Parking Areas
      - East Longmeadow Public Library
      - East Longmeadow Senior Center
      - East Longmeadow Town Hall
    - d. East Longmeadow Dept. of Public Works Service Building
    - e. All East Longmeadow Public Schools
      - Birchland Park Middle School
      - East Longmeadow High School
      - Mapleshade School
      - Meadowbrook School
      - Mountainview School
- C. Limitations on Use of Sidewalks and Ways.
1. No person shall engage in any recreation or activity upon any Town Sidewalk(s) and/or street(s) in a manner that endangers the safety of Pedestrian traffic.

**Article 22 cont.**

- 2. The throwing or launching of any object including but not limited to stones and snowballs, upon or across any public street or sidewalk is prohibited
- 3. All persons riding non-motorized wheeled conveyances such as bicycles, roller-skates, in-line skates (roller blades) and skateboards or any other human propelled vehicle as allowed by this by-law shall yield the right of way to pedestrians at all times.
- 4. Any individual(s) refusing to cease such activity as listed herein after being requested to do so by a police officer shall be in violation of this by-law.
- D. Exemptions. The following motorized and self-propelled vehicles shall be exempt from the provision of this by-law:
  - 1. Bicycles used by Police Officers.
  - 2. Those used to accommodate persons with disabilities.
  - 3. Children’s carriages, or personal shopping baskets or carts, delivery carts.
  - 4. Children under the age of 10 years with adult supervision riding wheeled toys, bicycles with training wheels and tricycles.
  - 5. Vehicles being used for sidewalk or lawn maintenance (e.g., snow blowers, lawnmowers).
- E. Penalties. The non-criminal disposition ticketing procedure pursuant to section 8.130 shall be used for any violation of this section and the penalty is established at \$50.00. Additionally, all types of offending items shall be confiscated from violators.

Teller count taken. 126 Yes, 130 No. Motion Failed.

**Article 23**

**Planning Board - Amend Zoning By-Laws in Business Districts**

Motion made to move Article 23 to follow Article 5. Teller count was taken with a 2/3 majority needed to move the article. 712 Yes, 325 No. Motion passed to move the presentation of the article immediately after Article 5.

Article 23 passed 2/3 Majority as declared by Substitute Town Moderator.  
999 Yes, 38 No.

**Article 24**

**Planning Board - Amend Zoning By-law, 1991 Revision, Signs**

Voted that the Town, as recommended by the Planning Board, amend Zoning By-Law, 1991 Revision, pursuant to M.G.L. Chapter 40A to make changes for the purpose of adding the paragraph to Section 5.8:

Section 5.8: Signs

No sign shall incorporate or be lighted by flashing or blinking lights, Light Emitting Diode (LED) displays or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical, electrical or computerized motion. All illumination shall have either a

**Article 24 cont.**

source of light from within or exterior to the sign and such exterior lighting shall be limited to white in color. No changeable text and/or graphic display is allowed on any sign.

Passed 2/3 Majority as declared by the Town Moderator.

**Article 25**

**Planning Board - Amend Zoning By-law, 1991 Revision, District Location and Boundaries**

Voted that the Town, as recommended by the Planning Board, amend the East Longmeadow Zoning Map titles "Zoning Districts East Longmeadow, MA" dated may, 2004, prepared by Applied Geographics, Inc., by bringing the zones and boundaries up to date, as approved in previous Town Meetings.

Passed Unanimously.

**Article 26**

**Citizen Petition - Authorize Board of Selectman to Take In Fee Simple for Highway Purposes**

No motion made.

No action.

**Article 27**

**Citizen Petition - Authorize Board of Selectman to Take In Fee Simple for Highway Purposes**

No motion made.

No action.

**Article 28**

**Citizen Petition - Authorize Board of Selectman to Take In Fee Simple for Highway Purposes**

No motion made.

No action.

**Article 29**

**Citizen Petition - Authorize Board of Selectman to Take In Fee Simple for Highway Purposes**

No motion made.

No action.

**Article 30**

**Citizen Petition - Accept Newly Constructed Roadway**

No motion made.

No action.

**Motion to Adjourn**

The Annual Town Meeting was adjourned at 10:54 p.m., the business of the Warrant having been completed.

Town Moderator James Sheils passed on his appreciation to John Claffey and Richard Brown for their assistance.

**Certificate of Quorum**

This is to certify that more than 150 Registered Voters were present at the Annual Town Meeting held on May 1, 2006. Voter attendance was recorded as follows:

Precinct 1	283
Precinct 2	290
Precinct 3	303
Precinct 4	<u>210</u>
	<b>1,086</b>

True Record: Attest:

Thomas P. Florence  
Town Clerk

*Retyped September 2015 to include language of the Warrant*