

**RECORD
TOWN OF GRANBY
SPECIAL TOWN MEETING
MARCH 04, 2013**

In accordance with the foregoing warrant, the inhabitants of the Town of Granby qualified to vote in elections and town affairs, met at the Granby Jr. Sr. High School on East State Street on March 04, 2013 at 7:00 p.m. then and there to act on the following articles, to wit:

The Moderator, Lynn Snopek Mercier opened the Special Town Meeting at 7:05 p.m. The STM was called to order at 7:06 pm a quorum was present (30 or more) 162 were in attendance at the time of opening.

The Pledge of Allegiance to the Flag was lead by the Select Board Chair, Louis Barry and the residents joined in.

The Moderator calls on the Town Clerk, Katherine A. Kelly-Regan, to certify that all the warrants were posted in accordance with the law.

The Clerk responds they have. The warrant for this Special Town Meeting was declared to be in order.

The Committees and Boards present at this STM:

Select Board: Chair, Louis M. Barry, Members, Mary A. McDowell, and Mark L. Bail, All Present sitting with the Select Board was the Town Counselor, Edward Ryan, Jr. and Town Administrator, Christopher Martin.

Finance Committee: Chair, John Libera, Jr., Members, Robert Glesmann III; James Hartley, Dana Ritter, and Scott Wilson All Present,

Historical Commission: Teresa Lajoie, Chr., Cynthia Gaspari & Theresa Johnson All Present sitting with the Historical Commission was special guest Elizabeth Rairigh, AICP Historic Preservation Planner from the Pioneer Valley Planning Commission.

Historic District: Nancy Brooks, Chr., and Teresa Lajoie and Gregg Leonard, All Present.

Planning Board: Pamela Desjardins, Chr, Members Lisa Anderson, Kevin Brooks, Charles Joe Maheu, and James Trompke All Present.

Others in attendance to represent articles were:

Russell Anderson, Fire Chief, Steve R. Nally, Treasurer and Alan Wishart, Police Chief.

Vote Counters & Checkers: Patricia Banas, Donald Blair, Jeanne Crosby, Richard Gaj, Sr., Jeanne Merrill, Debra Plath, and Nancy Sedlak.

Public Safety: James White, Police Officer on duty.

Teresa Lajoie, 160 School Street and Chair Person for the Historical Commission: she requests for an amendment to call Articles 5, and 1 out of order. Her reasoning is that Article 5, 1 and 3 all related to each other and should be voted on in that order.

The Moderator motions for an amendment to call the Articles out of order, a vote is taken on this amendment and the voters pass the amendment to present Articles 5, 1, 2 & 4 out of sequence

Passed by Majority Vote declared by the Moderator Articles 5,1,2& 4 will be presented out of order.

Ms. Lajoie also asks that the voters allow Ms. Elizabeth Rairigh from the Pioneer Valley Commission to speak on those three Articles.

The Moderator Lynn Snopek Mercier asks the voters if they would be willing to allow Ms. Rairigh to speak on Articles 5, 1 & 3, a vote is take and it passes Unanimously to allow Ms. Rairigh to speak on Articles 5, 1 & 3.

The Moderator calls for Article 5 at 7:09 pm (Article 5 was Amended to be called out of order) Motion 2nd

ARTICLE 5. move the Town vote to transfer from the General Purpose Stabilization Fund the sum of \$20,000 for the purpose of a 50/50 grant match for a Survey and Planning Grant through the Massachusetts Historic Commission.

This requires a 2/3 vote to pass. **Motion 2nd
Passed: By Hand Count
135 YES to 37 NO**

Required amount to pass 114 or greater

*Ms. Lajoie asks the Moderator to allow non-resident Ms. Elizabeth Rairigh who is representing the Pioneer Valley Commission to speak on Article 5.
Ms. Rairigh explains about Historic Planning, and the application for applying for this Federal grant that would fund 50/50 and that the deadline for filing this grant is March 13.*

*Mr. John Libera, Chair person for the Finance Committee speaks to the voters making them aware of the bad economy and although this sounds like a good plan with the economy the way it is this is not the time to file for this grant.
The Finance Committee is Not in favor for this Article.*

After a little longer discussion the article is move to motion. The Motion is 2nd and a Hand Count is collected. Article 5 Passes by Hand Count 135 Yes to 37 No.

The Moderator calls for Article 1: (Article 1 was Amended to be called out of order) Motion 2nd

ARTICLE 1. move the Town vote to authorize the Select Board to declare Kellogg Hall and rear garage available for disposition, specify any subsequent use restrictions, determine the value of and solicit proposals for disposal by sale in accordance with the provisions of M.G. L. Chapter 30B.

**Motion 2nd
Passed By Majority-Show of Hands**

ARTICLE 3. move the Town vote to transfer from the General Purpose Stabilization Fund the sum of \$50,000 for the purpose of demolishing Aldrich Hall and garage.

This requires a 2/3 vote to pass. **Motion 2nd
Passed by 2/3 Vote - Show of Hands
Declared by Moderator**

The Moderator calls for Article 2: (Article 2 was Amended to be called out of order) Motion 2nd

ARTICLE 2. move the Town vote to transfer from the General Purpose Stabilization Fund the sum of \$20,550 for the purpose of purchasing storage containers for the storage of Town records.

This requires a 2/3 vote to pass. **Motion 2nd
Passed by 2/3 Vote - Show of Hands
Declared by Moderator**

A question is asked why do we need these storage containers?

Lou Barry, Select Board Chair person, if we sell the property at Kellogg Hall we will need to store those records until we properly microfilm or send for retention to destroy, once this is

*properly completed we will use the space for other municipal storage.
A motion is called the vote is taken Article 2 Passes by 2/3 vote Declared by Moderator.*

**The Moderator calls for Article 4: (Article 4 was Amended to be called out of order)
Motion 2nd**

ARTICLE 4. move the Town vote to transfer from account #30-192-5813-ART 06/13/11 ATM Article #27 Elevator the sum of \$15,421.89 for the purpose of funding the Public Buildings Expense budget for FY2013. Motion 2nd

Passed by Majority Vote-Show of Hands

A question is asked what will this be used for?

Mary McDowell Select Board member, the money is going to used for running computer wires upstairs for the town hall located at 10 West State Street.

A motion is called the vote is taken Article 4 passes by Majority vote.

ARTICLE 6. move the Town vote to rescind spending authority and transfer the sum of \$7,714.82 from account #30-192-5813-ART 06/13/11 ATM Article #27 Elevator to the Municipal Buildings Stabilization Fund. Motion 2nd

This requires a 2/3 vote to pass.

Passed: Unanimously- Show of Hands

ARTICLE 7. move the Town vote to transfer from the General Purpose Stabilization Fund the sum of \$59,368 for the purpose of funding the Police Department Personal Services budget for FY2013. Motion 2nd

This requires a 2/3 vote to pass.

**Passed by 2/3 Vote - Show of Hands
Declared by Moderator**

Chief of Police, Alan Wishart speaks about this Article and explains that this money is for the education for the police and that the town puts in 50% and the state puts in the other half.

John Libera, Chairperson for the Finance Committee tells the voters that the Finance Committee is definitely in favor of this Article.

A motion is called Article 7 is voted on it passed by 2/3 vote Declared by the Moderator.

ARTICLE 8. the Town vote to transfer from the General Purpose Stabilization Fund the sum of \$20,000 for the purpose of hiring a consultant to conduct a Zoning/Land Use Analysis and develop a plan for the purposes of encouraging mixed use and economic development through the integration and implementation of Economic Development tools and principles in the following areas of Granby:

- 1. Route 202 corridor from South Hadley town line to the Belchertown town line, (including 5 Corners):**
 - a. Review of zoning Map, Bylaws and land uses,**
 - b. Assess for commercial/mixed use development,**
 - c. Address pre-existing nonconforming commercial uses,**
 - d. Development of commercial sign and building design guidelines to preserve small town character,**
 - e. Assess extension of S. Hadley and Belchertown sewer/water to serve commercial expansion and development,**
 - f. Develop recommendations on mixed use and commercial development.**

2. New Ludlow Rd. from S. Hadley line easterly to the South Street intersection:

- a. Review of zoning Map, Bylaws and land uses,
- b. Assess rezoning for commercial/mixed use development,
- c. Development of commercial sign and building design guidelines to preserve small town character,
- d. Assess extension of S. Hadley utilities,
- e. Develop recommendations on mixed use and commercial development,
- f. Review techniques for preserving farmland.

Motion 2nd

This requires a 2/3 vote to pass.

**Passed by 2/3 Vote - Show of Hands
Declared by Moderator**

Pamela Desjardins, Chairperson for the Planning Board asks the voters for help and to consider to vote in favor of this article.

The Planning Board will prioritize the goals from the list provided in the Master Plan on Economic Development and Housing.

It is the intention of the Planning Board to hire professional services on a needed basis to accomplish these goals.

John Libera, Finance Committee Chairperson, Mr. Libera and the Finance Committee speak out against this Article at this time and feel the Planning Board should do this in three phases by reviewing the new draft of the Master Plan, two to formally accept the resulting Master Plan and three streamline the permitting process.

This Article is discussed for sometime, resident Martin Merrill of 31 Cold Hill Dr., speaks to the voters and asks that they would consider voting in favor of this Article. We need to support this Article and take this opportunity to do this assessment so we may re-do our zoning by the required deadline of Dec. 31, 2013.

The Moderator calls for a motion it is 2nd and a vote is taken, Article 8 is Passed by 2/3 vote declared by the Moderator by Show of Hands.

ARTICLE 9. move the Town vote pursuant to Massachusetts General Law Chapter 41 Section 1B to place on the Annual Election ballot the following question:

“Shall the Town vote to have its elected Treasurer become an appointed Treasurer of the Town? Yes____ No ____”.

Motion 2nd

Passed by Majority Vote- Show of Hands

Mark Bail, Select Board Member tells the voters that this is not on the performance of the exiting Treasurer, Steven Nally, that he is doing a good job with his duties as Treasurer, this is being presented because the Department of Revenue strongly encourages that this position be appointed verses elected so in the future the town will be able to hire the most qualified candidate.

The Article is Motion and vote is taken. This Article Passes by Majority show of hands.

TO NOTE: This Article question will have to be put on the 2014 Town Election Ballot due to the fact our Annual Town Election will be held 57 days from the date of this Special Town Meeting, according to Chapter 41 B it clearly states it must be at least 60 days before this question can be placed on the Annual Town Election.

When this question is presented on the Annual Town Election Ballot it will have to pass by Majority vote in order for this Article to become effective.

ARTICLE 10. move the Town vote to authorize the SelectBoard to instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

An Act Relative to the South Hadley Fire District Number Two.

Section 1. The limits and authority of Fire District Number Two in the Towns of South Hadley and Granby, as established under chapter 239 of the acts of 1909, and as its limits and authority were extended, corrected or altered by chapter 529 of the acts of 1909, chapters 82 and 351 of the acts of 1931, chapter 127 of the acts of 1949, chapter 498 of the acts of 1954, and chapter 35 of the acts of 1957, shall, notwithstanding the provisions of the above-referenced acts or of any other general or special law to the contrary, be further amended to exclude the following locations in the Town of Granby from the fire protection services provided by said district: Amherst Road (East Side); Burnett Street; Lyn Drive; Dian Street; Jackielyn Circle; Oak Drive; Graystone Avenue; Woodside Terrace; Lakeview Avenue; and Amherst Street, numbers 375, 383, 385 and 387. Said district shall continue to provide water services to said streets and addresses in a manner consistent with the provision of water services to all other streets and addresses in the district.

There is a motion to amended section 1. Mark Dominick of 19 Aldrich Street calls to motion Article 10 Section 1 to include the houses on Aldrich Street that fall under the South Hadley Fire District Number Two.

The Moderator asks the voters if they will vote in favor to Amend Article 10 Section 1.

Motion 2nd to Amend

Article 10 Section 1- Passes Unanimously to take a vote on Article 10 as Amended.

Section 1 as Amended. *The limits and authority of Fire District Number Two in the Towns of South Hadley and Granby, as established under chapter 239 of the acts of 1909, and as its limits and authority were extended, corrected or altered by chapter 529 of the acts of 1909, chapters 82 and 351 of the acts of 1931, chapter 127 of the acts of 1949, chapter 498 of the acts of 1954, and chapter 35 of the acts of 1957, shall, notwithstanding the provisions of the above-referenced acts or of any other general or special law to the contrary, be further amended to exclude the following locations in the Town of Granby from the fire protection services provided by said district: Aldrich Street, Amherst Road (East Side); Burnett Street; Lyn Drive; Dian Street; Jackielyn Circle; Oak Drive; Graystone Avenue; Woodside Terrace; Lakeview Avenue; and Amherst Street, numbers 375, 383, 385 and 387. Said district shall continue to provide water services to said streets and addresses in a manner consistent with the provision of water services to all other streets and addresses in the district.*

Section 2. When a tax is duly voted by said district for the costs related to provision of such water services, to include water and capital improvements and repairs necessary and related thereto, the district clerk shall apportion, in accordance with the valuation of property situated in each part of said district, all and singular, such sums of money voted to be raised for such purposes, as well as for the purposes specified in chapters 239 and 529 of the acts of 1909, chapter 127 of the acts of 1949, chapter 498 of the acts of 1954, and chapter 34 of the acts of 1957, and shall render a certified copy of the vote, with the apportionment made by said clerk, to the assessors of South Hadley and Granby. Said tax shall be assessed, collected and deposited in accordance with the provisions of chapter 529 of the acts of 1909. Provided, further, however, that the streets and street addresses referenced in section 1 of this act shall not be assessed any part of the tax voted by the district for fire protection services.

Section 3. The district and towns of South Hadley and Granby may enter into an intermunicipal agreement consistent with the provisions of section 4A of chapter 40, as may be needed from time to time, to further implement the provisions of this act.

Section 4. This act shall take effect upon passage.

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments, which shall be within the scope of the general public objectives of the petition.

Motion 2nd

Article 10 is voted on as Amended and although a majority vote is all that is required for this Article to pass it was advised by legal counsel to take a hand count on this vote.

**Passed as Amended -Majority- By Hand Count
150 YES- to 5- NO**

**The Moderator motions to adjourn this STM
All in favor to adjourned:**

Motion 2nd

Passed – Unanimous- Show of Hands

The business for this STM held on March 04, 2013 has been completed, all Articles have been voted on and the Moderator officially dissolves this STM at 9:20 P.M.

There were 166 voters and 09 non-voters who showed up to support and participate in this Special Town Meeting.

Respectfully submitted,

**Katherine A. Kelly-Regan
Town Clerk, CMMC**