

## ANNUAL TOWN MEETING

The articles and motions have been sent to counsel and bond counsel for review and comments. Bond counsel has reported that the articles and motions are legal as to form.

The remaining articles requiring action are:

- Article 5 Omnibus Budget.
- Article 8 FY 2015 Budget Adjustment of \$91,109.
- Article 16 Asbestos Abatement Additional Cost of \$82,000.
- Article 19 Building Repairs for \$200,000.
- Article 34 Sale of Zatyрка Park.
- Article 35 Taxi Regulations.

The Select Board customarily divides the responsibility for speaking to each motion.

Or take any action relative thereto.

Finance Committee recommendation pending  
Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town authorize revolving funds under Massachusetts General Law Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2015 as printed in the warrant,

And further adopt the provisions of Chapter 390 of the Acts of 2014, establishing a revolving fund for tax titles,

And further raise and appropriate **\$1,800.00** to provide startup money for the tax title revolving fund.

**Article 5 (Omnibus Budget)**

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the maintenance and operation of the town in Fiscal Year 2016 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Treasurer, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

Finance Committee recommendation pending  
Select Board recommendation pending

**MOTION**

Moved that the Town raise and appropriate the sum of \$ \_\_\_\_\_,  
and appropriate from Sewer Receipts \$ \_\_\_\_\_,  
and appropriate from Water Receipts \$ \_\_\_\_\_,  
and transfer from certified Free Cash \$ \_\_\_\_\_,  
and take from MSBA Debt Fund Reserve \$ \_\_\_\_\_,  
and transfer from a gift from the Friends of the Council on Aging \$ \_\_\_\_\_,  
for the maintenance and operation of the town in fiscal year 2016 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town

Treasurer, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board, and Park and Recreation Commission, and to provide a reserve fund.

**Article 6 (Transfer of Balance of Russell School Fund)**

To see if the Town will vote to transfer from the FY 2015 Russell School Revolving Fund Account **\$93,643.86** (*Balance as of 12/1914*) to a special stabilization account for the purpose of renovating the Russell School, or take any action relative thereto.

Capital Planning Committee recommendation pending  
Finance Committee recommendation pending  
Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town transfer from the FY 2015 Russell School Revolving Fund Account **\$93,643.86** to a special stabilization account for the purpose of renovating the Russell School.

~~**Article 7 (Transfer of Balances in Unused Accounts requested 2/18 by Finance Committee)**~~

~~\_\_\_\_\_ To see if the Town will vote to transfer from the following accounts to the General Fund:~~

~~DARE Program \_\_\_\_\_ \$4,252.00~~

~~Or take any action relative thereto:~~

~~Finance Committee recommendation pending  
Select Board recommendation pending~~

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

**Article 8 (FY 2015 Operating Adjustment)**

To see if the Town will vote to transfer from Free Cash, take from funds available, or otherwise provide \_\_\_\_\_ to cover FY 2015 expenses.

	FROM	TO
210 Police Expenses	142,525	+ \$5,070*
210 Police Overtime	\$103,424	+ xxxx
423 Snow and Ice	\$168,222	+ xxxx
914 Health Insurance	\$1,073,500	+ \$20,000
916 Medicare	\$108,236	+ \$8,000

*\* Shortfall based on a 75% reimbursement on a grant that was expected to be a 100% reimbursement. 911 equipment grant for communications.*

And further, to see if the Town will vote to adjust the FY 2015 Omnibus Budget as follows:

	FROM	TO
145-5101 Treasurer Salary	\$58,293	+ xxxx
145-5113 Asst. Treasurer Salary	\$31,771	+ xxxx

And further, to see if the Town will vote to adjust the FY 2015 Omnibus Budget by transferring from Water Reserves to the Water Operating Budget **\$11,257.00** (reimbursement from the Town of Sunderland)

Or take any action relative thereto.

Finance Committee recommendation pending  
Select Board recommendation pending

<input type="checkbox"/> Motion <input type="checkbox"/> Second
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<input type="checkbox"/> Yes <input type="checkbox"/> Passover <input type="checkbox"/> No <input type="checkbox"/> Motion Amended <input type="checkbox"/> Unanimous Approved <input type="checkbox"/> Unanimous Disapproved
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**Motion**

**Article 9 (FY 2015 Sewer Emergency Appropriation)**

To see if the Town will vote to transfer from Sewer Reserves, take from funds available, or otherwise provide **\$275,000.00** to cover FY 2015 expenses associated with emergency sewer line replacement on Laurana Lane, or take any action relative thereto.

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town transfer from Capital Stabilization \$9,950.00 to survey the following municipal buildings:

- Town Hall            100 Middle Street
- DPW                    230 Middle Street
- Russell School      135 Russell Street
- Senior Center        46 Middle Street

**Article 16 (Municipal; Building Committee: Asbestos Removal)**

To see if the Town will vote to raise and appropriate, transfer from free cash, or otherwise provide a sum of money, \$XXXXXX.00, to pay for additional expenses related to the asbestos removal within the town hall building. An approval to remove the town hall asbestos was voted at the October 3, 2014 special fall town Meeting and was later authorized by a favorable Proposition 2 ½ vote, or take any action relative thereto.

- Capital Planning Committee recommendation pending
- Finance Committee recommendation pending
- Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town transfer from Free Cash \$XXXXXX.00, to pay for additional expenses related to the asbestos removal within Town Hall.

**Article 17 (Municipal Building Committee: Park and Recreation Dept and North Hadley Fire Station Relocation)**

To see if the Town will vote to authorize the Board of Selectmen to secure \$XXX.00 to fund relocation expenses for departments and equipment currently located at 239 River Drive (North Hadley Village Hall) , or take any action relative thereto.

- Capital Planning Committee recommendation pending

Finance Committee recommendation pending  
Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town transfer from Free Cash \$XXX.00 to fund relocation expenses for departments and equipment currently located at 239 River Drive (North Hadley Village Hall)

**Article 18 (Municipal Building Committee: Land Acquisition)**

To see if the Town will vote to authorize the Board of Selectmen to purchase a parcel (s) of land at Map X, Parcel Y for the town's municipal use, at the sum of \$XXXX.00, or take any action relative thereto.

Capital Planning Committee recommendation pending  
Finance Committee recommendation pending  
Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

Moved that the Town authorize the Board of Selectmen to purchase a parcel (s) of land at Map X, Parcel Y for the town's municipal use, and to transfer from \_\_\_\_\_ \$XXXX.00,

**Article 19 (Municipal Building Committee: Critical Needs Additional Expenses)**

To see if the Town will vote to raise and appropriate, transfer from Free Cash, or otherwise provide a sum of money \$\_\_\_\_\_ to repair municipal buildings, or take any other action relative thereto.

Capital Planning Committee recommendation pending  
Finance Committee recommendation pending  
Select Board recommendation pending

And, further to authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, easements to use Laurel Drive for all purposes for which public ways are used in the Town of Hadley and any and all drainage, utility, access or other easements related thereto; or take any vote in relation thereto.

Select Board recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

To see if the Town will vote to accept as a public way Laurel Drive, as heretofore laid out by the Select Board, as delineated in Article \_\_\_ of the Annual Town Meeting warrant for May 7, 2015 and incorporated by reference herein and, further authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, easements to use Laurel Drive for all purposes for which public ways are used in the Town of Hadley and any and all drainage, utility, access or other easements related thereto.

**Article 34 (Sale of Zatyрка Park)**

To see if the Town will vote to authorize the Select Board to dispose of the parcels of land located at 37 and 39 Breckenridge Road (Assessors Map 11A, Lots 1 and 2), known as Zatyрка Park and grounds, and described more particularly in deeds recorded with Hampshire County Registry of Deeds in Book 1034, Page 251, and Book 966, Page 165, upon such terms and conditions as the Board deems to be in the best interests of the Town, or take any action relative thereto.

Select Board recommendation pending  
Finance Committee recommendation pending  
Capital Planning Committee recommendation pending

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**Motion**

**Article 35 (Taxi Regulations)**

To see if the Town will vote to amend the Code of the Town of Hadley by adding the following:

# RULES AND ORDERS REGULATING THE USE AND OPERATION OF TAXI BUSINESSES IN THE TOWN OF HADLEY

Pursuant to the provisions of Section 22 of Chapter 40 of the General Laws of Massachusetts, the Select Board of the Town of Hadley hereby adopts the following rules and orders regulating the use and operation of taxi businesses in the Town of Hadley.

## Section 1. Definitions

The following words, as used in these rules and orders, unless the context or subject matter otherwise requires, shall have the following meaning:

"Town" shall refer to the Town of Hadley.

"Taxicab" shall be any vehicles used or designed to be used for the conveyance of passengers who may upon a public way request to be transported for hire.

"Taxi License" shall refer to a license granted to the owner of a taxi business.

"Taxi Driver's License" shall refer to a license to operate a taxicab.

"Select Board" is the Town's licensing authority.

## Section 2. Licenses & Permits Required

No person, firm, or corporation shall engage in, establish, or operate a business of transporting persons for hire from or within the Town without all required taxi business and taxi driver licenses. The Select Board may deny a license application for any reason set forth in these regulations or if, in the Board's determination, it will not serve the public need or interest to approve the license.

### Land Use Permit

No person, firm, or corporation shall engage in the business of transporting persons for hire in a taxicab from or within the Town with a primary business location within the Town of Hadley without first obtaining the appropriate land use permit pursuant to the Hadley Zoning Bylaw.

Individual drivers operating a taxi from a location in the Town of Hadley may also require a land use approval.

The Select Board may approve a taxi business license with a local business address outside of the Town of Hadley, but shall require that the applicant submit, as a condition of approval, a letter or other writing from the city or town's zoning enforcement officer that the proposed location for that business is in compliance with said city or town's zoning regulations.

### Taxi Business License

Once the appropriate land use permit is granted, any person, firm, or corporation engaged in the business of transporting persons for hire in a taxicab from, to, or within the Town shall obtain a taxi business license.



Application for said license shall contain the business name and address, name of business owner(s), local address from which business will be operating, description and the number of vehicle(s) to be used and any other information the Select Board shall deem necessary.

#### Taxi Drivers License

Any person desiring to operate a taxi shall obtain a taxi driver's license. The application shall contain the name, address, and telephone number of the applicant, name of the company for which the applicant will be driving, the applicant's date of birth, social security number, height, weight, hair color, eye color, a current photograph, and driver's license number and expiration date, and any other information the Select Board shall deem necessary. Said driver's license, which will contain the company name, shall be visible at all times while driver is on duty.

All license applications shall be approved by the Police Chief or his/her designee prior to being acted upon by the Select Board. All licenses shall expire on the thirty-first (31) day of December of each year and shall be in such form and subject to such terms and conditions as the Select Board may deem necessary, and further, the Select Board may at its discretion and pursuant to these Regulations, grant, deny or revoke any such license(s).

These licenses shall not be transferable without prior approval of the Select Board. If a current licensed taxi driver leaves the employment of a licensed taxi business and is hired by another licensed taxi business, such driver shall immediately notify the Chief of Police and the Chief may, subject to these Regulations, approve such revision to the license.

All taxi and driver licensees must notify the Select Board of any change of address affecting the location of residence, or business. Any taxicab or driver found to be in service with an invalid address or a different taxi business from what is represented therein shall be fined in accordance with Section 6,

#### Violations.

The Select Board may, in its discretion, establish a maximum number of taxi business and/or taxi driver (s) licenses to be issued and/or limit the number of taxi vehicles if it determines that there are a sufficient number of licenses being exercised to serve the public interest and public need. Such cap shall not in itself constitute grounds to revoke or deny renewal of a license already in use.

The Select Board shall consult with the Police Department and may review licensing information from other Massachusetts communities and from taxi businesses licensed in the Town before adopting a license cap.

#### Section 3. Vehicles

All taxicabs affected by these rules shall be properly registered, inspected, and insured per requirements of the Commonwealth. This shall include all taxicabs having a "TAXI" registration number plate as required by the Massachusetts Registry of Motor Vehicles. The Licensing Authority may order a specific vehicle to be re-inspected at any time with cause.

A permit issued under these regulations shall not authorize the operation of a livery service. A livery service is regulated by the Massachusetts Registry of Motor Vehicles pursuant to 540 CMR 2.05.

The taxi business owner shall provide the Select Board with a certificate of insurance which will include a statement from the insurance company issuing the policy identifying the vehicles covered under the policy, including vehicle identification and registration numbers and indicating that the policy shall not be canceled without a minimum of five (5) days notice to the Select Board. No license shall be released without this information. All taxicabs shall have the license placard placed in a prominent location in the taxicab, where it may easily be seen by the passenger. Additionally, a sticker displaying the Police Department's phone number for complaints and/or concerns shall be positioned in plain view.

All taxicabs affected shall display a suitable identity light on the top of the vehicle; said identity light shall be illuminated at night and shall be visible from both the front and rear of the taxicab. The business name shall be indicated on both sides of the vehicle. The interior and exterior of said vehicles shall be clean and sanitary at all times. A citation may be issued for any taxi that is unclean on the inside and or outside.

Every taxicab shall be identifiable with the word "Taxi," "Cab," or "Taxicab," the name of the vehicle for hire business permitted and the name "Town of Hadley" on both sides of the vehicle in letters not less than four (4) inches high and two (2) inches wide. All wording must be in contrasting colors to the vehicle. Taxicabs shall also display any sticker or other marking required by the Chief of Police.

If the business license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one half inch wide, painted in two conspicuous places on the taxicab in contrasting colors.

A taxicab shall not carry more persons than the maximum rating for the vehicle, as established by the manufacturer of said vehicle. No passenger may occupy the front seat unless all other seats are occupied or the passenger has a physical disability that requires front seat occupancy only.

Whenever requested by a passenger or whenever there is a dispute over a fare, the taxicab driver shall give a receipt to said passenger containing the taxicab company's name, taxi driver's full name, cab number, date, time, origin and destination of the trip and the amount charged.

All taxicabs must display two (2) "NO SMOKING" decals inside the cab.

All taxicabs are subject to inspection, without notice, by the Board of Health, Police Department, Zoning Enforcement Officer, Select Board, or duly appointed inspector for compliance with these rules and orders.

The operation of each taxicab, record keeping, conduct of taxicab drivers and operators, adherence to proper rates of hire, and compliance with all Rules and Regulations promulgated by the Select Board and Bylaws of the Town of Hadley shall be the sole and exclusive responsibility of the taxicab owners.

The possession of either a functioning or non-functioning, operating or not operating radio scanner of any type placed in any area of a taxicab is strictly prohibited and subject to fines and or license suspension. Cell phone use, including handheld device usage is prohibited for drivers while transporting passengers.

Every taxicab owner and taxicab driver while operating a taxicab shall be of and present a neat and clean appearance at all times while transporting passengers for hire.

No taxicab driver, taxi owner or employee of a taxi company shall speak in an obscene, unruly, loud or abusive manner while he/she is scheduling, dispatching or engaged in the transportation of a passenger. Nor shall a taxicab driver threaten, harass or abuse any passenger or use or attempt to use any physical force against a Passenger except in self-defense or in defense of another. A driver that gages in inappropriate language and/or behavior will be subject to a license suspension or revocation.

All taxicab driver and taxicab owners shall deliver any article left in a taxicab by any passenger to the office of the Hadley Police Department within twenty-four (24) hours of finding the same. All taxicab drivers, owners and their agents shall inform a passenger of the location of lost or mislaid property upon the owner's request. Any additional delivery cost is prohibited for delivery of items to the Police Department.

No taxicab driver shall be required nor permitted to operate a taxicab or remain on duty for more than twelve (12) hours in any twenty-four (24) consecutive hours and any such driver shall be relieved from duty for at least one period of not less than eight (8) consecutive hours during any twenty-four (24) hour period.

No taxicab driver shall eat, drink, smoke or carry a lighted cigar, cigarette, pipe or other smoking object or devise while the taxicab is occupied with a fare. There is no smoking permitted in any taxi vehicle; at anytime.

No taxicab driver shall consume, or be in possession of or under the influence of alcohol or a controlled substance, as defined by Massachusetts General Laws c. 94C §34 while operating a taxicab. No taxicab driver shall drive a taxicab while his/her ability is impaired by any prescribed or non-prescribed drug.

#### Section 4. Fares

Effective July 1, 2015 all taxi businesses licensed to operate in the Town of Hadley shall be equipped with approved metering devices and shall have these devices sealed annually by the Inspector of Weights and Measures in accordance with Mass. General Laws, Chapter 98, Section 45, and conforming to N.B.S. standards.

Each meter shall be mounted in such a manner as to allow passengers viewing of the display.

Taxi drivers are required to carry a reasonable amount of cash in small denominations to ensure proper change for customers. If a taxi driver requires change he/she will not be permitted to charge the fare any additional cost for travel time/distance in order to acquire proper change.

All taxicab owners and drivers shall extend a minimum discount of ten percent (10%) to all persons over the age of sixty-five (65).

The holder of a taxi driver license shall display all current fares and fees in the interior of the taxi cab so as to be easily seen by any passenger(s) and shall make such information available to passenger(s) or prospective passenger(s) upon request.

#### Section 5. Daily Log

A daily log shall be maintained by each taxi driver and shall contain the driver's name, vehicle identification, date and time of fare pickup, destination, and date and time of drop off. Said log shall be kept in an orderly manner and readily available for inspection by the Licensing Authority or the Police Department acting as agents for said Authority within twenty-four (24) hours of any request for such log. The Licensee shall maintain a file of said logs for a term of two (2) years.

#### Section 6. Violation

Any taxicab deemed to be in violation of these Rules and Regulations, the Massachusetts Motor Vehicle Inspection Regulations, and/or found to be in an unsafe condition shall be removed from service for thirty (30) days, after which said vehicle shall be re-inspected. If upon re-inspection the vehicle fails again, the taxi business license shall be immediately suspended and surrendered to the Chief of Police for up to one hundred twenty (120) days and subject to an additional licensing fee of one hundred (\$100.00) dollars upon reinstatement. As soon as practicable after such surrender, the Select Board shall conduct a hearing with notice to the taxi licensee to approve the length of the conditions of the suspension to be imposed.

Taxicab owners shall submit a list of all taxicabs removed from service or any reason to the Select Board within seven days (7) of their removal from service.

Violation of these rules and orders shall also be punishable by a fine of fifty (\$50) dollars for each offense. Each day in which violations of these regulations occur shall constitute

a separate offense. Violations may be enforced through the non-criminal disposition method pursuant to M.G.L. Chapter 40, Section 21d. For purposes of non-criminal dispositions, enforcing persons shall be the officers of the Police Department. The Select Board may suspend or revoke any license issued under these rules and orders for violation of any law or of this bylaw.

The Select Board may suspend a Taxi Business license or Taxi Driver license at any time if, in the opinion of the Board or the Chief of Police, any section of the law or these regulations has been violated by the license holder, or as the public health and safety so require. A license may be revoked or suspended by the Select Board, after a hearing, for a violation of the law or these regulations. The Board shall, as soon as is practicable, provide the licensee with written notice of the suspension, and inform the license holder of the right to a hearing before the Board. A request for a hearing must be made in writing within 10 days of receipt of the notice. At the hearing the licensee will have the opportunity to present testimony and other evidence and be represented by a person of his choice. The Chief of Police may, on behalf of the Select Board, immediately suspend any license when, in his determination, the public interest, health and/or safety requires it. Upon such suspension, said license shall be immediately surrendered to the Chief of Police. A request for a hearing shall not delay or terminate any such any suspension. Said hearing shall be scheduled within ten (10) business days of receipt of written request for a hearing or as soon as practicable thereafter. Said request for a hearing shall be made in writing and hand delivered or sent to the office of the Select Board, 100 Middle Street, Hadley, MA 01035 by certified or registered mail.

#### Section 8. Fees

Fees for licenses shall be those fees in effect with the Town's current fee schedule at the time of licensing.

The Select Board may revise the fees for a taxi business license or taxi driver license at any public meeting. Fees may be prorated.

Or take any action in relation thereto.

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Passover
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

#### **Motion**

Moved that the Town amend the Code of the Town of Hadley by inserting Chapter \_\_\_ relating to the establishment and operation of taxi cabs as delineated in Article \_\_\_ of the Annual Town Meeting warrant for May 7, 2015 and incorporated by reference herein.