

**Annual Town Meeting
May 12, 2018**

Voters present 140

Moderator Richard Tracy called meeting to order at 9:12 A.M and welcomed everyone to the 240th Annual Town Meeting. He asked if there were any objections to having nonresidents speak including Police Chief David White, Librarian, Lynn Blair, Town Accountant, Joe Boudreau, Administrative Assistant, Cheryl Provost Hampshire Regional and Westhampton Elementary School officials. There were no objections and the Moderator proceeded to read the warrant aloud. The Moderator then asked for an update from The Zoning Bylaw Review Committee, The Selectboard and the Public Safety Complex Review Comm.

John Shaw- Zoning Bylaw Review Committee – Wanted everyone to know that the moratorium on marijuana will expire in December. The committee is requesting anyone who is interested to please give input so all ideas can be incorporated into the new bylaw. Any ideas can be submitted to the Administrative Assistant.

Phil Dowling- Selectboard – Noted the sound system that had been given to the Town by the school years ago was able to be salvaged from the basement and with help from other residents is up and running for today’s meeting. He also noted the screen at the front of the Town Hall and the projector that he was hoping to use today for budgeting information.

Tom Cleary – Finance Committee Chair –Stated the goal of Finance Committee is to do what is best for the Town. The handouts show the Finance Committees recommendation in the orange column. The Committee is trying to plan for the future and would like to keep a steady tax rate and incorporate future capital projects.

ARTICLE 1: To hear and act on all reports presented at said meeting.
The Moderator noted the Town Report had been dedicated to Mary Holt who passed away in January.
Town Clerks report was printed incorrectly and the Deaths for 2017 were not updated and there is an insert with the correct information.

Steve Holt – Public Safety Review Committee gave an update on all the tasks that had been completed.
The Committee has planned three presentations to be given.
May 15th – Fire Department personnel.
May 22nd – Council on Aging at Town Hall.
May 30th – Town Hall
More information will be available on the Town’s website.

Phil Dowling – Capital Planning –The plan goes out for 20 years and includes any project or purchase over \$10,000.00. More information to be presented at reconvene in June.

Motion made and seconded to approve the Town Reports as amended – Motion carried

ARTICLE 2: To elect by ballot necessary officers to serve in the ensuing year and to cast their votes on question 1:

Selectboard	One for three years
Board of Assessors	One for three years
Planning Board	One for three years
Finance Committee	Four for three years
Finance Committee	One for two years
Hampshire Regional School Committee	One for three years
Elementary School Committee	One for three years
Elementary School Committee	One for one year
Moderator	One for one year
Tree Warden	One for one year
Library Trustees	Two for three years
Constable (Center District)	One for three years

Question 1:
Shall the Town of Westhampton be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to purchase a bucket loader for the Highway Department?
YES NO

No action taken at this time. The Annual Town Election is June 2, 2018 from 8:00 AM - Noon

ARTICLE 3: To see if the Town will vote to accept by unanimous consent and without debate the following five articles or any combination of them: Article 4, Care of the Highways; Article 20, Unemployment Benefits; Article 21, Fire Dept. revolving fund; Article 22, Cemetery revolving fund; Article 23, Police Dept. revolving fund.
Motion was made and seconded to accept article 3 as written – Motion carried

ARTICLE 4: To see if the Town will vote to leave the care of the highways in charge of the Selectboard.
Voted under Article 3

ARTICLE 5: To vote in compliance with Section 108, Chapter 41 G.L., which requires that salaries of elected officials be fixed by vote of the Town.
Motion made and seconded that the town vote to approve the salaries of elected officials as recommended by the Finance Committee – motion carries

Salaries Elected Officials	Chair	Members	Salary
Moderator			\$487.00
Selectboard (3)	2039.00	1543.00	\$5,125.00
Assessors (3)	3062.00	2723.00	\$8,508.00
School Committee (5)	487.00	260.00	\$1,527.00
Tree Warden			\$657.00

Discussion had on some boards that aren’t listed also deserved a stipend for all the work they perform.
Motion and second to amend and have Planning Board member receive \$300.00 per person – motion fails
Motion and second to amend the amendment to do a study over the next year to come up with a proposal – motion carries

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise provide, such sum of money as may be necessary to defray Town charges in the ensuing year.

Motion made and seconded that the town approve the budget as recommended by the Finance Committee all items that are not a separate article vote (line 9 audit, lines 45-49 schools, line 101 Unemployment, line 110 Chapter 90, line 111 IT upgrade, line 112 bucket loader, line 113 Town Hall/Annex Repairs, line 114 elementary school lighting project and line items held and voted on separately – Motion Carries
Moderator asked if there were specific questions on any line item he then proceeded to read line items and certain line items were held (H) for further discussion.

GENERAL GOVERNMENT	VOTED	
COUNSEL FEES - voted 5/12/18	20,000.00	H
MODERATOR (article 5)	487.00	
SELECTMEN SALARY (article 5)	5,125.00	
SELECTMEN EXPENSE	5,700.00	
ADMINISTRATIVE ASSISTANT - \$33,114.00- voted 5/25/18	36,814.00	H
TOWN ACCOUNTANT SALARY	15,838.00	
TOWN ACCOUNTANT EXPENSE	3,800.00	
ASSESSOR SALARY (article 5)	8,508.00	
ASSESSOR EXPENSE	8,300.00	
FIELD REV CONVERSION –voted 5/25/18	9,800.00	H
ASSESSOR ASSISTANT	15,273.00	
TREASURER SALARY	15,838.00	
TREASURER EXPENSE	5,800.00	

TAX TITLE EXPENSE	2,500.00	
TAX COLLECTOR SALARY	15,838.00	
TAX COLLECTOR EXPENSE -\$15,256.00 –voted 5/12/18	15,656.00	H
TAX TAKING EXPENSES	2,000.00	
TOWN CLERK SALARY	13,577.00	
TOWN CLERK EXPENSE	5,800.00	
CLERK, BOARD OF REGISTRARS	100.00	
CONSERVATION COMMISSION	218.00	
ZONING BOARD	600.00	
PLANNING BOARD EXPENSE	300.00	
HIGHWAYS		
HIGHWAY SALARIES	226,194.00	
HIGHWAY ADMINISTRATION	4,750.00	
HIGHWAY MATERIALS	89,000.00	
ROAD MACHINERY	41,700.00	
ROAD MACHINERY FUEL	43,050.00	
SNOW REMOVAL –voted 5/12/18	90,000.00	H
ROAD MACHINERY BLDGS	29,887.00	
TRANSFER STATION EXPENSES	55,550.00	
HILLTOWN RESOURCE MANAGEMENT COOP	6,833.00	
SCHOOLS & LIBRARIES		
SCHOOL COMMITTEE SALARY (<u>article 5</u>)	1,527.00	
LIBRARY – voted 5/12/18	92,674.00	H
VETERANS		
VETERANS EXPENSE –voted 5/12/18	14,460.00	H
VETERANS AGENT SALARY	1,781.00	
MEMORIAL DAY	200.00	
CULTURAL COUNCIL	75.00	
CEMETERIES		
CEMETERY SALARY	6,504.00	
CEMETERY COMMISSION	461.00	
PROTECTION OF PERSONS & PROPERTY		
POLICE CHIEF SALARY	32,246.00	
POLICE DEPARTMENT	60,474.00	
FIRE CHIEF	11,886.00	
EMERGENCY MANAGEMENT DIRECTOR	463.00	
FIRE DEPARTMENT	42,200.00	
SAFETY COMPLEX	13,500.00	
EMERGENCY MEDICAL SERVICES	17,000.00	
INSPECTORS COMPENSATION -voted 5/12/18	6,000.00	H
BUILDING INSPECTOR/COMMISSIONER SALARY –voted 5/12/18	15,400.00	H
INSPECTORS EXPENSE	2,270.00	
TREE WARDEN EXPENSE	2,400.00	
TREE WARDEN SALARY (<u>article 5</u>)	657.00	
ANIMAL INSPECTOR	841.00	
ANIMAL CONTROL OFFICER SALARY	1,750.00	
ANIMAL CONTROL/INSPECTOR EXPENSE	400.00	
BOARD OF HEALTH SALARY	1,230.00	
BOARD OF HEALTH EXPENSE	500.00	
FOOTHILLS HEALTH DISTRICT	20,891.00	
DEBT & INTEREST		
LONG TERM DEBT (highway truck & school roof)-\$85,000-voted 5/12/18	245,000.00	H
INTEREST ON LONG TERM DEBT	4,361.00	
UNCLASSIFIED		
INSURANCE & BONDS	84,210.00	
TOWN OFFICES	27,460.00	
INFORMATION TECHNOLOGY SUPPORT –voted 5/25/18	9,700.00	H
COUNCIL ON AGING	3,025.00	
COUNCIL ON AGING COORDINATOR	2,658.00	
HISTORICAL	1,200.00	
COUNTY RETIREMENT	200,517.00	
COUNCIL OF GOVERNMENTS	761.00	
PIONEER VALLEY PLANNING COMMISSION	260.00	
GROUP INSURANCE	396,000.00	
OPEB TRUST FUND –voted 5/12/18	5,000.00	H
MEDICARE	27,000.00	

RESERVE FUND –voted 5/12/18

TOTAL ARTICLE 6

20,000.00 H
2,169,778.00

Holds

Counsel Fees- Motion made and seconded to fund counsel fees at \$20,000 – motion carried

Administrative Assistant- Proposed by Selectboard was \$36,425.00 with an increase in hours of 2 ½ hours per week. More work with new laws and RAO responsibilities. Finance Committee does not believe the new laws generate the need for the extra hours. Job description has not changed but request is to go from 25 to 27 ½ per week.

Motion made and seconded to fund the Admin. Asst. at \$36,425.00 – motion carried

Field Rev Conversion – Discussion was had on what it is as it is a new line item this year. Finance Committee has no information. Assessors not present at meeting some explanation that it was a conversion of software.

Motion was made and seconded to hold line item until reconvene.

Tax Collectors Expense – Software bill just was received and increase was higher than expected.

Motion was made and seconded to fund Tax Collector Expenses at \$15,656.00 – Motion carried

Snow Removal – Snow is the only line item that can be deficit expended. Finance Committee reviewed cost from last 2 years and feel that \$90,000.00 is sufficient. Money will be transferred before end of year at a Special Town Meeting with money taken from free cash.

Motion was made and seconded to fund Snow Removal Expenses at \$90,000.00 – Motion carried

Library – No discussion

Motion was made and seconded to fund Library at \$92,674.00 – Motion carried

Veteran's expense – One more veteran in Town we are paying benefits to.

Motion was made and seconded to fund Veteran's Expense at \$14,460.00 – Motion carried

Inspectors Compensation –This line item pays for plumbing and electrical inspections. The inspectors get paid a set amount for each inspection they complete.

Motion was made and seconded to fund Inspectors compensation at \$6,000.00 – Motion carried

Building Inspector/Commissioner Salary – Motion was made and seconded to fund line item at recommendation of Finance Committee \$15,400 – Motion carried after discussion

Motion made and seconded to amend to \$18,000 – Motion Failed after discussion

Discussion was had on more work and new zoning bylaws will require more attention.

Selectboard would like to wait a year until he has completed a full year to get a better picture.

Jim Huston from Selectboard reminded the Selectboard that they had voted in favor of the increase to \$18,000 and did not want the vote to be based on that they had supported Finance Committee recommendation.

Motion was made and seconded to reconsider vote in light of new information.

Moderator allowed motion

Discussion was had that inspector is bringing in more fees which offsets his salary.

Selectboard is also looking to increase building fees effective July 1, 2018.

Mention was made of voting position not person.

Building Commissioners in area are making average \$32 per hour and we are paying \$26

Question was called and vote was taken Moderator declared to close to decide and asked for tellers to count vote.

Moderator called on John Zimmerman and Pat Coffey to come forward to count.

Town Clerk swore in tellers.

Motion failed 58 NO 56 Yes

Long Term Debt (highway truck & school roof)

Motion was made and seconded to move \$85,000.00

Motion made and seconded by Finance Committee to amend original motion to \$245,000.

Discussion was had that the only debt owed for FY19 is \$85,000 but in order to keep a level tax rate and be able to pay for future capital expenditures it would be good to pay off this debt that still has

2 years left on the books by adding the \$160,000.00 . This year we paid off the highway truck and garage which was \$145,000.00.

Questions

Answers

- Will this affect free cash or stabilization – NO
- What is current balance in free cash - \$324,369.00
- What is balance in stabilization - \$366,643.00

Motion for amendment from \$85,000 to \$245,000 carries

Main motion as amended to \$245,000 carries.

Information Technology Support – Motion was made and seconded to move \$9,700.00

Question as to what is this line item – Monthly IT support at \$500.00 per month which equals 5 hours. If hours are not used they rollover.

Motion carried at \$9,700.00

OPEB Trust Fund – Motion made and seconded to move \$5,000

What is it – Other Post-Employment Benefits – not including pension – outstanding liabilities to Town.

Motion carries

Reserve Fund – Motion made and seconded to move \$20,000

This fiscal year started at \$20,000 and current balance is \$3,906.65

The money used this year was \$9,400.00 to replace the furnace in Town Hall, \$3,152 for counsel fees and \$300.00 used for ZBA expenses.

Motion carries for \$20,000.00

ARTICLE 7: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money to meet Westhampton's share of Hampshire Regional School District's assessment for Fiscal 2019, or any lesser sum as may be certified by the District, provided that any such certification shall be made prior to the establishment of the tax rate, and to meet this appropriation, a sum of money be raised by taxation, or take any other action in relation thereto.

Motion was made and seconded to raise and appropriate \$1,234,318.00 – motion carried

ARTICLE 8: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money to meet Westhampton's share of Hampshire Regional School District's capital assessment for Fiscal 2019, or any lesser sum as may be certified by the District, provided that any such certification shall be made prior to the establishment of the tax rate, and to meet this appropriation, a sum of money be raised by taxation, or take any other action in relation thereto.

Motion was made and seconded to raise and appropriate \$65,475.00 – motion carried

ARTICLE 9: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for the Elementary School, or pass any vote or votes in relation thereto.

Motion was made and seconded to raise and appropriate \$1,704,401.00 – motion carried

ARTICLE 10: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for Vocational school tuition, or pass any vote or votes in relation thereto.

Motion was made and seconded to raise and appropriate \$380,000.00 –

Motion withdrawn and Article held to reconvene when better numbers will be made available

ARTICLE 11: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for Vocational school transportation, or pass any vote or votes in relation thereto.

Motion was made and seconded to raise and appropriate \$57,579.00 – motion carries

ARTICLE 12: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for Elementary School Lighting Project , and to determine whether this amount shall be raised by taxation, transferred from available funds, by borrowing, or otherwise, or take any other action in relation thereto.

Motion was made and seconded to raise and appropriate \$40,000.00 –motion carries

This is to replace all the lighting at elementary school with high efficiency LED lighting.

Cost of maintenance is lower and it will take the school 4 years to recoup the cost.

ARTICLE 13: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for a Financial Audit for the Town, or take any other action in relation thereto.

Motion was made and seconded to raise and appropriate \$7,000.00 –motion carries

ARTICLE 14: To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Fund, or take any action relative thereto. (current balance in Stabilization \$366,773.12)

Motion was made and seconded to hold this article to reconvene – motion carries

ARTICLE 15: To see if the Town will vote to appropriate a sum of \$186,450.00 as may be certified from available funds, due to the Town as Chapter 90 Highway funds, from the Transportation Bond Issue, or take any other action in relation thereto.

So moved and seconded- motion carries

ARTICLE 16: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for repairs to the town hall and annex and to determine whether this amount shall be raised by taxation, transferred from available funds, by borrowing, or otherwise, or take any other action in relation thereto.

Motion was made and seconded to raise and appropriate \$5,000.00 –motion carries

Work to be done will be replace columns in basement, snow shields on roof and stair repair.

ARTICLE 17: To see if the Town will vote to raise and appropriate or otherwise provide a sum of money for upgrades to IT infrastructure and to determine whether this amount shall be raised by taxation, transferred from available funds, by borrowing, or otherwise, or take any other action in relation thereto.

Motion was made and seconded to hold this article to reconvene – motion carries

Study was done by Northeast IT need to move the Town's data to a server or to the cloud so we have better backup.

ARTICLE 18: To see if the Town will vote to raise and appropriate or otherwise provide a sum of money for a bucket loader for the highway department and to determine whether this amount shall be raised by taxation, transferred from available funds, by borrowing, or otherwise, or take any other action in relation thereto. (2/3 majority vote required for borrowing authorization)

Motion made and seconded that the Town appropriate and borrow up to \$135,000.00 for a bucket loader for the Highway Department and to authorize the Treasurer, with approval of the Selectboard, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, § 7, or any other general or special law, contingent upon a passage of a debt exclusion ballot question. – Moderator declares motion passes by two thirds majority.

Current loader is 12 years old and Town tries to trade them at 10 years to get a better trade in.

ARTICLE 19: To see if the Town will vote to raise and appropriate or otherwise provide a sum of money for fuel storage tanks at the highway department garage and to determine whether this amount shall be raised by taxation, transferred from available funds, by borrowing, or otherwise, or take any other action in relation thereto.

Motion made and seconded to postpone this article indefinitely – motion carries

Public Safety Complex Review Committee would like to incorporate this project with their project. Police Chief David White wants it done this year as gas is leaking and he is above tank smelling the fumes.

ARTICLE 20: To see if the Town will vote to raise and appropriate, or otherwise provide \$20,000 to hold in anticipation of unemployment benefits for Town employees in accordance with Chapter 151A of the General Laws of Massachusetts.

Voted under Article 3

ARTICLE 21: To see if the Town will vote to re-authorize a revolving fund not to exceed \$2000 for the Fire Department, under MGL Chapter 44, sec 53 E1/2, or take any other action in relation thereto.

Voted under Article 3

ARTICLE 22: To see if the Town will vote to re-authorize a revolving fund not to exceed \$6000 for the Westhampton Cemetery, under MGL Chapter 44, Sec 53 E1/2, or take any other action in relation thereto.

Voted under Article 3

ARTICLE 23: To see if the Town will vote to re-authorize a revolving fund not to exceed \$8,000.00 for the Police Department School Resource Officer payroll, under MGL Chapter 44, sec 53 E1/2, or take any other action in relation thereto.

Voted under Article 3

ARTICLE 24: To see if the Town will vote to appropriate a sum of money from Free Cash to reduce the tax rate, or take any other action in relation thereto.

Motion was made and seconded to hold this article to reconvene – motion carries

ARTICLE 25: To see if the Town will vote to amend the Town of Westhampton General Bylaws as follows; proposed amendment in emboldened underline:

Article 4
Section 5 Power of appointment,
4-5-2: The Selectboard shall also appoint: (h) Cemetery Commission of three members, appointed for overlapping three-year terms, in accordance with **M.G. L. Chapter 114**, Section 27.”

(Current bylaw references M.G. L. Chapter 41, Section 27)

So moved and seconded motion carries

ARTICLE 26: To see if the Town will vote to amend the Town of Westhampton Zoning Bylaws as follows, amend Section II “Zoning Districts” to insert new district, Solar Photovoltaic District (SPD); or take any action in relation thereto. (2/3 majority vote required)

SECTION II ZONING DISTRICTS

2.0 TYPES OF DISTRICTS

For the purpose of this bylaw, the Town of Westhampton is hereby divided into the following types of districts:

- AR-----Agricultural Residential
- FPD-----Floodplain District
- WS-----Water Supply Protection District
- SPD-----Solar Photovoltaic District

This change to Zoning Bylaw creates a Solar Photovoltaic District (Assessors Map 19 parcel 8 – Westhampton capped landfill.) All other solar locations would need a special permit.

So moved and seconded – Moderator declared motion carries by 2/3 majority

ARTICLE 27: To see if the Town will vote to amend the Town of Westhampton Zoning Bylaws as follows to regulate Solar Energy Systems, amend Section III “Principal Use Regulations” Table 1 to insert a new Solar Voltaic Overlay District (SPD) and insert new sections 3.096 “Roof Mounted Solar Energy System” and 3.097 “Ground Mounted Solar Energy System”; or take any action in relation thereto. (2/3 majority vote required)

SECTION III PRINCIPAL USE SECTION

3.0 SCHEDULE OF USE REGULATIONS

TABLE 1 WESTHAMPTON SCHEDULE OF USE REGULATIONS				
BYLAW NUMBER	LAND USE AND CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICTS	
			AR	FPD WS SPD
ACCESSORY USES				
3.096	Roof Mounted Solar Energy System		See Section 5.13	

So moved and seconded – Moderator declared motion carries by 2/3 majority

ARTICLE 28: To see if the Town will vote to amend the Town of Westhampton Zoning Bylaws as follows to regulate Solar Energy Systems, amend Section V “Special Use Regulations” to insert new sections 5.13 “Roof Mounted Solar Energy System” and 5.14 “Ground Mounted Solar Energy System”; or take any action in relation thereto. (2/3 majority vote required)

SECTION V SPECIAL REGULATIONS**5.13 Roof Mounted Solar Energy System**

- i Roof Mounted systems are allowed by-right, and shall be reviewed by the Building Inspector before Issuance of a building permit.

5.14 Ground Mounted Solar Energy System

- i Purpose:
The purpose of this Section is to provide standards for the design, placement, construction, operation, monitoring, modification and removal of Ground Mounted Solar Energy System installations while addressing public safety and minimize impact on scenic, natural and historic resources.
- ii Applicability:
 - a. This Section applies to all ground mounted solar energy installation applied for after the effective date of this Section. This Section also pertains to physical modifications that alter the type, configuration, or size of these installations or related equipment.
 - b. Within the Solar Photovoltaic Overlay District only, Ground Mounted Solar Photovoltaic Installations (including Large Scale) are permitted By-Right Siting (subject to Site Plan Review) when the lot coverage of all of the arrays, structures and buildings do not exceed an aggregate of 1.5 acres. The calculations of the lot coverage area shall exclude required setbacks and wetlands. The combined area of multiple installations (new or existing) on a single lot, or adjacent lots in common ownership shall be used to determine accordance with the 1.5 acre threshold.
- iii Dimensions and Placement of Ground Mounted Solar Energy Systems:
 - a. All Ground Mounted Solar Energy Systems shall be no higher than 35 feet.
 - b. All Ground Mounted Solar Energy Systems shall meet Front setback of 50 feet, side setbacks of 20 feet, and rear setback of 20 feet.
 - c. No Ground Mounted Solar Energy System shall be placed within the 50 foot front setback.
 - d. All Ground Mounted Solar Energy Systems shall be positioned such that they do not interfere with access to, or functioning and maintenance of, existing on-site septic system components.
 - e. SMALL SCALE: A Small Scale is an Active Solar Energy System that occupies 2,100 square feet or less of surface area, (equivalent to a rated nameplate capacity of 12 KW DC or less). Small Scale Ground Mounted Solar Energy Systems are allowed By-Right, and shall be reviewed by the Building Inspector before issuance of a building permit
 - f. MEDIUM SCALE:
Medium Scale Ground Mounted Solar Energy Systems is an Active Solar System that occupies more than 2,100 but less than 32,000 square feet of surface area, (equivalent to a rated nameplate capacity of above 12 up to 200 KW DC). Medium Scale Ground Mounted Systems will require a Site Plan Review from the Site Plan Review Authority, before issuance of a building permit.

- g. **LARGE SCALE:** a Large Scale Ground Mounted Solar Energy Systems is an Active Solar System that occupies more than 32,000 square feet of surface area (equivalent to a rated nameplate capacity of above 200 KW DC). Large Scale Ground Mounted Solar Energy Systems are encouraged to be placed in the Solar Photovoltaic District. Large Scale Ground Mounted Solar Energy Systems not located in the Solar Photovoltaic District shall apply for a Site Plan Approval/Special Permit/Planning Board. Large Scale Ground Mounted Solar Energy Systems located in the Solar Photovoltaic District (SPD) require a Site Plan Review. Systems located in the (SPD) are By-Right. No Ground Mounted Solar Energy System shall be installed upon or at the Westhampton capped landfill or Transfer Station without written consent and permitting from the Massachusetts Department of Environmental Protection (DEP).
- iv **Utility Notification** - No ground mounted solar energy system installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been notified of the Solar Energy installation Project Proponent's intent to install an interconnected customer owned generator. Off grid system shall be exempt from this requirement.
- v **Dimension and Density Requirements** - Ground Mounted Solar Energy System installation shall comply with the density and dimensional requirements of Town of Westhampton Zoning Bylaws.
- vi **Structures** - All structures for Ground Mounted Solar Energy Systems shall be subject to existing bylaws. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.
- vii **Design Standards** - Projects shall be designed to:
 - a. Minimize the volume of cut and fill, the number of removed trees 10" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution.
 - b. Maximize pedestrian and vehicular safety when on the site and entering and exiting the site.
 - c. Minimize obstruction of scenic views from publicly accessible locations.
 - d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.
 - e. Minimize glare from headlights and light trespass.
 - f. Ensure adequate access to each structure for fire and service equipment and adequate provisions for utilities and stormwater drainage.
 - g. **Site Lighting** - Lighting of solar energy installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy installations shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - h. **Signage** - No signage on ground mounted solar energy installations is permitted other than those required to identify voltage and electrocution hazards as well as the owner, and provide a 24 hour emergency contact phone number. Solar energy installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy installation.
 - i. **Utility Connections** - Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar energy installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- viii **Safety Environmental Standards:**
 - a. **Emergency Services** - The ground mounted solar energy installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy installation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.

- b. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground mounted solar energy installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for ground mounted solar energy installations shall contain land requiring clearing of forest.
 - c. No topsoil shall be removed from the land parcel under consideration for ground mounted solar energy installations. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such time earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre effected by installation. A detailed earthworks estimate is a required submittal component providing this quantity is maintained.
 - d. Impact on Agricultural and Environmentally Sensitive Land - The Solar Energy Generating Installation shall be designed to minimize impact to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50% of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.
 - e. Vegetation Management - Mowing or grazing is helpful to minimize the amount and height of "fuel" available in case of fire.
 - f. All land associated with the ground mounted solar energy installation shall be covered and grown in natural vegetation. All ground surface areas beneath solar arrays and setback areas shall be pervious to maximize on-site infiltration of stormwater. Impervious paving of areas beneath solar arrays is prohibited. To the greatest extent possible, a diversity of plants species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources is prohibited. Herbicides shall be applied only by licensed personal in conformance with all applicable state regulations.
 - g. All Medium and Large Scale ground mounted solar energy system installations shall be enclosed by a secure fence to keep wildlife, and unauthorized people out of the solar field. A security locking system, approved by the fire chief, shall be in place for emergency entrance.
- ix Monitoring and Maintenance
 - a. Ground Mounted Solar Energy Installations Conditions - Project Proponent shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, fencing and integrity of security measures. The Project Proponent shall be responsible for the cost of maintaining the solar energy installation and any access road(s), unless accepted as a public way.
 - b. Modifications - All material modifications to a solar energy installation made after issuance of the required building permit shall require approval of the Site Plan Review Authority.
- x Outside Consultant Fees - In addition to the normal filing fee, the Planning Board may, "at its discretion", charge the applicant with a fee to hire "outside consultants" to assist the Board in administering and reviewing applications.
- xi Additional Requirements for Medium and Large Scale Ground Mounted Solar Energy Systems: In addition to the requirements set forth above, all Medium and Large Scale Ground Mounted Solar Energy Systems must comply with the following:
 - a. General- All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
 - b. Required Documents - Pursuant to the site plan review process, the project proponent shall provide the following documents:
 - a) A site plan showing:
 - (1) Property lines and physical features, including roads for the project site;
 - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - (3) Blueprints or drawings of the solar energy installation signed by a

Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

(4) One or three line electrical diagram detailing the solar Energy installation, associated components and electrical interconnection methods, with all Massachusetts Electric Code compliant disconnects and overcurrent devices;

(5) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

(6) Name, address, and contact information for proposed system installer;

(7) Name, address, phone number and signature of the Project Proponent;

(8) Name, contact information and signature of any agent representing the Project Proponent.

b) Stormwater Management Plan.

c) Erosion & sediment control plan.

d) Documentation of actual or prospective access and control of the project site.

e) An operation and maintenance plan.

f) Proof of liability and builder's risk insurance.

g) A public outreach plan, including the project development timeline, which indicates how the project proponents will meet the required site plan review notification procedures and otherwise inform abutters and the community.

h) Site control - The Project Proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy installation.

i) Operation and Maintenance Plan - The Project Proponent shall submit a plan for the operation and maintenance of the ground mounted solar energy installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

j) Abandonment & Decommissioning Plan - The Project Proponent shall submit a Decommissioning Plan. Any Solar Energy generating installation which has reached the end of its useful life or has been abandoned (i.e. when either it fails to complete within a commercially reasonable time (such that the power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and the plans for removal. The Abandonment & Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

1. Physical removal of all structures, equipment, buildings, security barriers and transmission lines from the site, including any material used to limit vegetation.
2. Dispose of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion the Planning Board may allow the owner or operator to leave landscaping or designed below-grade foundations in order to minimize erosion and disruption to vegetation.
4. Financial surety for Decommissioning - Proponents of Solar Energy Generating Facilities shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the estimated cost of removal in the event the town must remove the installation and remediate the landscape, in an

amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Planning Board. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive detailed itemized cost estimate of the town's estimated cost (including "prevailing wages") associated with removal and full decommissioning of the facility and the site, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal cost due to inflation at the end of the facility's useful life. Said estimated cost shall not include or deduct the value of material recycling. Said surety in its full amount shall be presented to the Planning Board prior to the Project Proponent applying for a Building Permit or the commencement of construction.

5. All legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation.

- c. Visual Impact Mitigation: the plan for a Medium or Large Scale Ground Mounted Solar Energy System shall be designed to preserve the on-site and abutting natural and developed features. In natural (undeveloped) areas, existing vegetation shall be retained to the greatest extent possible, especially where such vegetation provides a benefit to the natural environment. In developed areas, the design of the installation shall consider and incorporate human-design landscape features to the greatest extent, including contextual landscape amenities that complement the physical features of the site and abutting property. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each other. Vegetation shall be varieties native to New England and a mix of deciduous and evergreen species. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screening shall be completed prior to final approval of the installation by the Building Inspector.

- xii WAIVERS - The Planning Board may, upon the prior written request of the applicant and by a 3/4 majority affirmative vote of the full complement of the Board, waive any of the requirements of this sub-section, but must state their reasons for doing so in writing as part of their decision.

So moved and seconded

Motion and second by Wade Clement from Planning Board to amend the article as written To insert (^) of solar panels to section iii under e. SMALL SCALE-Motion withdrawn Motion and second to amend bylaw as written to insert (^) of solar panels to e. SMALL SCALE f. MEDIUM SCALE and g. LARGE SCALE Amendment Motion carries

Motion and second by Wade Clement from Planning Board to amend the article as written To delete in section iii section e, f and g item in parenthesis after of solar panels

John Shaw discussed that the sizes were needed to distinguish the different sizes. Discussion why were these changes not already submitted and that bylaw is not complete and still needs more work before it can be voted on.

Motion and second to table the Article – Motion failed

Amendment motion voted and carried

- e. SMALL SCALE: A Small Scale is an Active Solar Energy System that occupies 2,100 square feet or less of surface area **^of solar panels, (equivalent to a rated nameplate capacity of 12 KW DC or less)**. Small Scale Ground Mounted Solar Energy Systems are allowed By-Right, and shall be reviewed by the Building Inspector before issuance of a building permit

f. MEDIUM SCALE:

Medium Scale Ground Mounted Solar Energy Systems is an Active Solar System that occupies more than 2,100 but less than 32,000 square feet of surface area [^] ~~of solar panels, (equivalent to a rated nameplate capacity of above 12 up to 200 KW-DC).~~ Medium Scale Ground Mounted Systems will require a Site Plan Review from the Site Plan Review Authority, before issuance of a building permit.

g. LARGE SCALE: a Large Scale Ground Mounted Solar Energy Systems is an Active Solar System that occupies more than 32,000 square feet of surface area [^] ~~of solar panels (equivalent to a rated nameplate capacity of above 200~~

~~200 KW-DC).~~ Large Scale Ground Mounted Solar Energy Systems are encouraged to be placed in the Solar Photovoltaic District. Large Scale Ground Mounted Solar Energy Systems not located in the Solar Photovoltaic District shall apply for a Site Plan Approval/Special Permit/Planning Board. Large Scale Ground Mounted Solar Energy Systems located in the Solar Photovoltaic District (SPD) require a Site Plan Review. Systems located in the (SPD) are By-Right. No Ground Mounted Solar Energy System shall be installed upon or at the Westhampton capped landfill or Transfer Station without written consent and permitting from the Massachusetts Department of Environmental Protection (DEP).

Motion on Article 28 as amended was declared passed by 2/3 majority by Moderator

ARTICLE 29: To see if the Town will vote to amend the Town of Westhampton Zoning Bylaws as follows to regulate Solar Energy Systems, amend Section VII "Definitions" to insert new definitions; or take any action in relation thereto. (2/3 majority vote required)

DEFINITIONS:

By-Right: The siting of a development may proceed without the need for a special permit or other discretionary approval. However, development shall be subject to site plan review to determine conformance with local zoning ordinances, bylaws, federal and state building codes, and to protect the public health, safety and welfare. Siting of projects cannot be prohibited, but can be reasonably regulated by the local building inspector, local inspectors, and designated Site Plan Review Authority

Building Inspector: The lead person in a municipal building department. All other inspectors are deemed to be local inspectors in accordance with MGL, chapter 143, & section 3 & 3A. The building inspector is also the zoning enforcement officer.

Building Permit: A construction permit issued by an authorized building inspector; the building permit affirms that the project is consistent with the state and federal building codes as well as local zoning bylaws.

Project Proponent: The applicant, property owner, facility developer, operator and management entity, jointly and severally, of a project. Each of the responsible parties shall be responsible for adhering to the requirements set forth in this bylaw.

Rated Nameplate Capacity: The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

Site Plan Review: A review by the Site Plan Review Authority to determine conformance with local zoning ordinances and bylaws.

Site Plan Review Authority: The person or group designated as such by the applicable section of the bylaw to perform Site Plan Review.

Solar Energy System Installation Ground Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof mounted; may be of any size (small-, medium- or large scale).

Solar Energy System Installation Large Scale: An Active Solar Energy System that occupies 32,000 square feet or greater of surface area (equivalent to a rated nameplate capacity of above 200 KW DC).

Photovoltaic System: (also referred to as Photovoltaic Installation): An Active solar energy system that converts solar energy directly into electricity.

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight or interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System Installation Medium Scale: An Active Solar Energy System that occupies more than 2,100 but less than 32,000 square feet of surface area (equivalent to a rated nameplate capacity above 12 KC DC but less than 200 KW DC).

Solar Energy System, Off Grid: A Solar Energy System in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System Roof Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium-, or large scale).

Solar Energy System Installation Small Scale: An Active Solar Energy System that occupies 2,100 square feet or less of surface area (equivalent to a rated nameplate capacity of 12 KW DC or less).

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or save cooling.

So moved and seconded

Motion made and seconded to amend article as written by adding to DEFINITIONS

Site Plan Review Authority: add to end of sentence (^) is the Planning Board – Amendment carries

Site Plan Review Authority: The person or group designated as such by the applicable section of the bylaw to perform Site Plan Review *is the Planning Board*

Motion made and seconded to amend article as written by adding to DEFINITIONS

Solar Energy System Installation Large Scale after surface area^ Solar Panel, Solar Energy System Installation Medium Scale after surface area ^ Solar Panel and Solar Energy System Installation Small Scale after surface area ^Solar Panel – and delete the parenthesis naming the capacities - motion carries

Solar Energy System Installation Large Scale: An Active Solar Energy System that occupies 32,000 square feet or greater of surface area *of solar panel (equivalent to a rated nameplate capacity of above 200 KW DC).*

Solar Energy System Installation Medium Scale: An Active Solar Energy System that occupies more than 2,100 but less than 32,000 square feet of surface area *of solar panel (equivalent to a rated nameplate capacity above 12 KC DC but less than 200 KW DC).*

Solar Energy System Installation Small Scale :An Active Solar Energy System that occupies 2,100 square feet or less of surface area *of solar panel (equivalent to a rated nameplate capacity of 12 KW DC or less).*

Motion with amendments carries by 2/3 majority per Moderator

ARTICLE 30: To act on the following article submitted by petition;

Whereas the Commonwealth of Massachusetts Legislature Senate Bill 1305 (sponsored by state Senator Jamie Eldridge) and House Bill 3269 (sponsored by State Representative Juana Matia) powerfully articulates the protection of the civil rights and safety of all Massachusetts residents, we-the residents of the Town of Westhampton-both affirm and join solidarity with these two bills.

In accordance with the moral and ethical stance of the aforementioned Bills to protect civil rights and safety of all Massachusetts residents, we charge the governance and enforcement bodies of the Town of Westhampton to abide by the aforementioned Bills also known as Safe Communities Act.

Furthermore, by the privileged power of our vote, we-the residents of the Town of Westhampton-show decisive actions of kindness, wisdom, and compassion by calling upon the government and enforcement bodies of the Town of Westhampton to fully embody representing a Caring Community in support of Safe Communities.

So moved and seconded

Motion and second to call for a secret ballot –

Motion and second to hold article until reconvene – motion failed

Police Chief stated whatever people wanted the police will follow.

If this passes the Selectboard would send a letter to State Representative with outcome of vote.

Discussion on citizens versus residents, police should not be ICE agents, felons would not be protected.

Voters were then asked to check in and receive a ballot – Tellers were called to front to count ballots.

Motion carried 48 Yes and 46 No

Motion and second to adjourn Town Meeting to Monday June 25, 2018 at 7:30 P.M.

The motion carried and meeting adjourned at 2:20 P.M.

Respectfully submitted,

Patricia W. Cotton
Town Clerk

MEETING MINUTES ANNUAL TOWN MEETING CONTINUED JUNE 25, 2018 Voters present – 71

Meeting was called to order by Moderator Richard Tracy at 7:37 PM with a quorum present. Moderator asked for a motion to open Article 6 to take care of held items- motion carried

Field Review Conversion – Dolores Thornhill an Assessor explained that this was a one-time fee to convert software and check records for accuracy. Currently running a state run software and will convert to Tyler Software. This is a state requirement and has to be done.

Motion made and seconded to move \$9,800 for Field Conversion – motion carries

Motion was made to reconsider Building Inspectors salary –moderator asked for vote to reconsider – Moderator asked for a hand count –

Peter Montague and Brian Mulvehill were sworn in by Town Clerk to be tellers

Vote Yes -33 Vote No -15 – motion carries.

John Shaw wanted voters to know that the Selectboard had proposed \$18,000 not \$15,400 which was Finance Committee recommendation. Town Clerk read minutes from ATM that this had been discussed and revoted and failed at ATM in May.

Motion made and seconded to raise Building Inspectors Salary from 15,400 to \$18,000

Moderator requested hand vote – Yes -27 No – 32 – motion fails.

Motion made and seconded to increase Admin. Assistant salary from \$36,425 to \$36,814

Phil Dowling explained the increase was to reflect 2 ½ more hours and math was not calculated correctly – **motion Carries**

Motion was made and seconded to fund Article 6 with changes at \$2,169,778 – motion carries

Article 10 -**Motion was made and seconded to fund Article 10 – Voc. Tuition at \$380,000- motion carries**

Article 14 -**Motion was made and seconded to fund Article 14 –free cash to stabilization – at zero dollars –motion carries.**

Article 17 –**Motion was made and seconded to fund Article 17 – IT Equipment upgrade – at \$18,000 – motion carries**

This money will be used to put in a server to be used for Highway, Town Hall and Annex which currently has no backup. The server is temporary for 5-6 years when we will need to look at off-site backup possibly a cloud based application.

Article 24 – **Motion was made and seconded to transfer \$120,000 from free cash to reduce the tax rate – motion carries**

Moderator than read the list of appointments that was provided by Selectboard

RECAPITULATION	
Article 6 Budget	2,169,788
Article 7 Hampshire Regional HS Budget	1,234,318
Article 8 Hampshire Regional HS Capital Debt	65,475
Article 9 Elementary School	1,704,401
Article 10 Vocational Tuition	380,000
Article 11 Vocational Transportation	57,579
Article 12 School Lighting Project	40,000
Article 13 Financial Audit	7,000
Article 16 Repairs to Town Hall & Annex	5,000
Article 17 IT infrastructure	18,000
Article 19 Fuel Tanks	0
Article 20 Unemployment	20,000
Total raise and appropriate	5,701,551
Article 14 Stabilization fund	0
Article 15 Chapter 90 Available Funds	186,450
TOTAL APPROPRIATIONS	5,888.001
Article 24 from Free Cash to reduce tax rate	120,000

Motion was made and seconded and unanimously approved to dissolve the Annual Town Meeting at 8:22 PM.

Respectfully submitted,

Patricia W, Cotton