

# TOWN OF HAMPDEN

## Commonwealth of Massachusetts

County of Hampden

Town of Hampden

TO: Either of the Constables of the said Town of Hampden in said County:

Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hampden qualified to vote in Town Affairs, to meet at Thornton W. Burgess Middle School, Wilbraham Road, Hampden, on Monday, April 28, 2008 at seven o'clock in the evening, then and there to act on the following articles:

### **Article 1. TOWN REPORTS**

To hear the Annual Town Reports of all officers of the Town and any committee whose duty it may be to report at said meeting, and act thereon, or take any other action relative thereto.

### **Article 2. BUDGET**

To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided for by Section 108 of Chapter 41, General Laws and to raise and appropriate the necessary sums to cover same, and to raise money and make appropriations to defray the expenses of the Town for the period July 1, 2008 to June 30, 2009 or take any other action relative thereto.

*Explanation: This article presents the Advisory Committee's recommendations for appropriations to fund the FY 2009 budget.*

### **Article 3. PREVIOUS BILLS**

To see if the Town will vote to authorize the payment of any departmental bills of the year FY-07 or previous years, and will vote to raise and appropriate a sum of money therefore, or take any other action relative thereto.

*Explanation: Occasionally bills are remitted for expenses incurred in prior fiscal years.*

### **Article 4. REVOLVING FUND – BOARD OF ASSESSORS**

To see if the Town of Hampden will vote to authorize the Town, acting through its Board of Assessors to establish a revolving fund, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from fees collected, said funds to be deposited with the Town Treasurer, and with payments from the fund to be expended by the Board of Assessors to defray the costs of equipment and supplies connected with public documents, said fund not to exceed **\$2,500** for the fiscal year 2009, or take any other action relative thereto.

*Explanation: State law allows certain departments to set up accounts to collect and disburse fee revenues, and requires that Annual Town Meeting approve these accounts each year (for Articles 4 through 9).*

### **Article 5. REVOLVING FUND – BOARD OF HEALTH**

To see if the Town of Hampden will vote to authorize the Town, acting through its Board of Health, to establish a revolving fund, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½, for the purpose of receiving and expending fees paid for issuance of licenses, permits and inspections, said funds to be deposited with the Town Treasurer, and with payments from the fund to be expended by the Board of Health to defray salaries of part-time employees, said fund not to exceed **\$40,000** for the fiscal year 2009, or take any other action relative thereto.

**Article 6. REVOLVING FUND – BUILDING DEPARTMENT**

To see if the Town of Hampden will vote to authorize the Town, acting through its Board of Selectmen, to establish a revolving fund for the Building Department, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½, for the purpose of receiving fees paid for issuance of building permits, inspection fees, including weights and measures, said funds to be deposited with the Town Treasurer and with payments from the fund to be expended by the Board of Selectmen to defray salaries and expenses of part-time employees of the Building Department and consultants, said fund not to exceed **\$50,000** for the fiscal year 2009, or take any other action relative thereto.

**Article 7. REVOLVING FUND – LIBRARY TRUSTEES**

To see if the Town of Hampden will vote to authorize the Town, acting through its Library Trustees, to establish a revolving fund, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½, for the purpose of receiving fines paid for overdue, lost and/or damaged materials, said funds to be deposited with the Town Treasurer, and with payments from the fund to be expended by the Library Trustees to defray the costs of repairs and supplies and to purchase books and materials, said fund not to exceed **\$6,000** for the fiscal year 2009, or take any other action relative thereto.

**Article 8. REVOLVING FUND – COUNCIL ON AGING**

To see if the Town of Hampden will vote to authorize the Town, acting through its Council on Aging, to establish a revolving fund, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½, for the purpose of receiving proceeds from classes, programs and other fees, said funds to be deposited with the Town Treasurer, and with payments from the fund to be expended by the Council on Aging to defray the costs of classes, supplies and other necessary expenses, said fund not to exceed **\$30,000** for the fiscal year 2009, or take any other action relative thereto.

**Article 9. REVOLVING FUND – TAX COLLECTOR**

To see if the Town of Hampden will vote to authorize the Town, acting through its Tax Collector to establish a revolving fund, separate from the General Fund, in accordance with MA General Laws Chapter 44, Section 53E ½ for the purpose of receiving and expending monies from charges collected, said funds to be deposited with the Town Treasurer, and with payments from the fund to be expended by the Tax Collector to defray the costs of equipment and supplies connected with public documents, said fund not to exceed **\$2,500** for the fiscal year 2009, or take any other action relative thereto.

**Article 10. ENTERPRISE FUND TRANSFER STATION**

To see if the town will vote to appropriate a sum of money from anticipated transfer station revenues for the purpose of funding for Fiscal Year 2009 the Transfer Station Enterprise Fund established pursuant to Article 10 on the April 30, 2007 Annual Town Meeting warrant, or take any other action relative thereto.

*Explanation: The operation of the transfer station and recycling center through an Enterprise Fund requires a budget to be voted annually at the Town Meeting.*

**Article 11. COMMUNITY PRESERVATION COMMITTEE**

To hear the report and recommendations of the Community Preservation Committee, which include transfer requests, and then to see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other

expenses in fiscal year 2009 with each item to be considered a separate appropriation, or take any other action relative thereto.

*Explanation: In 2001 the town voted by ballot to accept the Community Preservation Act (CPA). The CPA provides funding through a property tax surcharge and state contribution toward projects related to open space preservation, historic preservation and affordable housing. The act provided for establishment of a local Community Preservation Committee to review projects and recommend utilization of CPA receipts to Town Meeting. This article addresses the committee's report and asks Town Meeting to act on it, including appropriations recommended by the committee.*

#### **Article 12. COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to accept the recommendations of the Community Preservation Committee for the 2<sup>nd</sup> year's appropriation of \$50,000 toward the purchase price of conservation restrictions on the so-called Kibbe Farm parcel on South Road, to be maintained in perpetuity for conservation purposes, or take any other action relative thereto.

*Explanation: In 2007 the town voted to spend \$100,000 over two years towards this purpose. Each annual payment requires Town Meeting approval.*

#### **Article 13. CONSERVATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Conservation Fund, said fund to be used for the purpose of acquiring available land for the Town for conservation purposes, if said purchase is voted upon and approved at Annual or Special Town Meeting prior to such purchase, or take any other action relative thereto.

*Explanation: The article is self explanatory.*

#### **Article 14. HIGHWAY STATE AID**

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the provisions of local aid fund distribution, the General Laws Chapter 90, Section 34, and be allowed to borrow in anticipation of reimbursement, or take any other action relative thereto.

*Explanation: The article is self explanatory.*

#### **Article 15. GENERAL BYLAW - STORMWATER**

To see if the Town will vote to amend the General By-law of the Town by accepting the following changes to Chapter XIV (A) Erosion and Sediment Control for Stormwater Management.

Replace "ordinance" with "by-law" throughout the document,

Section 2, Definitions

Delete:

"Person" is any individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision thereof.

And replace with:

"Person" is any individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public corporation or body, the Commonwealth or political subdivision to the extent permitted by law thereof.

Section 3, Applicability, item 2, Exemptions,

Delete:

- A. Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the natural resource conservation service;
- B. Any logging which is consistent with a timber management plan approved under the Forest Cutting Practice Act by Massachusetts Department of Environmental Management;
- C. Additions or modifications to existing single family structures;
- D. Developments that do not disturb more than 40,000 square feet of land, provided that they are not part of a larger common development plan;
- E. Repairs to any storm water treatment system deemed necessary by the Designated Agent;
- F. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Designated Agent; and
- G. Single family residential uses disturbing less than 40,000 square feet.

And replace with:

- A. Additions or modifications to existing single family structures;
- B. Developments that do not disturb more than 40,000 square feet of land, provided that they are not part of a larger common development plan;
- C. Repairs to any storm water treatment system deemed necessary by the Designated Agent;
- D. Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Designated Agent; and
- E. Single family residential uses disturbing less than 40,000 square feet.

Section 4, Permit Procedures and Requirements, item 1, Permit Required

Delete:

No land owner or land operator shall receive any of the building, grading, or other land development permits required for land disturbance activities, and no land owner shall commence land disturbance activities, without approval of a Stormwater Management Permit from the Designated Authority and meeting the requirements of this ordinance.

And replace with:

No land owner shall commence land disturbance activities, without approval of a Stormwater Management Permit from the Designated Authority and meeting the requirements of this ordinance.

Section 5, The Stormwater Management and Erosion Control Plan, item 1, M, (5)

Delete:

(5) notes on drawings specifying materials to be used, construction specifications and typical, and

And replace with:

(5) notes on drawings specifying materials to be used, construction specifications and typical.

Or take any other action relative thereto.

*Explanation: Some changes were recommended to the bylaw as approved at the 2007 Annual Town Meeting.*

**Article 16. LIBRARY ADDITIONAL STATE AID**

To see if the Town will vote that in Fiscal Year 2009, if State aid for the Library is received, this money will be made available for Library Trustees to use at their discretion, or take any other action relative thereto.

*Explanation: Town Meeting approval is required to permit the Library Trustees to accept State Aid for the Library use.*

**Article 17. BOARD OF ASSESSORS**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Assessor's Stabilization Fund to meet all Department of Revenue mandated programs, or take any other action relative thereto.

*Explanation: In 2006, the Town established a Stabilization Account specifically for the Assessors revaluation and field list expenditures. \$10,000 is being requested.*

**Article 18. BOARD OF ASSESSORS**

To see if the Town will transfer from the Assessor's Stabilization Fund a sum of money for the FY2009 revaluation, or take any other action relative thereto.

*Explanation: \$6,500 is needed to complete the required Full List and Measure of all properties in Hampden.*

**Article 19. BOARD OF ASSESSORS**

To see if the Town will accept MA General Laws Chapter 59 Section 5 (54) added by Chapter 159 of the Acts of 2000 to exempt personal property accounts under \$5,000 in value.

**Article 20. DARE PROGRAM**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to fund the DARE program at Thornton W. Burgess School, or take any other action relative thereto.

*Explanation: Estimated cost \$6,000.*

**Article 21. GENERAL BYLAW**

To see if the Town will vote to amend the General Bylaws of the Town by striking the present Chapter VIII, Protection of Persons or Property, Section 5 and replacing it with the following:

The purpose of this section is to regulate and control unregistered and disassembled motor vehicles within the Town of Hampden, to protect the views along our publicly traveled ways and to keep the visual impact of such vehicles on the neighborhood to a minimum. Any motor vehicle which does not have a displayed valid license plate will be considered unregistered for enforcement of this chapter.

1. Keeping more than one unregistered vehicle prohibited; exceptions.

The keeping of more than one unregistered automobile or truck, assembled or disassembled, on any premises shall not be permitted within the R-4 or R-6 District, unless the said automobiles or trucks are stored within an enclosed building.

2. Special permit.

A. A special permit to keep more than one unregistered automobile or truck on any premises not within an enclosed building may be granted by the Board of Selectmen, if it finds that such keeping:

- (1) Is in harmony with the general purposes and intent of this chapter;
- (2) Will not adversely affect the neighborhood; and
- (3) Will not be a nuisance.

Photos of the vehicle and location on the property shall accompany all requests for a special permit.

B. All such permits granted shall limit the number of unregistered automobiles and trucks to be kept on the premises by the permit holder, shall not run with the land and shall be limited to a one year period. All permits will expire on December 31, and will have to be reapplied for the next year.

3. Vehicles used for farming.

This chapter shall not apply to motor vehicles which are designed and used for farming.

4. Violations and penalties.

Whoever violates any provisions of this chapter shall be liable to a penalty of \$5 per day for each day of violation, commencing 10 days following receipt of written notice from the Board of Selectmen. This Bylaw may be enforced through the non-criminal disposition procedure contained in Chapter XI of the Town of Hampden General Bylaws.

*Explanation: The article is providing more definition to the Unregistered Vehicle bylaw by allowing for review at a Special Permit hearing.*

**Article 22. GENERAL BYLAW**

To see if the Town will vote to amend the General Bylaws of the Town to require that:

No person other than an employee in the service of the town or an employee in the service of an independent contractor acting for the town shall pile, push or plow snow or ice onto a town road so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by a fine of \$50 for the first offense, \$100 for the second offense and \$200 for the third offense. Each day, or portion thereof, that such a violation continues shall constitute a separate offense. This Bylaw may be enforced through the non-criminal disposition procedure contained in Chapter XI of the Town of Hampden General Bylaws.

*Explanation: The article is self explanatory.*

**Article 23. GENERAL BYLAW**

To see if the Town will vote to amend the General Bylaws of the Town by inserting the following new Section 9 to be inserted in Chapter VIII:

The Police Chief may declare a parking ban on the ways within the Town during the period beginning November 15 through April 15 for the purposes of snow and ice removal. The Chief or his designee shall announce all such parking bans to the press prior to their declaration.

During the parking ban period the Police Department, for the purpose of insuring the free flow of traffic or for the purpose of snow and ice control operations on a town road, may, by its own employees or with such other assistance as it may require, remove or cause to be removed, to the nearest convenient place any vehicle interfering with such traffic or such operation. The department shall keep records of the registration number of each vehicle so removed and of the place to which it was removed.

*Explanation: The article is self explanatory.*

**Article 24. GENERAL BYLAW**

To see if the Town will vote to amend the General Bylaw, Chapter VIII Protection of Persons or Property, Section 6, Hunting, by adding the following sentence at the end of the first paragraph, "All permits shall be valid for not more than 2 years or a shorter period as indicated by the land owner."

And by adding the following sentence at the end of the last sentence in the last paragraph, “or any weapons as defined in Massachusetts General Laws Chapter 140, Section 121 and shall include any bow and arrow, or take any other action relative thereto.

Explanation: *The article is self explanatory.*

**Article 25. REZONING – CHAPDELAINE PROPERTY**

To see if the Town of Hampden will vote to amend the existing zoning map of the Town of Hampden as follows:

By removing the following described land which is partially located within the Business zoning district and partially within the R-4 Residential zoning district and establish the entire following described land as Business District. The street address is 37 Allen Street in Hampden, Massachusetts, also shown as parcel number 100 on the Town of Hampden Tax Map 12, and the parcel is more particularly bounded and described as follows:

Beginning at an iron pin on the westerly side of Allen Street at the Southeasterly corner of land now or formerly of Arthur E. Jodoin and Pauline E. Jodoin and running thence:

- S. 89°17'30"W by last named land, two hundred and 00/100 (200.00) feet to an iron pin at the Southwesterly corner of said last named land, thence
- N. 34°47'20"W along last named land, one hundred twenty-five and 00/100 (125.00) feet to an iron pin at land now or formerly of Bernard F. Goyer and Anne F. Goyer; thence
- S.89°17'30" W. by last named land, four hundred sixty-five and 60/100 (465.60) feet to an iron pin at land now or formerly of Edwin N. Christianson, Inc., thence
- S. 35°26'10" E. by last named land, three hundred thirty and 00/100 (330.00) feet to an iron pin at land now or formerly of Stanley F. Moore and Barbara H. Moore; thence
- N. 89°40'10" E by last named land, five hundred eighty and 66/100 (580.66) feet to an iron pin at the Northeasterly corner of said last named land; thence
- S. 01°55'40"E. by last named land, two hundred forty-six and 40/100 (246.40) feet; thence
- EASTERLY by other land now or formerly of Roger J. Lemelin et al, two hundred four and 42/100 (204.42) feet to Allen Street, thence
- N. 35°15'50"W on said Allen Street, two hundred three and 00/100 (203.00) feet to a stone bound; thence
- N. 33°35'20" W still along Allen Street, two hundred five and 28/100 (205.28) feet to the iron pin at the point of beginning

The above described parcel of land contains approximately 4.58 acres.

Explanation: *A citizens petition brought this article forward. They wish to make their entire parcel part of the Business District.*

**Article 26. RESERVE FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Reserve Fund, or take any other action relative thereto.

*Explanation: Under State law, the Town is allowed to maintain a Reserve Fund to meet "unforeseen and extraordinary" costs that arise during the year. The Advisory Committee must approve transfers from the Reserve Fund. \$25,000 is being requested for this account.*

**Article 27. STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Stabilization Fund, or take any other action relative thereto.

*Explanation: This article would appropriate money into the Stabilization Fund to help meet the town's reserve targets.*

**Article 28. REDUCING TAX RATE**

To see if the Town will vote to transfer from unappropriated available funds in the treasury a sum of money for the purpose of reducing the tax rate for Fiscal 2009, or take any other action relative thereto.

*Explanation: The article is self explanatory.*

And you are further required to notify and warn the inhabitants of the Town of Hampden qualified to vote in elections of Town Officers to meet at the Hampden Town House, 625 Main Street, Hampden, on Monday the 5th day of May, 2008 AD at seven o' clock in the forenoon, then and there to give in their votes on one ballot to the election officers of said Town for the following officers, to wit:

To choose for the term of one year the following: 1 Moderator

To choose for the term of two years the following:  
1 Library Trustee

To choose for the term of three years the following:  
1 Selectman  
1 School Committee member  
1 Assessor  
1 Planning Board member  
1 Library Trustee  
1 Cemetery Commissioner  
2 Park Commissioners  
1 Housing Authority

To choose for the term of five years the following:  
1 Planning Board member  
1 Housing Authority

Also, to choose all other necessary Town Officers.

And you are directed to serve this Warrant by posting and attested copy thereof at each of the five places designated by the Town. Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk at or before the time of meeting aforesaid. Given under our hands this \_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
John D. Flynn, Chairman

\_\_\_\_\_  
Richard R. Green

\_\_\_\_\_  
Vincent J. Villamaino

Board of Selectmen

I, Constable for the Town of Hampden, have on this date posted copies of the warrant for the Town Meeting to be held on April 28, 2008 at 7:00 pm in all five places as designated by the Town of Hampden.

\_\_\_\_\_  
Constable, Town of Hampden

\_\_\_\_\_  
Date