

**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, May 8, 2017 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, 2017 to June 30, 2018 or take any other action relative thereto.

**Article 3. FIRE DEPARTMENT CHANGE TO CALL DEPARTMENT**

To see if the Town will vote to amend the Fiscal Year 2018 budget as follows:

By adding Line 53.8 to hire three fire fighters to cover the day shift Monday through Friday at a cost of \$141,000;

By adding Line 53.7 for a call by call reimbursement at \$65,000;

By Increasing Line 7.2 Employee Benefits by \$20,000

or take any other action relative thereto.

**Article 4. PREVIOUS BILLS**

To see if the Town will vote to authorize the payment of any departmental bills of Fiscal Year 2016 or previous years, and will vote to raise and appropriate a sum of money therefor, or take any other action relative thereto.

**Article 5. REVOLVING FUNDS FOR FISCAL YEAR 2018**

To see if the town will vote to establish the following revolving funds, in accordance with General Laws Chapter 44, Section 53E1/2, separate from the general fund and deposited with the Town Treasurer for the Town departments, sources of receipts, purposes of payment and in the maximum amounts as set forth below, or take any other action relative thereto.

**Board of Assessor's**: Monies from charges collected to defray the costs of equipment, supplies and other expenses.

**Board of Health**: Fees collected for issuance of licenses, permits and inspections to defray salaries of part-time employees.

**Building Department**: Fees collected for issuance of building permits, inspection fees, including weights and measures to defray salaries and expenses of part-time employees of the Building Department and consultants.

**Library Trustees**: Fines collected for overdue, lost and/or damaged materials to defray the costs of repairs and supplies, to purchase books and library materials and to pay wages for part time employees.

**Council on Aging**: Proceeds from classes, programs and other fees to defray the costs of classes, supplies and other necessary expenses.

**Tax Collector**: Monies from charges collected to defray the costs of equipment, supplies and other expenses.

**Fire Department**: Monies from charges collected to defray operational/training expenses and the costs of the permitting and inspection program and to defray salaries of part-time employees.

**Cemetery Commission**: Monies from charges collected to defray the costs for grave maintenance.

#### **Article 6. REVOLVING FUND REPORTS**

To see if the Town will vote to receive from each of those boards, departments and officers having charge of a revolving fund a report showing the total amount of receipts and expenditures for each revolving fund for Fiscal Year 2017 and for Fiscal Year 2018 through December 31, 2017 and also showing the amount of any increase, if any, in spending authority granted by the Selectmen and the Advisory Committee with respect to such revolving fund during Fiscal Year 2017 and Fiscal Year 2018 to date, or take any other action relative thereto.

#### **Article 7. ENTERPRISE FUND TRANSFER STATION**

To see if the town will vote to appropriate a sum of money from anticipated transfer station revenues and/or raise and appropriate from available funds for the purpose of funding the Transfer Station Enterprise Fund for Fiscal Year 2018, or take any other action relative thereto.

#### **Article 8. COMMUNITY PRESERVATION COMMITTEE**

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 Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2018 with each item to be considered a separate appropriation, or take any other action relative thereto.

**Article 9. 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 an Annual or Special Town Meeting prior to such purchase, or take any other action relative thereto.

**Article 10. 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, in accordance with Chapter 90 Section 34 of the MGL's and the Transportation Department's Chapter 90 Guidelines and be allowed to borrow in anticipation of reimbursement, or take any other action relative thereto.

**Article 11. HIGHWAY EQUIPMENT REPLACEMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to replace a 20 year old John Deere Loader with appurtenances of plow and broom, or take any other available action thereto.

**Article 12. HIGHWAY EQUIPMENT REPLACEMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to replace a 2008 pick-up with plow, or take any other available action thereto.

**Article 13. COMMERCIAL BOND RATING FOR POLICE STATION FINANCING**

To see if the town will vote to raise and appropriate and /or transfer from available funds a sum of money for the purpose of applying for and obtaining a commercial bond rating in advance of securing permanent financing for the new police station.

**Article 14. LIBRARY ADDITIONAL STATE AID**

To see if the Town will vote that in Fiscal Year 2018, 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.

**Article 15. ASSESSORS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds to the Assessors' Stabilization fund, to meet all Department of Revenue mandated programs, or take any other action relative thereto.

**Article 16. ASSESSORS**

To see if the Town will transfer from the Assessor's Stabilization Fund a sum of money for the FY2018 Department of Revenue mandated programs, or take any other action relative thereto.

**Article 17. INTERMUNICIPAL AGREEMENT FOR PARATRANSIT**

To see if the Town will vote to authorize the Board of Selectmen, pursuant to Massachusetts General Law Chapter 40 section 4A, to enter into an Inter-Municipal Agreement (IGA), partnering the Towns of Longmeadow, East Longmeadow and Hampden together to enter into a contractual agreement with the Pioneer Valley Transit Authority (PVTA). Said IGA will allow the member communities to establish a pilot program to provide senior transportation services, or take any action relative thereto.

**Article 18. FIRE DEPARTMENT ARTICLE**

To see if the Town will vote to raise and appropriate and /or transfer from available funds a sum of money to construct a building addition and improvements to the Fire House, or take any other actions relative thereto.

**Article 19. HAMPDEN WILBRAHAM REGIONAL AGREEMENT**

To see if the Town will vote to direct the Selectmen to use all available means, including but not limited to legal action, to ensure (a) the implementation of and adherence to the vote of the October 2016 Town Meeting against the closing of Thornton W. Burgess and the merging of Hampden and Wilbraham middle school, (b) that Thornton W Burgess and Green Meadows Schools remain open and provide comparable education between Hampden and Wilbraham students and (c) that the Region adhere to all sections of the Regional Agreement under which the District was formed or take any other action relative thereto.

**Article 20. WITHDRAWAL FROM FORMATION OF A REGIONAL SCHOOL DISTRICT AS AMENDED**

To see if the Town will vote to direct the Selectmen to investigate the procedure and ramifications for the town to withdraw from K-8 portion of the Agreement Between The Towns of Wilbraham and Hampden With Respect to the Formation of a Regional School District As Amended, and to develop a plan and time line for such withdrawal for presentation to Hampden residents at the Fall 2017 Town Meeting or take any other actions relative thereto.

**Article 21. AMENDMENT ZONING BYLAW**

To see if the town will vote to amend the Zoning Bylaw in the following way:

By adding a new Section 7.18 - Motor Vehicle Sales, that would provide as follows,

SECTION 7.18 – Motorized Vehicle Sales: includes the principal use of the premises for any of the following:

- a. the sale of new motorized vehicles
  - b. the purchase and sale of second-hand motorized vehicles
  - c. repair and servicing of motorized vehicles provided said repair and servicing is conducted as an accessory use secondary to the principal use
- All repairing and servicing shall be enclosed within a building.  
Motorized vehicles for sale shall be 20 feet from road edge.

And by adding Definition 2.90 Motorized Vehicle that would provide as follows,

Motorized Vehicle – any vehicle

- 1) constructed and designed for use on public streets, and
- 2) which requires registration to be operated on a public street(s), and
- 3) which requires the operator to be licensed to be operated on a public street, and
- 4) which are propelled by power other than muscular power including such vehicles when pulled or towed by another motorized vehicle.

And renumber Section 2 as required.

And by amending Definition 2.112- Sales Yard from

FROM: 2.112 – Sales Yard

- An unroofed outside area, enclosed by a fence, border or buffer used for the display and sale of goods, material or merchandise to the general public.
- TO: 2.112 – Sales Yard  
An unroofed outside area, enclosed by a fence, border or buffer used for the display and sale of goods, material or merchandise to the general public except motorized vehicle sales.

And by amending Section 6.0 Table of Use Regulations by adding, Use 4.33 Motorized Vehicle Sales to reflect “Use Prohibited {N}” in the R-6, R-4, MD, FPW, GR, N-PER and WSP; and “Use Permitted” {P}’ in the B, C and Limited Industrial Districts.

## **Article 22. GENERAL BYLAW HISTORICAL COMMISSION DEMOLITION DELAY FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE**

To see if the Town will vote to amend the Town General Bylaws by adding the following chapter, Chapter XVI – Demolition Delay, or take any other action relative thereto.

### **SECTION 1. Purpose**

The Purpose of this bylaw is to preserve and protect significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the Town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Hampden Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.

### **SECTION 2. Definitions**

The following definitions describe the meaning of the terms used in this bylaw:

**APPLICANT** – Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

**APPLICATION** – An application for the demolition of a building.

**BUILDING** – Any material or combination of materials forming a shelter for persons, animals, or property.

**BUILDING COMMISSIONER** – The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

**COMMISSION** – Hampden Historical Commission

**DEMOLITION** – Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

**DEMOLITION PERMIT** – The building permit issued by the Building Commissioner for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

**PREFERABLY PRESERVED** – Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the six month demolition delay period of this bylaw.

**SIGNIFICANT BUILDING** – Any building in Hampden which is in whole or in part fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

The building is listed on, or is within an area listed on the National Register of historic places; or  
The building has been found eligible for the National Register of Historic Places; or  
The building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the town of Hampden or the Commonwealth of Massachusetts; or  
The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

A Hampden Historic Properties Survey listing all significant buildings for the purposes of this bylaw shall be available at the Public Library, offices of the Building Commissioner and the Historical Commission.

### **SECTION 3. Procedure**

- 3.1 No demolition permit of a significant building shall be issued except as provided by this bylaw.
- 3.2 Every applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:
  - The address of the building to be demolished.
  - The owner's name, address and telephone number.
  - A description of the building.
  - The reason for requesting a demolition permit.
  - A brief description of the proposed reuse, reconstruction or replacement.
  - A photograph or photographs of the building.
  - Owner's or owner's power of attorney signature
- 3.3 The Building Commissioner shall within seven (7) days forward a copy of the application to the Hampden Historical Commission. The Commission shall within fifteen (15) days after receipt of the application, make a written determination of whether the building is significant.
- 3.4 Upon determination that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.
- 3.5 Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen (15) days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.
- 3.6 If the Commission finds that the building is significant, it shall hold a public hearing within thirty-five (35) days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the Town House for a period of not less than seven (7) days prior to the date of said hearing

- and the applicant shall be notified by certified mail and the Building Commissioner and abutters shall be notified by mail and the meeting time and place shall be published once in a local newspaper. The Commission may conduct a site visit prior to the hearing.
- 3.7 The Commission shall decide at the public hearing or within fourteen (14) days after the the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.
  - 3.8 If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue a demolition permit.
  - 3.9 If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of six (6) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one (21) days of the public hearing, the Building Commissioner may, subject to the requirements of State Building Code and any other applicable laws, bylaws, rules and regulations, issue a demolition permit.
  - 3.10 Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for demolition or new construction or alterations on the premises shall be issued for a period of six (6) months from the date of the determination unless otherwise agreed to by the Commission. After the expiration of the six month period from the date of the determination that the building is preferably preserved the Building Commissioner may issue a demolition permit.
  - 3.11 The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the six (6) months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition of the demolition permit or the building permit.

#### **SECTION 4. Administration**

- 4.1 The Commission may from time to time update its survey of significant buildings subject to this law and provide the Building Commissioner with an updated copy.
- 4.2 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.
- 4.3 The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

#### **SECTION 5. Emergency Demolition**

- 5.1 If after an inspection, the Building Commissioner find that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an emergency demolition permit to the owner of the building.
- 5.2 The Building Commissioner shall then prepare a brief report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

#### **SECTION 6. Enforcement and Remedies**

- 6.1 The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they deem necessary

and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

- 6.2 Any owner of a building subject to this bylaw that demolished a building or buildings without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission. All buildings subject to this bylaw are listed in the Hampden Historic Properties Survey available at the Public Library, offices of the Building Commissioner and Historical Commission.
- 6.3 If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership.

## **SECTION 7. Severability**

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect to the extent that the overall purposes of this article can still be met.

### **Article 23. SCHOOL RESOURCE OFFICER**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to fund the School Resource Officer for FY17 at Minnechaug Regional High School, or take any other action relative thereto.

### **Article 24. 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.

### **Article 25. GENERAL 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 General Stabilization Fund, or take any other action relative thereto.

### **Article 26. REDUCING TAX RATE**

To see if the Town will vote to transfer from the General Stabilization Fund a sum of money for the purpose of reducing the tax rate for Fiscal Year 2018, or take any other action relative thereto.

2/3<sup>rd</sup> vote required

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, May 15, 2017 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 three years the following:*



- 1 Board of Selectmen
- 1 Assessor
- 1 HWRSD School Committee Member
- 1 Library Trustee
- 1 Cemetery Commissioner
- 2 Park Commissioners
- 1 Planning Board member

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

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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
John D. Flynn

\_\_\_\_\_  
Norman Charest

\_\_\_\_\_  
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 May 8, 2017 at 7:00 pm in all five places as designated by the Town of Hampden.

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

\_\_\_\_\_  
Date