

**Town of Leyden
Commonwealth of Massachusetts**

**Annual Town Meeting
Warrant**

**Saturday, May 14, 2016
9:00AM**

To either of the Constables in the Town of Leyden, in the County of Franklin,
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet for the purpose of electing officials, by ballot, **the polls will be opened at 8:00 in the morning and will be closed at 4:00 in the afternoon on Saturday, May 14, 2016 in the LEYDEN TOWN HALL on West Leyden Road.**

Town Officials Ballot

One Moderator for one year,
One Selectboard Member for three years,
One Assessor for three years,
One Board of Health Member for three years,
One Constable for three years,
One Planning Board Member for five years,
One Planning Board Member for two years,
One Tree Warden for one year,
One Library Trustee for three years,

And you are further directed to notify and warn the inhabitants qualified to vote in town affairs to meet at the **LEYDEN TOWN HALL on West Leyden Road, on Saturday, May 14, 2016 at 9:00 in the morning, then and there to act on the following articles:**

ARTICLE 1-

To choose all necessary officers not elected by ballot for the ensuing year.

Three Fence Viewers for one year,
Three Field Drivers for one year,
Three Pound Keepers for one year,
Three Surveyors of Wood and Timber for one year,
And fill any vacancies that may occur.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD RECOMMENDS APPROVAL

ARTICLE 2-

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums in accordance with the proposed budget to defray the operating expenses of the town for the fiscal year ending June 30, 2017, or take any action related thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 3-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,280.00 for Leyden's share of the cost of Pioneer Valley Regional School Capital Projects, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 4-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$11,484.00 for Leyden's share of the cost of Pioneer Valley Regional School Central Office Capital Project, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 5-

To see if the Town will vote to transfer \$8,989.00 from the Technology Stabilization Account for Technology Replacement at the Pioneer Valley Regional School, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 6-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$4,000.00 for the Council on Aging, for the purpose of providing services to Leyden's seniors, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 7-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,000.00 to the Audit Fund, to be administered by the Selectboard for Town audits, or take any vote or votes in relation thereto.

SUBMITTED BY THE FINANCE COMMITTEE
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 8-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,500.00 to the Land Acquisition Fund, to be administered by the Conservation Commission, or take any vote or votes in relation thereto.

SUBMITTED BY THE CONSERVATION COMMISSION
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 9-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,000.00 to the Historical Commission Capital Building Stabilization account, or take any vote or votes in relation thereto.

SUBMITTED BY THE HISTORICAL COMMISSION
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 10-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,000.00 to the Assessors Revaluation account, or take any vote or votes in relation thereto.

SUBMITTED BY THE BOARD OF ASSESSORS
ASSESSORS, SELECTBOARD, FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 11-

To see if the Town will vote to transfer \$80,000.00 from the Highway Capital Stabilization Account and to transfer \$35,000.00 from Stabilization, to be combined with \$150,000.00 of Chapter 90 funds (for a total of \$265,000.00 – [total of \$115,000.00 from transfers]) for the purchase of a John Deere Model 672G road grader, or equivalent, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 12-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$62,911.00 to put into the Technology Stabilization account, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 13-

To see if the Town will vote to raise and appropriate, or transfer from available funds, \$1000.00 to contribute to Wired West to support their work to bring a regional fiber optic broadband network to unserved Towns, or take any vote or votes in relation thereto.

SUBMITTED BY WIRED WEST
SELECTBOARD RECOMMENDS APPROVAL

ARTICLE 14-

To see if the Town will vote to transfer \$10,000.00 from the Town Building Stabilization account to fund Capital projects at Pearl Rhodes Elementary School, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 15-

To see if the Town will vote to raise and appropriate, or transfer from Stabilization, the sum of \$20,000.00 to the Capital Highway Equipment Stabilization Fund, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE DO NOT RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 16-

To see if the Town will vote to raise and appropriate, or transfer from Stabilization, the sum of \$20,000.00 to the Town Buildings Capital Improvement Stabilization Account, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE DO NOT RECOMMEND APPROVAL
REQUIRES 2/3 VOTE

ARTICLE 17-

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow Daniel J. Galvis, Town of Leyden Police Chief, notwithstanding the provisions of any general or special law to the contrary, to serve in such position until the age of 70, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of Daniel J. Galvis shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto.

SUBMITTED BY SELECTBOARD

ARTICLE 18-

To see if the Town will vote to accept the report of the Town Officers for the year 2015, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD RECOMMENDS APPROVAL

ARTICLE 19-

To see if the Town will vote to accept and expend any sum of money that may be available under the provisions of Chapter 90 of the Massachusetts General Laws and authorize the Selectboard to enter into a contract with the Massachusetts Highway Department, and to authorize the Treasurer with the approval of the Selectboard, to borrow in anticipation of 100% reimbursement of said amount.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 20-

To see if the Town will vote to authorize the following revolving funds under Massachusetts General Laws Chapter 44 § 53E ½ for the fiscal year beginning July 1, 2016:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of FY15 Fund Balance	Restrictions/ Comments
Recreation Committee Revolving Account	Fees Collected for Recreation Committee Events	Recreation Committee	Recreation Committee Expenses	\$2,000	Balance Available for Expenditure	
Animal Control Officer Revolving Account	Fees Collected for citations, licenses and registration	Animal Control Officer	Animal Control Expenses	\$5,000	Balance Available for Expenditure	
Fire Safety Inspections Revolving Account	Fees Collected for Safety Inspections by the Fire Department	Fire Chief or Designee	Pay for the Safety Inspection Services	\$700	Balance Available for Expenditure	
COA Shopping Service Revolving Account	Fees collected for shopping services	Council on Aging	Purchase of Groceries for Residents	\$5,000	Balance Available for Expenditure	
Planning Board Revolving Account	Fees collected from applications requiring public hearings, copies of bylaws	Planning Board	Planning Board advertising expenses	\$1,000	Balance Available for Expenditure	
Agricultural Commission Revolving Account	Fees collected for fines or Agricultural Commission events	Agricultural Commission	Agricultural Commission expenses	\$2,000	Balance Available for Expenditure	
East Hill Cemetery Commission Revolving Account	Fees collected for burial plots or donations	Selectboard or Designee	East Hill Cemetery Expenses	\$5,000	Balance Available for Expenditure	

SUBMITTED BY THE SELECTBOARD
 SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 21-

To see if the Town will vote to authorize all Town Departments, boards, and committees to apply for any new state or federal grants, and authorize the Selectboard to accept such grants. Any grant requiring matching funds will be subject to a public hearing.

SUBMITTED BY THE SELECTBOARD
 SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 22-

To see if the Town will vote to accept the Library Incentive Grant, Municipal Equalization Grant and the Non-Resident Circulation Grant (state aid award) and transfer it to the Robertson Memorial Library budget, or take any vote or votes in relation thereto.

SUBMITTED BY THE LIBRARY TRUSTEES
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 23-

To see if the Town will vote to accept any sum of money that may be granted by the Quintus Allen Trust Fund, and to appropriate such funds for equipment, activities and supplies at the Pearl Rhodes Elementary School, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 24-

To see if the Town will vote to create a Fire Department Stabilization account, for the purpose of the funding of the purchase of a new fire truck, or take any vote or votes in relation thereto.

SUBMITTED BY THE FIRE DEPARTMENT
SELECTBOARD AND FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 25-

To see if the Town will vote to establish an Energy Committee to be appointed by the Selectboard, consisting of at least three members, to explore alternative sources of providing Town residents with lower cost electrical power, such as, but not limited to, Electrical Aggregates and residential Solar, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD
SELECTBOARD RECOMMENDS APPROVAL

ARTICLE 26-

To see if the Town will vote to accept the following resolution, or take any vote or votes in relation thereto:

TOWN OF LEYDEN **MASSACHUSETTS**

RESOLUTION ON DRONE AIRCRAFT

I. NAVIGABLE AIRSPACE AND DRONE AIRCRAFT:

WHEREAS Calvin Coolidge, as President of the United States, signed into law the Air Commerce Act of 1926, establishing the national airspace system in the United States; and

WHEREAS this Act declared that the airspace above the minimum safe altitudes of flight, generally understood to be about 500 feet or more above the surface, is “navigable airspace”; and

WHEREAS aircraft, including drone aircraft, have the “public right of transit” through “navigable airspace”; and

WHEREAS navigable airspace is pre-empted by federal laws and therefore not generally subject to state and local control; and

WHEREAS Congress and the Federal Aviation Authority now appear to be expanding navigable airspace down to the ground in order to accommodate low-flying drone aircraft; and

WHEREAS such an expansion of navigable airspace threatens long-standing property rights, expectations of privacy, state and local sovereignty; and

WHEREAS such an expansion of navigable airspace could give the FAA unprecedented authority to restrict any landowner activity that could potentially interfere with low-flying drone aircraft; and

WHEREAS such an expansion of navigable airspace is contrary to the findings of the landmark 1946 Supreme Court case, *United States v. Causby*, which affirmed that the landowner “must have exclusive control over the immediate reaches of the enveloping atmosphere” and that “the landowner owns at least as much of the airspace as they can occupy or use in connection with the land”; and

WHEREAS such an expansion of navigable airspace is contrary to the aviation statutes in Title 49 of the United States Code, which have been in force, largely unchanged, since President Coolidge first signed them into law in 1926; and

II. SURVEILLANCE AND WEAPONIZED DRONE AIRCRAFT:

WHEREAS drone aircraft are poised to gain unprecedented access to private property at any altitude and for any purpose, including, but not limited to, purposes of advertising, news reporting, environmental monitoring, package delivery, recreation and private investigations; and

WHEREAS police departments in the United States have begun using drone aircraft in the absence of clear guidance from lawmakers; and

WHEREAS some drone aircraft being marketed to law enforcement agencies are designed to carry weapons including tear gas, rubber buckshot, and firearms, and the introduction of such technology sends a chilling message to the American people; and

WHEREAS the rapid development of drone aircraft technology, driven largely by manufacturers producing drone aircraft for military use, poses a serious threat to the privacy and constitutional rights of the American people, including the residents of the Town of Leyden; and

WHEREAS the federal use of weaponized drone aircraft overseas is a poor precedent for their domestic use;

BE IT THEREFORE RESOLVED that the Town of Leyden affirms that, within the Town limits, the navigable airspace for drone aircraft shall not be expanded below the long-established airspace for manned aircraft; and

BE IT FURTHER RESOLVED that the Town of Leyden affirms that within the Town limits, landowners subject to State laws and local ordinances have exclusive control of the immediate reaches of the airspace above their property and that no drone aircraft shall have the “public right of transit” through this aforesaid private property; and

BE IT FURTHER RESOLVED that the Town of Leyden calls upon the Congress of the United States, the Federal Aviation Administration and the General Assembly of the Commonwealth of Massachusetts to respect legal precedent and constitutional guarantees of privacy, property rights, and local sovereignty in all matters pertaining to drone aircraft and to navigable airspace.

SUBMITTED BY THE PLANNING BOARD

ARTICLE 27-

To see if the Town will accept the following resolution, regarding the critical need for immediate action on broadband service, or take any vote or vote in relation thereto:

TOWN OF LEYDEN

BROADBAND RESOLUTION

Whereas the State’s westward expansion of broadband service to our rural towns of is a matter of equal rights and fair representation as guaranteed by the Massachusetts Bill of Rights; and

Whereas broadband service is THE lifeline to our economic survival; and

Whereas our population is aging and declining; and

Whereas our students’ education is compromised in under-enrolled schools and thwarted by their inability to perform required online assignments; and

Whereas our residents are unable to utilize digital internet health care; and

Whereas broadband assures the interconnectivity essential to life in the 21st century; and

Whereas The Massachusetts legislature passed and the governor signed Bill H4355, an Act financing information technology equipment and related projects, on June 6, 2014, which authorized \$50 Million to the Massachusetts Broadband Incentive Fund,

THEREFORE be it resolved that the Town of Leyden call upon the Baker/Polito Administration to commit all necessary resources to ensure the provision of broadband service to Leyden in its entirety thus meeting the internet needs of all its residents; and

Be it further resolved that the Town Clerk be directed to send copies of this resolution to Governor Charlie Baker, Lt. Governor Karyn Polito, and Secretary Jay Ash.

SUBMITTED BY THE SELECTBOARD

Hereof, fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of said meeting.

Given under our hands this 2nd Day of May, in the year of our Lord, Two Thousand Sixteen.

William H. Glabach, Chair
Leyden Selectboard

Jeffrey A. Neipp
Leyden Selectboard

Lance H. Fritz
Leyden Selectboard

I hereby attest that I have posted said warrant at least seven days before said meeting.

Constable, Town of Leyden

Date