COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss. TOWN OF MONSON

SPECIAL TOWN MEETING WARRANT

To any of the Constables of the Town of Monson in said county:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn all the inhabitants of the Town of Monson qualified to vote in Elections and Town affairs to meet in the Granite Valley Middle School on Thompson Street on Monday, November 14, 2016, A.D. at 7:00 p.m. to act upon the following articles:

Article 1:
Submitted by: Finance Director
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money, to the Cemetery Unemployment Account, for the purposes of unemployment insurance, or take any other action relative thereto.

Article 2:
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money, to the Police Department Salaries Account, for the purposes of negotiated salary increases, or take any other action relative thereto.

Article 3:
Submitted by: Finance Director
To see if the Town will vote to raise and appropriate of transfer and appropriate a sum of money, to the BOA Assistant Assessor's Salary Account, for the purposes of staff salaries, or take any other action relative thereto.

Article 4:
Submitted by: Parks and Recreation Commission
To see if the Town will vote to transfer and appropriate $37,456.00 (thirty-seven thousand four hundred and fifty-six) from the Insurance Reserved Receipts Account to the Parks and Recreation Expense Account, for the purposes of rebuilding the fire-damaged playground at Flynt Park, or take any other action relative thereto.

Article 5:
Submitted by: Parks and Recreation Commission
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money to the Parks and Recreation Expense Account, for the purposes of rebuilding the fire-damaged playground at Flynt Park, or take any other action relative thereto.

Article 6:
Submitted by: Board of Selectmen
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money to the Clerk's Salary Account, for the purposes of vacation bank liquidation, or take any other action relative thereto.

Article 7:
Submitted by: Board of Selectmen
To see if the Town will vote to amend Town of Monson Zoning Bylaws, Section 7.3, by adding the following section and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

Section 7.3.11 Revocation of Special Permit

A special permit may be revoked or altered by the Special Permit Granting Authority (SPGA) if it is determined, after a public hearing, that information was intentionally misrepresented in order to obtain a special permit or that there has been an abuse and/or misuse of the special permit. Application for revocation or alteration of the special permit may be made by the Building Inspector, a party in interest or the SPGA. Such applications shall be filed with the Town Clerk. A public hearing shall be held by the SPGA within sixty-five (65) days of the filing of the application with the Town Clerk.

The SPGA shall act within ninety (90) days following the close of the public hearing. Failure by SPGA to take final action within ninety (90) days of the public hearing shall be deemed to be a denial of said application for revocation or alteration of the special permit. Revocation or alteration of special permits shall require a four-fifths vote by the Planning Board, or a unanimous vote of the members of the Board of Appeals.

or take any other action relative thereto.

Article 8:
Submitted by: Craig Levesque
To see if the Town will vote to amend the Town of Monson Zoning Bylaws, Schedule of Use Regulations (Table 1), to allow Commercial Trucking in the Central Commercial, General Commercial, and Industrial Zoning Districts by Special Permit with Site Plan Approval and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

or take any other action relative thereto.

Article 9:
Submitted by: Board of Selectmen
To see if the Town will vote to amend the Town of Monson Zoning Bylaws, Section 6.2.24(2)(c)(11) to change points of measurement from each property line to structure, and to allow a reduction in distance requirements under certain circumstances with a specific finding by the Monson Planning Board by adding the following section and further that the Town authorize nonsubstantive changes to the lettering and numbering of the Town of Monson Zoning Bylaw to be consistent with the Town of Monson Zoning Bylaw:

ii. No RMD or OMMD facility shall be located within three hundred (300) feet (to be measured in a straight line from the nearest points of each ~~property line~~ structure) of a residential use (including commercial residential uses such as hotels, motels, lodging houses, etc.) or within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of a residential zoning district.

1. The distance requirements set forth in Section 6.24(2)(c)(ii) may be reduced by up to 25% by the Site Plan Review Authority upon a specific Finding that the above-listed uses or structures will be sufficiently buffered or separated from the proposed RMD or OMMD facility such that occupants of the above-listed facilities will not be adversely impacted by the operation of the RMD or OMMD facility.

(a) If the RMD or OMMD facility requires a reduction contemplated in Section 6.24(2)(c)(ii)(1) above, the applicant shall file a written request for the reduction with the Planning Board as the Site Plan Review Authority simultaneously with its application for Site Plan Review. The Planning Board shall be required to make a specific Finding with regard to the application for such reduction prior to hearing the Application for Site Plan Review. The Planning Board shall be authorized to hear the application for reduction at the same public hearing as the Application for Site Plan Review.

Article 10:
Submitted by: Chief of Police
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money to purchase a new truck for the Police Department, or take any other action relative thereto.

Article 11:
Submitted by: Fire Chief
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money to purchase a new generator for the Fire Department, or take any other action relative thereto.

Article 12:
Submitted by: Board of Selectmen
To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Board of Selectmen with ZPT Energy Solutions, in accordance with M.G.L. c. 59, §38H and M.G.L. c. 164, §1, or any other enabling authority for the planned solar electric generating facilities to be located within the Town of Monson at the property known as 53 Wilbraham Road and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Board of Selectmen to take any and all actions and execute any and all documents or instruments necessary or convenient to accomplish, implement and administer the PILOT Agreement and to submit a Special Act therefore to the General Court if enabling legislation is necessary, or take any other action relative thereto.

Article 13:
Submitted by: Board of Selectmen
To see if the Town will vote to ratify, confirm and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Board of Selectmen with Monson Solar, LLC, in accordance with M.G.L. c. 59, §38H and M.G.L. c. 164, §1, or any other enabling authority for the planned solar electric generating facilities to be located within the Town of Monson at the property located off East Hill Road consisting of approximately 13.5 acres of a 100 acre parcel of land and if necessary, further authorize the Board of Assessors to approve the agreement and to authorize the Board of Selectmen to take any and all actions and execute any and all documents or instruments necessary or convenient to accomplish, implement and administer the PILOT Agreement and to submit a Special Act therefore to the General Court if enabling legislation is necessary, or take any other action relative thereto.

Article 14:
Submitted by: Principal Assessor
To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 5 Clause 18A Temporary Financial Hardship Property Deferral which provides as follows:

> "Eighteenth A, Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.
>
> Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real

estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:--

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, not later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and

(6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred."

or take any other action relative thereto.

Article 15:
Submitted by: Principal Assessor
To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 5 Clause 41A which provides as follows:

"Forty-first A, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five

years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

(1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or

(2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars. Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses.

Any such person may, on or before December fifteenth of each year to which the tax relates or within three months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town. The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt

have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall

not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

or take any other action relative thereto.

Article 16:
Submitted by: Principal Assessor
To see if the town will vote to accept Massachusetts General Law Chapter 59 Section 5K, as amended which authorizes the Board of Selectmen to establish a program in accordance with said law, entitled "Senior Tax Work Off Program" to allow persons over the age of 60 to volunteer to provide services to the town and in exchange for such volunteer services the town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills in an amount not to exceed $1,500.00 in any tax year and further that said program shall be available in FY17, or take any other action relative thereto.

Article 17:
Submitted by: Principal Assessor
To see if the town will vote to accept General Law Chapter 59 Section 5N, as amended which authorizes the Board of Selectmen to establish a program in accordance with said law, entitled "Veteran Tax Work Off Program" to allow veterans, as defined in clause Forty-third section 7 of chapter 4 or a spouse of a veteran in the case where a veteran is deceased or has a service connected disability to volunteer to provide services to such the town and in exchange for such volunteer services the town shall reduce the real property tax obligations of such person on his tax bills in an amount not to exceed $1,000.00 in any tax year and further that said program shall be available in FY17. The reduction of the real property tax bill not to exceed $1,000 in a given tax year, or take any other action relative thereto.

Article 18:
Submitted by: Community Preservation Committee
To see if the Town will vote to appropriate and transfer the sum of $29,350.00 from the FY17

Historic Preservation Account for the purpose of repairing and stabilizing the Keep Homestead Museum located at 35 Ely Road, which has had water seepage issues in the basement. The aforesaid funds will be used for necessary repairs, restoration and stabilization of the property and are authorized under the Community Preservation Program for the preservation of historic and scenic resources pursuant to Massachusetts General Laws, Chapter 44B and any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Article 19:
Submitted by: Community Preservation Committee
To see if the town will vote raise and appropriate or appropriate and transfer the sum of $10,000.00 from the Community Preservation Fund Balance Reserved for Open Space and Recreation Account to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee including, but not limited to, appraisals, legal fees and title searches pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Article 20:
Submitted by: Community Preservation Committee
To see if the town will vote to raise and appropriate or appropriate and transfer the sum of $18,000.00 from the CPA Fund Balance Reserved for Open Space Account for the installation of an irrigation system for Upper Rogers Field at Flynt Park. This field is the home of the girls' varsity soccer team, youth lacrosse program, and youth baseball program. This area was once moist. It is now very dry because of the loss of trees after the tornado. Without this irrigation system, the parks department will not be able to maintain the field. Said funds will be used for the installation under the Community Preservation Program for Open Space and Recreation resources pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Article 21:
Submitted by: Community Preservation Committee
To see if the town will vote to raise and appropriate or appropriate and transfer the sum of $20,000.00 from the CPA Undesignated Fund Balance Account for the preservation of Original Death records from 1859 - 1938. These original documents are at risk of being lost. They will be repaired, re-stored, de-acidified, and re-bound for permanent protection. Said funds will be used for the repair, restoration, and stabilization of the records under the Community Preservation Program pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Article 22:

Submitted by: Community Preservation Committee
To see if the Town will vote to raise and appropriate or appropriate and transfer the sum of $25,000.00 from the CPA Undesignated Fund Balance Account for the repair of the grave markers at the North Main Street Cemetery. The funds will be used to repair, clean, and straighten approximately 60 markers. Time is slowly erasing and crumbling the cemetery stones of our past residents. It is important that we preserve our town's history. Said funds will be used for the repair restoration, and stabilization of the grave markers under the Community Preservation Program pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action relative thereto.

Article 23:
Submitted by: Town Clerk
To see if the Town will vote to transfer and appropriate $500.00 from the Clerk's Printing Account to the ER Election Food Account for the purposes of providing food for election workers during elections, or take any other action relative thereto.

Article 24:
Submitted by: Finance Director
To see if the Town will vote to raise and appropriate a sum of money to the Library Monson Free Library Account, or take any other action relative thereto.

Article 25:
Submitted by: Fire Chief
To see if the Town will vote to transfer and appropriate $2,500 from available funds to the Forest Fire Vehicle Maintenance Account, or take any other action relative thereto.

Article 26:
Submitted by: Fire Chief
To see if the Town will vote to transfer and appropriate $774.00 from the Ambulance Reserved Receipts Account to the Ambulance EMT Part-Time Salary Account, or take any other action relative thereto.

Article 27:
Submitted by: Fire Chief
To see if the Town will vote to transfer and appropriate $5,000 from the Ambulance Reserved Receipts Account to the Ambulance Vehicle Maintenance Account, or take any other action relative thereto.

Article 28:
Submitted by: Highway Surveyor
To see if the Town will vote to raise and appropriate $35,000.00 for the purposes of resurfacing

Park Road, or take any other action relative thereto.

Article 29:
Submitted by: Town Accountant
To see if the Town will vote to rescind the Annual Town Meeting appropriation for debt service for the110 Main Street Construction Project, or take any other action relative thereto.

Article 30:
Submitted by: Town Accountant
To see if the Town will vote to raise and appropriate or transfer and appropriate a sum of money to the Debt Service for the 110 Main Street Construction Project, or take any other action relative thereto.

Article 31:
Submitted by: Town Accountant
To see if the Town will vote to reduce the Annual Town Meeting appropriation for the debt service for Granite Valley Middle School, or take any other action relative thereto.

Article 32:
Submitted by: Senior Center Director
To see if the Town will vote to raise and appropriate $5000.00 for the purposes of salaries for the Council on Aging, or take any other action relative thereto.

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

Given under our hands this 25th day of October, 2016.

John Morrell

John Morrell, Chairman

Richard M. Smith

Edward S. Harrison

MONSON BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

Pursuant to the within Warrant, I have notified and warned the legal voters of the Town of Monson by posting an attested copy of said Warrant in at least two places in said Monson fourteen days at least before the time appointed for holding the meeting aforesaid.

A true copy,
ATTEST:

Joseph W. Loghlin 10/26/16

Constable of Monson

Mary F. Watson

Town Clerk

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