

RESULTS
ANNUAL TOWN MEETING
May 11, 2019

The call and return of the warrant was read by Temporary Town Clerk, Sandra J. Burgess. The 275th Annual Town Meeting was called to order by the Moderator, Daniel Robb at 9:05 a.m.

The Moderator asked for a moment of silence to remember Pelham residents who had passed away during the preceding year. Remembered were: David A. Bray, Russell C. Mitchell, Stella Bartlett, Paul Berube, Jeffery Ja-Hwang Yu, German Perico, Peter Joseph Bittel, Rae N. Selig, and Wilson Henderson.

Procedural Motion

VOTED unanimously to authorize the Moderator, where a two-thirds vote is required for any article on the warrant, the Moderator need not take a count, but may determine by yeas and nays whether a vote is by a two-thirds plurality and so can call the vote, and the Town Clerk record such called vote as a two-thirds vote.

ARTICLE 1

VOTED unanimously to accept the reports of the Town Officers and Committees.

ARTICLE 2

VOTED unanimously to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the FY2020 beginning July 1, 2019, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17.

ARTICLE 3

VOTED unanimously to name the salaries and wages for all elected officers for the ensuing year, which payments shall not be made in advance of performance, and to determine when and how they shall be paid.

	FY2018 appropriated	FY2019 appropriated	FY2020 recommended
Assessors (Chair)	\$1,000	\$1,000	\$1,000
Assessors (others)	\$500	\$500	\$500
Auditor	\$0	\$0	\$0
Board of Health (Chair)	\$200	\$200	\$200
Board of Health (others)	\$150	\$150	\$150
Cemetery Commissioner (each 3) \$9.00hr	\$0	\$0	\$0
Library Trustees	\$0	\$0	\$0
Moderator	\$0	\$0	\$0
Planning Board	\$0	\$0	\$0
School Committee	\$0	\$0	\$0
Selectmen (each 3)	\$1,200	\$1,200	\$1,200
Town Clerk	\$18,270	\$18,635	\$18,914
Tree Warden	\$400	\$400	\$1,500

(John Trickey, Finance Committee Chair, made a motion to change the following items: Fire Chief’s salary to \$26,289; Tree Warden’s salary to \$1,500; Total Public Safety line to \$336,871; Total Benefits and Insurance subtotal line to \$624,487; and Grand Total to \$4,604,734.)

ARTICLE 4

VOTED unanimously to raise and appropriate, and/or transfer from available funds a sum of money necessary to defray the expenses of the Town for the ensuing fiscal year.

WARRANT LINES	FY2020	FY2018	FY2019	FY2020	FY2020
Article 4		Approp.	Approp.	Requested	Recom.
GENERAL GOVERNMENT					
2 Selectperson Salary		\$3,600	\$3,600	\$3,600	\$3,600
Expenses		NA	NA	NA	NA
3 Town Clerk Salary		\$18,270	\$18,635	\$18,914	\$18,914
Expenses		\$6,000	\$6,750	\$6,850	\$6,850
Records/Information Clerk		\$12,480	\$12,480	\$12,667	\$12,667
18 Archivist		\$1,300	\$1,300	\$1,300	\$1,300
4 Finance Committee Expenses		\$990	\$990	\$990	\$990

5	Assessor's Salary	\$2,000	\$2,000	\$2,000	\$2,000
	Contract Service	\$26,100	\$26,100	\$26,100	\$26,100
	Expenses	\$4,250	\$4,250	\$4,250	\$4,250
6	Collector Salary	\$16,336	\$15,425	\$16,550	\$16,550
	Expenses	\$9,702	\$9,702	\$9,702	\$9,702
7	Treasurer Salary	\$26,208	\$24,666	\$25,950	\$25,950
	Expenses	\$7,082	\$7,082	\$8,500	\$8,500
	Clerical/Consulting	\$5,000	\$5,000	\$6,000	\$6,000
8	Town Legal Services	\$15,000	\$15,000	\$15,000	\$15,000
9	Town Meetings, Elections etc.	\$11,000	\$12,000	\$12,000	\$12,000
10	Town Reports	\$875	\$875	\$875	\$875
11	Town Office Wages	\$22,882	\$23,612	\$24,592	\$24,592
	Select Board/Town Office Expenses	\$19,670	\$19,670	\$19,670	\$19,670
12	Buildings and Grounds				
	Salaries	\$14,091	\$15,621	\$15,855	15,855
	Expenses	\$62,720	\$62,720	\$62,720	\$62,720
	Maintenance	\$22,000	\$22,000	\$22,000	\$22,000
13	Blanket Insurance	\$53,280	\$40,000	\$43,000	\$43,000
14	Town Accountant	\$7,000	\$7,000	\$7,000	\$7,000
15	Reserve Fund	\$87,000	\$87,000	\$87,000	\$87,000
16	Surety Bonds	\$1,000	\$1,000	\$1,000	\$1,000
17	Emergency Management	\$6,500	\$6,500	\$6,545	\$6,545
19	Hampshire County COG	\$662	\$662	\$0	\$0

TOTAL GENERAL GOVERNMENT	\$462,998	\$451,640	\$460,630	\$460,630
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BOARDS AND COMMISSIONS

20	Board of Appeals	\$200	\$200	\$200	\$200
21	Conservation Commission	\$850	\$850	\$850	\$850
	Conservation Part Time Agent	\$0	\$5,000	\$5,000	\$5,000
22	Council on Aging	\$2,470	\$2,470	\$2,470	\$2,470
23	Historical Commission	\$200	\$200	\$200	\$200
24	Library Trustees				
	Director Salary	\$23,706	\$25,211	\$26,709	\$26,709
	Staff Salaries	\$14,055	\$15,199	\$15,427	\$15,427
	Expenses	\$13,224	\$11,614	\$11,214	\$11,214
25	Planning Board	\$500	\$500	\$500	\$500
26	Recreation Commission	\$0	\$0	\$0	\$0
28	Cemetery Commission	\$6,500	\$6,500	\$7,000	\$7,000

TOTAL BOARDS AND COMMISSIONS	\$61,705	\$67,744	\$70,070	\$70,070
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SCHOOLS

30	Pelham Elementary	\$1,715,205	\$1,763,380	\$1,785,208	\$1,785,208
31	Amherst Pelham Regional	\$1,035,183	\$947,186	\$911,947	\$911,947

TOTAL SCHOOLS	\$2,750,388	\$2,710,566	\$2,697,155	\$2,697,155
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		FY2018 Approp.	FY2019 Approp.	FY2020 Request	FY2020 Recom.
PUBLIC WORKS					
40	Highway Fund				
	Superintendent Salary	\$60,963	\$62,182	\$63,115	\$63,115
	Staff Salaries	\$116,124	\$118,446	\$120,223	\$120,223
	Expenses	\$121,362	\$121,362	\$121,362	\$121,362
41	School Signal Lights	\$900	\$900	\$900	\$900
42	Snow Removal				
	Salaries	\$12,207	\$13,451	\$13,653	\$13,653
	Materials	\$68,432	\$68,432	\$68,432	\$68,432
TOTAL PUBLIC WORKS		\$379,988	\$384,773	\$387,685	\$387,685

PROTECTION OF PERSONS AND PROPERTY

50	Police Department				
	Chief Salary	\$61,177	\$62,401	\$63,337	\$63,337
	Full Time Officer Salary	\$846	\$32,032	\$40,000	\$40,000
	Part Time Officers' Salaries	\$51,155	\$40,146	\$40,748	\$40,748
	Training and Education	\$10,000	\$10,000	\$10,000	\$10,000
	Expenses	\$25,701	\$25,701	\$25,701	\$25,701
	Expenses Fuel	\$12,475	\$12,475	\$10,475	\$10,475
	Reserve Officers	\$0	\$0	\$0	\$0
	Regional Lockup	\$1,255	\$1,255	\$1,255	\$1,255
50A	Town Road Detail	\$3,729	\$3,729	\$3,729	\$3,729
50C	Constable: Elections	\$2,275	\$2,275	\$2,275	\$2,275
51	Fire Department				
	Chief Salary	\$25,393	\$25,901	\$26,289	\$26,289
	Firefighters' Salaries	\$40,619	\$41,431	\$42,052	\$42,052
	Expenses	\$23,980	\$23,980	\$23,980	\$23,980
53	Fire Hydrants	\$280	\$280	\$280	\$280
54	Tree Warden Salary	\$400	\$400	\$1,500	\$1,500
	Expenses	\$11,500	\$11,500	\$11,500	\$11,500
57	Ambulance	\$30,000	\$30,750	\$31,750	\$31,750
58	Animal Control	\$2,000	\$2,000	\$2,000	\$2,000
TOTAL PUBLIC SAFETY		\$302,785	\$326,256	\$336,871	\$336,871

HEALTH AND SANITATION

60	Board of Health Salaries	\$500	\$500	\$500	\$500
	Expenses	\$400	\$400	\$400	\$400
61	Solid Waste				
	Hazardous Household Waste	\$1,000	\$1,000	\$1,000	\$1,000
	Recycling	\$8,500	\$8,500	\$8,500	\$8,500
63	Inspector of Animals	\$75	\$75	\$75	\$75
65	Quabbin Health District	\$14,841	\$16,861	\$17,361	\$17,361
TOTAL HEALTH AND SANITATION		\$25,316	\$27,336	\$27,836	\$27,836

BENEFITS AND INSURANCE

70	County Retirement	\$199,376	\$189,000	\$206,000	\$206,000
71	Veteran's Agent Salary	\$5,595	\$5,751	\$5,973	\$5,973
	Expenses	\$0	\$0	\$0	\$0
	Benefits	\$49,248	\$49,248	\$49,248	\$49,248
72	Workers' Compensation	\$15,360	\$16,444	\$17,266	\$17,266
73	Unemployment Insurance	\$6,000	\$6,000	\$6,000	\$6,000
74	Group Health /Medicare	\$171,000	\$220,000	\$220,000	\$220,000
75	OPEB Deposit	\$80,000	\$100,000	\$120,000	\$120,000
TOTAL BENEFITS AND INSURANCE		\$526,579	\$586,443	\$624,765	\$624,487

GRAND TOTAL **\$4,509,759** **\$4,554,758** **\$4,604,734** **\$4,604,734**
(John Trickey, Finance Committee Chair, made a motion to change the following items: Fire Chief's salary to \$26,289; Tree Warden's salary to \$1,500; Total Public Safety line to \$336,871; Total Benefits and Insurance subtotal line to \$624,487; and Grand Total to \$4,604,734.)

ARTICLE 5

VOTED unanimously to raise and appropriate the sum of \$19,068.00 to be used to increase the following Town Employees' wages for FY2020 as follows:

Office wages	\$3,107.00
Fire Chief	\$1,040.00
Firefighters (11)	\$3,300.00
Police Chief	\$2,080.00
Part-time Officers	\$2,080.00
DPW Superintendent	\$2,080.00
DPW Employees (2)	\$4,160.00
Snow Removal wages	\$545.00
Building Custodial	\$676.00

ARTICLE 6 Citizen Petition

VOTED to make binding the Pelham Spring 2017 Town Meeting Article 45, listed below, by requiring that all future Town Meetings receive a written progress report on Article 45, including measures implemented to conserve vital water and energy resources, and minimize carbon emissions by Pelham Town Committees and Boards, including, but not limited to: The Select Board, Planning Board, Conservation Commission, Energy Committee, Housing and Finance Committees.

Climate Change Resolution

Pelham recognizes that greenhouse gas emissions generated by fossil fuels have already set climate change in motion, and that arresting these changes will require actions at every level of society, including federal, state, local and individual to:

- become more water– and energy-efficient in our homes, businesses, schools and town facilities.
- incorporate water– and energy-efficiency into all buildings and new infrastructure.
- rapidly adopt clean, local renewable energy sources to reduce our carbon footprint.

Pelham Town Meeting hereby tasks every elected and appointed town official to implement measures that conserve Vital water and energy resources, and minimize carbon emissions.

(A motion was made by Selectman Agoglia to strike the words “begin with a” and replace with “receive a written.” Mr. Agoglia’s motion carried.)

ARTICLE 7

VOTED Yes 57, No 45 to authorize the Board of Selectmen to petition the General Court for special legislation changing the office of Town Clerk from elected to appointed, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment, and to authorize the Board of Selectmen to approve amendments within the scope of the general public objectives of the petition:

An Act Establishing the Appointed Office of Town Clerk in the Town of Pelham.

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be in the Town of Pelham the appointed position of Town Clerk. The Town Clerk shall be appointed and may be removed by the Board of Selectmen of the Town of Pelham and shall serve at the pleasure of the Board of Selectmen. The Town Clerk shall have all the powers and duties and be subject to the liabilities and penalties imposed by law on Town Clerks.

SECTION 2. Upon effective date of this act, the elected office of Town Clerk shall be abolished and the term of the elected incumbent terminated; provided, however, that the incumbent holding the office of Town Clerk on the effective date of this act shall become the first appointed Town Clerk, and shall serve in that capacity for a period of time equivalent to the remainder of the incumbent’s elected term or until the position is otherwise vacated, whichever occurs first. Thereafter, appointments to the position of Town Clerk shall be made in accordance with section 1.

SECTION 3. This act shall take effect upon its passage.

ARTICLE 8

VOTED unanimously to amend the Town’s Zoning Bylaw by modifying Table 1 Schedule of Use Regulations of Section 125-5 to divide certain commercial uses that are currently grouped together on a single line onto separate lines, as follows.

§ 125-5. Schedule of use regulations.

A. Except as provided elsewhere in this chapter, no building or structure shall be erected or altered, and no building, structure or land shall be used for any purpose other than as provided for in this section. The restrictions and controls intended to regulate development in each district are set forth in Table 1, Schedule of Use Regulations. The following notations apply to Table 1, Schedule of Use Regulations:

Y	Yes – use permitted
N	No – use prohibited
SPA/PB	Use permitted by-right subject to site plan approval from Planning Board
SPA/ZBA	Use permitted by-right subject to site plan approval from Zoning Board of Appeals
SP/PB	Use allowed by special permit from the Planning Board
SP/ZBA	Use allowed by special permit from Zoning Board of Appeals
SP/SPA/PB	Use allowed by special permit from Planning Board with site plan approval
SP/SPA/ZBA	Use allowed by special permit from Zoning Board of Appeals with site plan approval

Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
	Zoning District					
Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Commercial Uses						
Retail/Office/Professional Service/Personal Service with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
<u>Office with building footprint less than 2,500 square feet</u>	N	N	SPA/PB	SP/SPA/PB	N	
<u>Professional Service with building footprint less than 2,500 square feet</u>	N	N	SPA/PB	SP/SPA/PB	N	
<u>Personal Service with building footprint less than 2,500 square feet</u>	N	N	SPA/PB	SP/SPA/PB	N	
Retail/Office/Professional Service/Personal Service with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
<u>Office with building footprint greater than 2,500 square feet</u>	N	N	SP/SPA/PB	N	N	
<u>Professional Service with building footprint greater than 2,500 square feet</u>	N	N	SP/SPA/PB	N	N	
<u>Personal Service with building footprint greater than 2,500 square feet</u>	N	N	SP/SPA/PB	N	N	
Restaurant/Bar/Entertainment with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
<u>Bar with building footprint less than 2,500 square feet</u>	N	N	SPA/PB	SP/SPA/PB	N	
<u>Entertainment with building footprint less than 2,500 square feet</u>	N	N	SPA/PB	SP/SPA/PB	N	
Restaurant/Bar/Entertainment with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
<u>Bar with building footprint greater than 2,500 square feet</u>	N	N	SP/SPA/PB	N	N	
<u>Entertainment with building footprint greater than 2,500 square feet</u>	N	N	SP/SPA/PB	N	N	
Hotels/Motels	N	N	N	N	N	
Vehicle-Oriented Uses	N	N	N	N	N	See definitions, § 125-34
Drive-Through Facilities	N	N	N	N	N	

ARTICLE 9

VOTED by a declared two-thirds to amend the Town’s Zoning Bylaw to disallow convenience stores, and to reduce the size of the building footprint of retail uses that are allowed in the Village Center Neighborhood District from ‘less than 2,500 square feet’ to ‘less than 2,000 square feet’, by modifying Table 1 Schedule of Use Regulations of Section 125-5 (as it would appear after the amendment proposed in the preceding article of this Warrant), modifying Section 125-34, Definitions, and adding Section 125-18.6, Convenience Stores, as follows.

§ 125-5. Schedule of use regulations.

Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
	Zoning District					
Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Convenience Store	N	N	N	N	N	§125-18.6
Retail with building footprint less than 2,0500 square feet	N	N	SP/SPA/PB	N	N	
Retail with building footprint greater than 2,0500 square feet	N	N	SP/SPA/PB	N	N	

§ 125-34. Definitions.

RETAIL/RETAIL SALES — An establishment selling goods directly to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drug store, florist, grocer, hardware store, liquor store, newsstand, shoe store, stationery store, ~~convenience store~~, and variety store, excluding a restaurant.

[CONVENIENCE STORE — A type of retail establishment where: 1. the business depends on a high volume of short duration visits by customers \(typically less than 5 minutes\); 2. product sales are primarily comprised of tobacco-related products and pre-packaged individual servings of high sodium and/or high sugar snacks, confectioneries, and drinks, and; 3. less than 35 percent of selling area is dedicated to the retail sale of fresh and/or frozen meat, seafood, poultry; fresh and/or frozen fruits and/or vegetables; low-fat dairy; legumes; or whole grains; and bakery products.](#)

[SELLING AREA — The combined shelf space of a retail establishment that is dedicated to the display of products for sale.](#)

§ 125-18.6. Convenience Stores

- A. [Purpose. The Town of Pelham finds that convenience stores are contrary to the purpose of the Town’s Zoning Bylaw as outlined in §125-2, which states “It is further the purpose of this chapter to encourage and foster growth and development in the community which would promote the health, safety, convenience, morals and general welfare of its inhabitants as well as to lessen congestion in the streets; ... encourage the most appropriate use of land throughout the Town...” Convenience stores as defined by Pelham’s Zoning Bylaw have several unique characteristics that are contrary to promoting public health, safety, and lessening congestion in the streets, and encouraging the most appropriate use of land through the Town. Specifically, the Town of Pelham finds that convenience stores, as defined, promote and sell products which are well-known to negatively impact public health by increasing the risk of cardiovascular disease, hypertension, diabetes, and obesity. Further, they do so without sufficiently balancing those offerings with products which would support public health, specifically: fresh and/or frozen lean meats, seafood, poultry; fresh and/or frozen fruits and/or vegetables; low-fat dairy; legumes; or whole grains; and bakery products. In addition, the Town finds that convenience stores, as defined, depend on a high volume of short duration vehicular trips when compared with other allowed uses in Pelham. The high volumes of vehicles frequently entering and exiting the roadways of Pelham that would be generated by a convenience store would increase the risk of traffic collisions to an unacceptable level when compared with any benefits to the community resulting from the use.](#)
- B. [Definition. Convenience Store — A type of retail establishment where: 1. the business depends on a high volume of short duration visits by customers \(typically less than 5 minutes\); 2. product sales are primarily comprised of tobacco-related products and pre-packaged individual servings of high sodium and/or high sugar snacks, confectioneries, and drinks, and; 3. less than 35 percent of selling area is dedicated to the retail sale of fresh and/or frozen lean meats, seafood, poultry; fresh and/or frozen fruits and/or vegetables; low-fat dairy; legumes; and whole grains.](#)
- C. [Convenience Store shall not be an allowed use in the Town of Pelham.](#)

ARTICLE 10

VOTED unanimously to amend the Town’s Zoning Bylaw, Chapter 125, to establish a definition and permitting procedures for Medical Office use, revise the definition of Professional Service regarding visits by clients and customers, revise the definition of Personal Service and require a special permit for use category of Personal Service with a building footprint less than 2,500 square feet in the Village Center Mixed-Use (currently by Site Plan Approval) by modifying Table 1 Schedule of Use Regulations of Section 125- 5, modifying Section 125-34, as follows.

§ 125-5. Schedule of use regulations.

Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
Land Use Classification	Zoning District					Standards and Conditions
	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	
Medical Office with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Medical Office with building footprint greater than 2,500 square feet	N	N	N	N	N	
Office with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Office with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Professional Service with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Professional Service with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Personal Service with building footprint less than 2,500 square feet	N	N	SP/SPA/PB	SP/SPA/PB	N	
Personal Service with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	

§ 125-34. Definitions.

[MEDICAL OFFICE](#) — A Medical, dental, psychiatric, mental health, chiropractic, massage, acupuncture, veterinary or similar practice offering medical or dental services on an outpatient basis and including a total of no more than the full time equivalent of three (3) principal health care providers and two (2) other medical or dental professionals, exclusive of administrative or clerical staff, providing services on the premises. A medical or dental office may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.

OFFICE — A workplace used for the transaction of business or non-profit functions, excluding as principal uses manufacturing, retail construction, and warehousing and including but not limited to professional offices and offices that support or manage on-site or off-site manufacturing, retailing, construction, and warehousing, as well as research laboratories and other facilities in which research activities are conducted. An office that is operated as part of another primary use on the use table shall be considered accessory to that primary use and not a separate use.

PERSONAL SERVICE ESTABLISHMENT — Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. Personal service establishments shall include, but not be limited to: barber shops; beauty shops; pet grooming establishments; ~~laundering, cleaning and other garment servicing establishments~~; tailors; dressmaking shops; shoe cleaning or repair shops; eyeglass shops; health clubs; and other similar places of business, but not including offices of physicians, dentists and veterinarians, or any other recognized professional.

PROFESSIONAL SERVICE — Establishment primarily engaged in rendering services by professional persons on a fee or contract basis, including, but not limited to the following: accounting, auditing, and bookkeeping; planning, engineering and architectural; education and science; attorneys and notary publics; finance, insurance and real estate (FIRE); travel agencies; etc. [Visits to the premises by clients or customers shall be predominantly by appointment. For the purposes of this definition “predominantly by appointment” shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation \(monthly, quarterly, or annually\) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients regarding services already provided, visits by affiliated professionals or consultants, salespersons, service contractors \(delivery, maintenance, etc.\), and the like. Establishments shall advertise their on-premises services as being available to the general public only by appointment.](#)

ARTICLE 11

VOTED unanimously to amend the Town’s Zoning Bylaw, Chapter 125, to:

- revise the definition of Restaurant to clarify that alcohol sales are allowed in restaurants and to include catering under the use
- not allow Bars in any zoning district in Pelham,
- not allow Standalone Entertainment in any zoning district in Pelham,
- establish a new use, Accessory Entertainment, and set standards and permitting procedures for it,
- establish a new use, Adult Entertainment, and set standards and permitting procedures for it,

by modifying Table 1 Schedule of Use Regulations of Section 125-5, modifying Section 125-34, adding Section 125-18.4., Adult Entertainment, and adding Section 125-18.5., Accessory Entertainment, as follows.

§ 125-5. Schedule of use regulations.

[Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
	Zoning District					
Land Use Classification	Residenti al	Limited Business	Village Center Mixed- Use	Village Center Neighbor hood	Village Center Rural Edge	Standards and Conditions
Restaurant with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Restaurant with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Bar with building footprint less than 2,500 square feet	N	N	SPA/PBN	SP/SPA/PBN	N	
Bar with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Standalone Entertainment with building footprint less than 2,500 square feet	N	N	NSPA/PB	SP/SPA/PBN	N	
Entertainment with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Entertainment Accessory to a Commercial Use	N	N	SP/SPA/PB	N	N	See §125-18.5
Adult Entertainment Facility with building footprint less than 2,500 square feet	N	N	SP/SPA/PB	N	N	See §125-18.4
Adult Entertainment Facility with building footprint greater than 2,500 square feet	N	N	N	N	N	

§ 125-34. Definitions.

RESTAURANT — A commercial establishment in which the primary activity consists of the preparation and serving of food for consumption on the premises or as take-out. Any such establishment shall be considered a restaurant if the service of food is its primary activity and the service of alcoholic beverages, if any, is incidental to the sale, service and consumption of food and nonalcoholic beverages, including a bar or pub or other establishment that sells food and alcoholic beverages for on premises consumption. This use does include, excluding catering businesses but does not include and retail uses that sell prepared food.

ADULT ENTERTAINMENT FACILITY – Any premises with any of the following establishments: adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, establishment which displays live nudity for its patrons.

A. The definition of the previously listed establishments shall be as established by M.G.L Chapter 40A, Section 9A. The definitions from state law, as of the time of printing, are included here for the convenience of the reader. The definitions below in no way supersede the definitions encoded in state law:

- "Adult bookstore", an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- "Adult motion picture theatre", an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- "Adult paraphernalia store," an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.
- "Adult video store," an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in said section thirty-one of said chapter two hundred and seventy-two.
- "Establishment which displays live nudity for its patrons", any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in section thirty-one of chapter two hundred and seventy-two.

B. For the purpose of defining Adult Entertainment, SUBSTANTIAL OR SIGNIFICANT PORTION shall mean one or more of the following:

- (1) Retail sales accounting for at least twenty-five percent of gross sales; or
- (2) Merchandise accounting for at least twenty-five percent of total merchandise available for sales; or
- (3) Shelf space and display space which when combined is in excess of eighty (80) sq. ft

C. For the purpose of defining Adult Entertainment for this Bylaw, “Adult motion picture theater,” as defined by M.G.L Chapter 40A, Section 9A shall include any portion of any commercial use that is used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.

ENTERTAINMENT, ACCESSORY — Recreational services or events which are incidental to and in support of another permitted commercial use. Accessory entertainment includes, but is not limited to: performances, including, but not limited to, music, dance, theater, comedy; film showings; lectures; exhibitions; participatory performances including open mics and jam sessions. A fee may be charged for accessory entertainment. Whether an entertainment use is accessory or primary shall be not be determined based on percentage of area used (as specified in the definition of Accessory Use in this Bylaw). Rather it shall be determined based on the operational characteristics of the Entertainment use and any other use of the premises. Considerations may include frequency of operation, and/or percent of total sales generated.

ENTERTAINMENT, STANDALONE — A business which, for compensation, offers recreational services or events, including but not limited to, performance spaces, music venues, movie theaters, and other places of public or private entertainment for which a fee is charged.

ACCESSORY ENTERTAINMENT — See “Entertainment, Accessory.”

STANDALONE ENTERTAINMENT — See “Entertainment, Standalone.”

§ 125-18.4. Adult Entertainment.

A. Purpose and Applicability

- (1) Purpose: This bylaw is enacted pursuant to M.G.L. c. 40A § 9A in order to provide for a special permitting process for the location of Adult Entertainment Facilities within the Town. The special permitting process shall address and mitigate the secondary effects of Adult Entertainment Facilities. Secondary effects of Adult Entertainment Facilities have been associated with increased crime, adverse impact on public health, adverse impact on business climate, adverse impact on the property values of residential and business property, and adverse impacts on the quality of life.
 - (a) It is not the purpose or intent of this by-law to impose a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials, that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts.
 - (b) Adult Entertainment Facilities in the Town shall comply with all applicable state and federal laws and regulations. It is not the purpose or intent of this by-law to legalize the sale, rental, distribution, or exhibition of pornographic, obscene or other illegal materials or activities.:
- (2) Applicability
 - (a) This by-law applies to any facility offering any adult entertainment (“Adult Entertainment Facility”), including but not limited to adult bookstores, adult motion picture theatres, adult video stores, adult paraphernalia stores, and establishments which display live nudity for patrons.

B. Requirements. In all cases, the following standards and criteria shall be met:

- (1) No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for an Adult Entertainment Facility if any part of such building or premises is situated on any part of a lot within a 750 foot radius in any direction of any lot used for, or upon which is located any building used for a religious institution, school, library, park, facility attended by persons under the age of 18 (including but not limited to school programs, camps, and athletic leagues, municipal facilities, child care facility, or daycare center), or another adult establishment.
- (2) All buildings and parking areas shall be set back a minimum of one hundred (100) feet from side and rear lot lines.
- (3) Noise Impacts:
 - (a) All parking areas shall have reasonable sound barriers from any adjacent parcel, such that conversation carried out at a normal volume in parking areas shall not be intelligible off the premises.
 - (b) An Adult Entertainment Facility may not have a speaker or other sound system equipment mounted outside the interior walls of the building.
 - (c) Sound generated from within an Adult Entertainment Facility shall not be audible at any point outside of the facility. A special permit application for an Adult Entertainment Facility shall include specifications for all sound system components, specifications of measures used to contain sound within the building, and certification by an Acoustical Engineer licensed in the State of Massachusetts that no sound that emanates from a sound system or from a human being within the building will be audible beyond the exterior walls of the building.
- (4) No picture, publication, videotape, movie, cover, live entertainment, or other implement, item, or advertising, that is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. section thirty-one of chapter two hundred and seventy-two shall be displayed in the windows of, or on the building of any Adult Entertainment Facility.
- (5) No picture, publication, videotape, movie, cover, live entertainment, or other implement, item, or advertising, that is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. section thirty-one of chapter two hundred and seventy-two shall be displayed within an Adult Entertainment Facility such that it is visible outside of the facility.
- (6) Hours of Operation. Adult Entertainment Facilities shall not operate before noon and shall cease operations not later than 9 p.m. The Special Permit Granting Authority may further limit days and times of operation to avoid conflict with any other noncompatible land uses.

C. Procedures. Any person seeking to operate or construct an Adult Entertainment Facility shall first obtain a special permit with site plan approval from the Planning Board acting as the special permit granting authority pursuant to

M.G.L. c.40A, §9, M.G.L. c.40A, §9A, and §125-25, §125-26, § 125-5 Schedule of Use Regulations, and any other applicable sections of the Zoning Bylaw of the Town of Pelham. The Planning Board shall review the application and plan and shall request comments from the Board of Selectmen, the Fire Chief, the Chief of Police, the Board of Health, the Building Inspector, and Town Highway. The Planning Board may request comments from other Town boards or staff. In addition to requirements specified elsewhere in this Bylaw:

- (1) An application for a special permit shall contain information sufficient to determine compliance with the requirements of paragraph B of this §125-18.4, including a management plan specifying interior and exterior security procedures, including management of patrons outdoors on the property with particular attention paid to noise generated by patrons.
- (2) An application for a special permit shall include the name and address of the legal owner of the Adult Entertainment Facility, together with the names and addresses of all persons having any direct or indirect ownership or security interest in the facility. In the event that the petitioner is a corporation, partnership, trust, or other corporate entity, the name and address of any person who has a direct or indirect ownership or beneficial interest in the entity shall be included.
- (3) An application for a special permit shall include the name and address of the operator of the Adult Entertainment Facility.
- (4) No special permit shall be issued to any person, or to any corporate entity associated with any person, who has been convicted of violating the provisions of M.G.L. Ch. 119 §63 or M.G.L. Ch. 272 §28, or to any other person or entity prohibited by M.G.L. Ch. 40A §9A from receiving a special permit.
- (5) The Planning Board may impose reasonable conditions to ensure that the location and operation of the proposed Adult Entertainment Facility is consistent with the purpose of the applicable district and the Zoning Bylaw of the Town.
- (6) A special permit shall be valid for two years and may be extended on written request with a public hearing for successive two-year periods upon a determination by the Planning Board that the operation of the Adult Entertainment Facility has been conducted in accordance with the special permit.
- (7) A special permit shall terminate if there has been no operation of the Adult Entertainment Facility for six months, if there is a change in the operator of the Adult Entertainment Facility, or if the Adult Entertainment Facility or land on which the Adult Entertainment Facility is located is sold.
- (8) There shall be no material deviations from approved plans without written approval from the Planning Board which may require a public hearing.
- (9) A special permit shall remain exclusively with the petitioner and shall not run with the land. Any new owner or operator of an Adult Entertainment Facility must obtain a special permit before commencing or continuing operations.
- (10) Adult Entertainment Facilities shall comply with all other provisions of the Zoning Bylaws of the Town. To the extent that the provisions of this §125-18.4 may conflict with other provisions of the Zoning By-laws of the Town, the provisions of this Section §125-18.4 shall apply.
- (11) The Building Inspector shall enforce this by-law and any special permit issued or extended pursuant to this by-law.

§ 125-18.5. Accessory Entertainment

A. Purpose and Applicability

- (1) Purpose. The Town of Pelham finds that standalone entertainment use is not consistent with the intent of the Village Center Districts. When standalone entertainment is frequently operated, it can result in regular pulsed traffic volumes and noise which can negatively impact property values and quality of life. On the other hand, when a standalone entertainment use is only infrequently operated, its facility sits vacant much of the time detracting from the vibrancy of the area, reducing interest for pedestrians, and reducing the ability of Pelham's Village Center to generate a regular, moderate level of activity that is consistent with the Village Center's intent. Nonetheless, the Town of Pelham finds that occasional Entertainment which is accessory to another commercial use is desirable within the Village Center Districts because it can support a moderate level of activity in the district, can support other uses that are consistent with the intent of the district, and can avoid the negative impacts of a standalone entertainment use described above. For the purposes of this section, "frequent" shall generally mean occurring on four or more days per week, while "infrequent" or "occasional" shall mean occurring on three or fewer days per week.
- (2) Applicability. This section applies to Entertainment as an accessory use to a commercial use. The permit granting authority may authorize accessory entertainment in accordance with the provisions of § 125-5 Schedule of Use Regulations, requirements of this section, and any other applicable sections of this Bylaw.

B. Requirements. In all cases, the following standards and criteria shall be met for Accessory Entertainment:

- (1) There shall be adequate parking for the use. When § 125-18., Table 5, Parking Requirements calculates parking requirements for the primary use on a square foot basis, the required number of parking spaces for the entertainment shall be calculated on a per seat basis with a minimum of 1 parking space required per 4 seats, or, if no seating is provided, 1 parking space per 4 patrons.
- (2) Noise Impacts:
 - (a) A facility for Accessory Entertainment may not have a speaker or other sound system equipment mounted outside the interior walls of a building.
 - (b) Sound generated from within a building for Accessory Entertainment shall not be audible at any point off the premises. A special permit application for Accessory Entertainment shall include specifications

for all sound system components, specifications of measures used to contain sound on the premises, and certification by an Architect, or Engineer licensed in the State of Massachusetts that no sound that emanates from a sound system or from a human being within the building will be audible beyond the property lines of the premises.

- (3) Hours of Operation. Accessory Entertainment shall not operate before 9 a.m. and shall cease operations not later than 9 p.m. The Special Permit Granting Authority may further limit days and times of operation to avoid conflict with any other noncompatible land uses.

C. Procedures. Any person seeking to operate Entertainment that is accessory to a commercial use, shall first obtain a special permit with site plan approval from the special permit granting authority pursuant to M.G.L. c.40A, §9, M.G.L. c.40A, §9A, and §125-25, §125-26, § 125-5 Schedule of Use Regulations, and any other applicable sections of the Zoning Bylaw of the Town of Pelham. The Special Permit Granting Authority shall review the application and site plan and shall request comments from the Board of Selectmen, the Fire Chief, the Chief of Police, the Board of Health, the Building Inspector, and Town Highway. The Planning Board may request comments from other Town boards or staff. In addition to requirements specified elsewhere in this Bylaw:

- (1) An application for a special permit for Accessory Entertainment shall contain information sufficient to determine compliance with the requirements of paragraph B of this §125-18.5, including a management plan specifying interior and exterior security procedures, including management of patrons outdoors on the property with particular attention paid to noise generated by patrons.
- (2) The Special Permit Granting Authority may impose reasonable conditions to ensure that the location and operation of the proposed Accessory Entertainment is consistent with the purpose of the applicable district and the Zoning Bylaw of the Town. This includes increasing or decreasing the allowed hours of operation from those specified in paragraph B above.
- (3) A special permit shall be valid for two years and may be extended on written request without a public hearing for successive two-year periods upon a determination by the Special Permit Granting Authority that the operation of the Accessory Entertainment has been conducted in accordance with the special permit. The Special Permit Granting Authority may require a public hearing for an extension request, at its discretion.
- (4) There shall be no material deviations from approved plans without written approval from the Special Permit Granting Authority. Modification of an approved plan may require a public hearing.

ARTICLE 12

VOTED unanimously to amend the Town’s Zoning Bylaw, Chapter 125, to make any necessary codification changes to incorporate amendments to the Zoning Bylaw resulting from action taken at the Town Meeting held on May 11, 2019, including, but are not limited to, adding entries to the Table of Contents and renumbering page numbers, as needed, rearranging the order of rows in sections 125-5, Table 1 Schedule of Use Regulations, and rearranging the order of items in sections 125-34, Definitions.

ARTICLE 13 - Citizen Petition

DEFEATED Yes 13, No 30 To see if the Town will vote to amend the Zoning Bylaw, Chapter 125, to prohibit retail stores in the Village Center Neighborhood District (VC-N): by modifying Table 1, Schedule of Use Regulations, by deleting, “Retail” from “Retail/Office/Professional Service/Personal Service with building footprint of less than 2,500 square feet,” and by creating a new row for “Retail with building footprint less than 2,500 square feet” and by inserting “No-Use Prohibited” under “Village Center Neighborhood,” and by substituting the words “professional” for “commercial” in “Article II Zoning Districts, A. Purpose of Districts,” or take any other action relative thereto.

A. Purpose of Districts:

Village Center Mixed-Use District (VC-MU)

The purpose of the Village Center Mixed-Use District is foster the development of a village center that features a mix of civic, commercial, institutional, residential, and open space uses within close proximity to each other, while ensuring that development reflects patterns of development characteristic of traditional New England village centers, including the design of buildings, sites, streets, and public spaces.

Village Center Neighborhood District (VC-N)

The purpose of the Village Center Neighborhood District is to support the enhance the residential neighborhood adjacent to the Village Center by providing opportunities for diverse and innovative housing options, providing opportunities for home occupations and small-scale ~~commercial~~ professional and institutional uses, and improving the walkability of the district, while ensuring that development reflects patterns of development characteristic of residential neighborhoods surrounding the centers of traditional New England villages, including the design of building, sites, streets, open spaces, and pedestrian accommodations. A further purpose of this district is to support the economic viability of the village center and allow the gradual expansion of the village center.

Village Center Rural Edge District (VC-RE)

The purpose of this district to is preserve rural character and protect watersheds, recreational land, natural resources, and wildlife habitat (including BioMap Core Habitat designated by the Commonwealth of Massachusetts), while fostering innovative neighborhood design that provides diverse housing options, supports low impact non-residential uses, and provides access to high quality open spaces.

Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
	Zoning District					
Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Other educational or childcare use not subject to the limitations on municipal regulation in MGL c. 40A Section 3	SP/SPA/ZBA	SP/SPA/ZBA	SPA/PB	SP/SPA/PB	SP/SPA/PB	
Cemetery	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	
Commercial Uses						
Retail/Office/Professional Service/Personal Service with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Retail with building footprint less than 2,500 square feet	N	N	SPA/PB	N	N	
Retail/Office/Professional Service/Personal Service with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Restaurant/Bar/Entertainment with building footprint less than 2,500 square feet	N	N	SPA/PB	N	N	
Restaurant/Bar/Entertainment with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Hotels/Motels	N	N	N	N	N	
Vehicle-Oriented Uses	N	N	N	N	N	See definitions, § 125-34
Drive-Through Facilities	N	N	N	N	N	

ARTICLE 14 - Citizen Petition

DEFEATED Yes 14, No 33 To see if the Town will vote to amend the Zoning Bylaw, Chapter 125, Section 125-5, Table 1, Schedule of Use Regulations, under Village Center Neighborhood District (VC-N) “Restaurant/Bar/Entertainment with building footprint less than 2,500 sq. ft.” by deleting “SP/SPA/PB” and substituting “N, No-Use Prohibited,” or take any other action relative thereto.

Table 1 Schedule of Use Regulations [Amended 5-9-1998 ATM, Art. 28; 10-25-2006 STM, Art. 11; 5-5-2012 ATM, Art. 37]						
	Zoning District					
Land Use Classification	Residential	Limited Business	Village Center Mixed-Use	Village Center Neighborhood	Village Center Rural Edge	Standards and Conditions
Other educational or childcare use not subject to the limitations on municipal regulation in MGL c. 40A Section 3	SP/SPA/ZBA	SP/SPA/ZBA	SPA/PB	SP/SPA/PB	SP/SPA/PB	
Cemetery	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	SP/SPA/ZBA	
Commercial Uses						
Retail/Office/Professional Service/Personal Service with building footprint less than 2,500 square feet	N	N	SPA/PB	SP/SPA/PB	N	
Retail/Office/Professional Service/Personal Service with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Restaurant/Bar/Entertainment with building footprint less than 2,500 square feet	N	N	SPA/PB	N SP/SPA/PB	N	
Restaurant/Bar/Entertainment with building footprint greater than 2,500 square feet	N	N	SP/SPA/PB	N	N	
Hotels/Motels	N	N	N	N	N	
Vehicle-Oriented Uses	N	N	N	N	N	See definitions, § 125-34
Drive-Through Facilities	N	N	N	N	N	

ARTICLE 15

VOTED unanimously to appropriate from Free Cash the sum of \$246,948 as follows:

- A. \$5,000 to provide the Planning Board with clerical and technical help to develop procedures, forms, fee schedules, and systems to implement the Town Center zoning and to study other town wide needs for zoning bylaws and regulations
- B. \$750.00 to defray the cost of consultants to the Planning Board
- C. \$3,500.00 to repair or replace the antenna used for Highway radios on Mount Lincoln
- D. \$25,000.00 for handicap accessible upgrades, including bathroom and ramp if necessary, to the Rhodes Building
- E. \$25,000.00 for road maintenance
- F. \$25,000.00 to repair and or replace the HVAC system at the Community Building

- G. \$11,698.00 to the School Department for FY2020, this money representing an amount equal to that received by the Town as Medicaid reimbursements for services provided by the School Department
- H. \$25,000.00 for reimbursement of unanticipated special education charges, which reimbursement would require the approval of the School Committee, Finance Committee, and Board of Selectmen
- I. \$50,000.00 toward the future roof replacement at the Regional Middle School
- J. \$5,000.00 to create and furnish a quiet room for students in the Pelham Elementary School
- K. \$6,000.00 to replace the remaining skylights in the Pelham Elementary School that are leaking
- L. \$6,000.00 to study/fix the heating and cooling problem with two classrooms in the Pelham Elementary School
- M. \$5,000.00 to replace the balance of the Police Department radios
- N. \$5,000.00 to equip and send the new full-time police officer to the Police Academy if necessary
- O. \$5,000.00 to acquire a portable solar speed sign for the Police Department
- P. \$6,000.00 to replace worn-out turnout gear for the Fire Department
- Q. \$5,000.00 to move the financial data from the Point Software system to the Vadar system for the Treasurer, Tax Collector, and Accountant
- R. \$20,000.00 to be deposited in the Other Post Retirement Benefits (OPEB) Trust Fund
- S. \$10,000.00 to be deposited in the general Stabilization Account
- T. \$1,000.00 for maintenance of the Historic Complex
- U. \$500.00 to defray the cost of consultants to the Zoning Board of Appeals
- V. \$1,000.00 to be used by the Cemetery Commission in making repairs to some of the Pelham cemeteries
- W. \$500.00 for preservation of Town Clerk Records

ARTICLE 16

VOTED unanimously to authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for construction and/or maintenance of public highways for the Fiscal Year 2020, and further to authorize the Board of Selectmen on behalf of the Town to accept and expend any money from the Commonwealth of Massachusetts for highway construction and/or maintenance, provided that no funds shall be expended to widen, or enter into a contract to widen, any Town road unless the Board of Selectmen has held a public hearing advertised at least fourteen (14) days in advance, with any proposed contract and/or plans for such road improvements being posted for public viewing prior to the public hearing, and further provided that such policy is consistent with State requirements.

ARTICLE 17

VOTED unanimously to authorize the Board of Selectmen to accept and/or apply for any State or Federal funds or grants that may become available during the Fiscal Year 2020 and to expend such funds in accordance with the terms and conditions thereof, provided that no funds shall be expended to widen, or to enter into a contract to widen, any Town road unless the Board of Selectmen has held a public hearing advertised at least fourteen (14) days in advance, with any proposed contract and/or plans for such road improvements being posted for public viewing prior to the public hearing, and further provided that such policy is consistent with State requirements.

ARTICLE 18

VOTED unanimously to appropriate the sum of \$25,000.00 from the Capital Plan Stabilization Fund to purchase a new or used vibratory asphalt roller, and related equipment, for the Highway Department.

ARTICLE 19

VOTED unanimously to postpone indefinitely. To see if the Town will vote to appropriate the sum of \$70,000.00 from the Capital Plan Stabilization Fund to repair and paint the exterior of the Old Town Hall.

ARTICLE 20

VOTED unanimously to appropriate the sum of \$40,000.00 from the Capital Plan Stabilization Fund to install new energy efficient windows and paint the exterior of the Rhodes School.

ARTICLE 21

VOTED unanimously to accept the provisions of G.L. c.64G, §3A, authorizing the imposition of the so-called local room occupancy tax on the rental of rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, at the rate of 6% of the total value of such occupancy, to take effect on July 1, 2019.

ARTICLE 22

VOTED to amend the Code of the Town of Pelham bylaws Chapter 5 Animals, Article II Dog Control [adopted 5-3-1997 ATM, Art. 10] by making revisions shown below, with additions shown as underlined and deletions shown in strikethrough:

§. 5-3 Purpose.

The town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage and preventing dog-related nuisances. The Town further requires any dog for which one formal complaint has been filed be kept under the owners/guardians or keeps leash control at all times on town property.

§ Violations enumerated.

Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

- A. Unlicensed dog: a dog six months or older, which is unlicensed or not relicensed by May 31 each year.
- B. Running at large: to go beyond the boundaries of the owner's residence unless the dog is:
 - 1. Under leash control; however, dogs in the act of training, working or hunting are excepted.
- C. To chase a pedestrian, bicycle or any other vehicle.
- D. To bark excessively during the day or to bark between 10:00 p.m. and 8:00 a.m. so as to disturb the reasonable quiet of the neighborhood.
- E. Worrying livestock: to worry, injure or kill another's livestock, fowl or pet.
- F. Vicious dog: to menace, attack or bite a person without provocation.

ARTICLE 23

DEFEATED To see if the Town will vote to amend the Code of the Town of Pelham bylaws Chapter 5 Animals, Article II Dog Control [adopted 5-3-1997 ATM, Art. 10]:

§ 5-3. Purpose.
The town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage and preventing dog-related nuisances.
Furthermore, dogs on Town property must be leashed at all times.

§ 5-7. Violations enumerated.
Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

- A. Unlicensed dog: a dog six months or older, which is unlicensed or not relicensed by May 31 each year.
- B. Running at large: to go beyond the boundaries of the owner's residence unless the dog is:
 - (1) In sight and under immediate response to voice command and does not trespass on residential property; or
 - (2) Under leash control; however, dogs in the act of training, working or hunting are excepted.
- C. To chase a pedestrian, bicycle or any other vehicle.
- D. To bark excessively during the day or to bark between 10:00 p.m. and 8:00 a.m. so as to disturb the reasonable quiet of the neighborhood.
- E. Worrying livestock: to worry, injure or kill another's livestock, fowl or pet.
- F. Vicious dog: to menace, attack or bite a person without provocation.
- G. Unleashed dogs on Town property.

ARTICLE 24

VOTED unanimously to amend the Code of the Town of Pelham bylaws Chapter 5 Animals, Article II Dog Control [adopted 5-3-1997 ATM, Art. 10] by increasing the amount of the fines in section 5-18 as follows:

§ 5-18. Fine Schedule.
Dog Control Bylaw Fine Schedule

	First Offense	Second Offense	Third Offense
Failure to license	\$25	\$50	\$75
Failure to have kennel license	\$25	\$50	\$75
Running at large	\$25	\$50	\$75
Chasing offense	\$25	\$50	\$75
Excessive barking	\$25	\$50	\$75
Removal of dog waste	\$25	\$50	\$75
Worrying domestic animals	\$25	\$50	\$75
Vicious dog	\$25	\$50	\$75
Inhumane	\$50	\$75	\$100

ARTICLE 25

VOTED unanimously to adopt the recommendation of the Community Preservation Committee to appropriate and transfer the following sum of money from the Community Preservation Fund estimate annual revenues for Community Preservation Committee administrative expenses in FY2020 in the amount of \$1,000.00.

ARTICLE 26

VOTED unanimously to adopt the recommendation of the Community Preservation Committee to appropriate and transfer the following sums of money from the Community Preservation Fund estimated annual revenues; \$14,500.00 for Open Space; \$14,500.00 for Community Housing; and \$14,500.00 for Historic Resources; and to reserve for later appropriation \$40,200.00 to the FY2020 Community Preservation Fund Budgeted Reserve.

ARTICLE 27

VOTED unanimously to accept the recommendation of the Community Preservation Committee and the Housing Committee to appropriate from the Community Preservation Fund Reserve Balance \$35,000.00 and \$90,000.00 from the Community Housing Balance, for the total sum of \$125,000.00 to acquire a house site at 8 Amherst Road for the purpose of community housing, including a Habitat for Humanity house, in accordance with applicable land procurement and disposition laws and regulations.

ARTICLE 28

VOTED unanimously to accept the recommendation of the Community Preservation Committee and the Housing Committee working in partnership to appropriate from the Community Preservation Fund the sum of \$4,000.00 for an administrative account, subject to renewal annually by vote at Town Meeting, to assist in the due diligence required for the acquisition of affordable housing.

ARTICLE 29

VOTED unanimously to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection (j) as follows: For Fiscal Year 2020 only, the alternative operating budget assessment shall be calculated as 30% of a five-year average of minimum contributions with the remainder of the assessment allocated to the member towns in accordance with the per-pupil method found in Section VI (e) of the Amherst Pelham Regional School District Agreement. The five-year average of minimum contributions will include the five most recent years.

ARTICLE 30

VOTED unanimously to raise and appropriate the sum of \$64,854.72 and transfer \$12,657.78 from Massachusetts School Building Authority (MSBA) Funds for the payment of the Town’s (General Fund) indebtedness.

ARTICLE 31

VOTED unanimously to appropriate the sum of \$24,054.00 from the Regional School Capital account to pay Pelham’s share of the Regional School Capital debt.

ARTICLE 32

VOTED unanimously approve annual spending limits for FY 2020 for revolving funds established in the Town Bylaws, in accordance with G.L c.44, Section 53E1/2, with such expenditure limits to be applicable for each fiscal year until such time as Town meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year; provided, however, that at the request of the entity authorized to expend such funds, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only, all as set forth below:

Revolving fund	FY spending limit
Archivist	\$2,500
Building Inspector	\$18,227
Community Garden Committee	\$5,000
Community Hall	\$7,000
Fire Department	\$7,500
Gas Inspector	\$1,500
Department of Public Works	\$7,500
Plumbing Inspector	\$1,500
Police Department	\$7,500
Wiring Inspector	\$3,000
Zoning Board of Appeals	\$1,000

ARTICLE 33

VOTED unanimously to appropriate the sum of \$7,204.78 from the PEG Access and Cable Related Fund (established by vote of the Fall 2015 Town Meeting) to be used by the Board of Selectmen for the purpose of Technology services and purchases for the Town.

ARTICLE 34

VOTED unanimously to authorize the Library Trustees to expend such monies as they may receive from the sale of discarded books, gifts, and bequests, and from the State and Federal Governments.

ARTICLE 35

VOTED unanimously to authorize the Pelham Cultural Council to expend such monies as it may receive from the State and Federal Governments, and from gifts and bequests.

ARTICLE 36

VOTED unanimously to accept the provisions of G.L. c.59, §5C1/2, inserted by Section 14 of Chapter 62 of the Acts of 2014, for the purpose of increasing the real estate tax exemptions up to 100 percent for taxpayers qualifying for exemptions under Clauses 17C, 22, 37 or 41C of G.L. c. 59, §5.

ARTICLE 37 - Citizen Petition

Resolution in Support of Changing the State Flag and Seal of Massachusetts
VOTED unanimously to adopt the resolution as written in Article 37.

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is, according to the illustrator Edmund Garrett, modeled after Myles Standish's own broadsword, kept in the Pilgrim Hall in Plymouth;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas, according to the illustrator Edmund Garrett, who designed the current state seal of Massachusetts, the proportions of the body of the Native man depicted on the Flag and Seal were taken from a Native skeleton unearthed in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by Garrett to be a “fine specimen of an Indian,” though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislatures to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the Town of Pelham is situated on land long associated with Native People, primarily the Nipmuc Nation, whose Tribal Nation is now located on the east side of the Quabbin, centered in places like Grafton and Webster;

Now, therefore, **BE IT RESOLVED** that the Town of Pelham hereby adopt this resolution in support of HD.2968 and SD.1495, a “**Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,**” and request that Representative Mindy Domb and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (HD.2968 and SD.1495) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

The business of the warrant having been completed, Town Meeting voted to dissolve at 5:10 p.m. 120 voters were checked in.

Attest:

Sandra J. Burgess
Temporary Town Clerk