

ANNUAL TOWN MEETING WARRANT
TOWN OF CHESTER
COMMONWEALTH OF MASSACHUSETTS

*Meeting called to order at 7:03PM by Moderator Melvyn Hook
Mr. Hook led the group in the Pledge of Allegiance.*

66 registered voters were present out of 904 registered voters.

HAMPDEN, SS.

To any of the Constables in the Town of Chester in the County of Hampden:

GREETINGS

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Chester qualified to vote in Town affairs to meet at Chester Town Hall, 15 Middlefield Rd, Chester MA on Monday, the 14th day of June 2021, A.D. at 7:00 P.M for the following purposes:

At this point Gail Tinley stood up and wanted to make a motion regarding the wording of the warrant in particular the budget portion. The moderator Melvyn Hook chose not to entertain the motion at this time. See Article 2.

ARTICLE 1:

To see if the Town will vote to authorize the Board of Selectmen to appoint such other Town Officials as are not required to be chosen by ballot or take any other action relative thereto.

Majority vote required.

John Baldasaro accepted the article as read and Richard Holzman second

After discussion article was passed.

Yes 60, 3 No

ARTICLE 2:**COMPENSATION**

To see if the Town will vote to fix the annual salaries of all elected officials for the period of July 1, 2021, to June 30, 2022, as indicated below; or to take any other action relative thereto:

Majority vote required.

Elected Official's Salary	FY2021	Proposed
		FY2022
Selectman	\$2,248.33	\$ 2,293.33
Selectman	\$2,248.33	\$2,293.33
Selectman	\$2,248.33	\$2,293.33
Assessors (3)	\$3,000.00	\$1,000.00
Town Moderator	\$200.00	\$200.00
Health Board	\$1,366.00	\$1,401.00
Health Board	\$1,366.00	\$1,401.00
Health Board	\$1,366.00	\$1,401.00

John Baldasaro accepted the article as read and Richard Holzman second

Gail Tinley made a motion to table the warrant and budget. "I Gail Tingley would like to make a Motion to Table the Budget and the warrant until such a date it can be presented to the voters with needed clarity and correct information. The warrant needs to have revolving accounts set for several Boards and Committees. To use funds that are collected for a specific purpose can only be spent on that purpose if it is in a Revolving Account. By law this needs to be done to be legal at Annual Meeting for the budget."

Michele Kenney second

59 no 3 yes motion failed.

Michele Kenney asked why the Assessors budget was slashed to \$1,000.00. Andy Myers stated with COVID 19, the town hall was closed, and the Assessors did not come in and work as in previous years. Michele Kenny said she thought RRG had a clerk, Andy Myers said no it was Laura Lafreniere. Andy Myers said Laura was the clerk and doing a great job. Andy Myers did state the Assistant Assessor position was open and it pays \$4,000.00.

Majority voted yes.

ARTICLE 3

FY2022 Operating Budget

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,493,525.00 to defray the charges and expenses of the Town, including debt service (principal and interest) and to provide a Reserve Fund, for the period July 1, 2021 to June 30, 2022, as set forth in the attached budget sheet and further, to hear the report of the Finance Committee and act thereon, or to take any other action relative thereto. *(please see separate budget sheet))*

Majority vote required.

*John Baldasaro accepted the article as read and Richard Holzman second
Andy Myers explained the "Chester Budget Goals for the FY 2022 Handout" This had 8 points that the finance committee followed when putting the budget together. The Budget was not addressed line by line as in previous years and never discussed.*

Majority voted yes.

ARTICLE 4

Revolving Funds

To see if the Town will vote to set FY2022 spending limits for each of the Town's previously established revolving funds that have been authorized by Chapter 44, Section 53E1/2 of the Massachusetts General Law as indicated below; or to take any other action relative thereto.

Board of Health	\$3,000.00
Plumbing Inspector	\$1,000.00
Wiring Inspector	\$1,000.00
Tax Collector	\$2,000.00
Deputy Collector	\$1,000.00
Police	\$15,000.00

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Gail Tingley -BOH has a Revolving Fund shown in Article 4 on the warrant before you. Instead of only allowing them a limit of \$3,000 make it for all funds received specifically for BOH instead of a new position being created on the FY2022 Budget which was never discussed. She also stated the warrant also put restrictions on what funds for BOH could be revolving that needs fixing! The fees they collect can pay for clerical help because they will

oversee how they spend the money as it will all go to BOH needs instead of in the General fund and it will not cost the taxpayer.

The list goes on and on. These two alone save the taxpayer almost \$60,000.00! It is all a paperwork thing!

Mary Ann Pease- She spoke on the revolving fund process; fees are collected in certain departments: example Board of Health has a health agent who does certain jobs on behalf of the Board of Health, ex: approval for septic tanks, the health agent collects fees for performing these duties. These fees are collected by the town and placed in a revolving fund. The health agent then submits an invoice to be paid for job performed. The pay for the health agent comes out of these funds. This does not affect the town budget. Only money put in can be taken out.

Majority voted yes.

ARTICLE 5:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,529,224.00 for the Gateway Regional School District as determined using the "Alternative Assessment Method" as set forth in the regional school district agreement for the period of July 1, 2021, through June 30, 2022 or to take any other action relative thereto. (Last year's figure \$1,529,224.00)

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Frank Pero Jr asked if any funds were less because of the school closure because of COVID 19. Jason Forguc answered how the school budget was level funded because of the savings.

Majority voted yes.

ARTICLE 6: Alternative Assessment Method for the Gateway Regional School Budget

In the event the "Alternative Assessment Method" for the Gateway Regional School budget does not pass in all six Gateway towns, and the "Statutory Assessment Method" is adopted, to see if the Town will vote to raise and appropriate or transfer from available funds the additional sum of \$106,109.00 for the Gateway Regional School District for the period of July 1, 2021 through June 30, 2021 or take any other action thereto.

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Motion made to correct date June 30,2021 should be June 30,2022

Majority voted yes.

ARTICLE 7: Statutory Assessment method for Gateway Regional School District

In the event the "Alternative Assessment Method" for the Gateway Regional School budget does not pass in all six Gateway towns, and the "Statutory Assessment Method" is adopted to see if the Town will vote to transfer the sum of \$23,325.00 from the Educational Stabilization Fund to fund the additional assessment in the Gateway budget; or take any other action thereto. (Last year's figure \$1,612,008.00).

2/3rd vote required

John Baldasaro accepted the article as read Richard Holzman second

Andy Myers explained the Alternative VS the Statutory method of payment. The alternative method needs to pass in all 6 towns which is unlikely because – a town may have to pay much more, and they chose the Statutory Assessment. This year our share was much higher because we had more students therefore the finance committee voted to use \$23,325.00 from the Educational Stabilization fund that was set up last year to help with increases.

Majority voted yes.

ARTICLE 8:

Vocational Tuition and Transportation

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$214,568.00 to pay for vocational tuition (\$174,268.00) and transportation (\$40,3000.00) for Chester's students for the period July 1, 2021, through June 30,2022; or to take any other action relative thereto. (Last year's figure \$249,900.00).

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Majority voted yes.

ARTICLE 9:

Acceptance of Chapter 90 Funds

To see if the Town will vote to accept and appropriate funds being provided by the Massachusetts Department of Transportation, under the provisions of Mass. General Laws Chapter 90. Such funds to be used to pay costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges; and provided that any unspent funds shall carry over from year to year until expended by the Town or to take any other action relative thereto

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Gail Tinley questioned how the Chapter 90 funds were paid. How could there be a negative amount? Carl Baldasaro explained the state sets the amount of dollars received and ONLY after the bill has been paid and the paid receipt is turned into the state are we reimbursed and the funds are paid back to the town, if the paperwork crosses at the end of the fiscal year, it will show how we have not been reimbursed which means a negative balance. John Baldasaro explained the East River Road project it was not part of the Chapter 90 funds but from a grant.

Majority voted yes.

ARTICLE 10:

CMELD Operations

To see if the Town will vote to appropriate the income from the sale of electricity to private consumers, municipal building, and jobbing for the Municipal Electric Light Department for the fiscal year beginning July 1, 2021, and to authorize that the whole be expended under the direction and control of the Board of Electric Light Commissioners and Manager: or to take any other action relative thereto.

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Helen Omelia asked did we not do this before. It was explained we must approve this every year.

Majority voted yes.

ARTICLE 11:

Set Rate for Short Term Rental Tax

To see if the Town will vote to set the rate of a local excise tax upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental, or motel at a rate of not more than 6% of the total amount of rent for each such occupancy, or to take any other action in connection therewith.

G.L. c. 64G, § 3A was adopted at the 10/26/2020 Special Town Meeting but at the time the rate was not set.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

Frank Pero, Jr asked if it affects Air B and B's. How many Air B and B's do we have in Chester. Elizabeth Massa stated that we have 5 licensed B&B. The Board of Health must inspect and approve residence for complying to be a bed and breakfast. There is a \$150.00 fee.

Andy Meyers made a motion that we charge a rate of 3% instead of 6%. John Baldasaro second. There was 1 no vote to amend the article to read 3% instead of 6%. Motion passed.

Majority voted yes.

ARTICLE 12: Set Rate of Community Impact Fee for Short Term Professionally managed rentals.

To see if the Town will vote to set the rate of the community impact fee of not more than 3% of the total amount of rent upon each transfer of occupancy of a professionally managed unit that is located within the Town, or to take any other action in connection therewith.

G.L. c. 64G, § 3D(a), was adopted at the 10/26/2020 Special Town Meeting but at the time the rate was not set.

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Lora Wade asked what was profession rentals? Short term rentals less than 30 days.

Majority Voted yes

ARTICLE 13: Community Impact Fee for Multiple Unit Short term rentals

To see if the Town will vote to set the rate of the community impact fee of not more than 3% of the total amount of rent upon each transfer of the occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence or to take any other action in connection therewith.

G.L.c 64G, § 3D(b), was adopted at the 10/26/2020 Special Town Meeting but at the time the rate was not set.

Majority vote required.

John Baldasaro accepted the article as read Richard Holzman second

Majority Voted yes

ARTICLE 14: Hunting by Written Permission Only Bylaw

To see if the Town will vote to adopt as a General Bylaw the following" Hunting by Written Permission Only Bylaw." Or to take any other action in connection therewith:

It shall be unlawful for any person to hunt on any private property in the town of Chester, Massachusetts without first obtaining the written permission by the landowner or person in possession or control of such lands and having authority from the owner to give such permission.

Any person who hunts on such lands shall have written permission in his or her immediate possession at all times and shall display the same upon request of an environmental law enforcement officer, local police or person in possession or control of such lands.

A copy of the written permission must also be displayed on the dashboard of the parked vehicle, while hunting and must be visible for law enforcement officers and the landowner to view from the exterior of the parked vehicle.

This bylaw shall be enforced by the police. Violators are subject to a fine of one hundred (\$100) dollars for the first offense and two hundred (\$200) dollars for a second offense within a twenty-four (24) month period.

Written permission for hunting on private property must be renewed on an annual basis.

Written permission must include the following information:

1. Name of authorized hunter who has been granted permission.
2. Contact phone number of authorized hunters who has been granted permission.
3. Name, signature, and contact phone number of property owner or person in possession or control of such lands and having authority from the owner to give such permission.
4. Address or location of property
5. Date of granted permission.
6. Period for which permission is granted (start and end date; cannot exceed one year).

A completed hunting agreement card is required and must be obtained by the landowner or their designee from the Town Clerk. Only the approved town agreement card can be used to document this permission.

Majority Vote required

John Baldasaro accepted the article as read Richard Holzman second

Earnest Baker suggested just verbal permission. How many landowners will go to the town hall to get a permit and come back and get it signed and return to the town clerk to get it certified? Why not let the individual pick up a permit and bring it to the landowner? How would the town clerk know if the person had permission to obtain permit?

Moderator Melvyn Hook, step aside from moderator position and spoke as a town resident. He felt passing this amendment would increase deer population and deer suffering because they did not die immediately. He said good hunters already seek permission from the landowners.

Heath McClaffin asked if you shot a deer, and it does not die and runs on another owner's property by the time you get permission it could take days and the deer would rot. If you could even track the deer. Is this fair to the animal?

Florence Bolduc did not want people hunting on her land as she walks her dogs and does not feel safe if anyone can just come and hunt.

Eileen Fitzgerald said she has horses and is afraid if hunters can just come and shoot without permission either her or horses could be injured.

After much discussion, the vote was 12 yes and 26 no

Article 14 failed to pass.

ARTICLE 15: CODE ENFORCEMENT LIENS BYLAW

To see if the Town will vote to adopt as a General Bylaw the following "Code Enforcement Lien Bylaw", or take any other action in connection therewith:

Section 1. Authority

This bylaw is adopted pursuant to the authority of G.L. c. 40, § 21 and c. 40 § 58 and pursuant to the Home Rule Amendment of the Massachusetts Constitution.

Section 2. Purpose

The purpose of the establishment of a Code Enforcement Lien is to provide a cost-effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay the same when due, by placing a lien upon real estate owned by the property owner.

Section 3. Charge and/or Fee

The Municipal Charges Lien shall apply to the municipal charge, penalties, fines, or fees,

including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the following:

- a. the Town of Chester Zoning Bylaw.
- b. the State Building Code.
- c. the following General Bylaws of the Town of Chester:
 - i. Hunting Bylaw
 - ii. Junk Car Bylaw
 - iii. Dog Control Bylaw
- d. the Sanitary Code; and
- e. Board of Health regulations.

Section 4. Lien Takes Effect

The Code Enforcement Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties, and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

Section 5. Collection of the Lien

- a. The Tax Collector shall be responsible for collecting the lien.
- b. The Treasurer shall notify the Assessors of all code enforcement tickets that have not been paid or appealed to the court at the end of each month.
- c. The Assessors shall prepare a statement of Code Enforcement Lien for each person from the list(s) received from the person responsible for collecting the ~~due~~ fine or penalty and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.

Section 6. Unpaid Municipal Charges Liens

- a. If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates and commit it with the warrant to the collector as part of the tax.

- b. If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

Section 7. Release of Lien

The Code Enforcement Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests and costs, have been paid or legally abated. All costs of recording or discharging a lien under this bylaw shall be borne by the owner of the property.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

Jason Forgue stated this bylaw was looking to solve Chester's issue of not being able to enforce fines by attaching them to their tax bills. Fines are mounting but there is no way to collect until the property transfers.

Jason Forgue also said property owners are given 30 days to respond.

39 yes 19 no

Article passed.

ARTICLE 14: CODE ENFORCEMENT REVOLVING FUND

ARTICLE/ORDER. To see if the town will vote to amend the General By-laws of the town by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies, or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any other action relative thereto.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law/ordinance establishes and authorizes revolving funds for use by town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - A. No liability shall be incurred in excess of the available balance of the fund.

B. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law/ordinance shall be credited to the General Fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws/ordinances, rules, regulations, policies, or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency, or officer on appropriations made for its use.

5. Authorized Revolving Funds.

5.1 Building/Zoning Department Revolving Fund.

5.1.1 There shall be a separate fund called the Building/Zoning Department Revolving Fund authorized for use by the Building/Zoning Department.

5.1.2 Revenues. The town accountant shall establish the Building/Zoning Department Revolving Fund as a separate account and credit to the fund all of the building code violations, zoning bylaw violations, Board of Health violations, and general bylaw violations charged and received by the Building/Zoning Department Officer in connection with Code enforcement.

5.1.3 Purposes and Expenditures. During each fiscal year, the Building/Zoning Department Head/Officer may incur liabilities against and spend monies from the Building/Zoning Department Revolving Fund for all remedies required to rectify said violations in connection with the Building/Zoning department regular enforcement activities. No salaries or other benefits will be paid to any officer of any department from this fund. All said salaries or payments will continue to be made through the budgeting process.

5.1.4 Fiscal Years. The Building/Zoning Department Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This article should have been number 16. John Baldasaro makes a motion that we renumber the articles properly. Richard Holzman second

Mary Ann Pease stated 5.15 should cap the funds at a max of \$15,000.00. John Baldasaro approved the amended article and Richard Holzman seconded.

Majority voted yes.

ARTICLE 15:

JUNK CAR BYLAW

Mary Ann Pease asked if this should read. "This bylaw amends the junk car bylaw of 1970." John Baldasaro said yes that is a good point. Mary Ann Pease made the motion that we amend this article from the 1970 bylaw. John Baldasaro second.

To see if the Town will vote to adopt as a General Bylaw the following "Junk Car Bylaw" or to take any other action in connection therewith:

Section 1. No person or entity, corporate or otherwise, as owner or as one in control of premises, shall keep in the open in any area of the Town of Chester more than one (1) unregistered vehicle or any junk automobiles as defined in the following section, without being licensed to do so under this by-law.

Section 2. For the purpose of this bylaw, a junk automobile shall be one which is worn out, cast off, or discarded and which is ready for dismantling or destruction, or which has been collected or stored for salvage, or for stripping in order to make use of parts thereof.

Section 3. A license to keep no more than one (1) junk automobile may be requested by filing with the Town Clerk an application in writing to the Board of Selectmen. The Board of Selectmen shall hold a public hearing upon such request, notice of which shall be given by publishing in a newspaper published or circulated in the Town of Chester fourteen days at least before the date of the hearing. The cost of publishing shall be paid by the applicant for the license.

Section 4. The Board of Selectmen may grant a license for not over one year, upon such conditions as the Board of Selectmen deems proper, to keep such junk automobiles in the open, after the public hearing has been held and the Board determines that the keeping of the same will not depreciate property values in the area or will not create a hazard to the public safety or will not become a public nuisance. Renewals of said license may be granted only after the procedure set forth is followed.

Section 5. Upon the filing with the Board of Selectmen of a petition signed by at least 10 legal residents of Chester asking for revocation of any license issued under this by-law the Board shall call a public hearing to review the conduct under said license. If the Board of Selectmen determines that the operation of the license under said license is such as to depreciate property values in the area, or creates a hazard to public safety, or constitutes a public nuisance, or otherwise constitutes a detriment to the public good, the Board may, by a majority vote, revoke said license, such revocation to be effective thirty (30) days after the date of said vote.

Section 6. The holder of a Class 1, Class 2, or Class 3 license as defined in MGL Chapter 140, Section 58 is exempt from the provisions of this by-law in respect to the premises specified in the license granted to him under Section 59 of said chapter.

Section 7. Any person or entity who violates this by-law shall be liable to a fine of fifty dollars (\$50) and each day of violation shall be a separate and distinct offense.

Section 8. Notice of appeal.

(1) Within 14 calendar days of service of a notice of violation and citation or a notice of violation and abatement, the landowner and/or the last registered owner of record of the vehicle may submit a written notice of appeal to the Appeals Examiner(s), who shall be appointed by the Selectmen.

(2) The appellant may appeal:

(a) Whether the issuing officer appropriately identified the vehicle as a junk vehicle; or

(b) Whether the last registered owner of record of the vehicle is appropriately being held responsible for the nuisance because said owner, in the transfer of ownership of the vehicle, has complied with applicable MGL, as now enacted, or hereafter amended.

(3) The notice of appeal must be in writing and received no later than 4:30 p.m. on the last day of the appeal period at the town clerk's office. If the last day of an appeal period falls on a weekend or legal holiday, the appeal period shall be extended until 4:30 p.m. the next business day. The notice of appeal shall include the following:

(a) A statement of the appellant's issue(s) on appeal.

(b) Signature, address, and telephone number of the appellant, and name and address of their designated representative, if any.

(c) Fifty-dollar (\$50) appeal fee.

Section 9. Notice of hearing.

(1) If the Appeals Examiner(s) receives one or more notices of appeal, the town clerk shall issue and serve a notice of hearing to the appellant(s) at least 15 calendar days prior to the date of the hearing on appeal. Requests from multiple parties concerning the same violation shall be consolidated.

(2) The notice of hearing shall contain the date, time, and location of the hearing; the name and telephone number of the Examiner(s); and whether the hearing will address the assessment and allocation of costs of abatement.

(3) The notice of hearing shall be served by mailing a copy of said notice to any party who filed a notice of appeal, the landowner, and the last registered owner of record of the vehicle unless it is in such condition that identification numbers are not available to determine ownership, at their last known addresses by certified mail, with a five-day return receipt requested. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made. For purposes of issuing and serving notice in this section, the term "landowner" shall be broadly defined to include not only the owner of real

property as shown on the last equalized assessment roll, but any other individual with possession or control of the property, if known to the Officer(s).

Section 10. Hearing.

- (1) The appeal of a notice of violation and citation or a notice of violation and abatement shall be heard by the Hearing Examiner(s) as an appeal of an administrative decision.
- (2) The hearing will address the allowable grounds of appeal as stated in the notice of appeal. If the Hearing Examiner(s) determines that multiple parties share responsibility for the nuisance, the Examiner(s) will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.
- (3) The owner of the property on which the junk vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the property, with his or her reasons for the denial, pursuant to applicable MGL, as now enacted or hereafter amended.

Section 11. Order of the Hearing Examiner(s).

- (1) The order of the Hearing Examiner(s) shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address. Service by mail shall be deemed effective upon the third business day following the day of mailing.
- (2) Proof of service shall be made by a written declaration of the person effecting the service, declaring the time and date of service and the manner by which service was made.
- (3) The Hearing Examiner(s), in affirming the Clerk's notice of violation and abatement, may assess administrative costs or costs related to the abatement. The Hearing Examiner may also order the refund of fees to parties deemed not responsible for the violation.
- (4) If it is determined at the hearing that the vehicle was placed on the property without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the Hearing Examiner's order shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the landowner, pursuant to applicable MGL, as now enacted or hereafter amended.

Section 12. Appeal of Hearing Examiner's decision.

The appeal decisions of the Hearing Examiner as set forth in the order of the Hearing Examiner pursuant to this bylaw are final unless appealed by filing a request for an appeal in Hampden County District Court within 20 calendar days of service of the order of the Hearing Examiner, together with a filing fee in the amount required for the filing of a suit in District Court.

Section 13. Removal and disposal - Costs - Liens.

(1) After 45 calendar days have passed since service of the notice of violation and abatement and if no appeal has been filed, or after 20 calendar days have passed since service of the order from the Hearing Examiner resulting in authority to remove, the Officer may proceed with organizing the removal and disposal of the junk vehicle(s) thereof according to the provisions of applicable MGL, as now enacted or hereafter amended.

(2) Cost of removal may be assessed against the last registered owner of the junk vehicle if the identity of the owner can be determined, unless the owner, in the transfer of ownership of the vehicle, has complied with applicable MGL, as now enacted, or hereafter amended, or the costs may be assessed against the owner of the property where the junk vehicle public nuisance is located.

(3) The Tax Collector shall record a lien for abatement costs incurred by the town pursuant to a notice of violation and abatement under this bylaw, and all other related costs against the real property on which any of the work of abatement was performed, unless and to the extent that the landowner was not responsible in the order issued by the Hearing Examiner under this bylaw. The Tax Collector shall record such a lien within 90 calendar days from the date the work was completed, or the nuisance abated, whichever is later.

(a) The lien for abatement costs shall run with the property, shall be subordinate to all previously existing special assessment liens imposed on the same property, and shall be superior to all other liens, except for State and Town taxes, with which it shall be in parity, pursuant to applicable MGL, as now enacted or hereafter amended, and shall accrue interest at six percent per annum from the date of recording the lien until paid in full.

(b) The lien for abatement costs shall contain a reference to the notice of violation and abatement and/or order of the Hearing Examiner, a description of the property to be charged with the lien, the owner of record, and the total amount of the lien.

(5) Within 30 calendar days of full payment of all abatement costs assessed against the landowner, the Officer shall record a lien satisfaction with the Hampden County Registry of Deeds, or its successor agency. The satisfaction shall include a legal description of the property where the violation occurred.

Section 14. Junk vehicle cooperative abatement program fund.

(1) There is hereby created a revolving funds account entitled "junk vehicle cooperative abatement program." This account shall be credited with sums appropriated by the Board, with penalties and costs collected under this chapter, and with other moneys as may be designated for this account. Expenditures from said sums may be made by the Officer to pay for the removal of junk vehicles from the real property of landowners who have entered into a cooperative abatement agreement pursuant to this bylaw or to pay for the removal of junk vehicles pursuant to this bylaw.

(2) The Officer shall provide to the select board a yearly report with summaries of account deposits and expenditures, as well as outstanding penalties and costs, and efforts made to collect them.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This article should be numbered Article 17.

The current Junk Car bylaw does not allow for fines to be collected because there is no appeals or hearing process in place. Jason said this bylaw will give the town actual enforcement. Each homeowner will be allowed one "junk" car with no plates. By approving this bylaw, the town will have an appeal process.

Jason Forgue asked to amend Section 3 by taking out the word no. John Baldasaro seconded.

Majority voted yes.

ARTICLE 16: TO ESTABLISH BUILDING/ZONING DEPT. & JUNK VEHICLE COOPERATIVE ABATEMENT REVOLVING FUND.

To see if the Town will vote to establish, with respect to each of the following revolving funds the following limits on the total amount that may be expended from each such fund in Fiscal Year 2022

<u>Revolving Fund</u>	<u>Maximum Expenditures</u>
<u>Building/Zoning Department</u>	<u>\$</u>
<u>Junk Vehicle Cooperative Abatement Program</u>	<u>\$</u>

Or take any other action in connection therewith.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This article should be read as Article 18.

John Baldasaro amended that the funds are Building/Zoning Department \$15,000.00

Junk Vehicle Cooperative Abatement Program \$5,000.00

Richard Holzman second

Majority voted yes.

ARTICLE 17:

RECALL ELECTIONS

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule petition with the General Court of the Commonwealth authorizing recall elections in the Town of Chester, as the forth below, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court, which approval the Selectmen are hereby authorized to give with respect to amendments within the scope of the general public objectives of the petition, or to take any other action in relation thereto:

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF CHESTER.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Chester may be recalled therefrom by the registered voters of said town as herein provided.

SECTION 2. Any twenty-five registered voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the town clerk, with her signature and official seal attached thereto. They shall be dated, shall be addressed to the Select Board, and shall contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit and shall have been signed by at least ten percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. The town clerk shall submit said recall petition at or before five o'clock in the afternoon of the Monday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters in said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, she shall submit the same with his certificate to the selectmen within five working days, and the selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself. The nomination of all candidates, the publication of the warrant for the recall election and any election to fill a vacancy caused by a recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided herein. A majority of those voting at the recall election shall be sufficient to recall such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If said incumbent is not recalled, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in section seven. If recalled in the election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (x), may vote for either of said propositions. Under the propositions shall appear the word "Candidates", and the direction "Vote for One" and beneath this the name of candidates nominated as hereinbefore provided. In case of machine voting or punch card balloting, appropriate provision shall be made to allow the same intent of the voter. If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7. No recall petition shall be filed against an officer within ninety days after he takes office nor in the case of an officer subjected to a recall election and not removed thereby, until at least ninety days after such election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within one year after such recall or such resignation.

SECTION 9. This act shall take effect upon its passage.

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This Article should read as Article 19.

Michelle Kenney asked if we ever had a recall election and John Baldasaro said it happened to him in the 1990's when he was elected to the Selectboard.

Rosemary Dalesandro asked where was the money coming from for the recall elections? John Baldasaro stated general fund. She also asked should not the recall be for a specific reason. We could be having recall elections every month, just get 25 of your friends together and ask for an elected person to be recall. John Baldasaro said it is very hard to get someone recalled.

Majority voted yes.

ARTICLE 17: DOG CONTROL BY-LAW

*The purpose is to change the following sections from the approved Dog Control Bylaw voted on at the Annual Town Meeting 2018, (Text to be deleted is underlined and new text in **bold**.)*

Section 5.1 -Licensing

Section 5.1 - pertaining to licensing, is amended as follows

The owner or keeper of a dog kept within the Town of Chester, said dog being six months of age or older, shall cause that dog to be licensed annually. The license year shall be from April 1 to the following March 31, inclusive. The License shall be valid for the same period that the rabies vaccination is current. The deadline to renew a license shall be 30 days following the expiration of the prior license. After that date a penalty will be added to the license fee, as posted in the Schedule of Fees in the office of the Town Clerk.

Section 5.4

The fee for each dog licensed shall be determined by the Town Clerk and posted in the Town Clerks office. Any owner or keeper of four or more dogs, six months of age or older, may elect to secure a kennel license after inspection by the Animal Control Officer. The fee for a kennel license is posted in the Town Clerk office.

No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog. A late fee of \$10.00 per dog will be charged for late renewals after April 15. A late fee of \$50.00 per dog will be charged for late renewals after June 1. This does not apply for newly aquired dogs or for individuals who have moved into Town less that 30 days prior to licensing. All dogs must be licensed every year.

Section 5.6

No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog(s) owned by a person aged 70 years or over.

Section 6.4

Removal of "there shall be an impound fee paid to the Town of Chester of \$20.00 for licensed dogs and \$30.00 for dogs unlicensed at the time of impoundment"

Section 8

Third Offense: Not to exceed \$100.00 and cause the Selectboard to take action, by removal or destroying, as described in Section 13 of this Bylaw.

Third offense: Not to exceed \$100.00 and cause the Selectboard to take action, as described in section 13 of this bylaw.

Section 13.

Title change

SECTION 13: COMPLAINT INVESTIGATION; Order to Restrain or Remove

Section 13 : Complaint Investigation

Majority Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This Article should read as Article 20.

Rosemary Dalesandro explained that the three-year dog license came to be a bylaw after a survey was sent to all residents and then passed at a town meeting in 2018. Instead of licensing licenses in a two-month time frame yearly the licensing is spread out over 3 years. John Baldasaro asked Terry Donovan her feelings as Animal Control Officer. She stated that it was less confusing as everyone knew their license expired March 31st and then late fees were assessed to those not in compliance. Roseanne McClaffin asked how much has been collected in late fees Terry Donovan stated she did not know as she does not collect fees.

Majority voted yes.

ARTICLE 18:

CITIZENS PETITION

To make changes to the Wind Energy Conversion Facilities Bylaw that the Town of Chester Adopted on November 13, 2006 at a Special Town Meeting approved by the Attorney General in March 27, 2007. BYLAW 5.6 LAND BASED WIND ENERGY CONVERSION FACILITIES section 5.6.3 District Regulations c) Dimensional Requirements 1. Height

Old Bylaw reads

1. Height - Wind Energy conversion facilities shall be no higher than 420 feet above the natural grade. The height of all wind turbines shall be measured to the highest point reached by the rotor blades. The SPGA may allow this height to be exceeded as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.

New Bylaw reads

1. Height - Wind Energy conversion facilities shall be no higher than 80 feet above the natural grade. The height of all wind turbines shall be measured to the highest point reached by the rotor blades. The SPGA may now allow this height to be exceeded for any reason.

2/3rds Vote Required

John Baldasaro accepted the article as read Richard Holzman second

This Article should be Article 21.

Elizabeth Massa asked to amend the article as follows: Height-wind energy conversion facilities shall be of no more than 600kw capacity and there shall be no more than one. John Baldasaro questioned could a citizen petition be amended on the floor as the citizen signs the petition for a certain wording of an article. It was decided that the petition could not be changed from original statement. The current bylaw does not restrict the number of towers. Elizabeth Massa said she has been researching this for over 2 years.

John Baldasaro said the petition change would not be accepted by the Attorney General office because Chester is a green community. Chester cannot prohibit wind towers in town.

Lyle Snide Planning Board gave a brief statement about green energy and the original bylaw that was adopted and the rules and regulations. He also said limiting towers could lead to issues with the Attorney General's office.

After discussion, the bylaw change was defeated.

John Baldasaro made a motion to dissolve the meeting and Richard Holzman second. The meeting ended at 10:05 PM

Attest: *Rosemary Salazar* Town Clerk

Town of Chester Annual Town Meeting

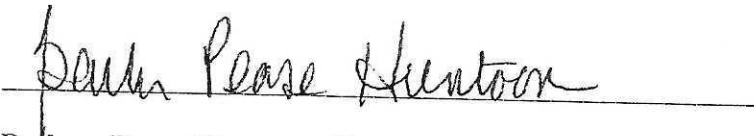
June 14, 2021,

7:00 p.m.

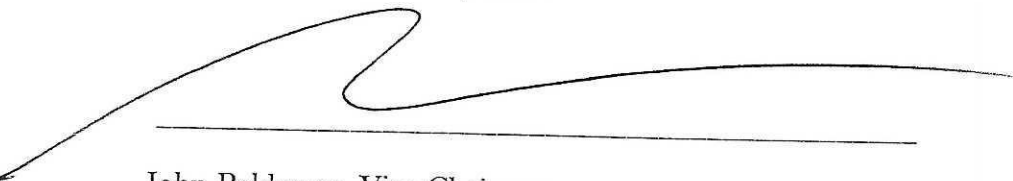
You are hereby directed to serve this Warrant by posting true and attested copies thereof, in three public places within the Town of Chester, seven (7) days at least, before the day and hour of holding said meeting.

Therefore, Fail Not and make due return, of said Warrant with your doing thereon to the Town Clerk of the Town of Chester, at or before the day and hour of holding said meeting.

Given under our hands at Chester, this 3rd day of June, 2021

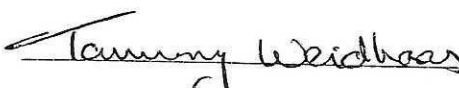


Barbara Pease Huntoon, Chair


John Baldasaro, Vice Chairman


Richard Holzman, Clerk

As per instruction in this Warrant, I have posted same, this 4th day of June 2021 in three public places, Chester Town Hall, Chester Post office, Chester Center.


Chester Police Chief Tammy Weidhaas

6/14/21 @ 0924

Date & time