



**Minutes Special Town Meeting
Commonwealth of Massachusetts
County of Hampden, SS.
Town of Blandford**

At a legal meeting of the qualified voters of the **TOWN OF BLANDFORD**, held on November 19, 2015 at the Blandford Town Hall, One Russell Stage Road Blandford, Massachusetts, at 7 P.M., the following business was transacted:

Article 1: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,213.00 to provide additional funds required to meet the assessment of the Town's share of the operating costs for the Gateway Regional School District for the period of July 1, 2015 through June 30, 2016, provided, however, that any such additional appropriation shall be contingent upon approval of the voters at a Town election of an override of Proposition 2 ½ so-called in accordance with the provisions of G.L. c.59, §21C; or take any other action relative thereto.

Motion to fund the article from Stabilization was defeated.

Article 1: defeated with a vote of 68 no to 23 yes

Article 2: To see if the Town will vote to amend the Town of Blandford By-laws by inserting new By-Law Section X.1, Drainage Infrastructure, as follows:

X.1. Drainage Infrastructure

Section 1. Purpose

The purpose of this By-Law is protect the public health, safety and welfare of Blandford residents, to protect personal and public property, and to reduce the adverse effects caused by flooding and stormwater runoff by regulating the construction and maintenance of drainage infrastructure within the Town of Blandford.

Section 2. Definitions

DRAINAGE INFRASTRUCTURE – includes all manmade infrastructure designed to collect, transport or divert water runoff, including but not limited to, culverts, trenches, drainage ditches, catch basins and underground piping.

GOOD REPAIR – includes the making of additions or alterations or the taking of any other action that may be required to ensure that a Drainage Infrastructure remains clear of any Obstruction.

OBSTRUCTION – means any object or condition which prevents or hinders the proper functioning of Drainage Infrastructure including, but not limited to, rocks, gravel, brush and debris.

OWNER – includes: 1) the registered owner of the land and 2) a lessee or occupant of property who, under the terms of a lease or similar document, is required to repair and maintain the property.

PROJECT – land disturbance activity which requires the construction of Drainage Infrastructure.

STORMWATER – runoff from rain, snowmelt, or a stream of water, including a river, brook or underground stream.

Section 3. Applicability

This By-Law applies to all Owners that undertake Projects and all Owners whose property already contains Drainage Infrastructure to divert Stormwater off their property.

Section 4. New Drainage Infrastructure Construction

Any Owner who undertakes a Project must design drainage patterns and construct Drainage Infrastructure so as to prevent Stormwater discharge onto adjacent public and private roads and adjacent properties.

Section 5. Repair and Maintenance

- A. All Owners shall keep their Drainage Infrastructure in Good Repair.
- B. All Owners shall maintain their Drainage Infrastructure free of Obstructions and in such a state so as to prevent the discharge of Stormwater onto public and private roads and abutting properties. All Owners shall maintain their Drainage Infrastructure in such a state as to prevent the deviation from existing or approved drainage patterns.

Section 6. Enforcement Powers

- A. The Highway Superintendent, or their designee, shall be responsible for enforcing this By-Law.
- B. If the Highway Superintendent determines that a violation of this By-Law has occurred, they may make an order requiring the Owner who has caused or permitted the violation, to take such actions necessary to correct the violation. Such order shall set out, with reasonable particularity, the nature of the violation, the location of the land on which the violation occurred and the date by which any remedial actions must be taken.
- C. The Highway Superintendent may require an Owner to furnish the Highway Superintendent with evidence that an order made pursuant to Section 6(B) of this By-Law has been complied with. Such evidence may include, but is not limited to, site

inspection, photographic evidence and documents production indicating that Drainage Infrastructure has been brought into Good Repair.

Section 7. Notice

If the Highway Superintendent ascertains that there is any violation of this By-Law, they shall send notice and any accompanying order issued pursuant to Section 6(B), by registered mail or direct delivery by hand to the Owner.

Section 8. Offenses and Penalties

- A. Any Owner who violates any provision of this By-Law or fails to comply with an order issued pursuant to Section 6(B) of this By-Law shall be fined not less than fifty (50) dollars or more than three-hundred (300) dollars for each offence. Each day that such violation or lack of compliance continues shall constitute a separate offense.
- B. This By-Law may be enforced by the Highway Superintendent or their designee through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. Chapter 40, §21D. In the event that enforcement is sought through non-criminal disposition fines shall be imposed as follows, with each day that such violation continues constituting a separate offense:
 - i. first offense, \$50.00
 - ii. second offense, \$100.00
 - iii. third and successive offenses, \$300.00 each

Article 2: passed 62 yes to 6 no

Article 3: To see if the Town will vote to transfer \$23,673.65 of money from the Building Stabilization Fund into the Capitol Fund for the purpose of funding the Highway Garage Project; or take any other action relative thereto. (two-thirds majority vote required for passage)

Article 3: passed 71 yes, -0- no

Article 4: To see if the Town will vote to transfer a sum of money or less from the Stabilization Fund into the Capitol Fund for the purpose of funding the Highway Garage Project; or take any other action relative thereto. (two-thirds majority vote required for passage) Or to take any other action relative thereto.

Article 4: Tabled

A True Copy

ATTEST: _____
Mary N. Kronholm, Town Clerk

Date