

**2023 Annual Town Meeting Warrant
Town of Shutesbury
Commonwealth of Massachusetts
June 3, 2023**

To one of the Constables of the Town of Shutesbury in the County of Franklin,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and town affairs, to meet at **9:00** a.m. on Saturday the **third** day of June, at the Shutesbury Town Hall at 1 Cooleyville Road in said Shutesbury, in the year Two Thousand and Twenty-Three, then and there to act on the following articles:

Article 1. To hear, and receive reports of town officers, committees, and boards.

(Sponsor: Select Board)

Requires majority vote

Article 2. To see if the Town will vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection j) as follows: To see if the Town will vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection (j) as follows: "For Fiscal Year 2024 only, the alternative operating budget assessment shall be calculated as 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. Additionally, if any member town's assessment based on this method increases or decreases more than 4% from their Fiscal Year 2023 assessment, the Fiscal Year 2024 assessment shall be limited to a 4% change provided that the requirements of Minimum Local Contribution are still met. The five-year average of minimum contributions will include the five most recent years."; or take any other action relative thereto.

(Sponsor: Selectboard) Finance Committees recommends (6-0)

Requires majority vote

Community Choice Aggregation

Article 3.

To see if the Town will vote to initiate the process to aggregate electrical load pursuant to the Electrical Utility Restructuring Act of 1997 (M.G.L. c. 164, §134) and, further, to authorize the Select Board, or its designee, to research, develop, and participate in a contract or contracts to aggregate the electricity load of the residents, businesses, and municipal buildings in the Town, independently or in joint action with other municipalities, and to enter into agreements with consultants, experts, and attorneys in connection with the establishment and operation of an electricity aggregation plan, and to reestablish such plan if its operation is suspended, retaining the right of individual residents and businesses to opt out of the aggregation; or do or act relating thereto.

Requires majority vote. Sponsor: ECAC Committee

Article 4.

To see if the Town will vote to increase the membership of the Recreational Committee from 7 to 11 members, or take any action relative thereto.

Requires majority vote. (Sponsor: Selectboard)

Article 5. To see if the Town will vote to set the salary compensation for all elected officials of the town (Select Board, Town Clerk, Moderator and Constable) as provided by MGL Chapter 41, Section 108, to be made effective from July 1, 2021, as contained in the budget, or take any other action relative thereto.

(Sponsor: Personnel Board and Select Board) Finance Committees Recommends (6-0)
Requires majority vote

Article 6. To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2024 as permitted by M.G.L. c. 44, section 53F, or take any other action relative thereto.

(Sponsors: Selectboard) Finance Committee Recommends (6-0)
Requires majority vote

Article 7. To see if the Town will vote to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation, or take any other action relative thereto.

(Sponsors: Selectboard) Finance Committee Recommends (6-0)
Requires majority vote

Article 8. To see if the Town will approve the appointment pursuant to MGL Chapter 268A, Section 21A, of Catherine Hilton as a Board of Health Administrative Consultant while also serving as an elected official on the Board of Health, or take any other action relative thereto.

(Sponsor: Personnel Board) Finance Committee Recommends (6-0)
Requires majority vote

Article 9. To See if the Town will vote to approve annual spending limits for FY2024 for revolving funds established in the Town Bylaws, pursuant to MGL c. 44, sec. 53E1/2, as most recently amended, to (1) authorize revolving funds for certain Town Departments for:

Revolving fund	FY2024 spending limit
Dog license and control	\$1,000
Recycling	\$25,000
Fire Inspections	\$3,000
Electrical Inspections	\$4,000
Plumbing Inspection	\$5,000
Swimming Exercise	\$3,000
Library	\$10,000
Conservation	\$3,000
SRECS Solar Renewable Energy Certificates	\$30,000

COA Seniors	\$ 5,000
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Or take any action relative thereto.

Sponsors: Selectboard) Finance Committee Recommends
Requires majority vote

Article 10.

To see if the Town of Shutesbury will vote to appropriate a sum of money, not to exceed one hundred and fifty thousand dollars (\$150,000.00) be and hereby is appropriated to pay costs of PFAS Mitigation construction activities, and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to M.G.L. c. 44, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. All, or any portion, of this borrowing may be obtained through the Massachusetts Clean Water Trust (the "Trust") in accordance with Chapter 29c, as amended, of the General Laws. The Town Administrator, the Treasurer and any other appropriate official of the Town are authorized to execute and deliver any and all agreements and other documents that may be required by the Trust, or by The Commonwealth of Massachusetts' Department of Environmental Protection in connection with any financing to be obtained through the Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action thereto.

(Sponsor: Selectboard) Finance Committee Recommends (6-0)
Requires 2/3rds vote

Budget

Article 11.

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses of **\$6,906,641** by raising the sum of **\$6,871,216** and transferring **\$15,000 from Free Cash** and **\$20,425 from the Septic Betterment Fund**, for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

(Sponsor: Selectboard)
Requires majority vote. Finance Committees Recommends (5-0)

Capital Item

Article 12. To see if the Town will vote to borrow \$120,000 for a Backhoe or take any other action relative thereto.

(Sponsor: Selectboard) Finance Committees Recommends (4-2)
Requires 2/3rds vote

Capital Item

Article 13. To see if the Town will vote to transfer from Capital Stabilization an amount not to exceed \$100,000 for the new asphalt roof for the Shutesbury Elementary School, or take any other action relative thereto.

(Sponsor: Selectboard) *Finance Committees Recommends (6-0)*
Requires 2/3rds vote

Capital Item

Article 14. To see if the Town will vote to transfer from Free Cash \$31,000 for new floors for the Shutesbury Elementary School kitchen, and for new floors for Shutesbury Elementary School library, or take any other action relative thereto.

(Sponsor: Selectboard) *Finance Committees Recommends (6-0)*
Requires majority vote

Capital Item

Article 15. To see if the Town will vote transfer from Capital Stabilization, \$60,000 for the Locks Pond Culvert, for the increased costs caused by the two-year delay of the project, or take any other action relative thereto.

(Sponsor: Selectboard) *Finance Committees Recommends (6-0)*
Requires 2/3rds vote

Capital Item

Article 16. To see if the Town will vote to transfer from Capital Stabilization in the amount of \$33,300 for the Elementary School HVAC System for costs above originally voted in 2021 ATM, or take any other action relative thereto.

(Sponsor: School Committee) *Finance Committees Recommends (6-0)*
Requires 2/3rds vote

Capital Item

Article 17. To see if the Town will vote to transfer from Capital Stabilization the amount up to \$45,900 for the Elementary School Security Camera System, or take any other action relative thereto.

(Sponsor: School Committee) *Finance Committees Recommends (3-2)*
Requires 2/3rds vote

Capital Item

Article 18. To see if the Town will vote to transfer from Free Cash \$20,000 for the Town Building Committee Project fund, or take any other action relative thereto.

(Sponsor: School Committee) Finance Committees Recommends 3-2
Requires majority vote

Environmental Item

Article 19. To see if the Town will vote to transfer from Free Cash up to \$35,000 for environmental permitting costs for the Lake Wyola Drawdown, or take any other action relative thereto.

(Sponsor: Selectboard) Finance Committees recommends (6-0)
Requires majority vote

Environmental Item

Article 20. To see if the Town will vote to transfer from Free Cash up to \$35,000 for environmental permitting and dam consultant costs for the Dam Consultant, or take any other action relative thereto.

(Sponsor: Selectboard) Finance Committees recommends (6-0)
Requires majority vote

Community Preservation Act

Article 21. To see if the Town of Shutesbury will vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2024 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$5,300 to Open Space and Recreation; \$5,300 to Historic Preservation; \$5,300 to Community Housing; and \$32,000 to the FY24 Community Preservation Fund budgeted reserve, or take any action relative thereto.

(Sponsor: Community Preservation Committee) Finance Committee Recommends (6-0)
Requires majority vote

Community Preservation Act

Article 22. To see if the Town will vote to appropriate \$2,500 from fiscal year 2023 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operation expenses of the Shutesbury Community Preservation Committee, or take any action relative thereto.

(Sponsor: Community Preservation Committee) Finance Committee Recommends (6-0)
Requires majority vote

Community Preservation Act

Rescinding Lake Wyola North Cove project grant

Article 23. To see if the Town will vote to rescind the grant of \$5,000 to the Lake Wyola Association from the Community Preservation Fund, previously authorized by Article 3 of the May 5, 2018 Annual Town Meeting for the purposes of developing a comprehensive plan for the removal of accumulated silt in the North Cove of Lake Wyola and the restoration of the cove to its historical depths, or take any other action relative thereto.

(Sponsor: Community Preservation Committee) Finance Committee Recommends (5-0)
Requires majority vote

Community Preservation Act
West Cemetery Preservation Project

Article 24. To see if the Town will vote to appropriate \$10,000 from the CPA Historic Resources account to preserve, rehabilitate, and restore select historic gravestones in Shutesbury’s West Cemetery, as detailed in the Shutesbury Cemetery Commission’s funding application, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for Treatment of Historic Properties, said funds to be expended under the direction of the Shutesbury Cemetery Commission, or take any other action relative thereto.

(Sponsor: Community Preservation Committee; supported by Shutesbury Historical Commission) Finance Committee Recommends (5-0)
Requires majority vote

Community Preservation Act
Lot R-15 parking area appropriation

Article 25. To see if the Town will vote to appropriate \$2,500 from the CPA Open Space/Recreation fund balance and \$2,500 from the CPA Budgeted Reserve fund balance to the Shutesbury Conservation Commission for the development of a parking area and related signage at Lot R-15, a conservation property purchased by the Town from Kestrel Trust in 2023 or take any other action relative thereto.

(Sponsor: Community Preservation Committee; supported by Shutesbury Conservation Commission.) Finance Committee Recommends (6-0)
Requires majority vote

MLP Enterprise Fund

Article 26. To see if the Town will vote to appropriate \$90,955.00 of the FY2022 MLP certified retained earnings to the MLP FY2024 Emergency Reserve fund.

(Sponsor: MLP) Finance Committees Recommends (6-0)
Requires majority vote

MLP Enterprise Fund

Article 27. To see if the Town will vote to appropriate the sum of **\$349,560.00** for the MLP Enterprise Fund beginning July 1, 2023 in accordance with the provisions of M.G.L. c.44, sec 53 F ½, amount to be funded from the following sources; or take any action relative thereto.

(Sponsor: MLP Board) Finance Committees Recommends (6-0)
Requires majority vote

<u>MLP ENTERPRISE FUND</u>			
<u>OPERATING BUDGET</u>			
<u>FY2024</u>			<u>FY2023</u>

Expenses		NOTES	
Routine network maintenance	\$ 60,000	Annual Maintenance	\$ 60,000
Insurance	\$ 11,000	Insurance via MIIA with 10K deductible	\$ 11,000
Backhaul	\$ 48,756	10GB CrownCastle connection \$2,938/ month; 1GB MBI/backup \$1,125/mo TOTAL = \$4,063/month	\$ 48,756
Middle Mile Link Maint.	\$ 2,400	\$100/month x 2	\$ 2,400
MLP Manager Salary	\$24,720	3% COLA adjust per Selectboard, FC, and PB.	\$ 24,000
Employment Overhead	\$ 636	Medicare: \$396;Workers Comp \$240	\$ 636
Lifeline CAFII Administration	\$ 7,000	\$2K per year flat admin cost plus \$80 for each new recipient application, then \$50 annual renewal for each recipient (estimating < 100 applications annually)	\$ 7,000
Bond fee for poles	\$ 6,750	3K for Ngrid and Verizon; 750 for Eversource	\$ 6,750
Pole rental	\$ 20,670	\$13.78 x 1500 poles	\$ 20,670
Calix Essentials Support	\$ 7,975	Annual Maintenance contract with Calix. Provides direct support and emergency electronic equipment replacement.	\$ 7,975
Supplies	\$ 500	Office supplies, postage, data backup	\$ 500
Legal	\$ 1,000		\$ 1,000
Electronics Hut Operations	\$ 1,300	HVAC maintenance \$500, Security Monitoring \$336, Building Maintenance \$464	\$ 1,300
Electronics Depreciation (Broadband Capital Stabilization)	\$ 45,000	To replace electronics in 7-10 years. Hut servers and switches, home routers and ONTs.	\$ 45,000
Debt Service	\$ 99,000	\$99,000 Payment due 4/3/2024 on \$883,333 10 year note.	\$ 100,100
Electronics Hut Utilities	\$ 5,200	Electricity to power hut (\$3,600), shared propane (\$600, full tank fill), shared generator maintenance (\$1,000). Indirect Costs reimbursed to town.	\$ 5,200
Accounting	\$ 1,200	Indirect Costs reimbursed to town.	\$ 1,200
Treasurer	\$ 1,800	Indirect Costs reimbursed to town.	\$ 1,800
Auditor	\$ 850	Indirect Costs reimbursed to town.	\$ 850
OPERATIONS SUBTOTAL	\$ 345,757		
Extraordinary & Unforeseen	\$ 3,803	Emergency Reserve Fund	
OPERATIONS TOTAL	\$ 349,560	Currently have \$73,459 in this emergency budget from FY22 Retained earnings, and we can add to this a portion of the \$100,955 in retained earnings from FY 23.	
Income			
MLP FEES	\$ 349,560	Subscriber # x Monthly Fee x 12	
Subscriber #	765		
MLP monthly fee	\$38.00		

Article 28.

To see if the Town will vote to adopt the following Lake Wyola Dam By-Law, or take any other action relative thereto.

(Sponsor: Selectboard) Lake Wyola Advisory Committee

Lake Wyola Dam By-Law

There shall be NO PUBLIC ACCESS to the Lake Wyola Dam. Only authorized personnel from the Town are allowed to access this facility. There is also NO TRESPASSING on any Town owned land surrounding the Dam.

Violation of this Bylaw is punishable by a fine of \$50, or the full extent of the Massachusetts Trespass Law, MGL Ch. 266, sec. 120.

Requires Majority Vote

Article 29.

To see of the Town will vote to pay a bill from prior years, to KP Law in the sum of \$97.50, or take any other action relative thereto.

Requires 9/10ths Majority Vote, Finance Committee Recommends (6-0)

Article 30.

To see of the Town will vote to pay a bill from prior years, to SHI International Corporation invoice in the sum of \$2,450, or take any other action relative thereto.

Requires 9/10ths Majority Vote, Finance Committee Recommends (6-0)

Article 31.

To see of the Town will vote to pay a bill from prior years, by transferring from free cash to Citizen Security, inv #7135159, dated 4/1/2022, for \$109.20, and Citizen Security, invoice #7022715, dated 1/1/2022, for \$109.20, or take any other action relative thereto.

Requires 9/10ths Majority Vote, Finance Committee Recommends (5-0)

Article 32.

Shutesbury 2023 TM Warrant Article:

Home Rule Petition Regarding Planning Board Associate Members

To see if the town will vote to authorize the Select Board to file and request that Shutesbury’s state senator and state representative submit and support the following home rule petition or similar special legislation with the General Court. “That the Town of Shutesbury Planning Board is exempt from the process outlined for utilizing associate members in Ch40A Sec9 para 12 in that the sentence, “If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board” and that said provision shall not apply to the Town of Shutesbury.” The following shall apply to the Town of Shutesbury Planning Board; “If provision for filling the position of associate member has been made, in the case of absence, inability to act, conflict of interest on the part of any

member of the planning board, or in the event of a vacancy on the board, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including but not limited to chapter 41 or chapter 40A.” or take any action

Requires 2/3rds Majority Vote, Sponsor Planning Board

Citizen Petition

Article 33. To see if the Town will vote to adopt the following Citizen Petition, A Resolution in Opposition to Artificial Turf for Track and Field Project, or take any other action thereto.

Requires Majority Vote

Resolution in Opposition to Artificial Turf for Track and Field Project

WARRANT PETITION 2023 ANNUAL TOWN MEETING

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Commonwealth of Massachusetts

PETITION for TOWN MEETING ARTICLE FOR THE 2023 ANNUAL TOWN MEETING

Pursuant to General Laws, Chapter 39, §10. TOWN of SHUTESBURY SUBJECT OR SUBJECTS REQUESTED FOR ACTION AT THE 2023 ANNUAL TOWN MEETING Filed April 4, 2023, 11:15am o'clock

Preamble:

Whereas the Amherst-Pelham Regional School Committee voted in 2022 to rehabilitate the Amherst Regional High School’s Track and Field by specifically excluding Option 2 (expanding and reorienting the track with a natural turf field), thus leaving only a choice between Option 1 (just resurfacing the track) OR Option 3 (expanding and reorienting the track with an artificial turf field);

Whereas Option 2 is expected to cost less than Option 3 both initially and in life cycle costs; Whereas the monetary goal set for fundraising by the Regional School Committee was not met by the deadline of January 16, 2023;

Whereas members of the Regional School Committee were not presented with sufficient information in 2022 on the health, safety, and environmental dangers of artificial turf, including those related to PFAS, microplastics, heat-related injuries, increased risk of skin and orthopedic injuries, negative impact on the biome and climate, and other issues;

Whereas the Boards of Health of Amherst Pelham, and Leverett have voted not to support artificial turf fields because of health and safety hazards;

Whereas the Leverett and Pelham Community Preservation Committees have both voted not to recommend the ARHS Track and Field Project as currently presented;

Whereas artificial turf must be replaced at least every 8-10 years and there are currently no means to recycle these materials in the United States;

Whereas the figures presented by the Regional School District show that artificial turf is twice as expensive as natural turf and that the costs of replacement, disposal, and new equipment to maintain artificial turf have not been included in the 10-year budget plan;

Whereas legislation supported by State Senator Jo Comerford and State Representative Aaron Saunders has been introduced or supported in order to ban PFAS in all forms from use in the Commonwealth and bans against PFAS and artificial turf have been enacted in other states and municipalities;

Whereas the funding necessary for construction of the artificial turf option is millions of dollars more than what has been secured, causing a delay of uncertain duration in initiating that project with resultant further cost escalation;

Whereas the estimated cost for the natural turf option is close to being secured if currently secured funds were to be directed toward Option 2;

We, the undersigned voters of the Town of Shutesbury support an Article that will advise the Regional School Committee to take all necessary actions to remove artificial turf as an option for the Amherst-Pelham Regional High School Track and Field Project.

Article. To see if the Shutesbury Town Meeting will vote to instruct the Shutesbury representative to the Amherst-Pelham Regional School Committee to vote to revise its proposal to rehabilitate the ARHS track and fields and to support only Options 1 or 2.

BE IT RESOLVED that that the Town of Shutesbury does not support of the use of artificial turf for the proposed Amherst Regional High School Track and Field Project and therefore instructs the Shutesbury representative to the Amherst-Pelham Regional School Committee to inform the Regional School Committee of the Town's position, and if the representative is given the opportunity to vote on the matter, that the representative support the Town's wishes by voting for Option 1 or 2, or take any other relevant action there-of.

Majority vote required

Hereof fail not, and make due return of this warrant, with your doings thereon, at the time and place of the meeting. Given under our hands this 3rd day of June Two Thousand and Twenty-Three.

Shutesbury Selectboard

Rita Farrell, Chair

Melissa Makepeace-O'Neil, Vice Chair

Eric Stocker

I, the undersigned Constable for the Town of Shutesbury, certify that I posted attested copies of the Warrant for the above mentioned meeting at the Locks Pond Bulletin Board, the Shutesbury Post Office, and the Town Hall in said town seven (7) days at least before the time of holding said meeting.

(TOWN SEAL) Constable _____
Date _____