

Commonwealth of Massachusetts
Town of Shutesbury

Annual Town Meeting Minutes
June 12 2021

For the second year in a row, as a precautionary measure against the continued spread of the Covid-19 virus, the Town of Shutesbury held its Annual Town Meeting under a rented tent in the meadow behind Town Hall at 1 Cooleyville rd on June 12, 2021. An early morning downpour made way for blue skies and a gentle summer breeze as 219 registered voters checked in to participate in the deliberations of the day. In the presence of this sizeable quorum, the inhabitants qualified to vote in elections and town affairs assembled under the canopy for a legal meeting to conduct the town's business.

Town Moderator Paul Lyons called the meeting to order at 9:15am. Former Town Moderator Penelope Kim opened the proceedings with a recitation of a Civic Invocation.

“We come together as a community, in a tradition that is older than Shutesbury itself, to make decisions for and about our town.

We recognize and appreciate the conscientious work of those who volunteer and work for our common, civic good.

As we deliberate, let us advocate for our positions, but not at the expense of others. Let us remember that there is an immense gap between saying “I am right” and saying “I believe I am right.”

And that our neighbors with whom we may disagree are good people with hopes and dreams as true and as high as our own.

And let us remember that in the end, caring for each other, in this community, is of far greater importance than any differences we may have.”

Gifts of potted roses were made to honor the retirements of Selectboard Member J. April Stein, and Former Town Clerk Susan Mosher. Both individuals were thanked for their service to the town, with especial note being made of the fact that Mosher’s retirement was delayed by 6 months the previous year due to the ongoing pandemic and the 2020 election cycle. After a well-earned round of applause for both individuals, the meeting began in earnest.

Moderator Lyons made a motion for permission to call for a vote by a raising of cards on articles requiring a 2/3 majority to pass, with the understanding that if the vote is close he will count the cards. The motion was seconded and passed unanimously.

Article 1. A motion was made and seconded that the Town of Shutesbury vote to hear, and receive reports of town officers, committees, and boards.

Article 1 passed unanimously.

The representatives who delivered reports to Town Meeting on behalf of their respective public bodies are as follows: Gary Bernhard for Recycling & Solid Waste Committee. Miriam DeFant for Conservation Commission. Mary Anne Antonellis for the Board of Library Trustees. Jeff Lacy for the Planning Board. Moderator Lyons read a written report on behalf of the Historical Committee and the Open Space Committee.

Article 2. A motion was made and seconded for the Town to vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection j) as follows: “For Fiscal Year 2022 only, the alternative operating

budget assessment shall be calculated as 65% 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 2 passed unanimously.

Article 3. A motion was made and seconded for the Town to 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.

Article 3 passed unanimously.

Article 4. A motion was made and seconded that the Town 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 \$6,627,635 by raising the sum of \$6,578,800 and transferring \$20,425 from the Septic Betterment Fund, and transferring \$28,410 from free cash for the fiscal year beginning July 1, 2021.

Stein moved to amend the motion to vote on Article 4 by reducing the first two amounts cited by \$300 to \$6,627,335 (from \$6,627,635) and \$6,578,500 (from \$6,578,800) in order to resolve an accounting error.

The motion to amend was seconded and the amendment passed unanimously.

Copies of the budget were made available to the public prior to Town Meeting online at www.shutesbury.org, and a limited number of paper copies were available at Town

Meeting itself. Representatives of the Finance Committee read through the budget line by line and Moderator Lyons asked voters to raise their hand if they wished to hold (had a question or wished to discuss a certain line item), as an alternative to holding discussion on every single line item. Hands were raised for the following lines:

Line 21: Assessors Clerk

Line 38: Salary – Assistant Town Collector

Line 105: Tree Warden

Line 111: Charter Sending Tuition

Line 162: Retirement County

Line 166: OPEB Trust Fund

Line 178: Transfer to Capital Stabilization

In reference to Lines 21 and 38, the need for department staff was questioned. Numerous residents, including Town Government officials speaking from the audience microphone to voice their personal opinions, stood up to defend the need for Assistants and Clerks in a functional local government.

The resident who called for a hold on Line 105 wished to know what a Tree Warden does. Tree Warden Don Wakoluk explained his duties.

One resident asked for clarification on Line 111. The question was answered satisfactorily by Shutesbury Elementary School Principal Jacqueline Mendonsa, Chair of the Shutesbury School Committee Dan Hayes, Town Administrator Rebecca Torres and Town Accountant Gail Weiss. The resident thanked the respondents for their answers and discussion continued.

Questions about Lines 162 and 166 were answered by the Finance Committee, the Town Administrator and Town Counsel.

Jeff Lacy made a motion to amend the main motion by adding the sentence:

“That the amount of \$112,695 on Line 178 be stricken from the budget and instead the same amount be transferred from Free Cash into Capital Stabilization.”

The motion to amend was seconded and the amendment failed by majority vote.

The Moderator called for a vote on Article 4.

Article 4 passed by majority.

Article 5. A motion was made and seconded for the Town to vote to fund the construction of a replacement culvert at Locks Pond Rd and Lake Dr, near the dam by borrowing up to \$201,007, transferring \$250,000 from capital stabilization and using the remaining funds of the Municipal Small Bridge grant for a total of up to \$801,007.

Selectboard Member Rita Farrell made the motion and Town Administrator Rebecca Torres explained that the reason the figures cited in the motion were lower than the figures cited in the original article was because replacing the culvert was going to cost less money than originally expected.

Article 5 passed by a 2/3rds majority.

Article 6. A motion was made and seconded for the Town to vote to transfer \$254,100 from Free Cash to the Shutesbury Elementary School Gym Roof Replacement Project.

Article 6 passed unanimously.

Article 7. A motion was made and seconded for the Town to vote to transfer \$17,000 from Stabilization, for design and engineering of an upgrade to the Shutesbury Elementary School HVAC Control System.

Article 7 passed unanimously.

Article 8. A motion was made and seconded for the Town to vote to approve a transfer from **Free Cash** to **Stabilization** in the amount of \$350,000.00.

Article 8 passed unanimously.

Article 9. A motion was made and seconded for the Town of Shutesbury to vote to authorize the Selectboard and/or the Library Trustees to apply for state funds through the Massachusetts Public Library Construction Program (MPLCP) Small Library Pilot, which might be available to defray all or part of the cost of the design, construction and equipping of a new library project and to authorize the Library Building Committee and/or Selectboard and/or Library Trustees to accept and expend the MPLCP funds when received without further appropriation.

Library Director Mary Anne Antonellis described the state grant program and gave an update on ongoing community fundraising efforts for the construction of a new public library. One resident suggested it was too early in the planning process to apply for such a grant and that the Town should wait to vote until there was a design to vote upon. Katherine Cell of the Board of Library Trustees explained that a supportive Town Meeting endorsement would strengthen Shutesbury's application. Another resident stood to express their gratitude for the Spear Memorial Library, for all the programming that the library has made available throughout the pandemic, and all the labor Antonellis performs for the community. This resident urged the assembly to imagine how much more might be accomplished with the advantages of running water and more space.

Article 9 passed by clear majority.

Article 10-11: Moderator Lyons asked if there were any holds on Articles 10 and 11. There were none and so the motion was made for the Town to approve Articles

10 and 11 as written in the Warrant, except for the words ‘or take any other action relative thereto.’

Article 10 and Article 11 passed unanimously.

Article 12. A motion was made and seconded for the Town to vote to appropriate **\$2,500** from the Open Space/Recreation Fund balance to hire an experienced trail consultant to conduct an ecological evaluation of current trails in the Southbrook Conservation area/Town Beach conservation area and provide re-routing suggestions and plans for new trails to expand and interconnect the trail system.

Article 12 passed unanimously.

Article 13. A motion was made and seconded for the Town to vote to appropriate **\$20,000** from the Open Space/Recreation Fund balance to construct a fenced-in Community Garden in Shutesbury on unused land behind the Town Hall. The garden will originally support 8 plots of garden space for town residents and is potentially expandable to 20 plots.

Article 13 passed by majority.

Article 14. A motion was made and seconded for the Town of Shutesbury to vote to amend the Town of Shutesbury Zoning Bylaw by deleting Section 9.3B and by inserting the following new section after the existing section 10.3 at the end of ARTICLE X - ADMINISTRATION AND ENFORCEMENT:

SECTION 10.4 Planning Board

10.4 A. Associate Members

There shall be two associate members of the Planning Board as provided for under MGL c 40A, Section 9.

Appointments may occur at any time. The Planning Board shall notify the Select Board in writing of its intention to begin a process for associate member appointment.

The Planning Board will establish the process for soliciting and receiving the names of interested individuals; notice of the opportunity should be made broadly to the residents of Shutesbury. Given that the Planning Board is an elected body, individuals eligible to serve as associate members shall be registered voters in the Town of Shutesbury.

The Planning Board shall recommend individuals to be considered for appointment. Associate members will be appointed by a majority of the members of the Planning Board and the Select Board who are in attendance at a joint meeting for this purpose.

The term of an associate member shall be one year; mid-year appointments shall run through June 30. Associate members may have their term renewed by a majority of the members of the Planning Board and the Select Board who are in attendance at a joint meeting for this purpose. There shall be no limit to the number of renewals for an associate member.

The Planning Board chairperson may designate one or two associate members to participate as an acting member of the Planning Board at any time in the case of absence, inability to act, or conflict of interest, on the part of any Planning Board member; or in the event of a vacancy on the board. Participation by an associate member shall be time or purpose limited. Designation by the chairperson shall include a statement indicating the time period for participation or the purpose for participation. An associate member's participation shall end upon the completion of the stated purpose or time period, unless extended by the chairperson.

When designated, an associate member may participate fully in procedures for a special permit, site plan review, or any other application before the Planning Board; as well as other procedural matters designated by the chairperson, including but not limited to conducting hearings of the Planning Board.

Associate members are expected to regularly attend Planning Board meetings. When not acting as full members, associate members may be seated with the Planning Board and receive communications in order to follow Planning Board business. Associate members, when not acting as full members, may participate in deliberation at the discretion of the chairperson. When not acting as a full member of the Board, associate members may not vote nor participate in executive session.

Vacancies for unexpired terms of an associate member shall be filled in the same manner as for original appointments.

An associate member may be considered for a vacancy on the Planning Board in accordance with the normal process for filling a vacant position.

Article 14 passed by clear 2/3 majority.

Article 15. A motion was made and seconded for the Town of Shutesbury to vote to amend the Town of Shutesbury Zoning Bylaw by inserting the following new section after the existing section 3.5 at the end of ARTICLE III, ZONING DISTRICTS: USE REGULATIONS:

“Section 3.6 Access to Use

Access, including for appurtenant drainage facilities and utilities, from public ways across other districts to the FC District for an allowable use in the FC

District shall be permitted under the same terms as the use and as a single unified permit application."

Article 15 passed by 2/3 majority.

Article 16. A motion was made and seconded for the Town to vote to appropriate the sum of **\$473,400.00** for the MLP Enterprise Fund beginning July 1, 2021 in accordance with the provisions of M.G.L. c.44, sec 53 F ½, amount to be funded from the following sources:

MLP ENTERPRISE FUND OPERATING BUDGET FY2022

Expenses		NOTES
Routine network maintenance	\$ 60,000	<i>Annual Maintenance</i>
Truck retainer fee	\$ 12,000	<i>1,000 per month</i>
Insurance	\$ 10,000	<i>Insurance via MIIA with 10K deductible</i>
Backhaul	\$ 30,840	<i>10GB CrownCastle connection \$1,750/ month; 250MB MBI/backup \$850/ mo TOTAL = \$30,840</i>
MLP Manager Stipend	\$ 12,600	
Employment Overhead	\$ 310	<i>Medicare: \$183;Workers Comp \$127</i>
Lifeline CAFII Administration	\$ 7,000	<i>\$2K per year flat admin cost plus \$80 for each new recipient application, then \$50 annual renewal for</i>

		<i>each recipient (estimating < 100 applications annually)</i>
Bond fee for poles	\$ 6,750	<i>3K for Ngrid and Verizon; 750 for Eversource</i>
Pole rental	\$ 20,670	<i>\$13.78 x 1500 poles</i>
Calix Essentials Support	\$ 7,595	<i>Annual Maintenance contract with Calix. Provides direct support and emergency electronic equipment replacement.</i>
Supplies	\$ 500	<i>Office supplies, postage, data backup</i>
Legal	\$ 1,000	
Electronics Hut Operations	\$ 1,300	<i>HVAC maintenance \$500, Security Monitoring \$300, Building Maintenance \$500</i>
Electronic Depreciation (Broadband Capital Stabilization)	\$ 37,895	<i>To replace electronics in 7-10 years. Hut servers and switches, home routers and ONTs.</i>
Debt Service	\$ 235,055	<i>\$101,200 Payment due 4/3/2022 on \$883,333 10 year note. \$3,855 int. payment due 8/20/2021 on \$406,870 BAN. \$130,000 additional prin. payment.</i>
Electronics Hut Utilities	\$ 5,200	<i>Electricity to power hut (\$3,600), shared propane (\$600, full tank fill), shared generator maintenance (\$1,000). Indirect Costs reimbursed to town.</i>
Accounting	\$ 1,200	<i>Indirect Costs reimbursed to town.</i>
Treasurer	\$ 1,800	<i>Indirect Costs reimbursed to town.</i>
Auditor	\$ 850	<i>Indirect Costs reimbursed to town.</i>

OPERATIONS	\$	
SUBTOTAL	452,565	
Extraordinary &	\$	
Unforeseen	20,835	<i>Emergency Reserve Fund</i>
OPERATIONS TOTAL	\$	
	473,400	

Income

MLP Fees	\$	<i>MLP Fee: [(Basic= \$52.00/month x 750) + (</i>
	473,400	<i>Vacation=\$45.00/month x 10)] x12</i>

Article 16 passed unanimously.

Article 17. A motion was made and seconded for the Town of Shutesbury to vote to appropriate the FY 2020 MLP certified retained earnings of 123,544.00 to pay down the principal of the Bond Anticipation Note (BAN) due on 8/20/2021.

Article 17 passed unanimously.

Article 18. A motion was made and seconded for the Town of Shutesbury to vote to authorize the Select Board to petition the General Court for passage of a special law to provide for a Means-Tested Senior Citizen Property Tax Exemption, which legislation reads as follows below:

AN ACT AUTHORIZING THE TOWN OF SHUTESBURY TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the Town of Shutesbury, there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided

in Section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed pursuant to the General Laws.

SECTION 2. The Board of Assessors of the Town of Shutesbury may deny an application for exemption if the board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption pursuant to Section 1 if the following criteria are met:

(i) the qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant who was age 65 or older at the close of the previous year or jointly by persons who are 60 years of age or older, provided that not less than 1 joint owner was age 65 or older at the close of the previous year;

(iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) the applicant, or at least 1 of the joint applicants, has been domiciled and owned a home in the Town of Shutesbury for not less than 10 consecutive years before filing an application for the exemption;

(v) the maximum assessed value of the domicile is not greater than the prior year’s maximum assessed value for qualification for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws, as adjusted annually by the Department of Revenue; and

(vi) the Board of Assessors has approved the application for the exemption.

SECTION 3. The Select Board of the Town of Shutesbury shall annually set the exemption amount provided for in Section 1; provided, however, that the amount of the exemption shall be not less than 50 per cent and not more than 200 per cent of the amount of the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to Section 1 shall, before the deadline established by the Board of Assessors of the town of Shutesbury, file an application, on a form adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted pursuant to this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided in this act shall expire 3 years after the effective date of this act; provided, however, that the Town of Shutesbury may reauthorize the exemption for additional 3-year intervals by a vote of the legislative body of the town.

SECTION 7. This act shall take effect upon its passage.

Assessor Kevin Rudden explained how the Article would expand access to tax relief for Shutesbury seniors.

Article 18 passed by clear majority.

A motion was made and seconded for the town to vote on Articles 19, 20, 21 and 22 as a consent agenda.

Motion passed unanimously.

Article 19. To see if the Town will vote to accept and expend funds available from the State for Highway reimbursement programs, such as the Chapter 90 program, without further appropriation, or take any other action thereto.

Article 20. To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2021 as permitted by M.G.L. c. 44, section 53F, or take any other action relative thereto.

Article 21. 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.

Article 22. 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.

Article 19, 20, 21 and 22 passed unanimously.

Article 23. A motion was made and seconded for the Town of Shutesbury to vote to transfer \$30,000 from the Assessors' Overlay Surplus account to the Assessors' Revaluation account.

Purpose: The Assessors' Office is getting ready for its five-year recertification by the MA Department of Revenue in Fiscal Year 2023. By transferring \$30,000 from the Assessors' Overlay Surplus account, the revaluation account can be funded without the need to raise and appropriate funds within the Fiscal Year 2022 operating budget.

Article 23 passed unanimously.

Article 24. A motion was made and seconded for the Town of Shutesbury to vote to pay salaries from a prior fiscal year with a transfer from free cash, or take any other action in relation thereto.

Purpose: During the onset of the COVID-19 pandemic, the two new members on the Board of Assessors inadvertently were not paid half of their fiscal year 2020 salaries. The sum is \$2,060. This article will allocate funds to pay them retroactively.

Article 24 passed unanimously.

Article 25. A motion was made and seconded for the Town of Shutesbury to vote to approve the payment of \$1713.00 with a transfer of free cash to Mirabito Energy Products.

Article 25 passed unanimously.

Article 26. A motion was made and seconded for the Town to vote to approve annual spending limits for FY2022 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	FY2022 spending limit
Dog license and control	\$1,000

Recycling	\$25,000
Fire Inspections	\$3,000
Electrical Inspect	\$4,000
Plumbing Inspect	\$5,000
Swimming Exerci	\$3,000
Library	\$10,000
Conservation	\$3,000
SRECS Solar Renewable Energy Certificates	\$30,000
COA Seniors	\$ 5,000

Article 26 passed unanimously.

Article 27. A motion was made and seconded for the Town to vote to transfer up to \$200,000 from Stabilization funds, to upgrade the Shutesbury Elementary School HVAC Control System, contingent on grant funds not being available for this purpose, or take any other action relative thereto.

Article 27 passed unanimously.

Article 28. A motion was made and seconded for the Town to vote to authorize the Selectboard to acquire a permanent easement by gift, deed, take by eminent domain, or otherwise acquire, a portion of a parcel of land situated at 380 Locks Pond Road, Shutesbury, MA 01072, now or formerly owned by Crawford Moore, LLC of 65 Wentworth Drive, Amherst, MA 01002, or its agents, assigns, heirs or devisees, for flood, scour, and erosion protection, conservation preservation, and other municipal purposes, said land more particularly shown as “Parcel E-2, Crawford Moore, LLC,” on a plan entitled “Plan of Land in the Town of Shutesbury, Franklin County, Showing Location of Permanent Easement Taken by the Town of Shutesbury,” dated January 14, 2021, by Nitsch Engineering, to be recorded in the Franklin County Registry of Deeds, and is more particularly bounded and described as follows:

BEGINNING at a point on the westerly sideline of Locks Pond Road at a point S 59° 38' 42" W, a distance of 34.45 feet from station 101+61.77 on the 2020 Construction Baseline; thence S 75° 22' 35" W, a distance of 43.08 feet to a point; thence N 30° 03' 43" W, a distance of approximately 26 feet to a point in the centerline of the Sawmill River; thence northeasterly along the centerline of said river, a distance of approximately 41 feet to a point on the westerly sideline of Locks Pond Road; thence southwesterly along the westerly sideline of Locks Pond Road, a distance of approximately 23 feet to the point of beginning. Containing about 964 square feet.

Article 28 passed unanimously.

Article 29. A motion was made and seconded for the Town to vote to authorize the Selectboard to acquire a permanent easement by gift, deed, take by eminent domain, or otherwise acquire, a portion of a parcel of land situated at Lakeview Road, Shutesbury, MA 01072, now or formerly owned by the Estate of Raymond M. Moriarty, Ann Destromp, Executor of 38 Clark Street, Holyoke, MA 01040, or

its agents, assigns, heirs or devisees, for flood, scour, and erosion protection, conservation preservation, and other municipal purposes, said land more particularly shown as "Parcel E-1, Raymond R. Moriarty," on a plan entitled "Plan of Land in the Town of Shutesbury, Franklin County, Showing Location of Permanent Easement Taken by the Town of Shutesbury," dated January 14, 2021, by Nitsch Engineering, to be recorded in the Franklin County Registry of Deeds, and is more particularly bounded and described as follows: as written on the warrant.

*BEGINNING at a point on the westerly sideline of Locks Pond Road at a point S 59° 38' 42" W, a distance of 38.69 feet from station 101+21.26 on the 2020 Construction Baseline; thence S 77° 26' 08" W, a distance of 38.71 feet to a point; thence S 30° 03' 43" E, a distance of approximately 15 feet to a point in the centerline of the Sawmill River; thence northeasterly along the centerline of said river, a distance of approximately 41 feet to a point on the westerly sideline of Locks Pond Road; thence northwesterly along the westerly sideline of Locks Pond Road, a distance of approximately 18 feet to the point of beginning.
Containing about 603 square feet.*

Article 29 passed unanimously.

A motion was made, seconded and unanimously passed to dissolve the meeting at 1:40pm.

Respectfully submitted,

Grace Bannasch, Shutesbury Town Clerk

A True Copy Attest _____