

**2018 Annual Town Meeting Warrant  
Town of Shutesbury  
Commonwealth of Massachusetts  
May 5, 2018**

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 **fifth** day of May, at the Shutesbury Elementary School at 23 West Pelham Road in said Shutesbury, in the year Two Thousand and Eighteen, then and there to act on the following articles:

**Article 1.** To see if the Town of Shutesbury will vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2018 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$5,100 to Open Space; \$5,100 to Historic Resources; \$5,100 to Community Housing; and \$32,000 to the FY18 Community Preservation Fund budgeted reserve, or take any action relative thereto. **(Sponsor: Community Preservation Committee)**  
**Requires majority vote**

**Article 2.** To see if the town will vote to appropriate \$2,500 from fiscal year 2018 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operation expenses of the Shutesbury Community Preservation Committee, or to take any action relative thereto. **(Sponsor: Community Preservation Committee)**  
**Requires majority vote**

**Article 3.** To see if the Town will vote to appropriate the sum of **\$5,000** from the Community Preservation Fund to develop 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. The plan will be developed by an accredited engineering firm with aquatic experience, with oversight of the project by the Lake Wyola Association. Or take any action thereto.  
**(Sponsor: Community Preservation Committee)**

**Article 4.** 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. **(Sponsors: Personnel Board and Selectboard) Finance Committee**  
**Requires majority vote**

**Article 5.** To see if the Town will vote to ask its State Senator and State Representative to request that in all instances when the Commonwealth of Massachusetts is seeking or requiring individuals to identify their gender that it provide 1) a non-binary/transgender or equivalent option and 2) an option not to disclose such information, in addition to options for identifying as male and female. **(Sponsor: Selectboard)**  
**Requires majority vote**

**Article 6.** To see if the Town will vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection i) as follows: For Fiscal Year 2019 only, the alternative operating budget assessment shall be calculated as 20% of the estimated minimum contribution 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. **(Sponsor: Selectboard) Finance Committee Recommends**  
**Requires majority vote**

**Article 7.** To hear, and receive reports of town officers, committees, and boards.  
**(Sponsor: Select Board)**

**Article 8.** 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 \$6,444,196 by raising the sum of \$6,381,771 transferring \$20,425.00 from the Septic Betterment Fund, and transferring \$42,000 from free cash, for the fiscal year beginning July 1, 2018, or take any other action relative thereto.  
**(Sponsors: Selectboard and Finance Committee) Finance Committee Recommends**  
**Requires majority vote**

**Article 9.** To see if the Town will vote to adopt MGL c. 40, sec. 5E to establish an Unemployment Compensation Fund, text as follows: To provide for the anticipated costs of funding reimbursements to the commonwealth for unemployment compensation benefits under the provisions of c. 151A, any city, town or district may appropriate in any year an amount not exceeding one-tenth of one per cent of such city's or town's equalized valuation as defined in sec. 1 of 44, to establish and maintain a special fund to be known as the unemployment compensation fund; provided, however, that no such appropriation may be made at any time when the aggregate amount in such fund equals or exceeds one per cent of such equalized valuation . Any interest shall be added to and become a part of such special fund. The treasurer of the city, town or district shall be the custodian and administrator of such special fund, and may deposit or invest the fund in such manner as may be legal for other city, town or district funds under the laws of the commonwealth including , without limitation, the Masssachusetts Municipal Depository Trust.

The treasurer shall pay from such special fund, including the income thereof, such amounts as the selectmen or other officers authorized to expend money determine to be necessary from time to time to satisfy the liability of the city, town or district, or any instrumentality thereof, in accordance with the unemployment security law of the commonwealth. **(Sponsors: Finance Committee and Selectboard) Finance Committee Recommends**  
**Requires majority vote**

**Article 10.** 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, 2018, as contained in the budget, or take any other action relative thereto. **(Sponsors: Personnel Board and Select Board) Finance Committee Recommends**  
**Requires majority vote**

**Article 11.** To see if the Town will vote to transfer \$105,550 from free cash to the Shutesbury Broadband MLP, for operations costs in FY19. **(Sponsors: MLP Board and Select Board) Finance Committee Recommends**  
**Requires majority vote**

**Article 12.** To see if the Town will vote to approve to borrow, or transfer from Free Cash the sum of \$40,000, for a new well. **(Sponsor: Select Board) Finance Committee Recommends**  
**Requires majority vote**

**Article 13.** To see if the Town will vote to approve to borrow or transfer from Free Cash the sum of \$38,000, for a new police cruiser. **(Sponsors: Capital Planning and Select Board) Finance Committee Recommends**  
**Requires majority vote**

**Article 14.** To see if the Town will vote to approve transfer from Capital Stabilization the sum of \$75,000, for a used tractor boom mower for the highway dept. **(Sponsors: Capital Planning and Select Board) Finance Committee Recommends**  
**Requires 2/3rds vote**

**Article 15.** To see if the Town will vote to approve to borrow, or transfer from Capital Stabilization the sum of \$17,000, for a new flooring in in the elementary school for the 5<sup>th</sup> and 6<sup>th</sup> grade classrooms, office and music room. **(Sponsors: Capital Planning and Select Board) Finance Committee Recommends**  
**Requires 2/3rds vote**

**Article 16.** To see if the Town will vote to approve to borrow or transfer from Capital Stabilization the sum of \$73,565, for a new playground at the elementary school. **(Sponsors: Capital Planning and Select Board) Finance Committee Recommends**

**Requires 2/3rds vote**

**Article 17.** To see if the Town will vote to approve to borrow or transfer from Free Cash or stabilization the sum of \$34,000, for a new Town Hall roof. **(Sponsors: Capital Planning and Select Board) Finance Committee Recommends Requires 2/3rds vote**

**Article 18.** To see if the Town will vote to amend the Town of Shutesbury’s Zoning Bylaw by adding to Article VIII a new Section 8.11 Temporary Moratorium on Recreational Marijuana Establishments, that would provide as follows, or take any other action relative thereto:

**SECTION 8.11 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

**8.11-1 Purposes**

On November 8, 2016, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, processing, distribution and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and was amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017. The law requires the Cannabis Control Commission (“CCC”) to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently the Town’s zoning bylaw does not specifically marijuana establishments as that term is defined in G.L. c. 94G, §1. The final CCC regulations may provide guidance on certain aspects of local regulations of marijuana establishments. The regulation of non-medical marijuana raises novel legal, planning, and public safety issues, and the Town needs time study and consider these issues, as well as to address the potential impact of the CCC regulations on local zoning and, in connection therewith, to undertake a planning process to consider amending the zoning bylaw regarding regulation of marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures for marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

**8.11-2 Definition**

“Marijuana Establishment” shall mean a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, all as defined for the purposes of G.L. c. 94G, §1.

**8.11-3 Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provisions of the zoning bylaw to the contrary, the town hereby adopts a temporary moratorium of the use of land or structures for a marijuana establishment and

other uses related to non-medical marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana establishments, and shall consider adopting new zoning bylaws in response to these new issues.

*Explanation: See above purposes for justification. Sponsors: Planning Board. Requires 2/3 vote*

**Article 19.** To see if the Town will vote to amend Article VIII, Section 8.6-2(B)(1) of the Town of Shutesbury Zoning Bylaw by adding new text to the first sentence as follows, or take any other action relative thereto:

“1. Common Driveways are allowed by Special Permit from the Planning Board”

*Explanation: Makes clear that shared driveway special permit review is by the Planning Board, as was intended when bylaws were drafted in 2008. Sponsors: Select Board and Planning Board. Requires 2/3 vote.*

**Requires majority vote**

**Article 20.** To see if the Town will vote to amend Article VIII, Section 8.6-2(A)(4) of the Town of Shutesbury Zoning Bylaw by substituting the number 10 for the number 12 as follows, or take any other action relative thereto:

4. All driveways shall be designed and constructed in a manner to assure reasonable and safe access to all vehicles, including but not limited to emergency vehicles of all types. The traveled portion of a driveway shall be a minimum of ~~twelve~~ ten (~~12~~10) feet wide in order to insure such access. The maximum grade of a driveway shall be 15% and the maximum length shall be 1,000 feet.

*Explanation: Reduces driveway width from 12 to 10 feet in order to be more consistent with the existing and adequate width of most driveway in Town. Sponsors: Select Board and Planning Board.*

**Requires 2/3 vote.**

**Article 21.** To see if the Town will vote to amend Article IX, Section 9.1-3(G) of the Town of Shutesbury Zoning Bylaw by adding a new sentence as follows, or take any other action relative thereto:

G. Any Site Plan approved under this bylaw shall lapse within two years if construction has not begun, and is not carried forward to completion as continuously and expeditiously as is reasonable. For Site Plans approved under Article V of this bylaw the period until lapse may be extended beyond two years if so authorized by the Planning Board in the approval document.

*Explanation: This amendment provides for a longer period before construction (of roads, driveways, or houses) must begin in an Open Space Design project under*

*Article V. There was no public purpose archived by speeding up these projects.  
Sponsors: Select Board and Planning Board. Requires 2/3 vote.*

**Article 22.** To see if the Town will vote to adopt the following bylaw:  
“The Town Clerk shall be authorized to assign appropriate numbers and letters to section, subsections, paragraphs and sub-paragraphs of Town general bylaws and zoning bylaws, where none are approved by Town Meeting.

Where Town Meeting has approved numbering and lettering of sections, subsections, paragraphs and sub-paragraphs of Town general bylaws and zoning bylaws, the Town Clerk, after consultation with the Town Administrator, shall be authorized to make non-substantive editorial revisions to the numbering and lettering to ensure consistent and appropriate sequencing, organization and numbering and lettering of the bylaws.”

**Requires majority vote**

**Article 23.** To see if the Town will vote to approve to transfer from Free Cash up to \$20,000 for the bandstand gazebo.

**Requires majority vote**

**Article 24.** To see if the Town will vote to approve to transfer from Free Cash \$1500 for the planting of 2500 daffodils on town right of ways.

**Requires majority vote**

**Article 25.** To see if the Town will vote to transfer \$922.48 from free cash to the Swimming Recreation Account. \$922.48 was swept from the Swimming Recreation account in 2014 into free cash.

**Requires a 9/10thsvote**

**Article 26.** To See if the Town will vote pursuant to MGL c. 44, sec. 53E1/2, as most recently amended, to amend the Chapter 86 of the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the department purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

Revolving fund	Authorized to spend fund	Revenue source	Use of fund	FY2018 spending limit	Surplus column cap
Dog license and control	Town Clerk and Dog Officer	Licenses, fines and donations	Supplies and animal care	\$1,000	\$1,000
Recycling	Recycling Coordinator and Town Administrator	MIRF, grants, bulky waste, garbage bags, recycling containers	Expenses, stipend and equipment	\$25,000	\$6,000
Fire Inspections	Selectboard	Fire inspection fees	Pay Fire Inspector or assistant	\$3,000	\$1,000
Electrical Inspection	Selectboard	Electrical Inspection fees	Pay Electrical Inspector or assistant	\$4,000	\$1,000
Plumbing Inspection	Selectboard	Plumbing Inspection fees	Pay Plumbing Inspector	\$5,000	\$1,000
Swimming Exercise	Selectboard	Swimming Exercise fees	Pay instructor	\$3,000	\$1,000
Library	Library Board of Trustees	Grants, fines, sales, dog Licenses, bequests	Materials & Expense	\$10,000	\$7,500
Conservation	Commissioners	Local Wetland Protection Permit Fees	Education, outreach maintenance of Property	\$3,000	\$3,000
Council on Aging	COA	Foot clinic, programs,	Clinic, entertainment classes	\$3,000	\$3,000
Recreation	Recreation Committee	Reimbursements for Recreation Expenses	Recreation Expenses	\$5000	\$5000
SRECS Solar Renewable Energy Certificates	Selectboard	Contract payments for Solar PV Production	Renewable & Conservation Energy Projects	\$30,000	\$40,000
Total Spending				\$92,000	\$69,500

**Article 27.** 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.

**(Sponsor: Select Board) Finance Committee**

**Requires majority vote**

**Article 28.** To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of revenues for the fiscal year beginning July 1, 2017 in accordance with the MGL Chapter 44, Section 4 and to issue a note or notes therefore, payable within one year, to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of the MGL Chapter 44, Section 17, or take any other action relative thereto.

**(Sponsor: Select Board) Finance Committee**

**Requires 2/3rds vote**

**Article 29.** To see if the Town will vote to authorize the Accountant to pay bills from prior year as follows:

Robinson Donovan, P.C., legal expense of \$185.00

Whole Foods Market, building supply expense of \$68.51

A.E.I.O.U., insurance expense expense of \$300.00

**Requires a 9/10ths vote**

**Article 30.** 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.

**(Sponsor: Select Board) Finance Committee**

**Requires majority vote**

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 17th day of April two thousand and eighteen.

**Shutesbury Selectboard**

\_\_\_\_\_  
Michael DeChiara, Chair

\_\_\_\_\_  
Melissa Makepeace-O'Neil, Vice-Chair

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 \_\_\_\_\_