

**Commonwealth of Massachusetts  
Town of Shutesbury**

**Annual Town Meeting Minutes  
May 7, 2016**

At a legal meeting of the Inhabitants of the Town of Shutesbury qualified to vote in elections and town affairs held in the Shutesbury Elementary School at 23 West Pelham Road on the seventh day of May 2016 in the presence of a quorum, the following business was conducted. Moderator Penelope Kim opened the meeting at 9:05 AM. She introduced the public officials, identified the emergency exits, read a Civic Invocation and identified Town Meeting Time as the procedural guide for the meeting.

Town Meeting Attendees were invited to enjoy food and drink for sale at the Friends of the Library Café. The moderator asked who was attending their first town meeting and these people were applauded.

**Article 1.** A motion was made and seconded that the Town vote to amend the number of members on the Shutesbury Council on Aging from five citizens to seven citizens. The Shutesbury Council on Aging was established by the Town October 30, 1973, under the provisions of the General Laws, Chapter 40, Section 8B.

Sally Fairfield spoke for the Council On Aging (COA) and explained that the newsletter initiative and interest in the Aging In Place Task Force have increased the activities of the COA. An increase to seven members will help address these interests.

**Passed unanimously.**

**Article 2.** A motion was made and seconded that the Town vote to accept and approve the following resolution regarding the critical need for immediate action on fiber optic broadband service, as written below,

*Whereas* broadband service to our rural towns is critical infrastructure for economic survival;

*Whereas* our students' education is compromised by their inability to perform an increasing number of required online assignments; and

*Whereas* our residents are unable to utilize digital internet health care; and

*Whereas* broadband assures the interconnectivity essential to life in the 21<sup>st</sup> century; and

*Whereas* The Massachusetts legislature passed and the governor signed Bill H4355, an Act financing information technology equipment and related projects, on June 6, 2014, which authorized \$50 Million to the Massachusetts Broadband Incentive Fund for the purpose of providing broadband internet service to the unserved towns of western Massachusetts; and

*Whereas* in February 2015 the new Baker-Polito Administration affirmed its support for the bond bill and said that: "Providing high-speed broadband access to all cities and towns is not only a

matter of basic fairness, but it is an essential part of building stronger communities and a stronger economy”; and

*Whereas* on May 2, 2015 Shutesbury Annual Town Meeting, by a vote of 417 to 12, appropriated and authorized borrowing for \$1,693,200 for two-thirds of the costs for construction of a fiber optic network; and

*Whereas* on June 10, 2015 the voters of Shutesbury by a 92% favorable vote authorized a debt exclusion override for the fiber optic network; and

*Whereas* by August 1, 2015 over 52% of all the households in the Town of Shutesbury had signed up for service from WiredWest and made a \$49 deposit;

*Whereas* on August 4, 2015 the then Director of the Massachusetts Broadband Institute informed the Town of Shutesbury Selectboard that we had taken the necessary steps to begin construction of the fiber optic network; that the pole survey and design and engineering would begin in the next eight to nine weeks; that make ready work would begin in spring of 2016; and that construction would begin in the fall of 2016; and

*Whereas* little or no progress has been made on any of the steps needed to build the network;

THEREFORE be it resolved that we, the Citizens of the Town of Shutesbury in Town Meeting Assembled call upon the Baker/Polito Administration to commit all necessary resources to ensure the provision of fiber optic broadband service to all residents of Shutesbury; and

Expediently provide resolution to this most challenging situation by allocating the funds necessary to bring this project to conclusion; and

Instruct the Massachusetts Broadband Institute to work cooperatively with the towns and their agencies, including WiredWest, and to accept input and policy direction from the towns to jointly produce an immediate actionable plan that is acceptable to our town by June 30th, 2016.

Be it further resolved that the Town Clerk be directed to send copies of this resolution to Governor Charlie Baker, Lt. Governor Karyn Polito, State Representative Steve Kulik, State Senator Stan Rosenberg and Secretary Jay Ash.

A Power Point presentation was given by Gayle Huntress co-chair of the Broadband Committee. She covered a short history and the current status of Shutesbury’s multi-year efforts to bring fiber optic access to all the citizens of Shutesbury. There was a little discussion and a few questions from the meeting members.

**Passed in the majority with two abstentions.**

**Article 3.** A motion was made and seconded that the Town vote to adopt a new section and thereby amend the Shutesbury Zoning ByLaw by adding a section entitled “Ground-Mounted Solar Electrical Installations.”

Jeff Lacy from the Planning Board began his remarks with an apology for his harsh and abrupt behavior at the most recent Planning Board meeting. His apology was accepted.

He gave a history and review of the proposed bylaw additions. The Planning Board utilized citizen input and ideas drawn from other municipal bylaws. The bylaw proposal includes an exemption for a project that is currently in the special permitting process with the Planning Board. This project includes adjustments made over the course of the year long discussion of bylaw regulations. Although passage of the proposed bylaw will not be retroactive to include the Wheelock project, there will be conditions in the Special Permit meant to safeguard the town.

Citizens expressed appreciation at the overall receptiveness and concern the Planning Board exhibited in developing the bylaw. Concerns about how to assess possible Native American archeological presence, measuring net carbon effect, trail protection and environmental impacts were voiced by the audience.

**By paper ballot, the vote passed the required 2/3: 105 yes, 8 no, and 1 abstention.**

**Article 4** was withdrawn by Miriam Defant, one of the Citizen Petitioners.

**Withdrawal unanimously accepted.**

**Article 5** was withdrawn by Miriam Defant, one of the Citizen Petitioners.

**Withdrawal unanimously accepted.**

**Article 6.** A motion was made and seconded that the town vote to authorize the Board of Selectmen to negotiate an agreement for the payments-in-lieu-of-taxes pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority for personal property attributable to a solar photovoltaic facility to be located on privately owned land off Pratt Corner Road, Shutesbury, shown as Franklin County Registry of Deeds' Book 1032 Page 390 – Assessor's Lot ZG2, for a term of 25 years, and on such other terms and conditions and for such consideration as the Board of Selectmen deems appropriate.

**Passed unanimously.**

**Article 7.** A motion was made and seconded for the Town to hear, and receive reports of town officers, committees, and boards.

**Mike Vinskey** praised retiring Select Board member, April Stein, for her many years of service to multiple town committees. Her insight, respect for other opinions, and perseverance made immeasurable contributions to Shutesbury. April thanked the community and reflected on how much she received back from the experience of participating in town government.

**Susie Mosher** thanked the multitude of volunteers that make the Town of Shutesbury work in a large art display entitled "Meeting Houses" that used less than 1/3 of all the meeting agendas for the year. Our government is truly of the people, by the people and for the people.

**George Arvanitis** spoke for the Personnel Board. The committee is redesigning the performance review process. They recommended 3% increase for town workers other than school personnel. The contract for

the police patrol staff will be negotiated in the coming year. He mentioned there are two openings on the board and encouraged citizens to volunteer.

**Al Werner** from the Water Resources Committee gave a Power Point presentation that explained some of the data captured so far. He noted the quality of the water and its quick recovery time following dry periods. The committee will research what conditions make the water quality good.

The Union 28 Superintendent, **Jen Haggerty**, gave accolades to the Shutesbury Elementary School program and community. She introduced Aaron Osborne, the Director of Operations and Finance.

**Maria Geryk**, Superintendent of the Amherst Regional Schools described the goals and opportunities of our middle and high school programs. She described a continuing decline in enrollment and some of the ideas being considered to increase enrollment and decrease fixed costs.

The Finance Committee Co-Chair, **George Arvanitis**, reviewed the Finance Committee 2017 Budget Report. The town's finances are commendable and stable. The Capital Stabilization fund is ready to handle costs associated to maintaining aging buildings and air quality problems. The future issues are Broadband costs, continued review of Regional assessment formula, decreasing enrollment in the schools, and free cash reserves invested in operating cost reductions.

**Article 8.** A motion was made and seconded that the Town vote to amend the Amherst Pelham Regional School District Agreement such that, notwithstanding Section VI, for Fiscal Year 2017 only, 10% of the operating budget assessment shall be allocated to each town based on proportionate shares of taxable property values and the other 90% will be allocated to the member towns in accordance with the per-pupil method found in the Amherst Pelham Regional School District Agreement.

"The School Committee has voted to use an alternative income method voted by the Amherst Pelham Regional School District School Committee to determine the apportionment of the FY17 budget to each member town. Approval to use this apportionment method must be granted each year."

George Arvanitis spoke about the proposed assessment changes that are favorable to Shutesbury. The proposal represents a \$27,000 decreased assessment over the current alternative method. The four towns in the Regional School District are expected to convene in May 2016 for further work on the assessment method. Sean Mangano, from the Regional School business office reiterated that the State statutory method that Shutesbury is modifying, is based on the state's assessment of the relative wealth of towns. In the past that formula has been unpredictable.

**Passed unanimously.**

**Article 9.** A motion was made and seconded that the Town 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, 2016, as contained in the budget.

**Passed unanimously.**

**Article 10.** A motion was made and seconded that the Town vote to raise and appropriate a sum of money to meet town expenses including operations, capital, salaries and school expenses of \$6,155,690.00 by raising the sum of \$6,135,255.00 and transferring \$20,435.00 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2016.

The FY2017 Budget was reviewed by sections. There was a little discussion about the process for salary recommendations by the personnel board. Otherwise no amendments to the budget were made.

**Passed unanimously.**

**Article 11.** A motion was made and seconded that Town vote to transfer \$100,000 from Free Cash to the Capital Stabilization Fund.

**Passed unanimously.**

**Article 12.** A motion was made and seconded that the Town vote to borrow \$100,000 and transfer from free cash \$92,000, of the sum of \$192,000 to fund a dump truck for the highway department.

Tim Hunting, the Highway Department Superintendent discussed the needs of the Town concerning sanding and plowing. He gave a history of the current truck, repair costs, drivers, and the costs, concerns and modifications needed for using a military surplus vehicle. Citizens had their questions answered and some expressed their appreciation for the good care the highway department provides year round.

**By a show of hands, the vote passed by the required 2/3 majority: 51 yes, 11 no, and 1 abstention.**

**Article 13.** A motion was made and seconded that the Town vote to accept and expend funds available from the State for Highway reimbursement programs, such as the Chapter 90 program, without further appropriation.

**Passed unanimously.**

**Article 14.** A motion was made and seconded that the Town 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, 2016 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.

**Passed unanimously.**

**Article 15.** A motion was made and seconded that the Town vote to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation.

**Passed unanimously.**

**Article 16.** A motion was made and seconded that the Town 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.

**Passed unanimously.**

**Article 17.** A motion was made and seconded that the Town of Shutesbury vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2017 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$5,300 to Open Space; \$5,300 to Historic Resources; \$5,300 to Community Housing; and \$29,500 to the FY17 Community Preservation Fund budgeted reserve.

Donald Fletcher, Chair of the Community Preservation committee gave some background on the Community Preservation funds and the process of receiving and considering project proposals.

**Passed unanimously.**

**Article 18.** A motion was made and seconded that the Town vote to appropriate \$ 2,400 from fiscal year 2017 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operation expenses of the Shutesbury Community Preservation Committee,  
**Passed unanimously.**

**Article 19.** A motion was made and seconded that the Town vote to appropriate the sum of \$29,000 from the Community Preservation Fund; and to meet this appropriation, transfer \$29,000 from the Community Preservation Fund Balance, to rehabilitate a playground and replace a play structure, as detailed in the Shutesbury Elementary School project proposal, said funds to be expended under the direction of the Shutesbury Elementary School, or to take any action thereto.

Donald Fletcher praised the project sponsors whose efforts went into raising other funds, utilizing volunteers and filling out the application.

**Passed unanimously.**

**Article 20.** A motion was made and seconded that the Town vote to appropriate the sum of \$5,000 from the Community Preservation Fund; and to meet this appropriation, transfer the sum of \$5,000 from the Community Preservation Fund Balance, to construct a track in the upper field, as detailed in the Shutesbury Elementary School project proposal, said funds to be expended under the direction of the Shutesbury Elementary School.

**Passed unanimously.**

**Article 21.** A motion was made and seconded that the Town vote to transfer from free cash a sum not to exceed \$10,000 to the fire department special equipment account said sum to be set as the proceeds from the sale of the police and fire rescue boat.

**Passed unanimously.**

**Article 22.** A motion was made and seconded that the Town vote to transfer from free cash, the sum of \$1,467.42 for the purpose of clearing a balance prior to FY06 for the Chapter 90 Highway.

**Passed unanimously.**

**Article 23.** A motion was made and seconded that the Town vote to raise and appropriate, transfer from free cash, the sum \$1,982.50 for the purpose of clearing a balance prior to FY06 for Public Safety Highway Grant. **Passed unanimously.**

**Article 24.** A motion was made and seconded that the Town vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$1,314.08 invoice #0384432 to Dennis K Burke for the payment of a fuel bill from prior years, and \$207.76, for Gazette invoice for legal notice paid with chk#47744, refunded to the town by Gazette in error.

**Passed unanimously.**

**Article 25.** A motion was made and seconded that the Town vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53 E1/2 for the fiscal year beginning July 1, 2016, and to further authorize that any surplus in said accounts exceeding the amounts reflected below in the surplus column will be directed to the general fund at the end of the fiscal year, or take any other action relative thereto.

**Passed unanimously.**

**A motion was made, seconded and unanimously voted to dissolve the meeting at 1:45 pm.**

Respectfully submitted,

Susie Mosher  
Shutesbury Town Clerk