

**Commonwealth of Massachusetts
Town of Shutesbury**

**Annual Town Meeting Minutes
May 21, 2022**

With COVID safety concerns still a priority, Shutesbury's Annual Town Meeting was held under a tent behind Town Hall at 1 Cooleyville Rd. on Saturday, May 21, 2022. As in the past two years, there was a little rain, a little sun and a lot of enthusiastic citizens attending.

Our Town Moderator, Paul Lyons, opened the meeting at 9:10 am. He welcomed newcomers and familiar faces. He introduced the town officials at the front table, explained the new warrant article amendment form, and asked for people to hold their applause during article discussions.

Rita Farrell, Select Board member, thanked Chuck DiMare for his 27 years of volunteer service on the Zoning Board of Appeals. Melissa Makepeace O'Neill introduced our newly appointed Police Chief, Kristen Burgess and thanked her for her service to our town. Chief Burgess informed the meeting about the location of the bathrooms, cooling center, and the importance of observing heat safety measures for the day.

Moderator Lyons requested permission to call for a vote by show of hands or cards on articles requiring 2/3 majority. If the vote appears close, he will ask for a vote by counting the raised cards. Hearing no objection, the procedure was adopted.

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.

Board of Health: Masks were required in two areas at the Town Meeting, including the indoor voting area and cooling center and the tent for those who want to mask. The safety protocol for wiping off the microphone after each use was explained. An information sheet on Eastern Equine Encephalitis was made available on the community information table.

Recycling and Solid Waste Committee: The committee brought trash bags to distribute 20 rolls for each household at the meeting. The new hauler contract will be doing trash pick-up on Tuesdays and Wednesday on different routes in town. A letter will be sent out giving the important details.

Personnel Board: This committee worked very hard to find a fair way to reimburse the municipal employees. They spent months doing a market alignment survey. They found eight positions that were underpaid compared to the rest of the county.

Library: The Library Director, Mary Anne Antonellis, explained the current library protocols in light of the on-going pandemic. She described the library programs including loaning kayaks, a telescope, chemistry kits and museum passes. There are free, on-line fitness and yoga classes. The library is working with the Amherst Survival Center, facilitating once a month distribution of free groceries for seniors.

Energy & Climate Action Committee: This newly appointed committee is charged to make recommendations to the Select Board on ways for the Town to meet its climate mitigation and resilience goals as detailed in the Town's 2020 Municipal Vulnerability Plan (MVP) and the 2021 Hazard Mitigation Plan (HMP).

Michael DeChiara, chair of the committee, asks residents to participate in a household energy survey. The data will be used to help Shutesbury find resources to meet its current and future energy needs.

Rita Farrell introduced our current state representative, Natalie Blais to the meeting. We thanked her for her excellent efforts representing Shutesbury as a part of her 1st Franklin District. Following 2021 redistricting in Massachusetts, Shutesbury will now be in the 7th Hampden District. Rep. Blais introduced Aaron Saunders, the democratic candidate who is running for that seat.

The Select Board also acknowledged Susan Quigley, Ron and Sue Essig for their volunteer work on town committees.

Article 2. A motion was made and seconded that the Town of Shutesbury 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 2023 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 2022 assessment, the Fiscal Year 2023 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.

Doug Slaughter, Director of Finance for our regional schools, explained the article. The four towns at the regional schools have reached an agreement to use a modified, 100% statutory assessment method.

Article 2 passed by majority.

Article 3. A motion was made and seconded that the Town of Shutesbury vote to appropriate the FY 2021 MLP certified retained earnings of \$201,285.00 as follows:

1. \$127,826.00 to make final payment on the construction BAN (Bond Anticipation Note) due 8/20/2022.
2. \$73,459.00 to the MLP FY 2023 Emergency Reserve fund.

Article 3 passes unanimously.

Article 4. A motion was made and seconded that the Town of Shutesbury vote to appropriate the sum of **\$346,560.00** for the MLP Enterprise Fund beginning July 1, 2022 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 FY2023

Expenses

NOTES

Routine network maintenance	\$ 60,000	Annual Maintenance
Truck retainer fee		
Insurance	\$ 11,000	Insurance via MIIA with 10K deductible
Backhaul	\$ 48,756	10GB CrownCastle connection \$2,938/ month; 1GB MBI/backup \$1,125/mo TOTAL = \$4,063/month
Middle Mile Link Maint.	\$ 2,400	\$100/month x 2
MLP Manager Salary	\$ 24,000	
Employment Overhead	\$ 636	Medicare: \$396; Workers Comp \$240
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)
Bond fee for poles	\$ 6,750	3K for Ngrid and Verizon; 750 for Eversource
Pole rental	\$ 20,670	\$13.78 x 1500 poles
Calix Essentials Support	\$ 7,975	Annual Maintenance contract with Calix. Provides direct support and emergency electronic equipment replacement.
Supplies	\$ 500	Office supplies, postage, data backup
Legal	\$ 1,000	
Electronics Hut Operations	\$ 1,300	HVAC maintenance \$500, Security Monitoring \$336, Building Maintenance \$464
Electronics Depreciation (Broadband Capital Stabilization)	\$ 45,000	To replace electronics in 7-10 years. Hut servers and switches, home routers and ONTs.
Debt Service	\$ 100,100	\$100,100 Payment due 4/3/2023 on \$883,333 10-year note.
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.
Accounting	\$ 1,200	Indirect Costs reimbursed to town.
Treasurer	\$ 1,800	Indirect Costs reimbursed to town.
Auditor	\$ 850	Indirect Costs reimbursed to town.
OPERATIONS SUBTOTAL	\$ 346,137	
Extraordinary & Unforeseen	\$ 423	Emergency Reserve Fund NOTE: \$73,459 from Retained Earnings will be added to this account on 7/1/2022
OPERATIONS TOTAL	\$ 346,560	

Income

Notes

MLP FEES \$ 346,560 Subscriber# x Monthly fee x 12

Subscriber # 760

MLP monthly fee \$38.00

Gayle Huntress and Steve Schmidt explained the progress the Broadband Committee/MLP has made. The project has been successful enough to pay off the bond note and move money into its Emergency Reserve Funds. They have negotiated with a new service provider and they estimate this will lower the monthly bill by about \$15/mo., an annual savings of \$180 to every subscriber.

Article 4 passed unanimously.

Rep. Blais presented a commendation to retiring Walter Tibbetts for his 40 years of service on the Shutesbury Fire department, 27 years as fire chief. Lieutenant Lenny Czerwonka accepted the plaque for Chief Tibbetts who could not attend due to his broken leg.

Article 5. A motion was made and seconded that the Town of Shutesbury vote to appropriate the sum of 25% of actual eligible costs and 100% of actual ineligible costs currently estimated at \$2,444,953, for all costs associated with designing, originally equipping and furnishing, planning and construction of a new library, said amount to be reached by a transfer of free cash of \$250,000, transfer from Capital Stabilization of \$238,000, transfer from Stabilization of \$150,000, a transfer of \$252,700 from the Town's Library Capital Building Fund and a transfer from the Library Gift Fund (to be given to the Town) of \$323,854, credit for the town land for the assessed value of \$57,528, (for a total transfer amount of \$1,272,082), and further to meet the balance of the appropriation by authorizing the Treasurer, with approval of the Selectboard, to borrow up to the balance of the appropriation, **\$1,172,871** under G.L. Chapter 44, section 7(3) or any other enabling authority, provided however, that no amounts shall be borrowed or expended hereunder unless and until the Town votes at an election to exempt from the provisions of M.G.L. Chapter 59 Section 21C(k), of the Proposition 21/2, so-called, the amounts required to pay for the bonds or notes.

Leslie Luchonok proposed an amendment to Article 5 - to delete, "transfer of free cash of \$250,000, transfer from Capital Stabilization of \$238,000, transfer from Stabilization of \$150,000," and substitute with language, "to borrow up to the balance of the appropriation, \$1,810,871."

Amendment requires a majority vote. Amendment fails by clear majority.

After a little further discussion, the question was called. 507 Voters cast a secret ballot.

Article 5 passes by more than 2/3 majority: 422 Yes, 85 No.

Article 6. A motion was made and seconded that the Town of Shutesbury 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, 2022, as contained in the budget.

Article 6 passes unanimously.

Article 7. A motion was made and seconded that the Town of Shutesbury 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 **\$6,699,774** by raising the sum of **\$6,679,349** and transferring \$20,425 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2022.

Jim Walton, Chair of the Finance Committee went through the Finance Committee's Report on the FY 24 budget, (included in this annual report, Finance Committee section.)

Article 7 passed by a clear majority.

Article 8. A motion was made and seconded that the Town of Shutesbury vote to transfer from free cash \$12,000 for three solar powered speed board signs for the Police Dept.

Article 8 passed by a clear majority.

Article 9. A motion was made and seconded that the Town of Shutesbury vote to transfer from free cash \$20,000 for the VADAR Financial Software for the Accountant and Treasurer.

Article 9 passed unanimously.

Article 10. A motion was made and seconded that the Town of Shutesbury vote to borrow up to \$225,000 for a new dump truck for the highway dept.

Article 10 passed by a clear 2/3 majority.

Article 11. A motion was made and seconded that the Town of Shutesbury vote to transfer up to \$60,000 from free cash, for design and engineering of the replacement of Shutesbury Elementary School Asphalt portion of the roof.

Article 11 passed unanimously.

Article 12. A motion was made and seconded that the Town of Shutesbury vote to transfer up to \$54,000 from free cash for a new Interceptor SUV for the Police Dept.

Article 12 passed by a clear majority.

Article 13. A motion was made and seconded that the Town of Shutesbury vote to transfer \$45,000 from free cash for a new Interceptor SUV for the Fire Dept.

Article 13 passed by a clear majority.

Article 46 was moved up for consideration.

Citizen Petition

Article 46. Replacement of Shutesbury Elementary School Roof, Phase 2

Brief Summary/explanation of the petitioned article (to appear in the printed warrant) Electronic Version

To see if the Town will vote to transfer \$700,000 from free cash to a fund for the design/engineering study and replacement of the asphalt section of the Shutesbury elementary school roof or take any other action there to.

Explanation: Replacement of the Shutesbury Elementary School roof has been postponed repeatedly as the Town has pursued grants five separate times from the Massachusetts School Board Authority for the project. No grants have been awarded for this project since the Town first voted to apply in 2014. The roof has continued to leak as isolated repairs are conducted while Town Officials refuse to allocate the funds necessary to replace the *entire* school roof.

2021 Annual Town Meeting voted to allocate funds to replace the school gym roof (phase1). That momentum needs to carry forward to replace the larger, asphalt section of the elementary school roof (Phase 2). The school roof replacement will be 100% complete with Phase 2; there is no phase 3. The Town has \$1.2 million in Free Cash; it is time to stop procrastinating and set aside enough money to

complete the job and stabilize the Town's most valuable piece of real estate: Shutesbury Elementary School.

Article 46 failed.

Article 14. A motion was made and seconded that the Town of Shutesbury vote to delete the Town Buildings Committee Bylaw adopted in 1988, and vote to adopt the new Shutesbury Building Committee Bylaw, as written in the warrant.

Proposed Amendment to the Shutesbury Building Committee Bylaw April 2022

Section 1 Role: The role of the Shutesbury Building Committee is to advise and assist the Town on financial estimates, design and supervision of construction (including repair, reconstruction, alteration or enlargement) of municipal building projects. The committee will work with the Town Administrator, Town Committees and Town Departments on proposed building and renovation projects and the ongoing maintenance of Town Buildings.

Section 2 Membership: The Shutesbury Building Committee shall consist of five regular voting members. The composition of the Committee shall include, to the extent possible, one registered, or retired architect, one licensed, or retired engineer, one licensed builder experienced in commercial construction, two others familiar with the building trades and facilities maintenance. All members shall be residents of the Town of Shutesbury. All members shall be appointed by the Select Board with a selection process that includes public solicitation of interested persons. Any interviews of applicants shall be conducted in open sessions during a meeting of the Select Board. The Town Administrator will be an ex-officio member of the committee, and will oversee procurement and ensure state procurement laws are followed at all times.

Section 3 Term: Members shall be appointed for alternating three-year terms and will serve until a successor has been appointed and qualified. The initial appointments shall be staggered for one, two and three years. If there is a vacancy it shall be filled for the remainder of the unexpired term. A member absent from one third of the meetings in any fiscal year of her/his term may be removed by a majority vote of the Committee after due notice to that member of the impending removal action.

Section 4 Capital Projects: Capital projects whose projected budget is in excess of \$500,000 will be assigned their own separate building committee with appointments jointly made by the Selectboard and the town department responsible for the capital project. One or two members of the building committee shall be designated by the Selectboard to serve on a project specific building committee.

Section 5 Building Committee Responsibilities: The building committee is responsible for overseeing the design and construction, in cooperation with the *Proposing Body* (town departments and town committees and boards, of all projects within its jurisdiction including:

A. For Projects that include design and/or engineering:

- The designer selection process for the solicitation, evaluation and recommendation of a project designer, in compliance with the MA General Laws
- schematic design, design development production of construction documents, public construction bidding, in compliance with the General Laws
- contract award recommendation in compliance with the MA General Laws
- construction administration in compliance with the MA General Laws.

- All projects shall be developed in a manner consistent with the project goals and physical requirements established by the *Proposing Body* (town departments, town committees) and the applicable provisions of the MA General Laws.
- The Town Administrator shall coordinate award and execution of all designer services contracts and construction contracts with the Selectboard.

B. For Projects that do not include design and/or engineering:

- Write up scope of work for repairs in cooperation with the *Proposing Body* (town departments and town committees and board) to meet the Proposing Body's project goals and physical requirements
- Use best procurement practices to solicit bids from contractors and suppliers for repairs
- The Town Administrator shall coordinate award and execution of all designer services contracts and construction contracts with the Selectboard

C. Assess all Town Buildings and develop a capital needs assessment including a timetable and budget that will serve as the guide for future rehabilitation/renovations and will assess the following for all Town Buildings as follows:

- Overall Condition & Condition of its Infrastructure
- Disaster Resistance & Preparedness
- Use of Green Technologies
- Communications & Information Systems Technologies
- Performance & Sustainability
- Capital Improvements Options & Investments (Repair, Replace, Renovate, etc.)

D. Engage construction, engineering and other consultants through the Town Administrator's Office, as needed and subject to appropriation. Manage the Town's Building Maintenance and Repair fund that is established by town meeting vote for repairs that are under \$10,000 and cannot wait for a town meeting vote.

Article 14 passed by a clear majority.

A motion was made and seconded for the town to vote on Articles 15 and 16 as a consent agenda.

Motion passed unanimously.

Article 15. To see if the Town of Shutesbury will vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2023 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: **\$5,100** to Open Space (excluding recreational purposes); **\$5,100** to Historic Resources; **\$5,100** to Community Housing; and **\$32,000** to the FY23 Community Preservation Fund budgeted reserve

Article 16. To see if the Town of Shutesbury 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.

Articles 15 and 16 passed unanimously.

Article 17. A motion was made and seconded that the Town of Shutesbury vote to appropriate **\$10,000** from the Historic Preservation Fund balance to repair and restore the historic mile guideboard on the Town Common.

Article 17 passed by a clear majority.

Article 18. A motion was made and seconded that the Town of Shutesbury vote to appropriate **\$22,000** from Open Space/Recreation fund balance in support of the Kestrel Trust’s Phase 1 project at Ames Pond. This project will protect wetland and soil resources by improving the parking area, removing invasive plants, installing a crushed stone walkway at the trailhead, addressing degraded trail conditions, and improving accessible access.

Article 18 passed unanimously.

Article 19. A motion was made and seconded that the Town of Shutesbury vote to appropriate **\$22,000** from the Open Space/Recreation fund balance and **\$28,000** from the CPA Budgeted Reserve fund balances to the Kestrel Trust for the purchase of Lot R-15 with 2000 feet of frontage along Pelham Hill Road. The lot is situated between two parcels of already protected land, includes the headwaters of Amethyst Brook, and features a historic dam/mill site. The property will be preserved as open space and developed for passive recreation.

Article 19 passed by a clear majority.

Article 20. A motion was made and seconded that the Town of Shutesbury vote to approve that the \$20,000 for the community garden appropriated in 2021 for the community garden at town hall be used for a community garden located on Lot 0-32.

Article 20 passed by a clear majority.

Article 21. A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaws by adding the Energy Battery Bylaw, as written in the warrant.

INCORPORATING ENERGY STORAGE USE INTO SHUTESBURY ZONING

AMEND USE TABLE

Add new categories under “ENERGY AND UTILITIES”:

Use	RR	FC	TC	LW	Reference
Principal Use of Energy Storage System” (ESS)	N	N	N	N	3.3-7
Small-Scale Ground Mounted Solar Electric Installation with Accessory Use Energy Storage System	SP-P	SP-P	SP-P	N	3.3-7
Large-Scale Ground Mounted Solar Electric Installation with Accessory Use Energy Storage System	N	SP-P	N	N	3.3-7
Small Wind Energy System with Accessory Use Energy Storage System	SP-P	SP-P	SP-P	SP-P	3.3-7

ADD footnotes:

For Small and Large Scale Ground Mounted Solar Electric Installations, add footnote:

For Small and Large Scale Ground Mounted Solar Electric Installations that include an accessory use Energy Storage System (ESS), the requirements of the ESS bylaw, 3.3-7, must be met concurrently within the same special permit in order for a Ground Mounted Solar Electric Installation permit to be granted. If an accessory ESS is later proposed, the previously approved special permit must be modified to include the accessory use ESS and must meet the requirements of Section 3.3-7.

For Small Wind Energy Systems, add footnote:

For Small Wind Energy Systems that include an accessory use Energy Storage System (ESS), the requirements of the ESS bylaw, 3.3-7, must be met concurrently within the same special permit in order for the Wind Energy System permit to be granted. If an accessory ESS is later proposed, the previously approved special permit must be modified to include the accessory use ESS and must meet the requirements of Section 3.3-7.

AMEND DEFINITIONS

Energy Storage System (ESS) shall mean any mechanical, thermal, electrical, chemical, electrochemical or other device that is operated to store energy for use in homes, businesses or government; or for use by the utility grid as a source of energy or a backup system.

Commercial Energy Storage System shall mean energy storage system that is operated primarily for distribution of energy to the utility grid or where more than 75% of the stored energy is distributed monthly for off-site use.

On-site Energy Storage System shall mean an energy storage system that is operated as an accessory use, and which provides energy in support of the principal use, and does not sell or distribute more than 25% of the energy stored in a given month for off-site use.

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ADD UNDER SECTION 3.3 “ACCESSORY USES AND STRUCTURES” NEW SECTION 3.3-7 Energy Storage Systems

3.3-7.1 Purpose

The purpose of this bylaw is to facilitate and appropriately regulate energy storage systems: (a) by providing standards for the approval, placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, protection and preservation of Town infrastructure (including roads), public nuisance, existing residential property and property value, impacts upon environmental, scenic, and historic resources; (b) by providing adequate financial assurance for the eventual decommissioning of such installations; and (c) by protecting large contiguous blocks of forest back-land, wetlands, and drinking water supplies.

3.3-7.2 Applicability

This bylaw applies to Energy Storage Systems (ESS) designated in the Energy and Utilities section of the Use Table. For energy generation installations that include an ESS, the special permit requirements or prohibitions of the energy generation use associated with the ESS shall

apply to the ESS and all requirements of this section must also be met for a special permit to be granted.

A. On-site Energy Storage System. An ESS that is: 1) accessory to an existing Residential use, Business or Community use as listed in the Use Table; and provides energy in support of the principal use; and does not sell or distribute more than 25% of the energy stored in a given month, shall be permitted as of right and does not need to comply with the special permitting requirements of this Section 3.3-7.2. An ESS for on-site usage shall require a building permit and/or electrical/wiring permit as appropriate and a site plan review from the Zoning Board of Appeals. An on-site ESS shall be located within fifty feet of the generation source and shall require a buffer of 25 feet from forested land.

B. Energy Storage System as Principal Use.

An ESS which is a principal use is prohibited under this section and any other section of this zoning bylaw.

C. Commercial Energy Storage System as Accessory Use To Energy Generation

1. An ESS that is operated primarily for distribution of energy to the utility grid or where more than 75% of the stored energy is distributed monthly for off-site use shall be considered to be a Commercial ESS and all requirements of this section must be met for a special permit to be granted and being an accessory use to an energy generation facility.
2. A Commercial ESS shall be sized to accommodate only the energy generated on the same parcel. Design and operation shall not accommodate off-site generated energy.
3. A Commercial ESS that is accessory use to Small or Large Scale Ground Mounted Solar Electric Installations shall be located within the energy generation installation OR within 100 feet of energy generation installation. A Commercial ESS that is accessory to Small Wind Energy Systems shall be located within 100 feet of energy generation installation. To mitigate damage resulting from a fire, a Commercial ESS shall maintain a buffer of 50 feet from forested land.

3.3-7.3 General Requirements:

An ESS shall comply with the requirements of the permitted primary energy generation use listed under the Energy and Utilities heading in the Use Table and found elsewhere in this zoning bylaw and with the requirements of this section.

3.37-.4 Required Documents

1. An ESS shall comply with the Financial Surety provisions as outlined in Section 8.10-4.
2. Proof of additional liability insurance adequate to address costs associated with possible fires, explosions or water contamination, as identified in the Hazard Mitigation Analysis.

3.3-7.5 Safety and Environmental Standards

A. Required Documents shall include:

1. A site specific Hazard Mitigation Analysis conducted, at the applicant's expense by a consultant chosen by the Planning Board.

2. The owner or operator of the ESS shall develop a written emergency response plan to be provided to Planning Board that is consistent with the findings and recommendations of the Hazard Mitigation Analysis and is approved by the Fire Chief and the Emergency Management Director. The emergency response plan shall include the sequence of operations relative to the ESS shutdown and emergency response intervention.
3. Material Safety Data Sheets for batteries and electrical components, and for fire suppression chemicals that would be used in the case of a fire at an ESS
4. The owner or operator of the ESS shall submit operation and maintenance plans for regular inspection, servicing, repair and renovation of the ESS
5. A copy of the project summary, electrical schematic, and site plan to the Planning Board, Shutesbury Fire Chief and the Emergency Management Director.
6. Fire and explosion prevention and mitigation information including venting system operation; location of detectors and types of detectors/sensors including manufacturer and model, accuracy, and sensitivity; suppression system design, including type of agent, system layout, application rate, source.
7. Design specifications for:
 - a. Energy storage units including cells, modules, and rack systems including manufacturer and model and unit levels of storage cells; pertinent UL test data.
 - b. Energy storage containers including but not limited to the general physical layout relative to doors, access panels, vents; interior layout of cabinets, racks, ductwork, compartmentation; ventilation system; construction materials;
 - c. Exterior of containers including spacing between containers and the specifications of structural supports/foundations for the containers.

B. Emergency Services

1. To ensure that local first responders are prepared for emergencies related to the ESS, the owner or operator shall arrange for and pay all the expenses for annual training of Shutesbury fire, police, and emergency management personnel, as designated by the town to respond to an ESS- related emergency. An annual payment, in an amount approved by the Fire Chief and Emergency Management Director, to cover all expenses of annual training above shall be due to the town by July 1 of each year; unspent funds will be credited to the following year.
2. In the case of an emergency related to the ESS, the operator shall provide the Town of Shutesbury with an emergency response team, at the operator's expense, that has the necessary capacity, equipment and training to undertake the requirements of the emergency response plan.
3. All means of shutting down an ESS shall be clearly marked.
4. Spacing of energy storage units and other fire prevention installation measures shall be designed and documented that follow current safety-related best practices to mitigate thermal runaway among energy storage units.
5. The owner or operator of a ESS shall identify a responsible person for public and governmental inquiries throughout the life of the installation. Updated contact information shall be provided to the Town Administrator, Fire Chief, Police Chief, and the Emergency Management Director annually, no later than 30 days after the beginning of the fiscal year or within 14 days of any contact personnel or information changes. Contact information shall include the contact's name, role in relation to the ESS, email and work phone number. At least one 24 hour/7 day phone number shall be provided for emergencies.
6. Onsite water storage shall be available for firefighting adequate to the needs to mitigate thermal runaway at ESS as indicated in the hazard mitigation analysis.

C. Environmental Mitigation

1. Use of per-and polyfluoroalkyl substances (PFAS) for fire suppression at an ESS is prohibited
2. The direct venting of noxious gases into the environment from containers or storage units, without filtration or containment, is prohibited.
3. Contaminated water runoff from firefighting and heat containment efforts shall require onsite water containment utilizing impervious structures to prevent or significantly minimize water infiltration into the soil to protect underlying or adjacent water systems.
4. To mitigate the risk of water contamination in the case of emergency and in particular risks to public and private water supplies, an ESS shall comply with Section 9. 3-2 B 8A of the Shutesbury Zoning Bylaw. Unless waived by the Planning Board, an ESS shall be sited no less than 400 feet from the nearest water well.

D. Noise

The noise produced from heating or cooling systems for an ESS, either episodic or continual, shall not extend beyond the lot lines nor be a nuisance.

3.3-7.6 Reporting

In addition to all reporting requirements necessary for a special permit related to the principal use, an ESS shall have the following reporting requirements.

- A. The owner or operator of an ESS shall submit annually to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health and Conservation Commission a report demonstrating and certifying compliance with the operation and maintenance plans, the emergency plan, and other requirements of this Section 3.3-7 requested by the Planning Board no later than 45 days after the end of the fiscal year. This report shall also include information on the maintenance completed during the course of the year, and any safety-related incidents and corrective measures taken due to ESS performance outside of operational norms.
- B. The owner or operator of an ESS shall annually report the amount of electricity stored and transferred by the ESS to the Select Board and the Planning Board no later than 45 days after the end of the fiscal year.
- C. Evidence of compliance with 3.3-7.2 (C2).

Three amendments were made to Article 21.

Article #21: Amendment 1

Amendment made by Michael DeChiara on behalf of the Planning Board, per Board recommendation following May 9, 2022 public hearing: For sections 3.3-7.4, 3.3-7.5 and 3.3-7.6, all references shall be changed to apply to commercial energy storage systems (CESS) with the exception of 3.3-7.5 C. Environmental Mitigation, items 1 and 2, which shall continue to apply to all energy storage systems (ESS) as currently written.

Article #21: Amendment 2

Amendment made by Michael DeChiara in response to Town Meeting member comments: For section 3.3-7.5 C. Environmental Mitigation, item 2, shall be changed to apply only to commercial energy storage systems (CESS)

Article #21: Amendment 3

To Amend the proposed Definitions as outlined in the Zoning Bylaws regarding On-Site Energy Storage System so that it shall read “On-site Energy Storage System shall mean an energy storage system that is operated as an accessory use, and which provides energy in support of the principal use, and is not for commercial use.”

Three amendments passed by a clear majority.

Article 21 fails the 2/3 majority. 42 Yes, 25 No.

Article 22. To see if the Town of Shutesbury will vote to amend the Town of Shutesbury Zoning Bylaw to a five member ZBA, as written.

Article 22 passed over

A motion was made and seconded for the town to vote on Articles 23, 24, 25, 26, and 27 as a consent agenda.

Motion passed unanimously.

Article 23. To see if Town of Shutesbury will vote to accept and expend funds available from the State for Highway reimbursement programs, such as the Chapter 90 program, without further appropriation.

Article 24. To see if Town of Shutesbury will vote to o authorize the Treasurer to enter into compensating balance agreements during Fiscal 2023 as permitted by M.G.L. c. 44, section 53F

Article 25. To see if Town of Shutesbury will vote to to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation.

Article 26. To see if Town of Shutesbury will vote to 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

Article 27. To see if Town of Shutesbury will vote to approve annual spending limits for FY2023 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: the following accounts listed in the warrant.

Articles 23, 24, 25, 26 and 27 pass unanimously.

A motion was made and seconded for the town to vote on Articles 28 through 42 inclusively, as written in the Warrant, except for the words 'or take any other action relative thereto as a consent agenda.

Motion passed unanimously.

Article 28. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clauses 17C, 17 C'1/2, and Clause 17D.

Article 29. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 17E and adopt the full amount of the cost-of-living adjustment set annually by the Massachusetts Department of Revenue.

Article 30. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 17F and adopt the full amount of the cost-of-living adjustment set annually by the Massachusetts Department of Revenue.

Article 31. To see if Town of Shutesbury will vote to to accept MGL Chapter 59, Section 5, Clause 18 and adopt a 3.0% interest rate.

Article 32. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, provision added by St. 1993, Chapter 110, Section 110 (last paragraph of Chapter 59, Section 5, Clause 22F.

Article 33. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 22G.

Article 34. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 22H.

Article 35. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 37A.

Article 36. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 41A and adopt a 3.0% interest rate.

Article 37. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clauses 41B and 41C and adopt a \$1,000 amount, or take any action relative thereto.

Article 38. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 41C and reduce the eligibility age to 65; increase the exemption amount up to 100%; increase the gross receipts limit up to \$20,000 for single people and \$30,000 for married people; increase the whole estate limit up to \$40,000 for single people and \$55,000 for married people; and exclude the value of up to a four-family home from the whole estate.

Article 39. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Chapter 5, Clause 41C^{1/2} and reduce the eligibility age to 65; increase the exemption amount up to 20%; reduce the durational requirement to five years; and, adjust income limits to apply to combined household income.

Article 40. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 41D.

Article 41. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5, Clause 56 and increase the exemption amount up to 100%.

Article 42. To see if Town of Shutesbury will vote to accept MGL Chapter 59, Section 5.

Articles 28 – 42, inclusively, passed unanimously.

Citizen Petition

Article 43. Medicare For All Whereas: access to health care has become one of the biggest political issues of the day and the U.S. remains one of the few countries that does not provide universal publicly-funded health care; and Whereas: the cost of health care keeps increasing, the number of people without quality health care increases, and the health of our community decreases; and

Whereas: in particular, the money spent by Cities and Towns and School Districts to cover their employees is a large cost to the employer; and Whereas: in FY2021, Medicare For All would have saved the Town an estimated \$492,000 in health insurance costs; and Whereas: that unnecessarily large amount could be better spent by our Town to improve the overall quality of life and to increase wages, salaries and other benefits for employees; and Whereas: Massachusetts has been a leader in providing coverage for quality health care for its people; and Whereas: legislation has been filed to establish a single payer system that eliminates co-pays and deductibles, provides the freedom to choose doctors and other providers, and replaces the role of insurance companies with a publicly-administered insurance trust fund; now Therefore be it Resolved: That the Town of Shutesbury supports House Bill H.1267 and Senate Bill S.766, legislation establishing a single payer health care system in Massachusetts, and will communicate that support to its State Representative (yet to be elected in the new 7th Hampden District) and State Senator.

Article 43 passed with a clear majority.

Citizen Petition

Article 44. Resolution In Support of the Fair Share Amendment

WHEREAS, Massachusetts needed new investments in infrastructure, transportation and public education systems even before the COVID-19 pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, the best way to help working families and rebuild a strong economy for us all is to make sure that we have quality public schools for our children, affordable public higher education, and a reliable, public transportation system; and

WHEREAS, new state revenue is necessary to improve our public schools from Pre-K through college, to expand access to vocational and technical training, to make public higher education affordable, to rebuild crumbling roads and bridges, and to invest in safe and reliable public transportation; and

WHEREAS, Massachusetts' wealthiest residents should pay a proportionate share of taxes to support our communities and grow our economy:

THEREFORE, let it be resolved that Shutesbury supports the proposed Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to high-quality public education, to affordable public colleges and universities, to the repair and maintenance of roads and bridges, and to safe public transportation.

Article 44 passed with a clear majority.

Citizen Petition

Article 45. Lighting Bylaw

To create a Bylaw that will reduce light pollution, unnecessary sky glow and other glare in order to preserve and enhance the natural, scenic, and aesthetic character and historical environment and preserve the night sky as a natural resource and enhance night time enjoyment within the town of Shutesbury.

PETITION FOR INSERTION OF THE FOLLOWING ARTICLE IN THE WARRANT FOR THE 2022 TOWN MEETING OF SHUTESBURY

We, the undersigned registered voters of the Town of Shutesbury, do hereby petition the Select Board to insert the following article in the WARRANT FOR THE 2022 ANNUAL TOWN MEETING, to wit:

To see if the Town will vote to instruct the Planning Board to develop and recommend a LIGHTING ZONING BYLAW by Town Meeting 2023 that addresses all uses and districts outlined in the Town of Shutesbury Zoning Regulations or take any other action relative thereto.

To approve the following TEMPORARY LIGHTING BYLAW to be in effect until the town approves a LIGHTING ZONING BYLAW.

1. Purpose

It is the purpose and intent of this bylaw to reduce light pollution, light trespass, unnecessary sky glow and other glare in order to preserve and enhance the natural, scenic and aesthetic character and historical environment, and to preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town of Shutesbury

2. Design and Use

Lighting equipment shall be designed, constructed and installed to:

- A. Control glare and prevent light trespass onto adjacent properties or public ways, curtail degradation of dark skies at night, and conserve energy resources while maintaining safety, visibility and security of individuals and property;
- B. Direct light only where it is needed at the minimum intensity necessary to serve the intended purposes;
- C. Prevent measurable light at the property lines and minimize glare at any location on or off the property.

No outdoor lighting fixture shall produce a strong, direct light beyond the property boundaries of the facility which the lighting fixture is servicing. The following light sources are prohibited:

- Neon lights.
- Metal halide, mercury vapor and quartz lamps.

Customary holiday lighting is exempt if installation is temporary but should still be installed to minimize glare and light trespass onto adjacent properties or public ways.

3. Control of Glare and Light Trespass

- A. All lighting, regardless of rating, should be selected to significantly reduce light onto any abutting lot or parcel and to significantly reduce glare perceptible to pedestrians or motorists, or persons on an abutting lot or parcel. Lighting equipped with shielding should also be capable of being properly aimed to maintain the shielding characteristics. Lighting used between dusk and dawn should be motion detection type with illumination of no more than ten minutes per incident.
- B. Lighting of low luminosity and low intensity serving primarily as markers or as low-level illumination for residential or business entrances and exits, or similar use need not be shielded, and are not restricted to cut-off or motion-detector requirements.

4. Hours of Operation

- A. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, unless the use on the involved property operates past 10:00 p.m., and then the outdoor lighting shall be turned off within one hour after the use's operation ends for the day. If the use on the involved property requires outdoor lighting between 10:00 p.m. and sunrise every day for safety or security reasons, outdoor lighting shall be allowed during these hours, only if:
- 1) Lighting is fully-shielded and motion sensors are used to turn the outdoor lighting on after 10:00 p.m., and these sensors turn the outdoor lighting off automatically no more than 10 minutes after the involved area has been vacated; or
 - 2) Where the use is commercial, at least 50 percent of the total lumen levels for the outdoor lighting are reduced, or 50 percent of the total number of outdoor light fixtures are turned off, between 10:00 p.m. and sunrise.
- B. Outdoor lighting for steps, stairs, walkways, or points of ingress and egress to buildings shall be exempt from the hours of operation requirements, if required.

5. Enforcement

Enforcement of this bylaw shall be by the Shutesbury Police Department at the direction of the Select Board.

A motion was made to separate Article 45 into two parts.

Motion passes by a clear majority.

Article 45 part 1: A motion was made and seconded to see if the Town will vote to instruct the Planning Board to develop and recommend a LIGHTING ZONING BYLAW by Town Meeting 2023 that addresses all uses and districts outlined in the Town of Shutesbury Zoning Regulations.

This Amended part of Article 45 passed by a clear majority.

Article 45 part 2: A motion was made and seconded to approve the following TEMPORARY LIGHTING BYLAW to be in effect until the town approves a LIGHTING ZONING BYLAW.

1. Purpose

It is the purpose and intent of this bylaw to reduce light pollution, light trespass, unnecessary sky glow and other glare in order to preserve and enhance the natural, scenic and aesthetic character and historical environment, and to preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town of Shutesbury

2. Design and Use

Lighting equipment shall be designed, constructed and installed to:

- D. Control glare and prevent light trespass onto adjacent properties or public ways, curtail degradation of dark skies at night, and conserve energy resources while maintaining safety, visibility and security of individuals and property;
- E. Direct light only where it is needed at the minimum intensity necessary to serve the intended purposes;
- F. Prevent measurable light at the property lines and minimize glare at any location on or off the property.

No outdoor lighting fixture shall produce a strong, direct light beyond the property boundaries of the facility which the lighting fixture is servicing. The following light sources are prohibited:

- Neon lights.
- Metal halide, mercury vapor and quartz lamps.

Customary holiday lighting is exempt if installation is temporary but should still be installed to minimize glare and light trespass onto adjacent properties or public ways.

3. Control of Glare and Light Trespass

- C. All lighting, regardless of rating, should be selected to significantly reduce light onto any abutting lot or parcel and to significantly reduce glare perceptible to pedestrians or motorists, or persons on an abutting lot or parcel. Lighting equipped with shielding should also be capable of being properly aimed to maintain the shielding characteristics. Lighting used between dusk and dawn should be motion detection type with illumination of no more than ten minutes per incident.
- D. Lighting of low luminosity and low intensity serving primarily as markers or as low-level illumination for residential or business entrances and exits, or similar use need not be shielded, and are not restricted to cut-off or motion-detector requirements.

4. Hours of Operation

- C. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, unless the use on the involved property operates past 10:00 p.m., and then the outdoor lighting shall be turned off within one hour after the use's operation ends for the day. If the use on the involved property requires outdoor lighting between 10:00 p.m. and sunrise every day for safety or security reasons, outdoor lighting shall be allowed during these hours, only if:
 - 3) Lighting is fully-shielded and motion sensors are used to turn the outdoor lighting on after 10:00 p.m., and these sensors turn the outdoor lighting off automatically no more than 10 minutes after the involved area has been vacated; or
 - 4) Where the use is commercial, at least 50 percent of the total lumen levels for the outdoor lighting are reduced, or 50 percent of the total number of outdoor light fixtures are turned off, between 10:00 p.m. and sunrise.
- D. Outdoor lighting for steps, stairs, walkways, or points of ingress and egress to buildings shall be exempt from the hours of operation requirements, if required.

5. Enforcement

Enforcement of this bylaw shall be by the Shutesbury Police Department at the direction of the Select Board.

This Amended part of Article 45 failed by a clear majority.

Citizen Petition

Article 47. Petition to increase the number of Zoning Board of Appeals Committee members from three to five.

Article 47 passed over.

A motion was made, seconded and unanimously passed to dissolve the meeting at 4:27 pm.

Respectfully submitted,

Grace Bannasch, Shutesbury Town Clerk

A True Copy Attest _____