

**Commonwealth of Massachusetts
Town of Shutesbury**

**Annual Town Meeting Minutes
June 3, 2023**

Although on Friday the temperature was above 90 degrees, on Saturday, June 3, behind Town Hall at 1 Cooleyville Rd, the temperature for Annual Town Meeting barely rose above 55 degrees on an overcast day. Still, 188 hale and hardy citizens of Shutesbury showed up under the tent to vote on thirty-three warrant articles.

Moderator Paul Lyons opened the meeting at 9:15 AM. He welcomed new comers. He reviewed the process and rules of conduct for the meeting. Town Meeting gave the moderator permission to independently declare the outcome of votes on articles requiring a 2/3 vote when that outcome seems clear and obvious. If the vote appears to be close, he will ask for an actual count of raised cards.

Select Board member Melissa Makepeace O'Neill thanked all the volunteers and town officials that brought this event together. Becky Torres thanked Janis Gray for her more than thirty years as volunteer editor for the town's newsletter, Our Town. The elementary school principal, Jackie Mendonsa thanked two retiring members of the school committee, Dan Hayes who served for twenty years and Steve Sullivan who served for twelve years. Thanks were also given to Mark Foster who volunteered on the Shutesbury Fire Department. These volunteers have all made Shutesbury a better community through their efforts.

Article 1. A motion was made and seconded that the Town will hear, and receive reports of town officers, committees, and boards. **See reports in Appendix A.**

Article 1 passed unanimously.

Article 2. A motion was made and seconded that the Town votes to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection j) as follows: To see if the Town will vote to amend Section VI of the Amherst Pelham Regional School District Agreement by adding subsection (j) as follows: "For Fiscal Year 2024 only, the alternative operating budget assessment shall be calculated as a five-year average of minimum contributions with the remainder of the assessment allocated to the member towns in accordance with the per-pupil method found in Section VI e) of the Amherst Pelham Regional School District Agreement. Additionally, if any member town's assessment based on this method increases or decreases more than 4% from their Fiscal Year 2023 assessment, the Fiscal Year 2024 assessment shall be limited to a 4% change provided that the requirements of Minimum Local Contribution are still met. The five-year average of minimum contributions will include the five most recent years.

Article 2 passed unanimously.

Article 3. A motion was made and seconded that the Town vote to initiate the process to aggregate electrical load pursuant to the Electrical Utility Restructuring Act of 1997 (M.G.L. c. 164, §134) and, further, to authorize the Select Board, or its designee, to research, develop, and participate in a contract or contracts to aggregate the electricity load of the residents, businesses, and municipal buildings in the Town, independently or in joint action with other municipalities, and to enter into agreements with consultants, experts, and attorneys in connection with the establishment and operation of an electricity aggregation plan, and to reestablish such plan if its operation is suspended, retaining the right of individual residents and businesses to opt out of the aggregation.

Article 3 passed unanimously.

Article 4. A motion was made and seconded that the Town vote to increase the membership of the Recreational Committee from 7 to 11 members.

A motion was made and seconded to amend the article to increase the membership of the Recreational Committee from 7 to 9 members. Amendment passed unanimously.

Article 4 passed unanimously as amended.

Article 5, 6, 7 and 9. A motion was made and seconded that the Town approve Articles 5, 6, 7, 8, and 9, as written in the Warrant, except for the words “or take any other action relative thereto”.

The Moderator informed the Meeting that Articles 5, 6, 7, 8, and 9 would be voted on together as a consent agenda unless there was a request to exclude one or more articles. One citizen requested Article 8 be taken out of the group.

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

Article 6. To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2024 as permitted by M.G.L. c. 44, section 53Fo.

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

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

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

The Consent Agenda for Articles 5, 6, 7, and 9 passed unanimously.

Article 8. 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.

Article 8 passed by a clear majority.

Article 10. A motion was made and seconded that the Town of Shutesbury vote to appropriate a sum of money, not to exceed one hundred and fifty thousand dollars (\$150,000.00) be and hereby is appropriated to pay costs of PFAS Mitigation construction activities, and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to M.G.L. c. 44, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. All, or any portion, of this borrowing may be obtained through the Massachusetts Clean Water Trust (the "Trust") in accordance with Chapter 29c, as amended, of the General Laws. The Town Administrator, the Treasurer and any other appropriate official of the Town are authorized to execute and deliver any and all agreements and other documents that may be required by the Trust, or by The Commonwealth of Massachusetts' Department of Environmental Protection in connection with any financing to be obtained through the Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 10 passed unanimously.

Article 11. 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 **\$6,906,641** by raising the sum of **\$6,871,216** and transferring **\$15,000 from Free Cash** and **\$20,425 from the Septic Betterment Fund**, for the fiscal year beginning July 1, 2023.

Voters requested a review of:

Revenue

Line 26: Chapter 70 revenue

Line 41: Net State Aid

Expenditures:

Line 2: Select Board Salaries

Line 41: Legal

Lines 82 – 86: Police Salaries

Line 89: Community Policing Expenses

Lines 111 and 112: Elementary School and Regional budgets

Article 11 passed unanimously.

Article 12. A motion was made and seconded that the Town vote to borrow \$120,000 for a Backhoe.

A motion was made and seconded to amend Article 12 to read. "That the Town vote to transfer from Stabilization Funds \$120,000 for a Backhoe. *Motion to amend failed.*

Article 12 passed by a clear 2/3 majority.

Article 13. A motion was made and seconded to pass over Article 13: That the Town vote to transfer from Capital Stabilization an amount not to exceed \$100,000 for the new asphalt roof for the Shutesbury Elementary School.

Article 13 was passed over unanimously.

Article 14. A motion was made and seconded that the Town vote to transfer from Free Cash \$31,000 for new floors for the Shutesbury Elementary School kitchen, and for new floors for Shutesbury Elementary School library.

Article 14 passed unanimously.

Article 15. A motion was made and seconded that the Town vote to transfer from Capital Stabilization, \$60,000 for the Locks Pond Culvert, for the increased costs caused by the two-year delay of the project.

Article 15 passed by a clear 2/3 majority.

Article 16. A motion was made and seconded that the Town vote to transfer from Capital Stabilization in the amount of \$33,300 for the Elementary School HVAC System for costs above originally voted in 2021 ATM.

Article 16 passed unanimously.

Article 17. A motion was made and seconded that the Town vote to transfer from Capital Stabilization the amount up to \$45,900 for the Elementary School Security Camera System.

Article 17 passed by a clear 2/3 majority.

Article 18. A motion was made and seconded that the Town vote to transfer from Free Cash \$20,000 for the Town Building Committee Project fund.

Article 18 passed by a clear majority.

Article 19. A motion was made and seconded that the Town vote to transfer from Free Cash up to \$35,000 for environmental permitting costs for the Lake Wyola Drawdown.

Article 19 passed unanimously.

Article 20. A motion was made and seconded that the Town vote to transfer from Free Cash up to \$35,000 for environmental permitting and dam consultant costs for the Dam Consultant.

Article 20 passed unanimously.

Annual Town Meeting took a 30-minute lunch break from 12:45 – 1:15 PM

A motion was made and seconded to move Article 28 forward on the warrant. *Motion failed.*

Article 21. 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 2024 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$5,300 to Open Space and Recreation; \$5,300 to Historic Preservation; \$5,300 to Community Housing; and \$32,000 to the FY24 Community Preservation Fund budgeted reserve.

Article 21 passed unanimously.

Article 22. A motion was made and seconded that the Town 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.

Article 22 passed unanimously.

Article 23. A motion was made and seconded that the Town vote to rescind the grant of \$5,000 to the Lake Wyola Association from the Community Preservation Fund, previously authorized by Article 3 of the May 5, 2018 Annual Town Meeting for the purposes of developing a comprehensive plan for the removal of accumulated silt in the North Cove of Lake Wyola and the restoration of the cove to its historical depths.

Article 23 passed unanimously.

Article 24. A motion was made and seconded that the Town vote to appropriate \$10,000 from the CPA Historic Resources account to preserve, rehabilitate, and restore select historic gravestones in Shutesbury’s West Cemetery, as detailed in the Shutesbury Cemetery Commission’s funding application, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for Treatment of Historic Properties, said funds to be expended under the direction of the Shutesbury Cemetery Commission.

Article 24 passed unanimously.

Article 25. A motion was made and seconded that the Town vote to appropriate \$2,500 from the CPA Open Space/Recreation fund balance and \$2,500 from the CPA Budgeted Reserve fund balance to the Shutesbury Conservation Commission for the development of a parking area and related signage at Lot R-15, a conservation property purchased by the Town from Kestrel Trust in 2023.

Article 25 passed unanimously.

Article 26. A motion was made and seconded that the Town vote to appropriate \$90,955.00 of the FY2022 MLP certified retained earnings to the MLP FY2024 Emergency Reserve fund.

Article 26 passed unanimously.

Article 27. A motion was made and seconded that the Town vote to appropriate the sum of **\$349,560.00** for the MLP Enterprise Fund beginning July 1, 2023 in accordance with the provisions of M.G.L. c.44, sec 53 F ½, amount to be funded from the following sources.

<u>MLP ENTERPRISE FUND</u>			
<u>OPERATING BUDGET</u>			
<u>FY2024</u>			<u>FY2023</u>
Expenses		NOTES	
Routine network maintenance	\$ 60,000	Annual Maintenance	\$ 60,000
Insurance	\$ 11,000	Insurance via MIIA with 10K deductible	\$ 11,000
Backhaul	\$ 48,756	10GB CrownCastle connection \$2,938/ month; 1GB	\$ 48,756

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

Income			
MLP FEES	\$ 349,560	<i>Subscriber # x Monthly Fee x 12</i>	
Subscriber #	765		
MLP monthly fee	\$38.00		

Article 27 passed unanimously.

Article 28. A motion was made and seconded the Town will vote to adopt the following Lake Wyola Dam By-Law.

Lake Wyola Dam By-Law

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

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

A motion was made and seconded to amend the article by deleting the last sentence of the Lake Wyola Dam By-Law and replace it with: Violation of this Bylaw is punishable by a fine of \$50, for the first offense, \$100 for the second offense and \$300 for the third offense.

Amendment to Article 28 passed with a clear majority.

Article 28 as amended, failed by a vote of 40 No, and 37 Yes.

Article 29. A motion was made and seconded that the Town vote to pay a bill from prior years, to KP Law in the sum of \$97.50.

Article 29 passed unanimously.

Article 30. A motion was made and seconded that the Town vote to pay a bill from prior years, to SHI International Corporation invoice in the sum of \$2,450.

Article 30 passed unanimously.

Article 31. A motion was made and seconded that the Town will vote to pay a bill from prior years, by transferring from free cash to Citizen Security, inv #7135159, dated 4/1/2022, for \$109.20, and Citizen Security, invoice #7022715, dated 1/1/2022, for \$109.20. thereto.

Article 31 passed unanimously.

Article 32. A motion was made and seconded that the town vote to authorize the Select Board to file and request that Shutesbury’s state senator and state representative submit and support the following home rule petition or similar special legislation with the General Court. “That the Town of Shutesbury Planning Board is exempt from the process outlined for utilizing associate members in Ch40A Sec9 para 12 in that the sentence, “If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board” and that said provision shall not apply to the Town of Shutesbury.” The following shall

apply to the Town of Shutesbury Planning Board; “If provision for filling the position of associate member has been made, in the case of absence, inability to act, conflict of interest on the part of any member of the planning board, or in the event of a vacancy on the board, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including but not limited to chapter 41 or chapter 40A.”

Article 32 passed unanimously.

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

“I move that the following resolution be adopted: Be it resolved that the Town of Shutesbury does not support the use of artificial turf for the proposed Amherst Regional High School Track and Field Project and therefore instructs the Shutesbury representative to the Amherst-Pelham Regional School Committee to inform the Regional School Committee of the Town’s position, and if the representative is given the opportunity to vote on the matter, that the representative support the Town’s wishes by voting for Option 1 or 2.”

Article 33 passed by a clear majority.

A motion was made and seconded and unanimously passed to dissolve the meeting at 2:50 PM.

Respectfully submitted,

Grace Bannasch, Shutesbury Town Clerk