

**2010 Annual Town Meeting
Town of Shutesbury
Commonwealth of Massachusetts**

To one of the Constables of the Town of Shutesbury in the County of Franklin, Greeting:

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

Article 1. To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw by adding a new subsection, 4.3-3, as follows: "Frontage requirements in Section 4.2-1 (Dimensional Table) shall not apply to municipal facilities, structures or uses." or take any other action relative thereto. **(Sponsor: Selectboard and Planning Board) Requires 2/3 vote**

Article 2. To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw by adding the following sentence after the first sentence in the definition of Municipal Facility in Section 13.2: "A municipal facility may consist of more than one principal use of or within a structure and/or more than one principal use or principal structure on a lot.", or take any other action relative thereto. **(Sponsor: Selectboard and Planning Board) Requires 2/3 vote**

Article 3. To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw by striking the definition of Office in Section 13.2 and substituting the following: "Office: A building or room where clerical, administrative, or professional work of a business, trade, non-profit organization, profession, or other occupation is conducted, which may include alternative energy research and development, but shall not include manufacturing or trading in merchandise.", or take any other action relative thereto. **(Sponsor: Selectboard and Planning Board) Requires 2/3 vote**

Article 4. To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw by adding the following words to the end of subsection 8.7-7D: "or a tower construction company that holds a current contract with a telecommunications service provider for use of the proposed tower to provide wireless communications services to the public." or take any other action relative thereto. **(Sponsor: Planning Board, Broadband Committee, and Lake Wyola Advisory Committee) Requires 2/3 vote**

Article 5. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$37,500 to accept the Capital Planning Committees recommendation and plan for FY11,

Elementary School Maintenance and Repairs-

Exterior Painting and Woodwork, Gutter and Trim Repairs: \$20,000

Window Replacements: \$15,000

Library-

Building Fund : \$2,500

or take any other action relative thereto. **(Sponsor: Capital Planning Committee) Finance Committee Recommends**

Article 6. To see if the Town of Shutesbury will vote to approve the library building project by accepting the preliminary design for the new Shutesbury Library building and authorize the Board of Selectmen and/or the Library Trustees to apply for any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project and to authorize the Library Building Committee and/or Board of Selectmen and/or Library Trustees to accept and expend any such funds when received without further appropriation. *(Sponsor: Library Facilities Needs Assessment Committee, Library Board of Trustees) Selectboard and Finance Committee Recommends*

Article 7. To see if the Town will vote to transfer the sum of \$30,000 to the Stabilization Fund, or take any other action relative thereto. *(Sponsor: Selectboard) Capital Planning Committee and Finance Committee Recommends. Requires 2/3 vote*

Article 8. To see if the Town will vote to transfer the sum of \$60,000 from Stabilization Fund to purchase a one ton pick up truck for the highway department. *(Sponsor: Highway Department) Capital Planning Committee and Finance Committee Do Not Recommend. Requires 2/3 vote*

Article 9. To see if the Town of Shutesbury will vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2011 budget and reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$3,500.00
Historic Preservation	\$3,500.00
Housing	\$3,500.00

As well as appropriate the sum of \$1,750.00 from the Community Preservation Fund estimated annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, and further to retain unobligated funds as “budgetary reserve.” *(Sponsor: Community Preservation Committee)*

Article 10. . To see if the Town of Shutesbury will vote to approve the new “Violation of Burning Permit” Bylaw as follows. Any person or persons who are determined to be in violation of **(violation of burning permit regulations)** 527 CMR 10.22 and/or 310 CMR 7.07, shall at the discretion of the Fire Chief or his designee, be charged for the services of the Fire Department(s) at the following rates:

- (1) Apparatus: Charge will be determined by taking the rate of \$25.00 per hour, multiplied by the number of fire apparatus assigned to the scene, multiplied by the number of hours on scene. A one-hour minimum will be charged.
- (2) Personnel: Charge will be determined by taking the current hourly rate paid to Shutesbury Fire Personnel multiplied by the number of personnel assigned to the incident, multiplied by the number of hours on scene. A one-hour minimum will be charged.

The calculation of these charges will also apply to mutual aid companies, either at the scene or providing coverage.

Charges for services will be capped at a maximum of \$500.00

These charges are separate from any fines that may be imposed by the Bureau of Forest Fire Control & Forestry Department Conservation and Recreation (DCR). *(Sponsor: Fire Dept.)*
Selectboard Recommends

Article 11. **Article** To see if the Town will vote to enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering an inter-municipal agreement, by and through the Select Board, pursuant to Chapter 40, Section 4A of the Massachusetts General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed Internet access, telephone and cable television to the residents, businesses and institutions of these municipalities; or act in relation thereto. **(Sponsor: Broadband Committee)**

Article 12. To hear and act on reports of town officers, committees, and boards, or take any other action relative thereto. **(Sponsor: Selectboard)**

Article 13. 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. **(Sponsor: Personnel Board)**

Article 14. 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 Recommends**

Article 15. 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, 2010, as contained in the budget, or take any other action relative thereto. **(Sponsor: Personnel Board and Select Board) Finance Committee Recommends**

Article 16. 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, 2010 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 Recommends**

Article 17. 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 Recommends**

Article 18. To see if the Town will vote to authorize the following revolving funds for certain town departments under MGL Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2010, 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. **(Sponsor: Select Board) Finance Committee Recommends**

Revolving fund	Authorized to spend	Revenue source	Use of fund	FY2009 spending limit	Surplus column cap
Dog license and control	Town Clerk and Dog Officer	Licenses, fines and donations	Supplies and animal care	\$2,000	\$1,000
Recycling	Recycling Coordinator and Town Administrator	MIRF, grants, bulky waste, garbage bags, recycling containers	Expenses, outreach, educ. stipend and equipment	\$25,000	\$5,000
Fire Inspections	Select Board	Fire inspection fees	Pay Fire Inspector or assistant	\$3,000	\$1,000
Electrical Inspections	Select Board	Electrical Inspection fees	Pay Electrical Inspector or assistant	\$4,000	\$1,000
Plumbing Inspection	Select Board	Plumbing Inspection fees	Pay Plumbing Inspector	\$5,000	\$1,000
Swimming Exercise	Select Board	Swimming Exercise fees	Pay instructor	\$3,000	\$1,000
Library	Library Board of Trustees	Grants, fines, sales, dog licenses, bequests		\$8,500	\$7,500
Conservation	Commissioners	Local Wetland Protection Permit Fees	Education, outreach, and maintenance of property	\$1,000	\$1,000
Total Spending				\$51,500	

Article 19. To see if the Town will approve the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2010 as required by Section VI of the Regional Agreement. *(Sponsor: Select Board)*

Finance Committee Recommends

“The School Committee has voted to continue using the formula put forth in the Regional Agreement to determine the apportionment of the FY10 budget to each member town. Approval to use this apportionment method must be granted each year.”

Article 20. 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 for the fiscal year beginning July 1, 2010, or take any other action relative thereto. *(Sponsor: Select Board and Finance Committee)* ***Finance Committee Recommends***

Article 21. To see if the Town will adopt the Winter Use of Lake Wyola Town Bylaw in reference to vehicles and persons using Lake Wyola as stated:

The purpose of this bylaw is to protect the health and safety of the inhabitants of Shutesbury and others while participating in winter activities on or near Lake Wyola.

1. This bylaw applies to all off-road registered vehicles.
2. Access points You may only use public and authorized access points (boat ramp, state beach, vehicle owner's property, or with written permission of a property owner).
3. Power augers are not to be used to drill holes before 7am or after dusk.
4. 30 mph maximum speed limit imposed from dusk until dawn
5. 30 mph maximum speed limit imposed when within 100' of any type of activity on the lake, – walking, fishing, skating, snowshoeing, skiing, and other.
6. 15 mph maximum speed limit imposed within 30' of any type of activity on lake, – walking, fishing, skating, snowshoeing, skiing, and other.
7. 45 mph maximum speed limit from dawn to dusk
8. No cars or trucks allowed on the lake at any time except for emergency vehicles.
9. All persons involved in lake use activities after dusk and until dawn are to wear a reflective material or carry a lit flashlight or some type of illumination.

Definitions:

- (1) Dusk is a half hour before sunset.
- (2) Dawn is a half hour after sunrise.

Enforcing Persons and fines: Fines for items 3,4,5,6, 7 and 8 are \$50.00 per offense and are enforced by police officers. Fine for 9 is \$25.00 per offense and are enforced by Selectboard, police officers and constables with jurisdiction. (*Sponsor: Select Board and Lake Wyola Advisory Committee*)

Article 22. To see if the Town will vote to appropriate \$16,640 and to transfer that same amount from Septic Betterments to the General Fund to pay the FY11 WPAT Septic Repair Debt, or take any other action. (*Sponsor: Select Board*) *Finance Committee Recommends*

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 12th day of April two thousand and ten.

Shutesbury Select Board

Elaine Puleo

Al Springer

April Stein

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.

Constable _____

Date _____

PLEASE ATTEND FRAGRANCE FREE