

**2019 Annual Town Meeting Warrant
Town of Shutesbury
Commonwealth of Massachusetts
May 4, 2019**

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and town affairs, to meet at **9:00** a.m. on Saturday the **fourth** day of May, at the Shutesbury Elementary School at 23 West Pelham Road in said Shutesbury, in the year Two Thousand and Nineteen, then and there to act on the following articles:

Article 1. To hear, and receive reports of town officers, committees, and boards.
(Sponsor: Select Board)
Requires majority vote

Article 2. 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 2020 only, the alternative operating budget assessment shall be calculated as 30% of 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. The five-year average of minimum contributions will include the five most recent years."; or take any other action relative thereto.

(Sponsor: Selectboard) Finance Committee Recommends
Requires majority vote

Article 3. 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, 2019, as contained in the budget, or take any other action relative thereto.

(Sponsor: Personnel Board and Select Board) Finance Committee Recommends
Requires majority vote

Article 4. To see if the Town will vote to transfer \$5,914.81 from Free Cash to the Town Clerk salary line, for change in hours approved for fy19, beginning 7/1/18, or take any other action relative thereto.

(Sponsors: Select Board and Personnel Board) Finance Committee Recommends
Requires majority vote
Annual Budget Article

Article 5. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses of \$6,592,041 by raising the sum of \$6,571,616 and transferring \$20,425 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2019, or take any other action relative thereto.

**(Sponsor: Finance Committee) Finance Committee Recommends
Requires majority vote**

Article 6. To see if the Town will vote to transfer \$15,000 from Free Cash to the Shutesbury Unemployment Compensation Fund, established in 2018 at the Annual Town Meeting, or take any other action relative thereto.

**(Sponsor: Selectboard) Finance Committee Recommends
Requires majority vote**

Article 7. To see if the Town will vote to approve to approve \$10,000 transfer from Free Cash to the Town Building Repair Fund, or take any other action relative thereto.

**(Sponsor: Building Committee) Finance Committee Recommends
Requires majority vote**

Article 8. To see if the Town will vote to approve the Citizens Petition as written:

- As of July 1, 2018 Shutesbury certified Free Cash totaled \$1,253,057.00.
- At Town Meeting on May 5, 2018 voters passed warrants to spend \$186,525.99 from Free Cash in FY19. This amount included, Broadband \$105,550; Well \$40,000; Cruiser \$38,000; Daffodils \$1,500; Swim Program \$922.48; Legal expense \$185; Building supply \$68.51; Insurance expense \$300. Free Cash to start FY20 now totals \$1,066,531.00
- As of July 1, 2018 Shutesbury Stabilization Funds totaled \$1,032,305.00.
- At Town Meeting on May 5, 2018 voters passed warrants to spend \$60,657.00 from Stabilization Funds. This amount included, Over rail mower \$75,000; School flooring \$17,000; Town Hall roof \$34,000; School playground \$73,565. Stabilization Funds to start FY20 now totals \$832,740.00
- Total Free Cash and Stabilization Funds to start FY20 totals \$1,899,271.00
- On May 2, 2015 Shutesbury voters agreed to appropriate a sum of money not to exceed \$1,693,200.00 for the Town's share of the costs of the construction, installation and start-up of a regional broadband network.
- On June 10, 2015 Shutesbury voters authorized a debt exclusion of \$1,693,200.00 for the broadband network.
- This debt exclusion will be an additional tax burden on top of the annual property tax burden levied on each property owner.
- In light of the previous taxes already paid to allow the significant accumulation of funds in the Stabilization Funds, we the undersigned, move that \$750,000.00 be transferred from Stabilization Funds to pay down the \$1,693,200.00 debt exclusion for broadband, or take any other action relative thereto.

**(Sponsor: Citizens' Petition) Finance Committee Does Not Recommend
Requires two thirds vote**

Annual Article-CPA

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 2019 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$5,100 to Open Space; \$5,100 to Historic Resources; \$5,100 to Community Housing; and \$32,000 to the FY19 Community Preservation Fund budgeted reserve, or take any action relative thereto. **(Sponsor: Community Preservation Committee) Finance Committee Recommends**
Requires majority vote

Article 10. To see if the town will vote to appropriate \$2,500 from fiscal year 2019 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operation expenses of the Shutesbury Community Preservation Committee, or to take any action relative thereto. **(Sponsor: Community Preservation Committee) Finance Committee Recommends**
Requires majority vote

Article 11. CPA - Habitat for Humanity

To see if the Town will vote to appropriate **\$28,000** from the Community Preservation's Community Housing Fund balance for the creation of a house for a first-time homebuyer.

(Sponsor: Community Preservation Committee) Finance Committee Recommends
Requires majority vote

Article 12. CPA - Old Town Hall Restoration

To see if the Town will vote to appropriate the sum of **\$34,000** from the Community Preservation Fund's Historic Resources Fund and the Community Preservation Fund budgeted reserve for work on the Old Town Hall including excavation of the crawlspace, any necessary repairs to the building's underpinnings, and the structural design and installation of new wood framing for the original first floor of the building.

(Sponsor: Community Preservation Committee) Finance Committee Recommends
Requires majority vote

MLP Article

Article 13. To see if the town will vote to change the number of elected Board members of the MLP from 5 members to 3 members, pursuant to M.G.L c. 164, sec. 55, or take any other action relative thereto.

(Sponsor: Broadband Committee) Finance Committee Recommends
Requires majority vote

Article 14. To see if the town will vote to establish a **Broadband Enterprise Fund**, in accordance with MGL c. 44, sec. 53 F ½, or take any other action relative thereto.

(Sponsor: Selectboard)

Section 53F1/2: Enterprise funds

Section 53F1/2. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, cable television public access, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight. No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.

(Sponsor: Broadband Committee and Selectboard) Finance Committee Recommends

Requires majority vote

Article 15. To see if the Town will vote to establish the Broadband Enterprise Capital Stabilization Fund, in accordance to with M.G.L. c. 40, sec. 5B, or take any action relative thereto.

(Sponsor: MLP) Finance Committee Recommends

Requires 2/3rds vote

Article 16. To see if the Town will vote to appropriate the sum of **\$402,514.20** for the MLP Enterprise Fund beginning July 1, 2019 in accordance with the provisions of M.G.L. c.44, sec 53 F ½, amount to be funded from the following sources; or take any action relative thereto.

Total Revenues

User Fees (Subscriptions)

Estimate in year one is 75% of 850 potential subscribers, 638 subscribers, split 50/50 between Internet only at \$52.05 and internet & phone at \$53.10 per month

Total Revenues \$402,514.20

To be expended as follows:

Direct Costs Expenses

Routine Maintenance	\$108,500.00
Truck Retainer Fee	\$ 12,000.00
Insurance	\$ 4,000.00
General Admin/Accounting	\$ 1,500.00
Auditor	\$ 6,200.00
Legal	\$ 5,000.00
Backhaul	\$ 24,000.00
Bond Fee for Poles	\$ 7,000.00
Pole Rental	\$ 20,670.00
POP Hut Utilities	\$ 4,100.00
Broadband Enterprise Capital Stabilization	\$ 37,895.00
(See Art. 8, Broadband Capital Stabilization,)	
Debt & Interest	\$135,000.00
<u>Emergency Reserve</u>	<u>\$ 36,649.20</u>

Subtotal

Indirect Costs 0

Total Expenses **\$402,514.20**

Planning Board Zoning Articles

The proposed Zoning Bylaw changes for the **Keeping of Livestock within 400 feet of Lake Wyola**

Article 17. To see if the Town will vote to amend the TOWN OF SHUTESBURY ZONING BYLAW:

By striking footnote(2) in Article III, Section 3.1-1, Use Table, **and adding this new footnote (2):** Other than as provided for under section 3 of chapter 40A of the General Laws: on lots of less than five acres in the TC, LW, or RR districts, the keeping of more than three pigs or the operation of a fixed-site sawmill shall require a special Permit from the Zoning Board of Appeals; and excluding poultry, the raising or keeping of livestock including horses, ponies, mules, donkeys, burrow, swine, cattle, sheep, goats, alpacas, and other similar domesticated animals used or available for commercial or food purposes shall be prohibited within 400 feet of the bank of Lake Wyola in the LW district.

in its place as follows; or Take any other action relative thereto

(Sponsors: Selectboard and Planning Board)

Requires 2/3 vote.

Article 18. To see if the Town will vote to adopt the Marijuana ByLaw to the TOWN OF SHUTESBURY ZONING BYLAW:

As presented; or Take any other action relative thereto

(Sponsors: Selectboard and Planning Board)

Requires 2/3 vote

The proposed Zoning Bylaw Changes to Section 8.10 Ground-mounted Solar electric Installations

Article 19. To see if the Town will vote to amend the TOWN OF SHUTESBURY ZONING BYLAW:

By striking Section 8.10-2, D., and replacing it with the following new Section 8.10-2, D., as follows;

- D. Upon written request by the applicant, the Planning Board may waive or reduce any requirement of this Section 8.10 by the same majority vote required for the permit itself upon written findings included in the permit of:
1. special circumstances of the site, its surroundings, or the proposal that negate the need for imposition of the requirement; or
 2. the objectives of this section may be met in alternative manner; and
 3. that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw.

In the case of a special permit, such requests must be made by the applicant no later than the close of the public hearing. An affirmative or negative vote under this paragraph shall not be construed as an approval or disapproval of the permit sought, or Take any other action relative thereto

(Sponsors: Selectboard and Planning Board)

Requires 2/3 vote

Article 20. To see if the Town of Shutesbury will vote to amend the TOWN OF SHUTESBURY ZONING BYLAWS, Telecommunications Section:

- by adding after the first paragraph of Section 8.7-4, A, the following new paragraph; or
- taking any other action relative thereto.

Upon written request by the applicant, the Planning Board may waive or reduce any requirement of this Section 8.7 by the same majority vote required for the permit itself upon written findings included in the permit of: 1) special circumstances of the site, its surroundings, or the proposal that negate the need for imposition of the requirement; or the objectives of this section may be met in an alternative manner; and 2) that such a waiver or reduction will not derogate from the public purposes and intent of this zoning bylaw. In the case of a special permit, such requests must be made by the applicant no later than the close of the public hearing. An affirmative or negative vote under this paragraph shall not be construed as an approval or disapproval of the permit sought.

- by striking the text of Section 8.7-5, B and replacing it with the following new paragraph; or

- taking any other action relative thereto.

The height of the wireless communication structure and any attached wireless communication devices shall be no greater than 100 feet. Tower height shall be measured from grade, and shall include the tower itself, its base pad, and any attached facilities.

As presented; or written above

Take any other action relative thereto

(Sponsors: Selectboard and Planning Board)

Requires 2/3 vote

Article 21. 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.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

Article 22. To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2020 as permitted by M.G.L. c. 44, section 53F, or take any other action relative thereto.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

Article 23. 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.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

Article 24. 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) Finance Committee Recommends**

Requires majority vote

CAPITAL items

Article 25. To see if the Town will vote to approve to transfer from Free Cash in the sum of \$2,082, for landscape edging around the preschool playground grounds at the elementary school, or take any other action relative thereto.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

CAPITAL items

Article 26. To see if the Town will vote to approve to transfer from Free Cash the sum of \$5,699 for a extractor washer and hanging dryer for the fire department's protective gear.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

CAPITAL items

Article 27. To see if the Town will vote to approve transfer from Capital Stabilization the sum of \$64,354, for a new chassis for the Fire Department's used rescue vehicle.

(Sponsors: Selectboard) Finance Committee Recommends

Requires 2/3rds vote

Article 28. To see if the Town will vote to approve a transfer from Free Cash the sum of \$800 for Veteran Flag holders for the Cemetery.

(Sponsors: Selectboard) Finance Committee Recommends

Requires majority vote

BILLS OF PRIOR YEARS

Article 29. To see if the Town will vote to approve to transfer from Free Cash the sum of \$6,290.24 for a bill of prior years to the Center for Applied Behavioral Instruction.

(Sponsors: Selectboard) Finance Committee Recommends

Requires 9/10ths vote

BILLS OF PRIOR YEARS

Article 30. To see if the Town will vote to approve to transfer from Free Cash the sum of \$7,076.52 for a bill of prior years to the Center for Applied Behavioral Instruction.

(Sponsors: Selectboard) Finance Committee Recommends

Requires 9/10ths vote

BILLS OF PRIOR YEARS

Article 31. To see if the Town will vote to approve to transfer from Free Cash the sum of \$389 for a bill of prior years to the SHRAB Records Grant.

(Sponsors: Selectboard) Finance Committee Recommends

Requires 9/10ths vote

BILLS OF PRIOR YEARS

Article 32. To see if the Town will vote to approve to transfer from Free Cash the sum of \$528 for a bill of prior years to the Casella of Holyoke.

(Sponsors: Selectboard) Finance Committee Recommends

Requires 9/10ths vote

Article 33. To See if the Town will vote to approve annual spending limits for FY2020 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: **(Sponsors: Selectboard) Finance Committee Recommends**

Requires majority vote

Revolving fund	FY2020 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

Article 34. To See if the Town will vote to authorize the Selectboard to enter into a ten (10) year contract, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services and/or take action in relation thereto.

(Sponsor: Select Board)

Requires majority vote

Article 35. To See if the Town will vote to approve Citizen Petition "Calling for the US to Join the Treaty on the Prohibition of Nuclear Weapons," as written in the handout, or take any action in relative thereto.

(Sponsor: Citizen Petition)

Requires majority vote

Article 36. To See if the Town will vote to approve Citizen Petition "Resolution in Support of a State Seal/Motto Commission," as written in the handout, or take any action in relative thereto.

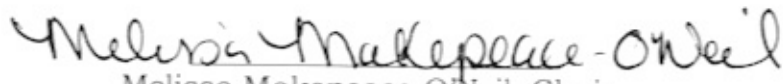
(Sponsor: Citizen Petition)
Requires majority vote

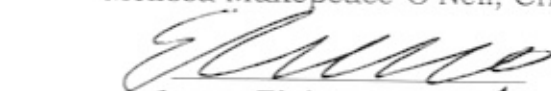
Article 37. To See if the Town will vote to approve Citizen Petition "Medicare for All," as written in the handout, or take any action in relative thereto.

(Sponsor: Citizen Petition)
Requires majority vote

Hereof fail not, and make due return of this warrant, with your doings thereon, at the time and place of the meeting. Given under our hands this 16th day of April two thousand and Nineteen.

Shutesbury Selectboard


Melissa Makepeace-O'Neil, Chair


Elaine Puleo


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.

(TOWN SEAL)

Constable 

Date 4/18/19

