

**2026 Annual Town Meeting Warrant  
Town of Shutesbury  
Commonwealth of Massachusetts  
May 09, 2026**



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 **Ninth** day of May, at the Shutesbury Elementary School, at 23 West Pelham Rd. in said Shutesbury, in the year Two Thousand and Twenty-Six, 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 adopt a budget of \$38,845,229 for Fiscal Year 2027 for the Amherst- Pelham Regional School District using the statutory method as outlined in Section VI and Section VII of regional agreement and assess member towns for the base of FY27: Amherst \$20,555,001, Pelham \$1,420,360, Leverett \$1,941,652, Shutesbury \$1,806,020 with the understanding that due to the excess amount within E&D each Town will have reduced amount for their FY27 assessment only of: Amherst \$20,434,781, Pelham \$1,412,324, Leverett: \$1,930,644, Shutesbury \$1,793,663.

**(Sponsor: Selectboard) Finance Committee recommends, 6-0**

**Requires Majority Vote**

**Article 3: Budget**

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 \$8,327,288 by raising the sum of \$8,109,038 and transferring \$208,250 from Free Cash, and \$10,000 from the Septic Betterment Fund, for the fiscal year beginning July 1, 2026, or take any other action relative thereto.

**(Sponsor: Selectboard) Finance Committee recommends, 6-0**

**Requires Majority Vote**

**Article 4.**

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, 2026, as contained in the budget, or take any other action relative thereto.

**(Sponsor: Personnel Board and Selectboard) Finance Committee recommends, 6-0**

**Requires Majority Vote**

**Article 5.**

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal Year 2027 as permitted by M.G.L. c. 44, section 53F, or take any other action relative thereto.

**(Sponsors: Selectboard) Finance Committee Recommends, 6-0  
Requires Majority Vote**

**Article 6.**

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, 6-0  
Requires Majority Vote**

**Article 7.**

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, 6-0  
Requires Majority Vote**

**Article 8.**

To see if the Town will approve the appointment pursuant to MGL Chapter 268A, Section 21A, of Walter Tibbetts as a Cemetery Groundskeeper while also serving as an elected official on the Cemetery Commission or take any other action relative thereto.

**(Sponsor: Personnel Board) Finance Committee Recommends, 6-0  
Requires Majority Vote**

**Article 9.**

To See if the Town will vote to approve annual spending limits for FY2027 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	FY2027 spending limit
Dog license and control	\$1,000
Recycling	\$25,000
Fire Inspections	\$3,000
Electrical Inspections	\$7,000
Plumbing Inspection	\$5,000
Cemetery	\$2,000
Library	\$10,000
Conservation	\$3,000
SRECS Solar Renewable Energy Certificates	\$30,000
COA Seniors	\$ 5,000

Or take any action relative thereto.

**(Sponsor: Selectboard) Finance Committee Recommends, 6-0  
Requires Majority Vote**

**Article 10: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$64,318 from Free Cash for a new tractor for the Highway Department, or take any other action relative thereto.

**(Sponsor: Highway Dept) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 11: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$10,630 from Free Cash for a new sprayer for the Highway Department, or take any other action relative thereto.

**(Sponsor: Highway Dept) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 12: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$15,800 from Free Cash for an engineering assessment for the Shutesbury Elementary School parking lot renovation project, or take any other action relative thereto.

**(Sponsor: Shutesbury Elementary School) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 13: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$6,000 from Free Cash for two new snow blowers for the Shutesbury Elementary School, or take any other action relative thereto.

**(Sponsor: Shutesbury Elementary School) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 14: Capital Item**

To see if the town will vote to transfer and appropriate the sum of \$15,000 from Free Cash for replacement of the mechanism for the stage and center dividing curtains in the gym/cafeteria room at Shutesbury Elementary School, or take any other action relative thereto.

**(Sponsor: Shutesbury Elementary School) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 15: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$5,700 from Free Cash for a new clicker system to be used by the Town Moderator at future Town Meetings, or take any other action relative thereto.

**(Sponsor: Town Moderator) Finance Committee Recommends, 5-1**

**Requires Majority Vote**

**Article 16: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$15,725 from Free Cash for data digitization services, or take any other action relative thereto.

**(Sponsor: Town Administrator) Finance Committee Recommends, 6-0**

**Requires Majority Vote**

**Article 17: Capital Item**

To see if the Town will vote to transfer and appropriate the sum of \$83,845 from Stabilization for dam repairs occurring in FY26 per the dam safety order issued on 12/3/2025, or take any other action relative thereto.

**(Sponsor: Select Board) Finance Committee Recommends, 6-0**

**Requires 2/3rds Vote**

**Article 18: Capital Item**

To see if the Town will vote to borrow and appropriate the sum of \$800,000 for a Fire Truck, or take any other action relative thereto.

**(Sponsor: Fire Department) Finance Committee Recommends, 6-0**

**Requires 2/3rds Vote**

**Article 19: MLP Enterprise Fund**

To see if the Town will vote to approve and appropriate the sum of \$117,463.00 of the FY2026 MLP certified retained earnings to the MLP FY 2027 Emergency Reserve Fund, or take any other action relative thereto.

**(Sponsor: MLP) Finance Committees Recommends, 7-0**

**Requires Majority Vote**

**Article 20: MLP Enterprise Fund**

To see if the Town will vote to approve and appropriate the sum of \$379,330.00 for the MLP Enterprise Fund beginning July 1, 2026 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 other action relative thereto.

**(Sponsor: MLP Board) Finance Committees Recommends, 7-0**

**Requires Majority Vote**

MLP ENTERPRISE FUND OPERATING BUDGET FY2027

Expenses

NOTES

<u>Routine network maintenance</u>	<u>\$ 70,000</u>	<u>Annual Maintenance</u>
<u>Insurance</u>	<u>\$ 10,000</u>	<u>Insurance via PURMA with a 25K deductible</u>
<u>Backhaul</u>	<u>\$ 44,256</u>	<u>10GB CrownCastle connection \$2,063/month; 1GB MBI/backup \$1,125/mo. TOTAL = \$3188/month AND monitoring \$500/mo= \$3688/mo</u>
<u>MLP Manager Salary</u>	<u>\$ 27,096</u>	<u>MLP Manager Stipend</u>
<u>Employment Overhead</u>	<u>\$ 697</u>	<u>Medicare and Workers Comp Overhead</u>
<u>Bond fee for poles</u>	<u>\$ 6,750</u>	<u>3K for Ngrid and Verizon; 750 for Eversource</u>
<u>Pole rental</u>	<u>\$ 24,670</u>	<u>\$16.44 x 1500 poles</u>
<u>Calix Essentials Support</u>	<u>\$ 7,975</u>	<u>Annual Maintenance contract with Calix. Provides direct support and emergency electronic equipment replacement.</u>

<u>Supplies</u>	<u>\$ 500</u>	<u>Office supplies, postage, data backup</u>
<u>Legal</u>	<u>\$ 1,000</u>	<u>Legal Services from Town Counsel</u>
<u>Electronics Hut Operations</u>	<u>\$ 6,500</u>	<u>HVAC maintenance \$500, Security Monitoring \$336, Building Maintenance \$464, Electricity to power hut (\$3,600), shared propane (\$600, full tank fill), shared generator maintenance (\$1,000), Indirect Costs reimbursed to town.</u>
<u>Electronics Depreciation</u>	<u>\$ 45,000</u>	<u>To replace electronics in 7-10 years. Hut servers and switches, home routers and ONTs. (Broadband Capital Stabilization)</u>
<u>Debt Service</u>	<u>\$ 95,040</u>	<u>Payment due 4/3/2027 on \$883,333 10 year note</u>
<u>Accounting, Treasurer, Audit Support</u>	<u>\$ 5,710</u>	<u>Indirect Costs reimbursed to town. Portion based on current town budget. Audit \$2000, Accountant \$1,330, Treasurer \$2,380</u>
<u>Lifeline CAFII Administration</u>	<u>\$ 7,000</u>	<u>\$2K per year flat admin cost plus \$80 for each new recipient application, then \$50 annual renewal for each recipient (estimating &lt; 50 applications annually)</u>
<b><u>OPERATIONS SUBTOTAL</u></b>	<b><u>\$ 352,194</u></b>	
<u>Extraordinary &amp; Unforeseen</u>	<u>\$ 27,136</u>	<u>Emergency Reserve Fund*</u>
<b><u>OPERATIONS TOTAL</u></b>	<b><u>\$ 379,330</u></b>	

**Income**

<u>MLP FEES</u>	<u>\$ 364,600</u>	<u>(770 Subscribers x \$40 x 12 months) - (\$5000 Subscriber Support)</u>
<u>CAF II Funding</u>	<u>\$ 14,730</u>	<u>Grant funds - annual payment until 2030</u>
<b><u>INCOME TOTAL</u></b>	<b><u>\$ 379,330</u></b>	

\*Will also include the \$117,463.00 in retained earnings from prior year if article 19 above passes.

**Article 21: MLP Enterprise Fund**

To see if the Town will vote to approve and appropriate the sum of \$290,000.00 of the Broadband Stabilization Fund to the MLP FY2027 budget for the purpose of network equipment upgrades for subscribers, or take any other action relative thereto.

**(Sponsor: MLP) Finance Committees Recommends, 7-0  
Requires 2/3rds Vote**

**Article 22: Raise Minimum Value of Personal Property**

To see if the Town will vote to modify a Town Meeting vote approved on May 5, 2001 adopting Clause Fifty Four of Section 5 of Chapter 59 of the General Laws to establish a minimum Value exemption of \$1,500.00 on personal property subject to taxation, and to modify that exemption amount to \$6,500.00, or take any other action relative thereto.

**(Sponsor: Board of Assessors) Finance Committee Recommends 6-0  
Requires Majority Vote**

**Article 23: Means Tested Exemption**

To see if the Town will vote to reauthorize the MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION approved by Special Legislation of the Legislature and signed into law on November 7, 2022, as provided in Section 6 of the Act, or take any other action relative thereto.

**(Sponsor: Board of Assessors) Finance Committee Recommends: 6-0  
Requires Majority Vote**

Section 6 of the Act is outlined below:

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the Town of Shutesbury, there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in SECTION 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed pursuant to the General Laws.

SECTION 2. The Board of Assessors of the Town of Shutesbury may deny an application for exemption if the Board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption pursuant to SECTION 1 if the following criteria are met:

- (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws;
- (ii) the qualifying real property is owned by a single applicant who was age 65 or older at the close of the previous year or jointly by persons who are 60 years of age or older, provided that not less than 1 joint owner was age 65 or older at the close of the previous year;
- (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) the applicant, or at least 1 of the joint applicants, has been domiciled and owned a home in the Town of Shutesbury for not less than 10 consecutive years before filing an application for the exemption;

- (v) the maximum assessed value of the domicile is not greater than the previous year's maximum assessed value for qualification for the circuit breaker income tax credit pursuant to section (k) of section 6 of Chapter 62 of the General Laws, as adjusted annually by the Department of Revenue; and
- (vi) the Board of Assessors has approved the application for exemption.

SECTION 3. The Select Board of the Town of Shutesbury shall annually set the exemption amount provided for in SECTION 1; provided, however, that the amount of the exemption shall be not less than 50 percent and not more than 200 percent of the amount of the circuit breaker income tax credit pursuant to subsection (k) of Section 6 of Chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionately within the tax levy on all residential taxpayers.

SECTION 4. A person who seeks to qualify for the exemption pursuant to Section 1 shall, before the deadline established by the Board of Assessors of the Town of Shutesbury, file an application, on a form adopted by the Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted pursuant to this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 6. The exemption provided in this act shall expire 3 years after the effective date of this act; provided, however, that the Town of Shutesbury may reauthorize the exemption for additional 3-year intervals by a vote of the legislative body of the town.

SECTION 7. This act shall take effect upon its passage.

**Article 24: Operational Transfers of Community Preservation Funds**

To see if the Town will vote to act on the recommendation of the Community Preservation Committee on the Fiscal Year 2027 budget to transfer from the Community Preservation Fund estimated annual revenues the sums of \$7,800 to Open Space and Recreation; \$7,800 to Historic Preservation; \$7,800 to Community Housing; and \$35,000 to the FY27 Community Preservation Fund budgeted reserve, or take any action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority vote**

**Article 25: Administrative Costs of the Community Preservation Committee**

To see if the Town will vote to appropriate the sum of \$2,500 from Fiscal Year 2027 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operational expenses of the Shutesbury Community Preservation Committee, or take any action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority Vote**

**Article 26: Rescinding Community Garden Project Grant**

To see if the Town will vote to rescind the grant of \$20,000 from the Community Preservation Open Space/Recreation account, previously authorized by Article 13 of the June 12, 2021 Annual Town Meeting for the purposes of constructing a fenced-in Community Garden in Shutesbury on unused land behind the

Town Hall and amended by Article 20 of the May 21, 2022 Annual Town Meeting to relocate the Community Garden project to land on Lot 0-32, and to return those funds to the CPA account from which they were appropriated, or take any other action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority Vote**

**Article 27: Regional Affordable Housing Coordinator**

To see if the Town will vote to appropriate the sum of \$5,000 from the CPA Community Housing account to fund a portion of the costs of a shared services agreement with the Franklin Regional Council of Governments and other Franklin County municipalities for Regional Affordable Housing Coordination Services, as detailed in the Franklin Regional Council of Governments' funding application for the same, or take any other action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority Vote**

**Article 28: Elliot Park Structures Project**

To see if the Town will vote to appropriate the sum of \$5,000 from the CPA Open Space/Recreation account and \$4,000 from the CPA Undesignated Funds account to rehabilitate and restore the storage shed and gazebo located at Elliott Park at Lake Wyola, as detailed in the Elliott Park Committee's funding application for the same, or take any other action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority Vote**

**Article 29: South Brook Conservation Area Expansion**

To see if the Town will vote to appropriate \$10,000 from the CPA Open Space/Recreation account, \$15,000 from the CPA Community Housing account, and \$64,000 from the CPA Undesignated Funds account for costs to purchase from Kestrel Land Trust parcel E-2, an approximately nine acre property located between Wendell Road and Locks Pond Road, approximately seven acres of which would be added to the adjacent South Brook Conservation Area and put under a Conservation Restriction, and for costs associated with due diligence to explore potential development of approximately two acres of the parcel as an affordable housing lot, as detailed in the Conservation Commission's funding application for the same, or take any other action relative thereto.

**(Sponsor: Community Preservation Committee)**

**Requires Majority Vote**

**Article 30: Quabbin Watershed Resolution**

To see if the town will vote to accept the Quabbin Watershed Resolution signed and supported by the Select Board on February 2, 2026, or take any other action relative thereto.

**(Sponsor: Select Board)**

**Requires Majority Vote**

WHEREAS approximately eighty-eight years ago, the Commonwealth of Massachusetts disincorporated and flooded four towns (Dana, Prescott, Greenwich, and Enfield) in the Swift River Valley so that eastern Massachusetts could grow, aided by sufficient pristine drinking water, and

WHEREAS creation of the Quabbin Reservoir demanded the dismantling of more than 1,100 structures, including upwards of 650 homes; the exhumation of more than 7,600 graves across 34 cemeteries; the

stoppage of robust north-south rail service; the scuttling of west-east rail planning; and the shuttering of businesses and industry, and

WHEREAS families who had lived in the Swift River Valley for generations were forced to give up their homes and properties, and

WHEREAS today the 119,940-acre Quabbin Reservoir is protected by Shutesbury and other watershed towns who help to steward an invaluable 412-billion-gallon resource and its watershed habitats, and

WHEREAS Shutesbury works to ensure compliance with state and federal water protection regulations through volunteer and municipally funded positions, and

WHEREAS Shutesbury routinely forgoes economic development opportunities to protect the water quality,

BE IT RESOLVED that Shutesbury and other watershed towns are united in our request for more just recompense for the region's historic sacrifice and our current service we join together seeking:

1. Increased regional representation on the Massachusetts Water Resources Authority Board of Directors and Board of Advisors;
2. Establishment of a Quabbin Community Trust Fund for the purposes of meeting municipal needs such as potable water access and public safety services; and
3. Reconfiguration of the payment in lieu of taxes (PILOT) structure to much better recognize the value of Shutesbury and other watershed towns' stewardship of the pristine and world-class Quabbin Reservoir.

**Article 31: Amend the Agreement Establishing a Regional School District**

To see if the Town will vote to amend the Agreement Establishing a Regional School District Comprising the Towns of Amherst, Pelham, Leverett and Shutesbury to revise paragraph (g) of Section VI, Apportionment and Payment of Costs Incurred by the District, as follows:

The Regional School Committee is authorized, if it so votes, to execute a lease, or leases, consistent with the powers and duties of the Regional School Committee as specified in M.G.L. c. 71, section 16, or take any other action relative thereto.

**(Sponsor: Select Board)**  
**Requires Majority Vote**

**Article 32: Personnel Bylaw**

To see if the Town will vote to amend Sections 5 and 7 of the Personnel Bylaw as follows, or take any other action relative thereto.

**(Sponsor: Personnel Board)**  
**Requires Majority Vote**

Personnel Bylaw Changes below.

**1. Remote and Hybrid Work (Section 5 Addition)**

**(5.4) Remote Work and Telecommuting**

**(5.4.1) The Town recognizes that remote or hybrid work arrangements can enhance productivity and employee retention. Such arrangements may be authorized by the**

Town Administrator and the Selectboard when the essential functions of the position can be performed effectively from an off-site location.

(5.4.2) All remote work arrangements must be documented in a written agreement and may be revoked at any time by the Town Administrator based on the operational needs of the Town.

**2. Flexible Review Period (Section 5 Revision)**

(5.1.4) Review Period: The first six (6) months of an employee’s continuous service shall constitute her/his review period. At the discretion of the Town Administrator and the Selectboard, this period may be extended by up to ninety (90) days to allow for further evaluation of the employee’s performance. The employee will receive notification of completion or extension of the review period.

**3. More Inclusive Bereavement Leave (Section 7 Revision)**

(7.1) Bereavement:

(7.1.1) An EEFB is entitled to three (3) days of paid bereavement leave per occurrence to attend funeral arrangements, services, or personal grieving following a death.

(7.1.2) This leave is available to the employee regardless of their specific legal or biological relationship to the deceased.

(7.1.3) The Selectboard may grant, at its discretion, additional bereavement leave beyond three days in the event of extraordinary circumstances.

**4. Codifying Extra Holiday Time**

(7.3.1) The recognized holidays shall be: Thanksgiving Day, the Day After Thanksgiving, Christmas Day, and the Day After Christmas. In recognition of staff who may celebrate different holidays, the Town offers two (2) floating holidays.

**5. Expanded Vacation Time**

(7.9.4)

Time in Service Vacation Accrual

1-6 Months	5 days
6-12 months	An additional 5 days
2-5 years	15 days
6-10 years	20 days
11-15 years	25 days
16-20 years	30 days
20+ years	1 additional day per year

**Citizen Petition  
Article 33.  
Requires Majority Vote**

**Shutesbury Safe Community Bylaw**

**To see if the Town of Shutesbury will vote to rescind the existing Safe Community Bylaw (2025), in its entirety, and replace it with the following Shutesbury Safe Community Bylaw or take any other action relative thereto.**

*Whereas*, federal immigration enforcement agencies, including ICE, have engaged in civil immigration practices that courts have found to exceed lawful authority, including reliance on non-judicial detainer requests and administrative warrants that do not authorize state or local detention; and

*Whereas*, local governments and officials have, in some instances, been pressured or encouraged to participate in civil immigration enforcement actions that expose municipalities to legal liability and undermine constitutional protections; and

*Whereas*, the use of local resources to assist in unlawful or extra-judicial immigration enforcement erodes public trust, chills the reporting of crime, and compromises the core mission of local government to protect public safety for all residents; and

*Whereas*, clear local standards are necessary to ensure that Town officials are not placed in the position of facilitating or enabling civil immigration enforcement actions that are not required by law and that conflict with constitutional limits and Massachusetts case law; and

Whereas, the Town of Shutesbury is committed to the rights, dignity, and safety of all persons residing in, working in, visiting, or traveling through the Town; and

*Whereas*, the Massachusetts Supreme Judicial Court held in *Lunn v. Commonwealth* (2017) that state and local law enforcement officers lack authority to detain individuals solely on the basis of federal civil immigration detainer requests; and

*Whereas*, municipalities have both the authority and responsibility to establish clear rules governing the use of local resources, personnel, and facilities in order to ensure compliance with constitutional and statutory limits; and

*Whereas*, the Massachusetts Legislature has not yet enacted comprehensive statewide legislation establishing uniform standards for local interaction with federal civil immigration enforcement, leaving municipalities to act individually to provide clarity and guidance; and

*Whereas*, public safety is enhanced when all residents feel able to report crimes, cooperate with law enforcement, seek emergency assistance, and access municipal services without fear of immigration-related consequences; and

*Whereas*, the Town previously adopted a Safe Community Bylaw in 2025, and subsequent review has demonstrated the need for clearer definitions, stronger operational guidance, and additional safeguards to ensure effective and consistent implementation; and

**Now, therefore**, be it enacted by the Town of Shutesbury as follows:

**Section 1. Purpose and Findings**

The Town of Shutesbury affirms its commitment to the rights and dignity of all persons residing in, working in, visiting, or traveling through the Town.

This bylaw is adopted pursuant to the protections guaranteed under the United States Constitution, the Massachusetts Constitution, and the Massachusetts Supreme Judicial Court decision in *Lunn v. Commonwealth* (2017).

The purposes of this bylaw are to:

- 1.1. to establish that the Town of Shutesbury is a welcoming community where all are welcome;
- 1.2. to increase public confidence in Shutesbury's government by providing guidelines associated with the Town's voluntary involvement in federal immigration enforcement;
- 1.3. to ensure that Town resources are not used to enforce federal civil immigration law; and
- 1.4. to protect the public safety and constitutional rights of all persons regardless of citizenship, immigration status, national origin, gender, gender identity, sexual orientation, religion, race, or ethnicity.

## **Section 2. Definitions**

For purposes of this bylaw:

**“Civil immigration detainer request”** means a non-mandatory, written, verbal, or electronic request issued by U.S. Immigration and Customs Enforcement (“ICE”) or by any other federal immigration officer or agency, not accompanied by a judicial warrant or court order signed by a judge or magistrate, to a local law enforcement agency or official, seeking either (1) to maintain custody of an individual beyond the time the individual would otherwise be eligible for release from local custody, or (2) to provide advance notification of the individual's release.

**“Civil immigration enforcement”** means enforcement of federal immigration law that is not related to the investigation or prosecution of a criminal offense.

**“Criminal warrant”** means a warrant issued by a judicial officer based on probable cause to believe that a person has committed a criminal offense.

**“Eligible for release from custody”** means there is no judicial warrant, judicial order, or law that prevents an individual from being released from the custody of a Shutesbury official.

**“Federal immigration agency”** means the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), or any successor agency.

**“ICE”** means the federal agency Immigration and Customs Enforcement (ICE) and any other federal agency charged with the enforcement of immigration laws.

**“ICE administrative warrant”** means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document, including but not limited to Forms I-200, I-203, I-205, or any successor or similar document listed in the National Crime Information Center (NCIC), issued by a federal immigration official rather than a judge or magistrate, and not based on a finding of probable cause of a criminal offense.

**“Judicial warrant”** means a warrant or court order signed by a judge or magistrate based on probable cause.

**“Non-public personal information”** means information not otherwise publicly available under Massachusetts public records law, including but not limited to home or work address, telephone number, email address, release date or time, court appearance information, or incarceration status.

**“Release notification request”** means any request, whether written, electronic, or oral, from a federal immigration agency seeking advance notice of the date, time, or location of an individual’s release from Town custody, including but not limited to requests made pursuant to federal forms I-247N, I-247A, I-247X, or any successor forms.

**“Town Officer or Employee”** means any elected or appointed official, employee, volunteer, contractor, department, or agent of the Town of Shutesbury acting in an official capacity or on behalf of the Town, including members of boards, committees, and commissions, and including any person authorized, or with the power, to enforce laws, regulations, codes, local bylaws, or criminal statutes, or to detain or maintain custody of individuals.

### **Section 3. Nondiscrimination and Equal Treatment**

Town Officers and Employees shall treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Actual or perceived citizenship, immigration status, national origin, race, ethnicity, gender, gender identity, sexual orientation, or religion shall have no bearing on an individual’s treatment by Town Officers and Employees.

### **Section 4. Limits on Immigration Enforcement**

#### **4.1. No civil immigration enforcement role**

No Town Officer or Employee shall act as an immigration officer, or otherwise enforce federal civil immigration law, except as required by a judicial warrant.

#### **4.2. Prohibition on use of Town resources**

No Town Officer or Employee shall use Town funds, personnel, equipment, facilities, databases, information systems, or other Town resources to assist in the enforcement of federal civil immigration law, except as required by a judicial warrant.

#### **4.3. Prohibition on detention based on civil immigration authority**

No Town Officer or Employee shall detain any person solely on the basis of a civil immigration detainer request or an ICE administrative warrant issued by a federal immigration agency.

#### **4.4. Release from custody**

When an individual is eligible for release from custody, a Town Officer or Employee shall not detain or delay the release of the individual on the basis of a civil immigration detainer request or an ICE administrative

warrant, including a request pursuant to federal form I-247D, unless ICE presents a criminal warrant issued by a judicial officer.

**4.5. Notification prohibition**

All Town Officers and Employees shall honor judicial warrants, but shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal forms I-247N, I-247A, or I-247X, nor provide ICE with information about the home address, work address, or phone number of a person in custody.

**4.6. Prohibition on deputization and 287(g) participation**

To the extent permissible by law, no Town Officer or Employee shall perform the function of an immigration officer, whether pursuant to 8 U.S.C. §1357(g) (“287(g)”), or any other law, regulation, or policy, whether formal or informal.

**4.7. Prohibition on immigration-status-based investigations**

No Town Officer or Employee shall initiate an investigation or take law enforcement action, including regulatory action, on the basis of a person’s actual or perceived immigration status.

**4.8. Protection of humanitarian and service institutions**

No Town Officer or Employee shall initiate enforcement, regulatory, inspectional, or other legal action against a medical, educational, or faith institution solely on the basis of that institution’s lawful provision of refuge, services, or assistance to immigrants or their families. Nothing in this subsection shall be construed to prohibit the lawful enforcement of generally applicable Town bylaws, zoning regulations, public health requirements, and other laws of general application.

**4.9. Immigration benefits and protective programs**

Notwithstanding the preceding subsections of this section, a person’s immigration status shall not prohibit or inhibit the Town or any Town Officer’s participation in any government operation or program that lawfully confers an immigration benefit, or that temporarily or permanently protects noncitizens from removal, including but not limited to the U Visa, the T Visa, and protections provided under the federal Violence Against Women Act.

**Section 5. Information Sharing and Notification**

**5.1.** Town Officers and Employees shall not inquire into, question, collect, record, or maintain information regarding a person’s actual or perceived immigration status, except as expressly required by state or federal law or as necessary to determine eligibility for a public service or benefit.

**5.2.** No Town Officer or Employee shall inquire into, record, or use a person’s actual or perceived immigration status for the purpose of discouraging or preventing that person from reporting a crime, serving as a witness, seeking emergency assistance, or accessing Town services.

**5.3.** Town Officers and Employees shall not provide non-public personal information to a federal immigration agency unless expressly required by state or federal law or presented with a judicial warrant.

**5.4.** Town Officers and Employees shall not notify a federal immigration agency of a person’s release date, time, or location unless expressly required by state or federal law or presented with a judicial warrant.

**5.5.** Nothing in this bylaw shall be construed to prohibit the exchange of information regarding citizenship or immigration status where such exchange is required by federal law, including 8 U.S.C. §1373.

This provision shall not be interpreted to require the collection of such information or to permit the sharing of non-public personal information except as otherwise required by state or federal law.

## **Section 6. Access to Town Facilities and Individuals**

**6.1.** Federal immigration agents shall not be permitted access to non-public areas of Town property or to individuals in Town custody without a judicial warrant.

**6.2.** Town Officers and Employees shall not assist federal immigration agents in locating, questioning, surveilling, or apprehending individuals for civil immigration enforcement purposes, including but not limited to providing traffic control, perimeter security, crowd control, translation services, access to Town records or databases, use of Town equipment or facilities, or otherwise facilitating civil immigration enforcement operations, provided that nothing herein shall be construed to prohibit compliance with any judicial warrant.

**6.3.** Any request by a federal immigration agency for access to Town facilities or individuals shall be referred to the Town Administrator or Chief of Police (or their designee) for review of legal sufficiency.

## **Section 7. Interviews and Consent**

**7.1.** No Town Officer or Employee shall allow a federal immigration agency to interview or question a person in Town custody unless the person gives written informed consent, or a judicial warrant is presented.

**7.2.** The consent form shall inform the individual that they have the right to refuse the interview, and they may consult with an attorney before agreeing.

## **Section 8. Cooperation in Criminal Matters**

Nothing in this bylaw prohibits Town Officers or Employees from cooperating with federal agencies in the investigation or prosecution of criminal activity, provided such cooperation does not involve enforcement of civil immigration law.

## **Section 9. Implementation, Recordkeeping, and Reporting**

**9.1.** The provisions of this bylaw shall be effective upon the satisfaction of the procedures set forth in M.G.L. c. 40 §32.

**9.2.** The Town Administrator, in consultation with the Chief of Police and other relevant Town Officers and Employees, shall be responsible for coordinating implementation of and compliance with this bylaw.

**9.3.** Within ninety (a) days of the effective date: (a) all necessary policies, procedures, directives, and forms required to implement this bylaw shall be developed, revised, or adopted; (b) all Town Officers and Employees whose duties may implicate this bylaw shall receive training sufficient to ensure understanding of

the requirements of this bylaw; and (c) Any written consent forms required under Section 7 shall be standardized and made available in languages commonly spoken in the community, as resources permit.

**9.4.** To the extent practicable, Town contracts entered into after the effective date of this bylaw shall require contractors and agents acting on behalf of the Town to comply with the provisions of this bylaw when performing Town functions.

**9.5.** All Town departments shall maintain records sufficient to document: (a) any civil immigration detainer received; (b) any ICE administrative warrant received; (c) any release notification request received; (d) any request from a federal immigration agency for access to Town facilities or individuals in Town custody; (e) the Town's response to each such request; and (f) the legal basis for any compliance with such request. Records shall be maintained in accordance with applicable public records and privacy laws.

**9.6.** No later than March 31 of each year, the Town Administrator, in consultation with the Chief of Police, shall prepare and make publicly available an aggregate report covering the preceding calendar year. The report shall include, in aggregate form: (a) the number of civil immigration detainees received; (b) the number of ICE administrative warrants received; (c) the number of release notification requests received; (d) the number of such requests with which the Town complied, and the legal basis for each category of compliance; (e) the number of individuals detained pursuant to a criminal warrant requested by a federal immigration agency; (f) the number of individuals transferred to federal immigration custody; (g) any federal reimbursement received in connection with any request described above; and (h) the number of complaints received alleging violations of this bylaw and the general disposition of such complaints. No personally identifying information shall be included in the report. The report shall be posted on the Town's website and transmitted to the Select Board.

**9.7.** Any person who believes this bylaw has been violated may file a written complaint with the Select Board. The Select Board shall refer such complaint to the appropriate official for review and response. Violations of this bylaw may result in disciplinary action consistent with applicable personnel policies and collective bargaining agreements. Nothing in this section shall be construed to create a private right of action.

## **Section 10. Public Notice and Language Access**

The Town shall make this bylaw publicly available on the Town website and shall take reasonable steps, consistent with existing Town communication practices and available resources, to ensure that information about this bylaw is accessible to the public, including providing translations or summaries in commonly spoken languages.

## **Section 11. Severability**

If any part of this bylaw is declared invalid for any reason, the remainder of the bylaw shall remain in full force and effect

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 14th day of April Two Thousand and Twenty-Six.

**Shutesbury Selectboard**

Melissa Makepeace-O'Neil  
Melissa Makepeace-O'Neil, Chair

Eric A. Stocker  
Eric Stocker, Vice-Chair

Rita Farrell  
Rita Farrell

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 Mark Lyst

Date April 15, 2026



