

May 1, 2010 Town of Shutesbury Annual Town Meeting

At a legal meeting of the Inhabitants of the Town of Shutesbury qualified to vote in elections and town affairs held at the Shutesbury Elementary School at 23 West Pelham Road on the first day of May 2010 in the presence of a quorum, the following business was conducted. Moderator Penelope Kim opened the meeting at 9:00 AM.

Article 1: A motion was made and seconded 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 (the Dimensional Table) shall not apply to municipal facilities, structures or uses."
Passed unanimously.

Article 2: A motion was made and seconded 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"
Passed unanimously.

Article 3: A motion was made and seconded 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."
Passed unanimously.

Article 4: A motion was made and seconded 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."
Passed unanimously.

Article 5: A motion was made and seconded to raise and appropriate the sum of \$37,500 to accept the Capital Planning Committee's 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
Passed unanimously.

Article 6: A motion was made and seconded that the Town of Shutesbury 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.
**An amendment was made, seconded and passed unanimously to delete "all or part of".
Vote on the main amended motion by paper ballot as requested from voters and then ruled by the Moderator: Yes - 163, No - 20**

Article 7: A motion was made and seconded to transfer the sum of \$30,000 to the Stabilization Fund.
Passed unanimously.

Article 8: A motion was made and seconded that the Town transfer the sum of \$60,000 from Stabilization Fund to purchase a one ton pick up truck for the highway department.
A motion was made, seconded and unanimously to lower the amount to \$52,000.
Amended main motion failed: Yes – 29, No - 42.

Article 9: A motion was made and seconded 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.”

Passed unanimously.

Article 10: A motion was made and seconded that to approve the new “Violation of Burning Permit” Bylaw as follows. Any person or persons who are determined to be in violation of 527 CMR 10.22 and/or 310 CMR 7.07 (violation of burning permit regulations), 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 stated in warrant article 10.

- (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).

Passed unanimously.

Article 11. A motion was made and seconded 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.

Passed unanimously.

Article 12: A motion was made, seconded and unanimously voted to receive the annual report for the year ending June 30, 2009, as written and receive reports from town officers, committees and boards as presented:

Board of Health (BOH) Chairman Bill Elliott:

- Fall flu clinics which were used as exercises for Emergency Dispensing Site procedures under Homeland Security and the Center for Disease Control.
- Septic System repairs and private well testing in association with the Lake Wyola Association.
- Article 13 authorizing Catherine Hilton to continue as Administrative Consultant to the BOH.
- **250th Celebration Committee Co-Chairman Marylise Lamet:**
- June 30, 2011 is the 250th birthday of the incorporation of the Town of Shutesbury.
- Janis Gray also a Co-Chairman.
- Thanks to Steve Ervin who created the 250th celebration logo.
- There will be multiple celebration events throughout 2011.
- May 5th and May 27th meetings are for planning activities:
 - The themes are Education, Celebration and Community.
 - Parade, Celebrate Shutesbury, the Market.

Personnel Board Chairman Margaret Manson:

- The Board oversees job descriptions personnel policies and the personnel handbook,
- Expects a revised evaluation form in the coming year.

Fire Chief and Emergency Management Director Walter Tibbetts:

- Fire fighter numbers are up to eight dedicated people who offer many hours of service.
- They refurbished a very dependable and functional 4-wheel drive brush vehicle for \$400.
- They custom designed and installed the interior of the trailer as a mini-mobile command post that was purchased with grant funds.
- One fire fighter is currently in an all volunteer training program for the benefit of this town.
- Have 3 possible new recruits which could bring the ranks up to 11.

Article 13: A motion was made and seconded to approve the appointment pursuant to MGL Chapter 268A, Section 21A of Catherine Hilton as a Board of Health Administrative Consultant while also serving as an elected official on the Board of Health.

Passed unanimously.

Article 14: A motion was made and seconded to accept and expend funds available from the State for Highway reimbursement programs, such as the Chapter 90 program, without further appropriation.

Passed unanimously.

Article 15: A motion was made and seconded 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.

Passed unanimously.

Article 16: A motion was made and seconded 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.

Passed unanimously.

Article 17: A motion was made and seconded to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation.
Passed unanimously.

Article 18: A motion was made and seconded 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 as stated.

Revolving fund	Authorized to spend	Revenue source	Use of fund	FY 2011 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	Salary and expenses	\$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	

Passed unanimously.

Article 19: A motion was made and seconded to vote 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 2011 as required by Section VI of the Regional Agreement.

“The School Committee has voted to continue using the formula put forth in the Regional Agreement to determine the apportionment of the FY11 budget to each member town. Approval to use this apportionment method must be granted each year.”

Passed unanimously.

Article 20: A motion was made and seconded that the Town fund operating expenses of \$5,501,927 by raising the sum of \$5,485,287 and transferring \$16,640 from the Septic Betterment Fund, and appropriating said sums to meet town expenses including operations, salaries, school, and capital expenses for the fiscal year beginning July 1, 2010.

An amendment was made, seconded and unanimously voted to add an expense of \$106 for Moderator salary raising the total budget amount from \$5,485,287 to \$5,485,393.

Main motion with amendment passed unanimously.

Article 21: A motion was made and seconded to adopt the Winter Use of Lake Wyola Town Bylaw in reference to vehicles and persons using Lake Wyola as stated below.

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.

Passed unanimously.

Article 22: A motion was made and seconded to pass over 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 because the action is already incorporated in the budget Article number 20.

A motion was made, seconded and unanimously voted to dissolve the meeting at 2:08 PM.

Respectfully submitted,

Town Seal

Leslie Bracebridge
Shutesbury Town Clerk

A true copy. Attest: _____