

**Commonwealth of Massachusetts
Town of Shutesbury**

**Annual Town Meeting Minutes
May 4, 2019**

Spring rains did not deter attendance at a legal meeting of the inhabitants of the Town of Shutesbury, qualified to vote in elections and town affairs, held in the Shutesbury Elementary School at 23 West Pelham Road, on the fourth day of May 2019. In the presence of a quorum, the following business was conducted.

Moderator Penelope Kim opened the meeting at 9:10 AM. She introduced the public officials, pointed out the emergency exits, read a Civic Invocation and identified *Town Meeting Time* as the procedural guide for the meeting. Town Meeting attendees were invited to enjoy food and drink for sale at the Friends of the Library Café. The moderator asked who was attending their first town meeting and these people were welcomed and applauded.

A motion was made by Moderator Kim for permission to call for voice votes on articles requiring a 2/3 vote to pass. If the voice vote is not clear, she will ask for a vote by counting hands. The motion was seconded.

****Motion passed with majority vote.**

Before the motion for Article 1 was read, tribute was given to Penny Kim, the retiring Moderator who held that office for ten years, part of her thirty-eight years of volunteer service to our community.

Article 1. A motion was made and seconded to hear and receive reports of town officers, committees and boards.

Presentations:

Personnel Board, Anna Mundow Aaron, Acting Chairperson: In FY 19 the Personnel Board met once a month and members were on various search committees and attended negotiations as needed. The board reviewed and updated the job descriptions for Treasurer, Municipal Light Plant Manager, Town Clerk and Assistant Town Clerk. The board drafted guidelines for participants in contract negotiations and guidelines for search committees. They completed negotiations with the Fire Chief and Police Chief. On March 28, 2019 the board unanimously approved the motion: "That the Personnel Board when reviewing a proposed change in any existing town employee position – such as but not limited to contract changes, salary, hour, impacts on new policies – or when considering the creation of a new position, will review comparative data from surrounding towns, at a minimum from the following sources: MMHR, FRCOG." The Personnel Board invites citizen participation.

Shutesbury Police Department, Dan Fernandes, Police Chief: The community spirit in Shutesbury is impressive. The Department organized a paper shredding day on Saturday, May 11 at the Town Hall. Residents are invited to bring up any papers to be shredded for free.

The M.N. Spear Memorial Library, Mary Anne Antonellis, Library Director: The library offers an array of programs and services open to the whole community. The director cited impressive statistics on the number of patrons, program participation, services and circulation. This year there is more collaboration with the Recreation Committee and the Council on Aging to increase programs for the public. The library offers a tremendous value on the dollars that are spent in the town budget.

The Friends of the Library received \$15,000 during its Library Giving day in April. Together with other fundraising efforts, funds allocated at Annual Town meeting, and various other savings accounts, nearly \$400,000 has been raised for the new library project. Many thanks to all.

Council on Aging, Linda Avis Scott, member: Through grant funding the Council on Aging provides Med-Ride and Foot Care Clinic services. In collaboration with the Library Director, the Council on Aging has funded Elder Wellness, Strength Training and Yoga classes, all free to the public. These classes are very well attended and much appreciated.

Broadband/Municipal Light Plant, Gayle Huntress, MLP manager: 42 miles of fiber cable is up in Shutesbury! The sign-up rate has reached 83%, exceeding the target of 75%. There is a grace period allowing the sign-up period to be extended, so the “take-rate” will be even higher. This allows the MLP to keep the rates at the projected amount which are competitive and will go towards offsetting the debt excluded override passed in 2015. There will be about 700 installations to be completed from June – October 2019.

Gayle thanked the members of the Broadband/MLP for the more than 6,000 hours of volunteer service they have given over the last 5 years.

Zoning Board of Appeals, Chuck DiMare, Chairperson: The Zoning Board of Appeals had nine meetings in FY19 with additional site visits as well. The topics the board addressed were solar arrays and accessory apartments. They are working toward increasing the accessory apartment limit to 1,000’ to enable more residents to benefit from this option in town.

Planning Board, Deacon Bonnar, Chairperson: This year the Planning Board worked on creating a marijuana bylaw, and amending bylaws concerning livestock near the lake, ground mounted solar arrays and the waiver provisions for a cell tower. They held a public hearing on April 29, 2019 and reported their recommendation for the four articles in this warrant.

Shutesbury Elementary School, Jackie Mendonsa, Principal: Shutesbury Elementary was recognized as one of the Top Fifty K-12 schools in the state. They will be presented with this award on June 7. The staff works to provide a rigorous balance of academics, arts and physical programming. Two parents were invited to speak to Town Meeting.

Melissa Warwick: As a parent of three children in school Melissa characterized the quality and diversity of the programs – indoor, outdoor, arts and more. She appreciated the inclusive climate that makes her children’s experience very positive.

Carrie Hawkins: Carrie is a teacher and a parent. She has looked at a variety of programs and found that Shutesbury Elementary is as good as private schools. She appreciates how every student is well known and not lost in the crowd.

Erving Union 28, Bruce Turner, Business office manager: Union 28 schools continue to develop and improve Universal Design for all learners. The central office is advocating for the Rural School Aid legislation to secure funding for declining rural populations, address decreased transportation funds, and fund increasing service needs.

Amherst-Pelham Regional School District, Michael Morris, Superintendent, introduced by Steve Sullivan, School Committee's representative to the Regional School Committee: The Regional Middle and Senior High Schools have worked to help bridge the transition between local elementary schools and the regional school. The school system has some wonderful achievements; it ranks ninth in the state and first in Western Mass. The Jets STEM team took 1st in the New England competition. The student leaders are impressive. The Environmental Club put forward an initiative to the Massachusetts legislature for a Solar Canopy for the parking lot. The school has a local farm products program for the food service. The APRS just hired a new high school Principal, Mr. Gene Jones from Virginia. They look forward to his leadership.

Finance Committee, Eric Stocker, Co-Chair: Getting a budget together is a lot of work. It's a lot of meeting, listening to a range of ideas and needs and finding a way forward. Eric thanked George Arvanitis who is retiring after his ten years of service. George knows so much about the budgeting process; he will be sorely missed. Eric acknowledged Becky Torres' expertise in finding and analyzing the tremendous amount of information needed to make a well-informed budget. Shutesbury is in good financial shape.

The process of making a budget has evolved over time, but there are some consistent patterns that are emerging. Over the last ten or more years the state has cut aid to towns. We have lower taxes at the state and federal level, but the result is a shortfall in funding to towns. The state is being irresponsible. We must meet the needs of our town, the required services, with less state support. Our property taxpayers are the tax body of last resort.

As always, the budget is built on compromises. It takes an educated guess to project revenues and expenses. There is a 2.26% increase overall. There were school grant funds that were cut and a small increase in other state aid. The town's Cash reserves will be \$1,748,871 if all the warrant articles from Free Cash and Stabilization pass.

The town continues to allocate money into the Other Post-Employment Benefits, (OPEB) fund. Although the liability is estimated at around 2.3 million, the town has 30 years to save up.

The projected capital projects are estimated at \$950,000 although the good news is the culvert project is coming in lower than expected. On the other hand, the state changed the criteria for School Roof project for the second time and the funding from the state has been pushed down the road for another year.

The town's cash reserves will be needed as a backstop for any unforeseen expenses that may arise in the Broadband project. The amount of reserves on hand will affect our bond rating.

Maintenance of a 40+ year old school building, proper storage of the town's records, replacement scheduled capital items are anticipated future costs. Unknown is the state education funding formula which is in flux. Healthy cash reserves are essential.

****Article 1 passed unanimously.**

Article 2. A motion was made and seconded that the Town 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.

Presentation:

Sean Mangano, Director of Finance and Operations for Amherst Pelham Regional Schools gave a power point presentation with the history of the assessment methods used from 2000 to now. He explained the factors the four towns have considered in reaching regional agreements. The various working committees, with equal representation from Amherst, Pelham, Leverett and Shutesbury, have most recently agreed to consider the relative wealth of the four towns. Since FY2017 the agreement has slowly increased the percentage of wealth used, taking into account the income/property values of a town and decreased the percentage of reliance on an equal per pupil cost distributed by student population alone. Amherst and Leverett have approved their FY 2020 budgets using the proposed assessment method. If Shutesbury does not pass Article 2, the regional school budget would fail and go back to school committee for further consideration. Amherst and Leverett would not be able to adjust their budgets to absorb the cost shifted to them as a result of changing to the statutory formula alone. If a budget is not passed by the Towns by June 30, the regional school budget would be forced to operate on a month to month basis and the Department of Education would be involved in remediating the situation. All towns would have to hold a second town meeting to solve the budget problems.

George Arvanitis, Co-Chair of Shutesbury Finance Committee: I will explain why the Finance Committee voted to support Article 2. I worked on the four-town committees since 2016, debating and considering the merits of a five-year rolling average per pupil cost vs the state statutory formula. At one point, Shutesbury suggested an agreement using 50% of each method. In 2016 a compromise was reached to assess the budget to each town based on 10% statutory/90% average per pupil cost for FY2017. This compromise included the stipulation that a new working group would be formed to evaluate the assessment formula. The working group completed their work in the fall of 2017 and presented its recommended assessment formula, for FY2019. However, a health care cost crisis derailed the projected change in the formula. After evaluating the options, the towns agreed to a budget that resulted in a \$1.4 million budget cut and an assessment method of 20% statutory/80% average per pupil cost. In December 2018, the towns met to review the FY 2020 budget and agreed to work together to ensure that there would be no cuts in services. A new assessment working group was formed to hash out a new plan to share the expenses of our regional schools. Three months later, their recommendation to use a method with a five-year rolling average of statutory helped make the shift to statutory more gradual and stabilize the budget impact on all towns in the region. The proposal before town meeting will see Shutesbury having a decrease in their share for the next one or two years. The Finance Committee sees the

plan as moving in the right direction while preserving a working relationship with the other towns in our regional school district, without compromising the level of education.

There are fiscal factors beyond the borders of Shutesbury:

- The other towns in our region feel that there is fairness in the proposed agreement because Shutesbury receives more state aid than Leverett, Amherst, and Pelham due to our lower income average.
- The new legislators in the State House are focusing on creating revenue through Marijuana dispensaries, gambling revenue, and a Millionaires' Tax.
- The real estate market and values in Shutesbury are likely to change to some unknown degree when the Broadband project is completed. This will affect the tax rate and possibly the level of state funding provided to Shutesbury for education.
- Amherst is considering moving the sixth grade into the middle school, a choice it would offer but not require of the other regional towns. If Shutesbury did not send their sixth graders into the regional middle school, our percentage of the total population in the regional budget would drop.
- The state statutory formula is not static and not under our control. It will have to be monitored in future years.

Discussion:

The discussion for this article covered:

- formula fairness,
- the economics of the statutory method versus the proposed agreement over time and into the next few years,
- the current tax rate,
- the tax burden in Shutesbury,
- the impact of enrollment changes,
- the meetings of the four towns in the winter and spring in which Shutesbury has equal representation,
- progress the working group has made to change the formula in order to reflect the ability to pay among the four towns in the region,
- the timing of making changes to the regional agreement and the consequences of not approving Article 2,
- the possible effects of changes to the state's Foundation formula anticipated in the coming year,
- the amount in spending cuts it would take to reduce the tax rate,
- the excellent education children from Shutesbury and the other towns receive with this budget,
- using a Special Town Meeting to make a statement to the four-town meeting to strengthen our negotiating position,
- ways to raise revenue in order to lower taxes.

Mike Vinskey made a motion that the vote for Article 2 be a paper ballot. **Motion Passed**

****Article 2 passed by paper ballot Yes: 147, No: 92**

Article 3: A motion was made and seconded that the Town of Shutesbury vote to 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.

****Article 3 passed unanimously.**

Article 4: A motion was made and seconded that the Town vote to transfer \$5,914.81 from Free Cash to the Town Clerk salary line, for the change in hours approved for FY 19, beginning 7/1/18.

Presentation:

Ralph Armstrong, member of the Personnel Board: The Personnel Board voted in favor of Article 4. The workload is over 20 hours per week. 25 hours per week is very fair.

Becky Torres, Town Administrator: When Leslie Bracebridge did both jobs, Town Clerk and Administrative Secretary, the jobs were treated as 20 hours each. She found that the jobs required much more than 40 hours together. After years of tracking the hours, it is clear each job takes 25 hours a week.

****Article 4 passed by voice vote.**

Article 5: A motion was made and seconded that the Town vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to meet the 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.

Budget lines were reviewed, many questions were asked and answered. Issues were raised around the Assistant Town Clerk position, cruiser maintenance, increases in the Elementary School budget due to grant cuts, the elementary school transportation contract, the change in the recycling materials market and its effect on the next contract, gravel road maintenance/gravel road upgrade, and the Library Building Fund. A motion made and seconded to remove the Assistant Town Clerk budget line did not pass. A motion made and seconded to remove the Library Building Fund from the budget failed. A request was made to put the Shutesbury Elementary School budget on the town website so voters could read it ahead of time.

****Article 5 passed by voice vote.**

Article 6: A motion was made and seconded that the Town vote to transfer \$15,000 from Free Cash to the Shutesbury Unemployment Compensation Fund, established in 2018 at the Annual Town Meeting.

****Article 6 passed unanimously.**

Article 7: A motion was made and seconded that the Town vote to approve \$10,000 be transferred from Free Cash to the Town Building Repair Fund.

Bob Groves, Chair of Town Building Committee: This fund transfer will be in addition to the \$5,000 in line 182 of the budget. In the future, the Building Committee wants the additional \$10,000 to be incorporated into the budget in line 182 instead of requesting Free Cash funds.

****Article 7 passed unanimously.**

Article 8: A motion was made and seconded that the Town vote to approve the Citizen's petition requesting \$750,000 be transferred from the Stabilization Funds to pay down the \$1,693,200. Broadband debt exclusion as written in the warrant:

-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.

Presentation:

Mike Vinskey, Citizen Petitioner: A detailed history of the Free Cash and Stabilization Fund expenditures was given. If this article passes the town can reduce the amount needed to fund the Broadband project, thus reducing the borrowing costs. We could take out a smaller loan for a shorter term. The savings to the average \$250,000 home would be \$5,800. Using our cash on hand would lessen the pressure on the MLP with this cushion. It is possible that we could have lower subscription rates for everyone.

Due to an update in the Free Cash and Stabilization Funds balances, I want to amend Article 8 to using \$260,000 from Stabilization Funds, \$230,000 from Capital Stabilization funds and \$260,000 from Free Cash. Motion was made and seconded.

Discussion:

Eric Stocker, Co-Chair of Finance Committee: This article is irresponsible. Bonding agencies would not view this as fiscally sound and using up our cash reserves as this proposes would change our bond rating, costing us more.

The projected pricing of the subscriptions will cover the cost incurred by the debt excluded override. Using up the cash reserves might lower the subscription cost by \$6 to \$8 per household, per month, but it would use up the town's cash reserves.

Gayle Huntress, Municipal Light Plant (MLP) Manager: The Finance Committee and the Broadband /MLP Board considered this proposal. Article 8 will not accomplish much. We already have a plan to roll the Broadband costs into the monthly subscription rates. The proposed article might lower rates to \$60 -\$65/month. We feel the current rates are at an affordable price point. The article seems to be trying to solve a problem we don't have. We may be able to consider something later. We will need some time to see how the expenses and revenue are balancing out.

Bob Groves, Finance Committee member: Why borrow money when we already have it in the bank?

Amendment failed on a voice vote.

****Article 8 failed on a voice vote.**

Article 9: A motion was made and seconded that the Town of Shutesbury vote to act on the recommendation of the Community Preservation Committee on the fiscal 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 FY 20 Community Preservation Fund budgeted reserve.

Presentation:

Rita Farrell, Co-chair of the CPC, reviewed the CPC process.

****Article 9 passed unanimously.**

Article 10: A motion was made and seconded that the Town of Shutesbury 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.

****Article 10 passed unanimously.**

Article 11: A motion was made and seconded that the Town of Shutesbury vote to appropriate \$28,000 from the Community Preservation's Community Housing Fund balance to Habitat for Humanity for the creation of a house for a first-time buyer.

Presentation:

Rita Farrell, Co-Chair Community Preservation Committee: This will be the first project Shutesbury will undertake toward the state requirement for towns to meet affordable housing goals in Massachusetts. The Planning Board approved the Site Plan. The deed will restrict future sale of the house to meet affordable housing guidelines. Residents asked about the location and selection of homebuyers. Qualified Shutesbury residents are encouraged to apply but will not have any special status in the selection process.

****Article 11 passed unanimously.**

Article 12: A motion was made and seconded that the Town of Shutesbury vote to appropriate \$34,000 from the Community Preservation's Community 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.

****Article 12 passed unanimously.**

Article 13: A motion was made and seconded that the Town of Shutesbury vote to change the number of elected Board members of the MLP from 5 members to 3 members, pursuant to MGL c. 164, sec. 55.

****Article 13 passed unanimously.**

Article 14: A motion was made and seconded that the Town of Shutesbury vote to establish a Broadband Enterprise Fund in accordance with MGL c. 44, sec. 53 F ½, as written in the warrant.

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.

Presentation:

Gayle Huntress, Manager of the MLP: This will be our town’s structure to handle the broadband as a utility. The fees collected are tied to the expenses. Any excess revenue will be under the control of the MLP only. Any retained earnings can be used to support the Broadband infrastructure or lower subscription rates. The Enterprise Fund cannot make a profit.

This will be in effect for three years before it can be changed. It could become a Chapter 164 account, but that is a more complex structure to manage. The Department of Revenue recommends using an Enterprise Fund for this utility.

Gail Weiss, Town Accountant, answered questions about Enterprise funds.

****Article 14 passed unanimously.**

Article 15: A motion was made and seconded that the Town of Shutesbury vote to establish the Broadband Enterprise Capital Stabilization Fund, in accordance with MGL c. 40, sec. 5B.

****Article 15 passed.**

Article 16: A motion was made and seconded that the Town of Shutesbury vote to appropriate the sum of \$402,514.20 for the MLP Enterprise Fund beginning July 1, 2019 in accordance with the provisions of MGL c.44, sec.53 F ½, the amount to be funded from the following sources written in the warrant:

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**

Gayle Huntress, Manager of the MLP: In answer to a question raised about the costs projected in the MLP budget, the MLP board will be able to revisit how much to borrow as the expenses come in.

****Article 16 passed unanimously.**

Article 17: A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaw regarding “Keeping of Livestock within 400 feet of Lake Wyola” as written in the warrant:

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.

Discussion: Concerns were reaised about creating another bylaw that would create an atmosphere of a “no-no” town, instead of just having individual conversation. The line between pet, livestock

and commercial was discussed. The Planning Board reported positively on all the bylaws heard at the public hearing.

****Article 17 passed by the required 2/3 vote Yes: 48, No: 9**

Article 18: A motion was made and seconded that the Town of Shutesbury vote to adopt the Marijuana Bylaw to the Town of Shutesbury Zoning Bylaws as presented:

Town of Shutesbury, MA

ARTICLE 8.11: ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS

8.11-1 Purpose and Intent

It is the purpose of this article to maintain public health, safety and general welfare; to promote commercial development that is appropriate to the size and rural character of the town, environmentally sustainable and when feasible, locally owned and operated; and to support the availability of recreational marijuana in accordance with State law and regulations (935 CMR 500.000 et.seq.). To mitigate potential impacts to adjacent areas this bylaw will regulate the locations and site development to promote safe attractive business areas, prevent crime, maintain property values, protect and preserve the quality of residential neighborhoods and to protect the safety of children and young people.

8.11-2 Special Permit Granting Authority & Site Plan Review

The Zoning Board of Appeals or the Planning Board (see use table) shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. Chapter 40A, Sections 9, and Section 9.3 of this zoning bylaw. In the case of site plan review, the Zoning Board of Appeals or the Planning Board (see use table) shall be the Permit Granting Authority (PGA) in accordance with Section 9.2 of this zoning bylaw.

Marijuana establishments are prohibited as a customary home occupation under Section 8.5-1A, but may be proposed as a major home occupation under Section 8.5-1B if otherwise allowed in the district. The Use Table for single use marijuana establishments shall determine the SPGA that presides over a consolidated special permit review under this section and Section 8.5-1B. In such cases the marijuana establishment shall be within buildings or on land distinctly separate from the residence and its immediate yard area and not operated within the residence. The portion of the lot operated as a marijuana establishment shall comply with all applicable state regulations and requirements of this article. The residence and its immediate yard area shall not be considered to be a marijuana establishment.

Upon written request by the applicant, the SPGA or PGA may waive or reduce any requirement of this Article 8.11 by the same majority vote required for the permit itself upon written findings included in the permit that: 1) special circumstances of the site, its surroundings, or the proposal negate the need for imposition of the requirement; or that the objectives of this section may be met in an alternative manner; and that 2) such a waiver or reduction will not derogate from the public purposes or 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.

8.11-3 Definitions

Marijuana Establishment means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any type of licensed marijuana-related business, except a medical marijuana treatment center.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers

Marijuana Retailer means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Cultivator means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator. [Process or Processing means to harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means]

Microbusiness means a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Product Manufacturer means an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers

Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Research Facility means an entity licensed to engage in research projects by the Commission.

Independent Testing Laboratory means a laboratory that is licensed by the Commission

Marijuana Products – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Licensee - a person or entity licensed by the State Cannabis Control Commission to operate a marijuana establishment.

Marijuana Establishment Agent means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Visitor means an individual, other than a Marijuana Establishment Agent authorized by the Marijuana Establishment, on the premises of an establishment for a purpose related to its operations and consistent with the objectives of St. 2016, c. 334, as amended by St. 2017, c. 55 and 935 CMR 500.000, provided, however, that no such individual shall be younger than 21 years old.

Greenhouse - a structure, primarily of glass or sheets of clear plastic in which temperature and humidity can be controlled for the cultivation or protection of plants.

Host Community Agreement – A marijuana establishment seeking to operate in Shutesbury shall execute an agreement with the host community setting forth the conditions for having a marijuana establishment located within the host community in accordance with Massachusetts General Law Chapter 94G, Section 3(d).

8.11-4 Requirements Regarding the Allowed Locations for Marijuana Establishments

- A. See Use Table Section 3.1-1 for locations for permitted Marijuana Establishments.

- B. Marijuana Establishments shall not be located within 250 feet of any existing public or private school, providing education in kindergarten or any of grades 1 through 12. This setback shall include the grounds on which said public or private school, providing education in kindergarten or any of grades 1 through 12 is located on. The distance between any Marijuana Establishment and any public or private school, providing education in kindergarten or any of grades 1 through 12 shall be measured in a straight line, without regard to intervening structures, from the closest property line of any existing public or private school, providing education in kindergarten or any of grades 1 through 12 to the building, structure, growing area, work area or parking area of the Marijuana Establishment, whichever is closest.

- C. Marijuana Establishments shall not be located within 100 feet from any existing residential use if there is a closed loop water system for the establishment’s operations or not within 250 feet from any existing residential use if there is no closed water loop for the establishment’s operations. The distance between a residential use and a Marijuana Establishment shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential property to the building, structure, growing area, work area or parking area of the Marijuana Establishment, whichever is closest.

- D. Marijuana establishments shall comply with age restrictions established by Massachusetts 935 CMR 500, that prohibit access at all times to marijuana agents and visitors to marijuana establishments under the age of 21.

8.11-5 Site Development, Permitting Standards & Application

Pursuant to Chapter 40A Section 9 the following site improvements and amenities are required to protect public safety and neighboring property values, in addition to the Special Permit requirements found in Section 9.3 and the Site Plan Review requirements found in Section 9.2 The SPGA or PGA are empowered hereunder to review and approve Special Permit applications and site plans for Marijuana Establishments and impose requirements for: buffering; odor control; noise; outdoor lighting; parking and loading; access to the site

from public roads; hazardous materials; solid waste disposal, water management, environmental and energy controls, and landscaping and buildings. The purpose of these requirements is to avoid site development which may result in negative environmental, neighborhood, or public safety impacts.

- A. Dimensional Requirements:** Any building or structure containing a Marijuana Establishment shall meet the setback requirements of this Section and any additional dimensional controls of the appropriate district as specified in Section 4.2. In the case of differing provisions between the two sections, the more restrictive dimensional requirements shall apply.
- B. Parking and Loading Requirements:** All Marijuana Establishments must comply with parking requirements set by Section 8.2. For any property proposed to contain a Marijuana Establishment, the applicant for a permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon.

Marijuana establishments involved in transport shall provide adequate parking for employees and all transport vehicles. Marijuana establishments involved in retail shall provide adequate parking for customers and employees based on an estimated average daily visit rate and must submit a plan for parking overflow. Marijuana establishments involved with cultivation, manufacture, testing and research shall provide adequate parking for employees and business-related visitors. All parking and loading shall be onsite.

- C. Site Screening:** The Special Permit and Site Plan granting authorities shall have the ability to require appropriate screening from abutters whose land is not vacant at the time of application.

For marijuana establishments involved in retail, manufacture, transport or cultivation, rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening may be by a solid stockade fence that is 3 1/2 feet tall within 20 feet of the street and 6 feet tall elsewhere on the property and/or a 10 foot wide vegetated planting of hardy evergreens and deciduous trees and shrubs no more than six (6) feet on center and no less than five (5) feet in height, or other method as approved by the SPGA/PGA.

- D. Lighting & Security:** Security cameras covering external areas shall include cameras with the capability to function with minimum to no lighting at night.

External lighting should be minimized and consistent with public safety requirements and hours of operation. Internal lighting in greenhouses and lights used for outdoor cultivation shall be fully screened from abutters after sunset.

E. Energy Efficiency: Except for Tiers 1 and 2 and outdoor cultivation, transport, and retail uses, Marijuana Establishments shall be required to submit a detailed energy use and efficiency plan. Except for Tiers 1 and 2, cultivators in buildings and greenhouses shall generate a minimum of 50% of their projected energy use on site, where feasible.

F. Water Management & Efficiency: Marijuana Establishments involved in cultivation, manufacture and research/testing are required to submit a plan for water management and water efficiency which shall include providing information on run-off, recapture, and reuse, if deemed appropriate.

All Marijuana Establishments shall ensure high water quality for any run-off, discharge or re-absorption from the property.

To preserve and protect reasonably sufficient access to water resources for abutters and neighboring landowners, all Marijuana Establishments involved in cultivation, manufacture and research/testing shall submit information regarding estimated use of water for regular and peak operation. Wellheads for Marijuana Establishments involved in cultivation, manufacture and research/testing must be located at least 250 feet from the nearest existing wellhead. The distance between the wellhead of the Marijuana Establishment and the wellhead of an abutting property shall be measured in a straight line, without regard to intervening structures.

No Marijuana Establishment shall create a reasonable risk that groundwater on abutting land becomes significantly diminished such that an existing water well on an abutting property is no longer sufficient to reasonably meet current uses.

G. Noise/Odor: All Marijuana Establishments shall ensure that public nuisances – including odors and noise to neighboring properties – are minimized.

H. Hazardous Materials: For Marijuana Establishments involved in cultivation, transport, research/testing, and manufacture, submission of a complete list of chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use is

required. Depending on the quantities proposed to be used or stored on site, the SPGA or PGA may request that a Hazardous Materials Management Plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces and must be approved by the Fire Chief.

- I. **Solid Waste:** For all Marijuana Establishments, waste shall be managed in accordance with 935 CMR 500.105, section 12.
- J. **Driveways and Parking Lots:** No driveway to or parking lot for a Marijuana Establishment shall be within 125 feet of any existing residential use. The distance between a residential use and a driveway or parking lot shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential property to the driveway or parking lot, whichever is closest.
- K. **Signs:** All signs for a Marijuana Establishment must meet the requirements of Section 8.4 of this bylaw and the State Regulations (935 CMR 500.000 et. seq.).
- L. **Buildings:** Appearance of buildings for Marijuana Establishments shall be consistent with the appearance of other buildings in Shutesbury not employing unusual color or building design which would attract attention to the premises.
- M. **Cultivation:** Marijuana cultivation is allowed both indoors, in buildings or greenhouses, or outdoors.
- N. **Applications:** The applicant requesting permission to operate any Marijuana Establishment must file an application with the SPGA/PGA and the Town Clerk. Such application shall contain the information required by Section 9.3.1 Special Permit and any rules and regulations established by the SPGA/PGA and the State Cannabis Control Commission. The application shall also include:
 - 1. Name, Address, Phone Number and Email Address of the legal owner(s) and Licensee(s) of the Marijuana Establishment;
 - 2. Name, Address, Phone Number and Email Address of all persons having lawful, equity or security interests in the Marijuana Establishment;
 - 3. The number of proposed employees;
 - 4. The proposed hours of operation; and

5. Proposed security and environmental precautions.

- O. Site Plan Review:** No Marijuana Establishment shall be established prior to submission and approval of a site plan by the SPGA/PGA, pursuant to Section 9.2. The site plan shall, at the minimum, depict all existing and proposed buildings and permanent structures, parking spaces, driveways, service and work areas, and other open uses shown at scale. The site plan shall show the distances between the proposed Marijuana Establishment and all existing uses within 1,000 feet of the property lines of the proposed Marijuana Establishment. The site plan shall be accompanied by all additional documentation required in this Section, including plans for energy use, water use, security and lighting, solid waste management, parking and traffic flow, as appropriate.
- P.** In the event that the SPGA or PGA determines that circumstances necessitate expert technical review, the Planning Board or Zoning Board of Appeals reserves the right to select expertise for the review, and the expense of the review shall be paid by the Applicant, as provided in Section 9.6

- Q. Hours of operation:** In no event shall a Marijuana Establishment operate between the hours of 7:00 pm and 8:00 am. The hours of operation shall be set by the SPGA/PGA.

- R. Reporting:** All marijuana establishments shall provide contact information of the managerial staff to the Town Administrator. All such contact information shall be annually submitted to keep it current and accurate, or more frequently if significant staffing changes are made. The Town Administrator may distribute or publicize this information for purposes of public safety, to notify other marijuana or hemp growers to minimize occurrences of cross-pollination, or for other purposes that the Select Board sees fit and directs the Town Administrator to act upon.

- S. Retailer limits:** No more than two Marijuana Retailers will be permitted to operate in the Town of Shutesbury.

- T.** Failure to provide all of the required materials and information shall be grounds for denial of an application. The SPGA or PGA may require additional or supplemental information at its discretion, and the Applicant's failure to timely provide such information shall also be grounds for denial of the application.

- U. Change in License or Owner:** The Owner and Licensee of any Marijuana Establishment issued a permit under this bylaw shall report to the SPGA or PGA, Building Inspector, and Town Administrator, in writing, within 30 business days any change in the name of the legal owner of the Marijuana Establishment. Any failure to meet this requirement of this bylaw may result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities conducted under the permit cease immediately.

The Owner and Licensee of any Marijuana Establishment issued a permit under this bylaw shall report, in writing, within 10 business days any expiration or suspension of a state-issued license to the SPGA or PGA, Building Inspector, and Town Administrator. Any failure to meet this requirement of this Bylaw may result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities conducted under the permit cease immediately

V. Change of Ownership:

A permit issued under this Article shall lapse upon any transfer of ownership or legal interest of more than 25% or change in contractual interest in the subject premises or property. The permit may be renewed thereafter only in accordance with this section and Section 9.3 (Special Permit) and Section 9.2 (Site Plan Review) of these bylaws.

8.11-6 Conflicting Provisions

In any case of conflict between the provisions within this section, or between this section and any other section in this zoning bylaw, the more restrictive provision shall apply.

8.11-7 Expiration

A permit to operate a Marijuana Establishment shall expire after a period of five calendar years from its date of issuance but may be renewable for successive five-year periods thereafter, provided that a written request for such renewal is made to the SPGA or PGA at least six months prior to said expiration; that no substantial objection to said renewal is made and sustained based upon compliance with all conditions of the permit; that public safety factors are applied at the time the permit renewal is requested; and that the Purpose and Intent outlined in 811-1 of this Section will continue to be met with a renewal for operation.

8.11-8 Severability

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

USE TABLE

Proposed New Section: Marijuana Establishments

Marijuana Uses	Roadside Residential (RR)	Forest Conservation (FC)	Town Center (TC)	Lake Wyola (LW)
Retail	N	N	SP-Z	N
Marijuana (Tier 1 and 2 by state regulation) cultivation – small, including microbusiness and craft coops	SP-Z	SPR-Z	SP-Z	N
Marijuana (Tier 3 to 6 by state regulation) cultivation- medium, including microbusiness and craft coops	N	SP-P	N	N
Marijuana (Tier 7 to 11 by state regulation) cultivation - large	N	N	N	N
Marijuana Manufacture or Processing, including microbusiness and craft coops	SP-P	SP-P	N	N
Marijuana Transport	SP-Z	SP-Z	SP-Z	N
Marijuana Research/ Testing	SP-Z	SP-Z	SP-Z	SP-Z

P= by right (apply directly for building permit) N - Prohibited

SPR-Z – by right with site plan review by ZBA SPR-P – by right with site plan review by PB

SP-Z – Special Permit with ZBA

SP-P Special Permit with PB

Discussion: Sanford Lewis, Chair of Sustainable Cannabis Development Advisory Committee, members of the Planning Board and Don Wakoluk presented, took questions and comments including the history of drafting this bylaw, following state statutes, using the FRCOG template, the size of the allowable operations, the zone table, hemp, possible revenue, distance from school or homes, noise and odor concerns.

****Article 18 passed unanimously.**

Article 19: A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaw, Section 8.10 Ground-Mounted Solar Electric Installation as written in the warrant:

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 the objectives of this section may be met in an alternative manner; and
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.

A motion was made, seconded and passed to eliminate the text of # 2 and renumber # 3 as # 2.

****Article 19 passed unanimously as amended.**

Article 20: A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaw, Telecommunications Section as written in the warrant:

- 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 or take any other action relative thereto.

****Article 20 passed by required 2/3 voice vote.**

Article 21: A motion was made and seconded that the Town of Shutesbury vote to accept and expend funds available from the State for highway reimbursement programs, such as the Chapter 90 program, without further appropriations.

****Article 21 passed unanimously.**

Article 22: A motion was made and seconded that the Town of Shutesbury vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2020 as permitted by MGL c.44, section 53F.

****Article 22 passed unanimously.**

Article 23: A motion was made and seconded that the Town of Shutesbury vote to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation.

****Article 23 passed unanimously.**

Article 24: A motion was made and seconded that the Town of Shutesbury approve the appointment pursuant to MGL Chapter 268A, Section 21A of Catherine Hilton as Board of Health Administrative Consultant while also serving as an elected official on the Board of Health.

****Article 24 passed unanimously.**

Article 25: A motion was made and seconded that the Town of Shutesbury 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.

****Article 25 passed unanimously.**

Article 26: A motion was made and seconded that the Town of Shutesbury vote to approve to transfer from Free Cash in the sum of \$5,699 for an extractor washer and hanging dryer for the fire department's protective gear.

Presentation:

Walter Tibbetts, Fire Chief: This is an OSHA requirement to reduce the toxic residue on Highway and Fire Department gear. The equipment recommended meets the required specifications. Capital Planning Committee recommended this purchase.

Discussion:

There were suggestions to use a cheaper model or to share washing equipment with Pelham. These ideas were rebutted.

****Article 26 passed.**

Article 27: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Capital Stabilization the sum of \$63,354. for a new chassis for the Fire Department's used rescue vehicle.

Presentation:

Walter Tibbetts, Fire Chief: The 1989 Custom body currently in use is near or at weight capacity. The proposed new chassis will allow a 4-person crew to respond. The old chassis will be used for brush truck so this purchase will be an upgrade to two vehicles.

****Article 27 passed.**

Article 28: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Free Cash the sum of \$800 for Veteran Flag Holders for the Cemetery.

****Article 28 passed unanimously.**

Article 29: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Free Cash the sum of \$6,290.24 for a bill of prior years to the Center for Applied Behavioral Instruction.

****Article 29 passed unanimously.**

Article 30: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Free Cash the sum of \$7,076.52 for a bill of prior years to the Center for Applied Behavioral Instruction.

****Article 30 passed unanimously.**

Article 31: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Free Cash the sum of \$389 for a bill of prior years to the SHRAB Records Grant.

****Article 31 passed unanimously.**

Article 32: A motion was made and seconded that the Town of Shutesbury vote to approve transfer from Free Cash the sum of \$528 for a bill of prior years to the Casella of Holyoke.

****Article 32 passed unanimously.**

Article 33: A motion was made and seconded that the Town of Shutesbury vote to approve annual spending limits for the FY2020 for revolving funds established in the Town Bylaws, pursuant to MGL c.44, sec. 53E1/2, as most recently amended.

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 33 passed unanimously.**

Article 34: A motion was made and seconded that the Town of Shutesbury 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 these services.

****Article 34 passed unanimously.**

Article 35: A motion was made and seconded that the Town of Shutesbury vote to approve Citizen Petition “Calling for the US to Join the Treaty on the Prohibition of Nuclear Weapons,” as written in the handout.

A RESOLUTION

Calling for The US to Join the Treaty on the Prohibition of Nuclear Weapons

- WHEREAS, nuclear weapons cannot be used without catastrophic humanitarian consequences that violate every principle of international law, natural justice and human morality; and
- WHEREAS, the continued existence of these weapons poses an intolerable risk to human survival; and
- WHEREAS, the United States, together with Britain, France, Russia and China, signed and ratified a legally binding commitment more than 50 years ago to negotiate “in good faith” and “at an early date” the total elimination of their nuclear arsenals; and
- WHEREAS, the International Court of Justice ruled, in their 1996 Advisory Opinion on the Legality of Nuclear Weapons, that the legally binding commitment to negotiate means “bringing those negotiations to a successful conclusion;” and
- WHEREAS, in the year 2000 the United States, together with Britain, France, Russia and China gave an “unequivocal undertaking” to 187 other nations that they would fulfill their commitment to accomplish the total elimination of their nuclear arsenals; and
- WHEREAS, in July 2017, 122 nations adopted the Treaty on the Prohibition of Nuclear Weapons, making it illegal under international law to develop, test, produce, possess, stockpile, transfer, use, or threaten to use nuclear weapons¹; and

1 <http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/>

- WHEREAS, once this Treaty enters in force, it will be illegal in all countries who are party to this Treaty to assist, encourage or induce, in any way, anyone to engage in any activity prohibited by the Treaty; and
- WHEREAS, more and more countries will continue to sign and ratify this Treaty, including sooner or later many key allies of the United States; and
- WHEREAS, this means that the United States will find it increasingly difficult to develop, manufacture, deploy or justify its continued dependence on nuclear weapons.

NOW THEREFORE BE IT RESOLVED that we the residents of Shutesbury call on the Select Board to take all necessary steps to align Shutesbury with the U.N. Treaty on the Prohibition of Nuclear Weapons.

NOW THEREFORE BE IT RESOLVED that the Town of Shutesbury calls upon our federal leaders to sign the Treaty on the Prohibition of Nuclear Weapons and to invite the other nuclear armed nations to do likewise, leading to an agree pathway for the elimination of all nuclear weapons worldwide.

BE IT FURTHER RESOLVED that the Town of Shutesbury calls upon the Commonwealth of Massachusetts to align with the Treaty on the Prohibition of Nuclear Weapons by setting up, in the first instance, a Citizens Commission to look into the implications of doing so, as per bills HD.3477 and SD.1688, currently before the State Legislature.

BE IT FURTHER RESOLVED that the Town of Shutesbury, Massachusetts calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by affirming Back from the Brink – The Call to Prevent Nuclear War:

- renouncing the option of using nuclear weapons first;
- ending the President’s sole, unchecked authority to launch a nuclear attack;
- taking US nuclear weapons off hair-trigger alert;
- cancelling the plan to replace its entire arsenal with enhanced weapons; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

BE IT FURTHER RESOLVED that the town clerk shall cause a copy of this resolution to be sent to U.S. Congressman McGovern, U.S. Senator Warren, U.S. Senator Markey and President Donald J. Trump.
****Article 35 Passed Unanimously**

Article 36: A motion was made and seconded that the Town of Shutesbury vote to approve Citizen Petition “Resolution in Support of a State Seal/Motto Commission,” as written in the handout.

RESOLUTION IN SUPPORT OF A STATE SEAL/MOTTO COMMISSION

(approved by the Shutesbury Historical Commission on February 7, 2019)

Preamble:

Whereas historians, peace and social justice advocates, and Native American groups in the Commonwealth of Massachusetts have long raised concerns over what are regarded to be historically incorrect, violent, and offensive images on the state seal, including a Native American man beneath an upheld arm with a sword; and whereas proposed reforms to the seal have been introduced every year for the past 34 years in the General Court of Massachusetts with no effect;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation is

approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon the impact of colonization upon indigenous peoples and work toward a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

Whereas over three dozen State Representatives and Senators introduced in 2019 a new proposal (H.D. 2968 and S.D. 1495) to establish a special commission (1) to investigate the features of the official seal and motto of the Commonwealth including those which potentially have been unwittingly harmful to or misunderstood by the citizens of the Commonwealth, and (2) to ensure that the seal and motto faithfully reflect and embody the historic and contemporary commitments of the Commonwealth to peace, justice, liberty, and equality and to spreading the opportunities and advantages of education; And whereas this legislation, if enacted, would create a diverse commission including Native American citizens of the Commonwealth as well as representatives of the General Court, the Secretary of State, the Massachusetts Historical Commission, the Council on Arts and Humanities, and the broader community;

And whereas a growing number of towns and cities in the Commonwealth are adopting resolutions in support of this legislation;

BE IT RESOLVED that the Town of Shutesbury supports the two bills currently before the Massachusetts legislature, currently H.D. 2968 and S.D. 1495, that are entitled, “a Resolve providing for the creation of a special commission relative to the Seal and Motto of the Commonwealth,” and that the Town further requests that State Representative Natalie Blais and State Senator Joanne M. Comerford continue to support the aforementioned Resolve (H.D. 2968 and S.D. 1495) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve, report it out favorably, and if the legislation shall pass, that the Governor shall sign it and work with members of the General Court to ensure its enactment.

Be it further resolved that following this Town Meeting, the Town Clerk shall forward in a timely manner copies of this resolution to State Representative Natalie Blais, State Senator Joanne M. Comerford, the members of the Joint Committee on State Administration and Regulatory Oversight, the Governor, and Executive Director Geoffrey Beckwith of the Massachusetts Municipal Association.

****Article 36 Passed Unanimously.**

Article 37: A motion was made and seconded that the Town of Shutesbury vote to approve Citizen Petition “Medicare for All,” as written in the handout.

Medicare For All

Whereas: access to health care has become one of the biggest political issues of the day and the U.S. remains one of the few countries that does not provide universal publicly-funded health care; and

Whereas: the cost of health care keeps increasing, the number of people without quality health care increases, and the health of our community decreases; and

Whereas: in particular, the money spent by Cities and Towns and School Districts to cover their employees is a large cost to the employer; and

Whereas: these unnecessarily large amounts could be better spent by Towns to improve the overall quality of life and to increase wages, salaries and other benefits for employees; and

Whereas: Massachusetts has been a leader in providing coverage for quality health care for its people; and

Whereas: legislation has been filed to establish a single payer system which eliminates co-pays and deductibles, provides the freedom to choose doctors and other providers, and replaces the role of insurance companies with a publicly administered insurance trust fund; now

Therefore be it Resolved:

That the Town of Shutesbury supports the "Medicare for All" House Bill # 1194 and Senate Bill #683 and will communicate its support for legislation creating a single payer health system to its State Representative Natalie Blais and State Senator Jo Comerford.

****Article 37 Passed Unanimously.**

****A motion was made, seconded and unanimously voted to dissolve the meeting at 3:50 PM.**

Respectfully submitted,

Susie Mosher, Shutesbury Town Clerk

A true copy. Attest _____