

**Commonwealth of Massachusetts
Town of Shutesbury
May 5, 2012 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 fifth day of May 2012 in the presence of a quorum, the following business was conducted. Moderator Penelope Kim opened the meeting at 9:00 AM, identified emergency exits, introduced public officials, read a passage from the Massachusetts Constitution, identified Town Meeting Time as the authority for this meeting and announced that all 2/3rds vote requirements would be counted.

Article 1. A motion was made and seconded to act on the recommendation of the Community Preservation Committee on the fiscal year 2013 budget to transfer the following sums of money from the Community Preservation Fund estimated annual revenues: \$4,500.00 to Open Space (excluding recreational purposes); \$4,500.00 to Historic Resources; \$4,500.00 to Community Housing; and \$29,250 to the FY12 Community Preservation Fund budgeted reserve.

Passed unanimously.

Article 2. A motion was made and seconded to appropriate \$ 2,250 from fiscal year 2013 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operation expenses of the Shutesbury Community Preservation Committee.

Passed in the majority.

Article 3. A motion was made and seconded to appropriate the sum of \$8,000 from the Community Preservation Fund; and to meet this appropriation, transfer the sum of \$4,375 from the Historic Resources account and transfer the sum of \$3,625 appropriated from the Community Preservation Fund Balance, to increase the appropriation of \$15,000 by Town Meeting in 2011 to a total of \$23,000 to rehabilitate the West Schoolhouse as detailed in the Shutesbury Historical Commission's West Schoolhouse Sills Project proposal, with all the work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for Treatment of Historic Properties, said funds to be expended under the direction of the Shutesbury Building Committee.

Passed unanimously.

Article 4. A motion was made and seconded to hear, and act, on reports of town officers, committees, and boards.

Recycling Coordinator Gary Bernhard:

1. New Trash Hauler as of July 1 – Demonstration truck arrived at 12:30 PM.
2. Thanked Paul Vlach for his many years of service on the Recycling Committee.

William Elliott, Chairman of the Board of Health:

1. Summarized Board of Health activities:
 - a. Homeland Security.
 - b. Department of Environmental Protection – Septic systems.
 - c. Private well installations.

Al Springer, Member of the Memorial Day Committee:

Replacement of the War Memorial on Town Common this year - requests Veterans contact him to add names to the memorial.

250th Anniversary Celebration Committee Co-Chairs Janis Gray and Maryélise Lamet and committee Members Linda Avis Scott, and Karen Traub:

1. Photos of the celebration year are on display.

2. DVD's and remaining apparel are available for donations.
3. Final product will be a remake of the 1911 Commemorative Booklet with additional information.
4. Thanks and recognition to the many people who made donations, participated in and watched performances, and all other contributions to the successful celebration year.

April Stein, Chair of the Personnel Board:

1. Listed members and meeting days.
2. Projects include:
 - a. Employee handbook.
 - b. Contract negotiations.
 - c. Self-assessment evaluation tool.
3. Looking for a volunteer to serve on the Personnel Board.

April Stein, Secretary of the Water Resources Committee:

1. Listed members and meeting days.
2. Summarized activities including a water quality study done with Mt. Holyoke College students.

Dale Houle, Member of the Town Buildings Committee:

1. Committee has been busy; not with Capital funds, but through a Green Communities Grant funded projects: credits Town Administrator Torres for securing grant funds.
2. Will work with Historical Commission on West Schoolhouse sill replacement and re-paint project.
3. Will look at Cemetery Hearse House next year.

Education Study Committee Co-Chair Clif Read:

1. To study education quality, governance and finances, sustained leadership, and connections between Shutesbury education systems.
2. Looking at options: Currently we have Union 28 and Amherst-Pelham Regional.
3. State was pushing for regionalization and may again in future.
4. Town voted to create a Regional School District Study Committee. MGL Chapter 71§ 14 authorizes formal communications on regionalization with other communities.

Elaine Puleo one of three members from Shutesbury to the Regional School District Study Committee:

1. Waiting for Amherst to formally authorize their membership.
2. Have met informally 4 times; typically meet in Amherst:
 - a. Need a comprehensive study of what kind of K-6 region we could have with the other three towns.
 - i. Applied for a grant to do the study; did not get it.
 - ii. Will apply for another funding opportunity through the Pioneer Valley Planning Commission in the range of \$30,000 to study the financial picture of a possible regional configuration.
 - b. This research is not near a town meeting vote.
 - c. Encourages meeting attendance, website updates: Has financial, educational and governance possibilities.
3. Committee was appointed by the Moderator and appointed on recommendation of the Shutesbury Education Study Committee.

Town Moderator Kim: The Finance Committee will give a report before the budget article is taken up and reports concerning warrant articles will be taken with the corresponding articles.

Acceptance of the reports of town officers, committees, and boards was unanimously approved.

Article 5. A motion was made and seconded to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws as amended from time to time and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable as implemented from time to time, a municipal lighting plant and to acquire such property and /or such rights to use or share in the use of property

owned by others as may be necessary, appropriate or convenient for such municipal lighting plant to provide energy-related services utilizing power demand monitoring and related technologies which are available primarily in concert with advanced telecommunications systems (commonly described as “smart grid”), to operate facilities necessary for the distribution and/or operation of a telecommunications system and to operate a community television system. A paper ballot was required for this vote.

Yes - 91, No – 21 = Approved by 81%. The required 2/3rds approval was reached: Motion passed.

Article 6. A motion was made and seconded to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses for the fiscal year beginning July 1, 2012. (Complete budget – separate document.)

A motion was made and seconded to amend line 158 (library building fund) by deleting \$13,000 from the total operating budget. Yes - 25 No – 81, motion failed.

The main motion passed by a majority.

Article 7. A motion was made and seconded to raise and appropriate \$68,923 to move into the Capital Stabilization Fund.

Yes - 71 No – 6, motion carried.

Article 8. A motion was made and seconded to approve the increase in Longevity Pay Bonus schedule to non-school employees. The bonus would be applied at five-year intervals with increasing amounts: Year 30-\$1750, Year 35-\$2000, Year 40-\$2,250, Year 45-\$2,500, Year 50-\$2,750. Bonus applies to employees who work 20 or more hours per week. Part-time employees will receive one-half of the amount.

Motion passed.

Article 9. 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, or take any other action relative thereto.

Passed unanimously.

Article 10. A motion was made and seconded to approve the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2013 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 FY13 budget to each member town. Approval to use this apportionment method must be granted each year.”

Passed unanimously.

Article 11. 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, 2012, as contained in the budget.

Passed by a majority.

Article 12. A motion was made and seconded to accept M.G.L. c.32B sec. 20, OPEB, Other Post-Employment Benefits Liability Trust Fund to meet the Town’s Obligations under the Government Accounting Standards Board (GASB) Statement #45 to fund the Town’s future obligations for the cost of other post employment benefits identified by the GASB #45 statement.

Passed unanimously.

Article 13. A motion was made and seconded to transfer the sum of \$40,000 from the Free Cash, to fund OPEB.
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 by a majority.

Article 15. 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, 2012 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 16. 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 17. 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, 2012, 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.

Revolving fund	Authorized to spend	Revenue source	Use of fund	FY2013 spending limit	Surplus column cap
Dog license and control	Town Clerk and Dog Officer	Licenses, fines and donations	Supplies and animal care	\$1,000	\$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	Grants, fines, sales,	Library	\$10,000	\$7,500

Dog	of Trustees	dog licenses, bequests	expenses		
Conservation	Commissioners	Local Wetland Protection Permit Fees	Education, outreach, and maintenance of property	\$1,000	\$1,000
Flu Vaccine	Board of Health	Reimbursements for Flu shots & grants	Flu Clinic Expenses	\$1,500	\$1,500
SRECs Solar Renewable Energy Credits	Selectboard	Contract payments for Solar PV Production	Renewable & Conservation Energy Projects	\$30,000	\$40,000
Total Spending				\$83,500	

Passed unanimously.

Article 18. A motion was made and seconded to pass over Warrant Article 18 to amend Article II, Section 2.1-1 of the Town of Shutesbury Zoning Bylaw.

Passed unanimously.

Article 19. A motion was made and seconded to pass over Warrant Article 19 to amend Article VIII, Section 8 of the Town of Shutesbury Zoning Bylaw.

Passed unanimously.

Article 20. A motion was made and seconded to pass over Warrant Article 20 to amend Article XIII, Section 13.2 of the Town of Shutesbury Zoning Bylaw.

Passed unanimously.

Article 21. A motion was made and seconded to pass over Warrant Article 21 to amend Article XIII, Section 13.2 of the Town of Shutesbury Zoning Bylaw.

Passed unanimously.

Article 22. A motion was made and seconded to adopt an Amendment to the Constitution of the United States in Response to the Campaign of Corporate Interests Promoting “Corporate Personhood” as written in the warrant:

WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;

Whereas, Corporations are not people but instead are entities created by the law of states and foreign nations;

Whereas, for the past three decades, a divided United States Supreme Court has erroneously transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people’s laws;

WHEREAS, this corporate misuse of the First Amendment and Constitution has reached a new extreme in the United States Supreme Court’s ruling in *Citizens United v. Federal Election Commission*;

WHEREAS, *Citizen United v. Federal Election Commission* unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, *Citizen United v. Federal Election Commission*, and all other potential torrents of money that dominate and undermine democratic elections, present serious and direct threats to the integrity of the electoral system in our republican democracy;

WHEREAS, the people of the states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20th Century, and including to reverse seven erroneous Supreme Court decisions.

NOW THEREFORE BE IT RESOLVED THAT WE PETITION THE MASSACHUSETTS LEGISLATURE TO PASS RESOLUTION S 772 CALLING UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT:

1. TO REVERSE *CITIZEN UNITED V. FEDERAL ELECTION COMMISSION*,
2. TO ASSERT THE SOVEREIGNTY OF THE PEOPLE’S WILL TO BE FOREVER ABOVE THE CORRUPTING INFLUENCE OF MONEY THAT CURRENTLY LEVERAGES ACCESS AND INFLUENCE IN OUR ELECTORAL SYSTEM AND
3. TO RESTORE CONSTITUTIONAL RIGHTS AND FAIR ELECTIONS TO THE PEOPLE OF THE UNITED STATES.

By the People of SHUTESBURY, MASSACHUSETTS at the Annual Town Meeting, on 5th day of May, 2012.

A motion was made, seconded and passed to amend the wording of resolution #3 by deleting “...TO...” and adding in its place the phrase: “AS THE SINGULAR RIGHT OF” between “...ELECTIONS” and ...THE PEOPLE...”

The main motion, as amended, passed in the majority.

A motion was made, seconded and unanimously voted to dissolve the meeting at 12:14 PM.

Respectfully submitted,

Town Seal

Leslie Bracebridge
Shutesbury Town Clerk

A true copy. Attest: _____