

**TOWN WARRANT
FOR THE ANNUAL TOWN MEETING
2023
THE COMMONWEALTH OF MASSACHUSETTS**

FRANKLIN SS.

To either of the Constables of the Town of Shelburne in the County of Franklin

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Buckland-Shelburne Elementary School, 75 Mechanic Street** in said **Shelburne** on **Saturday, June 11, 2022, at 10:00 o'clock in the morning**, then and there to act on the following articles:

ARTICLE 1. To hear the annual reports of the officers of the Town and to act thereon.

ARTICLE 2. To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL Chapter 41, Section 108 as follows, or take any other action relative thereto.

Moderator	\$186	Town Clerk	\$24,693
Chairman, Selectboard	\$3,250	Tree Warden	\$1,009
Selectboard Member	\$2,921	School Committee	\$410
Selectboard Member	\$2,921	School Committee	\$410
Chairman, Board of Assessors	\$1,656		
Assessor	\$1,397		
Assessor	\$1,397		

ARTICLE 3. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to enter into compensating balance agreements for Fiscal Year 2023, pursuant to M.G.L. c.44, section 53F, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to authorize the Treasurer, with the approval of the Select board, to borrow money from time to time in anticipation of revenue of the financial year beginning July 1, 2022, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 5. To see if the Town will vote to authorize the Selectboard to apply for, execute contracts and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

ARTICLE 6. To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Selectboard to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

ARTICLE 7. To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

Omnibus Article #7

5/25/2022	2022	2022	2022	2023	2023	Increase
	Request	Adjusted	Final	Request	Final	Decrease
GENERAL GOVERNMENT	895,617		903,246	905,135	905,031	0.2%
114 5100 Moderator's Salary	180		180	186	186	3.3%
122 5100 Selectmen's Salaries	8,783		8,783	9,092	9,092	3.5%
122 5110 General Government Salaries	169,137		169,137	175,120	175,120	3.5%
840 919 4540 Other Post Employ Benefits Trust	15,000		15,000	15,000	15,000	0.0%
122 5400 Selectmen's Expense	1,930		1,930	1,930	1,930	0.0%
131 5400 Finance Committee Expense	140		140	140	140	0.0%
132 5400 Reserve Account	2,700		2,700	2,700	2,700	0.0%
135 5401 Accounting Services	26,999		26,999	27,911	27,911	3.4%
135 5402 Audit Town Records	14,500	3,500	18,000	19,000	19,000	5.6%
141 5110 Assessor's Salary	4,300		4,300	4,554	4,450	3.5%
141 5400 Assessor's Expense	8,977		8,977	9,292	9,292	3.5%
141 5403 Assessor's Contracted Services	25,500		25,500	12,070	12,070	-52.7%
145 5400 Treasurer/Coll. Expense	11,256		11,256	10,941	10,941	-2.8%
145 5405 Payroll Expense	3,400		3,400	3,600	3,600	5.9%
145 5404 Tax Title	10,000		10,000	10,000	10,000	0.0%
146 5111 Staff Certifications	2,500		2,500	1,000	1,000	-60.0%
146 5406 Town Collection Software & Maint.	21,588		21,588	11,853	11,853	-45.1%
151 5400 Legal Expense	9,500		9,500	9,500	9,500	0.0%
161 5100 Town Clerk's Salary	23,858		23,858	24,693	24,693	3.5%
161 5400 Town Clerk's Expense	1,200		1,200	1,200	1,200	0.0%
161 5407 Town Reports	1,100		1,100	1,100	1,100	0.0%
161 5408 Preservation of Town Records	6,000		6,000	6,000	6,000	0.0%
162 5400 Election Expense	9,950		9,950	10,300	10,300	3.5%
162 5409 Registrars	1,591		1,591	1,591	1,591	0.0%
171 5400 Conservation Commission	3,020		3,020	3,020	3,020	0.0%
172 5429 APR Local Match	1,250		1,250	1,250	1,250	0.0%
172 5431 Land Preservation	1,250		1,250	1,250	1,250	0.0%
175 5400 Planning Board	6,746		6,746	6,188	6,188	-8.3%
176 5400 Zoning Board Expense	2,577		2,577	2,730	2,730	5.9%
182 5400 S.F. Village Partnership	0		0	0	0	0.0%
182 5442 S.F. Beautification Account	1,000		1,000	1,000	1,000	0.0%
192 5400 Town Office Expense	13,730		13,730	13,750	13,750	0.1%
192 5411 Computer Account	17,542		17,542	17,542	17,542	0.0%
192 5412 Town Web Site	1,200		1,200	1,200	1,200	0.0%
192 5430 Memorial Hall Expense	16,295		16,295	19,145	19,145	17.5%
192 5450 Memorial Hall Internet Access	3,000		3,000	3,200	3,200	6.7%
192 5460 Elevator Maintenance Account	6,000	4,100	10,100	10,100	10,100	0.0%
192 5470 Town-Wide Notification Sys.	2,586	29	2,615	2,615	2,615	0.0%
193 5400 Property & Liability Insurance	41,807		41,807	45,492	45,492	8.8%
193 5413 Officers Bonding	1,000		1,000	1,000	1,000	0.0%
199 5400 Longevity Pay	3,000		3,000	3,500	3,500	16.7%
752 5900 Interest Expense	5,000		5,000	8,600	8,600	72.0%
830 5310 FRCOG - Core	14,660		14,660	16,054	16,054	9.5%
830 5340 FRCOG - Highway	2,426		2,426	2,669	2,669	10.0%
830 5350 FRCOG - Reg. Health Services	13,850		13,850	12,243	12,243	-11.6%
911 5400 County Retirement	120,432		120,432	124,172	124,172	3.1%
912 5400 Worker's Compensation	32,847		32,847	32,847	32,847	0.0%
913 5400 Un-Employment Insurance	1,040		1,040	1,100	1,100	5.8%
914 5436 Health Insurance	189,453		189,453	189,453	189,453	0.0%
914 5437 Life Insurance	895		895	895	895	0.0%
916 5400 Medicare	12,922		12,922	15,347	15,347	18.8%

Omnibus Article #7

	2022	2022	2022	2023	2023	Increase
	Request	Adjust	Final	Request	Final	Decrease
PUBLIC SAFETY	347,212		347,212	367,531	367,531	5.9%
210 5110 Police Department Salaries	255,985		255,985	268,904	268,904	5.0%
210 5400 Police Department Expense	55,650		55,650	59,320	59,320	6.6%
210 5130 Constable	125		125	128	128	2.4%
220 5110 Fire Marshall	62		62	64	64	3.2%
220 5414 Forest Fires	50		50	50	50	0.0%
291 5100 Emergency Management Dir.	1,576		1,576	1,631	1,631	3.5%
291 5400 Emergency Mgmnt Expense	1,675		1,675	4,125	4,125	146.3%
292 5100 Animal Control Officer	6,178		6,178	6,761	6,761	9.4%
292 5400 Animal Control Expense	800		800	800	800	0.0%
294 5110 Tree Warden	975		975	1,009	1,009	3.5%
294 5415 Shade Tree Maintenance	7,000		7,000	7,175	7,175	2.5%
294 5416 Shade Tree Replacement	625		625	640	640	2.4%
424 5400 Street Lights	16,511		16,511	16,924	16,924	2.5%
EDUCATION	2,779,926		2,779,926	2,770,847	2,770,847	-0.3%
310 5100 School Committee Stipends	1,188		1,188	1,230	1,230	3.5%
310 5400 Mohawk Trail Reg. School	2,452,089		2,452,089	2,598,389	2,598,389	6.0%
320 5438 Vocation Tuition & Transport	58,000		58,000	0	0	-100.0%
320 5417 Franklin County Tech School	268,649		268,649	171,228	171,228	-36.3%
HIGHWAYS	494,636		494,809	509,300	509,300	2.9%
422 5120 Highway Salaries	258,880		258,880	266,975	266,975	3.1%
422 5360 Highway Grant Writing & Administration	5,000		5,000	7,000	7,000	40.0%
422 5400 Highway Maintenance	87,700		87,700	88,300	88,300	0.7%
422 5400 Snow & Ice Removal	114,300		114,300	114,300	114,300	0.0%
422 5418 Buildings & Grounds	25,756		25,756	26,453	26,453	2.7%
422 5420 EV Charging Stations	3,000	173	3,173	6,272	6,272	97.7%
HEALTH-SANITATION	121,586		121,586	126,668	126,668	4.2%
241 5400 Building Inspection Program	7,600		7,600	7,600	7,600	0.0%
293 5400 Animal Inspector	875		875	906	906	3.5%
439 5419 Solid Waste Management Dist.	8,348		8,348	8,479	8,479	1.6%
433 5400 Refuse Collection	87,926		87,926	92,773	92,773	5.5%
439 5439 Hazardous Waste Day	2,474		2,474	2,474	2,474	0.0%
440 5100 Sewer Commissioner Salaries	963		963	987	987	2.5%
512 5100 Board of Health Salaries	1,400		1,400	1,449	1,449	3.5%
512 5400 Board of Health Expense	7,000		7,000	7,000	7,000	0.0%
512 5443 Mosquito Control District	5,000		5,000	5,000	5,000	0.0%
RECREATION	22,404		22,404	22,462	22,462	0.3%
630 5428 Recreation	1,928		1,928	1,976	1,976	2.5%
630 5427 Cowell Gym Maintenance	19,000		19,000	19,000	19,000	0.0%
692 5434 Bridge of Flowers	376		376	386	386	2.7%
692 5433 Military Band	1,100		1,100	1,100	1,100	0.0%
HUMAN SERVICES	212,872		212,872	218,304	218,304	2.6%
491 5400 Care of Hill Cemetery	9,950		9,950	10,450	10,450	5.0%
543 5422 Care of Veteran's Graves	825		825	845	845	2.4%
543 5400 Veteran's Benefits	15,000		15,000	15,000	15,000	0.0%
543 5423 Veteran's Center	5,225		5,225	5,160	5,160	-1.2%
541 5400 Council on Aging	109,378		109,378	110,488	110,488	1.0%
610 5424 Shelburne Free Public Library	35,615		35,615	36,861	36,861	3.5%
610 5425 Arms Library	35,146		35,146	37,767	37,767	7.5%
610 5426 Pratt Building Maintenance	883		883	883	883	0.0%
692 5432 Memorial Day	850		850	850	850	0.0%

Omnibus Article #7

BUDGET SUMMARY TOTALS	4,874,253		4,882,055	4,920,247	4,920,143	0.8%
General Government	895,617		903,246	905,135	905,031	0.2%
Public Safety	347,212		347,212	367,531	367,531	5.9%
Education	2,779,926		2,779,926	2,770,847	2,770,847	-0.3%
Highways	494,636		494,809	509,300	509,300	2.9%
Health & Sanitation	121,586		121,586	126,668	126,668	4.2%
Recreation	22,404		22,404	22,462	22,462	0.3%
Human Services	212,872		212,872	218,304	218,304	2.6%

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ARTICLE 8. To see if the Town will vote to appropriate the sum of \$52,811 to be used to fund the Mohawk Trail Regional School District capital budget for fiscal year 2023; to meet this obligation transfer \$500 from the Quintus Allen Trust Fund and raise and appropriate the balance of \$52,311 (*debt exclusion applies*) or take any other action relative thereto.

ARTICLE 9. To see if the Town will vote to transfer the sum of \$35 from the Ozro Miller Trust Fund Account, said sum to be placed in the Memorial Day Expense Account # 001-692-5432, or take any other action relative thereto.

ARTICLE 10. To see if the Town will vote to transfer the sum of \$1,325 from the Cowell Gym User Fee Account #245-630-5400; said sum to be added to the Recreation Account #001-630-5428 and shall be used to supplement the Cowell Gym Director's Salary, or take any other action relative thereto.

ARTICLE 11. To see if the Town will vote to approve the following Revolving Fund Accounts in accordance with the Town of Shelburne Town By-laws Section 8 entitled: Departmental Revolving Funds or take any other action relative thereto.

Police Department	\$6,000	Recreation Committee	\$2,000
Town Clerk	\$2,500	Open Space Committee	\$2,000
Board of Health	\$2,000	Agricultural Commission	\$4,000
Zoning Board	\$1,000	Conservation Commission	\$1,000

ARTICLE 12. To see if the Town will vote to transfer the sum of \$178,970.00 from the Stabilization Account #830-919-5400 to fund the following capital expenditures, or take any other action relative thereto.

- **Franklin County Technical School Capital Budget** **\$ 6,932.00**
Second Year Payment on Capital Improvement Projects
- **Roof Replacement/Repair Stabilization Account #831-919-4540** **\$ 5,000.00**
For future repair of replacement of town-owned roofs
- **Municipal Vehicle Stabilization Account #832-919-4540** **\$35,000.00**
For replacement of town-owned vehicles.
- **Highway Equipment Stabilization Account #833-919-4540** **\$35,000.00**
For purchase of Highway Equipment in subsequent years.
- **Police Station/Municipal Building** **\$45,238.00**
Payment 4 of 9 for purchase of building.
- **2018 Western Star Highway Department Truck** **\$31,800.00**
Borrowed \$120,000 – Payment 2 of 4
- **Memorial Hall Renovation of 2nd Floor** **\$20,000.00**
Offset costs of proposed Memorial Hall Theater Renovation

ARTICLE #13 To see if the Town will vote to transfer the sum of \$31,670.00 from the Highway Equipment Stabilization Account # 833-919-4540 to cover payment 4 of 5 on the JCB Backhoe, or take any other action relative thereto.

ARTICLE 14. To see if the Town will vote to authorize the purchase of a new Dump Truck with Plow and Sander for the Highway Department (replaces 2001 International) for \$250,000. To meet this obligation, transfer \$50,000 from the Stabilization Account #830-919-5400, and finance the balance of \$200,000 (plus interest) over a four-year period, or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to transfer \$22,500 from the Stabilization Account #830-919-5400 for the purchase of a solar-powered messaging board with trailer (radar included) to be used during road construction, special events, and/or detours, or take any other action relative thereto.

ARTICLE 16. To see if the Town will vote to raise, appropriate, or otherwise provide the sum of \$100,000 for the construction of a six (6) bay, pole barn with three-sides and one enclosed bay for the storage of highway-related equipment at 24 Colrain-Shelburne Road in Shelburne. To meet this obligation, raise the sum of \$50,000 by taxation and transfer \$50,000 from the Stabilization Account # 830-919-5400, or take any other action relative thereto.

ARTICLE 17. To see if the Town will vote to transfer \$295,075 in Free Cash to the Unrestricted Stabilization Account # 830-919-5400, or take any other action relative thereto.

ARTICLE 18. To see if the Town will vote to raise, appropriate, or otherwise provide, the sum of \$158,000, said sum is the Town of Shelburne's share of the cost of Operation & Maintenance of the Shelburne Falls Wastewater Treatment Facility which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto. *(Reflects 17% increase over FY'22 budget)*

ARTICLE 19. To see if the Town will vote to raise, appropriate, or otherwise provide the sum of \$15,000, said sum is the Town of Shelburne's share of Operation & Maintenance of the Shelburne Pumping Station which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto. *(Reflects 0% increase over FY'22 budget)*

ARTICLE 20. To see if the Town will vote to transfer the sum of \$39,000 from the Sewer Enterprise Account #610-001-3550; said sum to be added to the Wastewater Treatment Expense Account #610 440 5850 to pay the Town's share of the repair of the Sewer Trunk Line for the Shelburne Falls Wastewater Treatment Facility, or take any other action relative thereto.

ARTICLE 21. To see if the Town will vote to transfer the sum of \$20,000, from the Sewer Enterprise Fund account # 610-001-3550, said sum to be added to the Inflow & Infiltration Expense Account # 610-440-5836, for Shelburne's share of remediation of portions of the sewer lines and manholes, or take any other action relative thereto.

ARTICLE 22. To see if the Town will vote to authorize the Select Board to negotiate and enter into a seven (7) year lease with Ancient Glacier, LLC for use of land located at 19 Bridge Street (former Singley lot) as an outdoor dining area (said parcel is identified on the Assessor's Maps as Map 41, lot 95) and raise by taxation, the sum of \$3,500 to cover the cost of 2022/2023 lease payment or, take any other action relative thereto.

ARTICLE 23. To see if the Town will vote to authorize the Select Board to accept a gift of land from Residencies @ Mill Falls, LLC, on the terms set by the Select Board, for municipal park purposes, said parcel more particularly described as follows:

Parcel A Description

Beginning at the most northerly corner of the parcel to be conveyed at a drill hole in conc. walk on the westerly sideline of Deerfield Street, thence running;

S 11°04'59" E along the said westerly sideline of Deerfield Street a distance of 3.38 feet to an unmarked point, thence running;

S 45°43'26" E along the said westerly sideline of Deerfield Street a distance of 40.19 feet to a drill hole in conc. walk, thence running;

N 82°46'45" W along remaining land of Residences @ Mill Falls, LLC a distance of 30.06 feet to a rebar set, thence running;

S 16°47'04" W along remaining land of Residences @ Mill Falls, LLC a distance of 13.43 feet to a rebar set, thence running;

S 09°27'26" E along remaining land of Residences @ Mill Falls, LLC a distance of 56.11 feet to a rebar set, thence running;

S 28°28'19" E along remaining land of Residences @ Mill Falls, LLC a distance of 15.69 feet to a rebar set, thence running;

S 61°38'14" E along remaining land of Residences @ Mill Falls, LLC a distance of 21.00 feet to a rebar set, thence running;

S 04°05'03" W along remaining land of Residences @ Mill Falls, LLC a distance of 5.82 feet to a rebar set, thence running;

S 83°55'13" E along remaining land of Residences @ Mill Falls, LLC a distance of 11.62 feet to an unmarked point, thence running;

S 24°31'06" W along remaining land of Residences @ Mill Falls, LLC a distance of 4.59 feet to an unmarked point at land of The Inhabitants of the Town of Shelburne, thence running;

N 80°27'34" W along land of the said Inhabitants a distance of 2.52 feet to a PK nail found in decking, thence running;

N 66°13'34" W along land of the said Inhabitants a distance of 36.58 feet to a PK nail found in decking at land of Great River Hydro, LLC, thence running;

N 09°27'26" W along land of the said Great River Hydro a distance of 108.05 feet to a rebar set, thence running;

N 56°19'34" E along land of the said Great River Hydro a distance of 16.30 feet to the drill hole in conc. walk at the point of beginning.

Containing 1,323 square feet, more or less.

ARTICLE 24. To see if the Town will **vote to authorize the Select Board to accept a gift of two permanent easements from Residences @ Mill Falls, LLC, on the terms set by the Select Board, for municipal park purposes, said parcel more particularly described as follows:**

Easement A Description

Beginning at the northwest corner of the easement, thence running;

S 82°46'45" E a distance of 30.06 feet, thence running;
S 45°43'26" E a distance of 0.61 feet, thence running;
S 08°05'42" W a distance of 9.53 feet, thence running;
S 20°44'05" W a distance of 3.30 feet, thence running;
S 37°29'10" W a distance of 5.38 feet, thence running;
S 73°11'12" W a distance of 5.47 feet, thence running;
S 69°06'57" W a distance of 21.63 feet, thence running;
N 09°27'26" W a distance of 17.67 feet, thence running;
N 16°47'04"E a distance of 13.43 feet to the point of beginning.

Containing 719 square feet, more or less.

Easement B Description

Beginning at the northwest corner of the easement, thence running;

N 78°12'56" E a distance of 18.21 feet, thence running;
S 54°50'35" E a distance of 8.62 feet, thence running;
S 04°05'03" W a distance of 17.62 feet, thence running;
N 61°38'14" W a distance of 21.55 feet, thence running;
N 28°28'19" W a distance of 9.75 feet, to the point of beginning.

Containing 334 square feet, more or less.

ARTICLE 25. To see if the Town will **authorize the Select Board** for no consideration, on the terms and conditions set by the Select Board and subject to all necessary permits, **to convey a permanent easement to the Residencies @ Mill Falls, LLC, more particularly described as a 72 square foot balcony easement over the sidewalk on the southerly side of Deerfield Avenue**, said easement not to protrude over Deerfield Ave or obstruct in any way the sidewalk along Deerfield Ave., said balcony easement to be attached to the condominium structure, or take any other action relative thereto.

ARTICLE 26. To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section III (B) – Pupils Entitled to Attend Regional Elementary Schools:**

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to

Sanderson Academy; Colrain residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School. Elementary students residing in Heath will receive their education in the Hawlemont Regional School District pursuant to a tuition agreement between the Mohawk Trail Regional School District and the Hawlemont Regional School District through no longer than June 30, 2023. During the period of such tuition agreement, the Town of Heath shall seek in good faith to negotiate with the Hawlemont Regional School District regarding joinder of the Town of Heath into the Hawlemont Regional School District for elementary education. The tuition agreement shall constitute a binding financial obligation of the District. Heath may withdraw from the Mohawk Trail Regional School District for grades PK-6 in accordance with the "Withdrawal" section of this Agreement. Heath shall remain responsible for its outstanding indebtedness, if any, including but not limited to OPEB, to the Mohawk Trail Regional School District despite such withdrawal in accordance with the terms of the Regional Agreement.

If, upon the expiration of such tuition agreement, as may be extended, Heath and the Hawlemont Regional School District have failed to reach agreement as to the joinder of Heath into the Hawlemont Regional School District, elementary students residing in Heath will receive their education in facilities located in the Mohawk Trail Regional School District, the specific location(s) to be decided as provided herein. The Mohawk Trail Regional School Committee will offer at least two (2) facilities located in the District as options for educating the elementary students of Heath and the Heath members of the Committee will determine which one (1) facility to recommend to the Committee for the placement of all Heath resident elementary students. No facility will be approved by the Committee without the affirmative votes of both Heath Committee representatives, provided however that in the event of a tie vote between such Heath representatives, or in the event that there are vacancies in the positions of Heath representatives, a majority vote of the Committee will prevail. The determination must occur no later than November 1st of the school year prior to the change.

and replacing said language with the following:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Heath, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain and Heath residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School.

ARTICLE 27. To see if the Town will vote to amend Section 4.3, Table of Use Regulations of the Town of Shelburne Zoning Bylaws, as follows, or, take any other action relative thereto.
(Changes are in bold)

Agriculture

	<i>RA</i>	<i>VR</i>	<i>VC</i>	<i>C</i>	<i>I</i>	
<i>Agricultural Commercial Greenhouse on a lot</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>40A</i>
<i>5 acres or greater</i>						<i>Sec.3</i>
<i>Agricultural Commercial Greenhouse on a lot</i>	<i>Y</i>	<i>SP</i>	<i>SP</i>	<i>Y</i>	<i>SP</i>	<i>40A</i>
<i>less than 5 acres and at least 2 acres which</i>						<i>Sec.3</i>
<i>fails to produce at least \$1,000.00 per acre</i>						
<i>of annual gross sales of products from the</i>						
<i>agricultural use</i>						

Y Y Y Y Y 40A

Agricultural Commercial Greenhouse on a lot of at least 2 acres which produces at least \$1,000.00 per acre of annual gross sales of products of the agricultural use

Sec-3

ARTICLE 28. To see if the Town will vote to amend Section 4.3 Table of Use Regulations of the Town of Shelburne Zoning Bylaws as follows:
(Changes are in bold)

Commercial/Business Uses

	RA	VR	VC	C	I
<i>Retail Store Building 2,500 sq. ft. or less of enclosed floor area</i>	SP	SP	Y	Y	Y
		N			

Or, take any other action relative thereto.

ARTICLE 29. To see if the Town will vote to see if the Town will vote to adopt the following revisions to the Town of Shelburne, Massachusetts, Zoning Bylaws, as follows:
(Changes are in bold)

1. Add a category of Marijuana Establishments and two footnotes to the Use Table as follows:

Section 4.3 Table of Use Regulations (Changes are bold)

<i>Marijuana Establishments****</i>	RA	VR	VC	C	I
<i>Craft Marijuana cultivator cooperative</i>	SP	N	SP	SP	SP
<i>Independent Testing Laboratory</i>	N	N	SP	SP	SP
<i>Marijuana Cultivator</i>	SP	N	N	SP	SP
<i>Marijuana Product Manufacturer</i>	SP	N	N	SP	SP
<i>Marijuana Retailer</i>	N	N	SP	SP	N
<i>Medical Marijuana Treatment Center</i>	N	N	SP	SP	N
<i>Micro-Business</i>	SP	N	SP	SP	SP
<i>Research Facility</i>	N	N	SP	SP	SP
<i>Social Consumption Establishment ****</i>	N	N	SP	SP	N
<u><i>Marijuana Transporter</i></u>	N	N	N	N	SP

Footnotes to Table of Use Regulations:

**Except as land designated as Chapter 40a Section 3, as allowed by right.*

*** These uses may also be subject to Board of Health Regulations and Building Code Requirements.*

**** Agriculture as defined in M.G.L. Chapter 128 Sec. 1A and Chapter 40A Sec.3 does not include the cultivation of cannabis which is regulated by the MA Cannabis Control Commission.*

*****See the Massachusetts Cannabis Control Commission Regulations, 935 CMR 500, for current definitions of Marijuana Establishments.*

******See M.G.L. Chapter 94G, Section 3 for the statutory requirements which must be met in order for the Town to authorize a Social Consumption Establishment.*

2. Delete all Marijuana Establishment definitions from the Zoning Bylaw.

SECTION 2.0 – DEFINITIONS

Adult Use Marijuana:

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, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

Delivery only Licensee: means an entity that is authorized to deliver directly to Consumers from a Marijuana Retailer or Registered Qualifying Patients or Caregivers from an MTC and that does not provide a retail location accessible to the public.

Independent Testing Laboratory: means a laboratory that is licensed or registered by the Commission and is:

- (a) currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission; 935 CMR: CANNABIS CONTROL COMMISSION 500.002: continued
- (b) accredited to ISO 17025:2017 or the International Organization for Standardization 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (c) independent financially from any MTC Marijuana Establishment or Licensee; and
- (d) qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000; and 935 CMR 501.000: Medical Use of Marijuana; and Commission protocol(s).

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.

Marijuana Establishment: means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery only Licensee, Marijuana Research Facility, Social Consumption Establishment or any other type of licensed Marijuana related business, except a Medical Marijuana Treatment Center (MTC)

Marijuana Product Manufacturer: means an entity licensed to obtain, Manufacture, Process and package Marijuana or Marijuana Products and to Transfer these products to other 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 Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

Marijuana Transporter: means an entity, not otherwise licensed by the Commission that is licensed to possess Cannabis or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-party Transporter.

Medical Marijuana Treatment Center (MTC): formerly known as a Registered Marijuana Dispensary (RMD) means an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers, that acquires, cultivates, possesses, Processes (including development of related products such as Edible Marijuana or Marijuana Products, MIPs, Tinctures, aerosols, oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

Microbusiness: means a Collocated Marijuana Operation that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the Licensee.

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

Social Consumption Establishment: means an entity licensed to sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its Premises.

Or, take any other action relative thereto.

ARTICLE 30. To see if the Town will vote to adopt the following changes to the Town of Shelburne, Massachusetts, Zoning Bylaws that include revisions to: Section 9.0 – Sign Regulations, as described below:

(Changes are in bold)

9.2 Definitions

9.2.12 Total Area: The aggregate square footage area of each permitted sign on a lot with each individual sign square footage calculated per Section 9.4.7.

9.4 General Regulations

9.4.5 The total area of *Commercial Signs* outside the Village Commercial (VC) district, regardless of type (Freestanding, painted, attached to a building, or flags), on a lot shall not be more than one (1) square foot per linear foot of lot frontage on the street toward which the *Signs* are oriented, **with a maximum total area of sixty-four (64) square feet**. The surface area of each *Sign* shall not aggregate more than ten percent (10%) of the area of the wall area on which it is displayed. ***Commercial Signs* greater than forty-eight (48) square feet require a Special Permit from the Zoning Board of Appeals.**

9.6 Non-Portable *Commercial Signs*

~~9.6.2 A Freestanding Sign may have more than one Commercial Sign on it with a maximum area of sixty-four (64) square feet of area on a side.~~

9.6.32 Except as otherwise provided in Section 9.4, above, and Section 9.7, below, all *Commercial Signs* must pertain to the sale of products, the provision of accommodations or services, or to activities conducted, on the premises where the *Sign* is located.

Or, take any other action relative thereto.

ARTICLE 31. To see if the Town will vote to adopt the following changes to the Town of Shelburne, Massachusetts, Zoning Bylaws that include revisions to: Section 6.0 – Special Permits as follows:
(Changes are in bold)

SECTION 6.0 – SPECIAL PERMITS AND FINDINGS

6.1 **.1 Purpose of Special Permits:** The Special Permit process is intended to ensure that proposals are consistent with the purpose and intent of this Bylaw. The Special Permit process incorporates a detailed review of specific uses and structures which may have a significant impact upon traffic, municipal services, cultural resources, the environment, energy conservation, tax revenues and the character of the Town.

6.1.2 Purpose of Findings: A Finding is a determination by the ZBA under Section 10.2.1 of this Bylaw that a proposed change, extension, or alteration to a pre-existing, non-conforming structure or use will not be substantially more detrimental than the existing non-conforming use to the neighborhood. Findings shall be determined by a majority vote of the ZBA.

6.2 Rules and Regulations: Pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws, the SPGA shall adopt rules relative to the issuance of Special Permits **and Findings**. The SPGA's Rules and Regulations may relate to the size, form, content and style of the plans, fees, and procedures for submission and approval of Special Permits **and Findings, which shall be identical for both types of determinations, except as provided in Section 6.1.2, above,** and shall not be inconsistent with the General Laws and provisions of this Bylaw. The SPGA shall from time to time amend these rules. Copies of the rules shall be on file and available for review at the office of the Town Clerk. Copies of Special Permit **and Finding** Applications and related documents shall be submitted to the Select Board, the Board of Health, the Planning Board, and the Conservation Commission, who shall have 35 days within which to comment.

6.3 Lapse of Special Permit **or Finding:** If substantial use or construction under a Special Permit **or Finding**, in the sole judgment of the SPGA, has not commenced within three (3) years of the date of issuance of the Special Permit **or Finding**, that permit **or finding** shall be considered to have

lapsed. If an existing use requiring a Special Permit **or Finding** is discontinued or abandoned for a period of more than two years in the sole judgment of the SPGA, then the Special Permit **or Finding** shall lapse.

6.4 Scientific Research & Development: Uses, whether or not on the same parcel as activities permitted as a matter of right or accessory to activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the SPGA finds that the proposed accessory use does not substantially derogate from the public good.

6.5 Limitations: The SPGA may impose conditions, safeguards and limitations on **Special Permits or Findings** with respect to both time and use as it may deem reasonably appropriate to protect the neighborhood.

6.6 Criteria: Special Permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the benefits to the town and the neighborhood outweigh the adverse effect of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the By-Law, the determination shall include consideration of each of the following:

- 6.6.1 Social, economic, or community needs which are served by the proposal;
- 6.6.2 Adequacy of vehicular and pedestrian traffic safety on and off the site, and adequacy of parking and loading;
- 6.6.3 Adequacy of utilities and other public services;
- 6.6.4 Potential fiscal impact, including impact on town services, tax base, and employment, and
- 6.6.5 Surface and ground water run-off.
- 6.6.6 Signage in compliance with Section 9 Sign Regulations.

6.7 Public Hearing: After the opportunity for review by other boards has taken place, the SPGA shall hold a Public Hearing **with respect to either Special Permit or Finding Applications** under this section, in conformity with the provisions of M.G.L., Ch. 40A Section 9. Abutters shall be notified by mail of the Public Hearing. The decision of the SPGA, and any extension, modification or renewal thereof, shall be made within 90 days following the closing of the public hearing, and the written record of the decision shall be filed with the Town Clerk within 14 days of the final vote or sooner as required to meet the 90 day maximum time frame. A copy of the decision shall be mailed to the Applicant and parties in interest pursuant to M.G.L. 40A, Section 11 by the Town Clerk and to any person attending the Public Hearing which requests it. Each such notice shall specify that appeals if any shall be made pursuant to M.G.L. Chapter 40 A, section 17 and shall be filed within 20 days after the date of filing of the notice in the office of the town clerk.

Or, take any other action relative thereto.

ARTICLE 32. To see if the Town will vote to petition the General Court to enact a special act for the Towns of Ashfield, Buckland and Shelburne as follows, or take any other action thereto:

AN ACT ESTABLISHING THE "WEST COUNTY SENIOR SERVICES DISTRICT".

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The terms hereof having been duly approved by the respective town meetings of the towns of Ashfield, Buckland and Shelburne, it is hereby declared essential for the benefit of the people of the towns of Ashfield, Buckland and Shelburne, in order to sustain and protect the welfare, prosperity and the living conditions of their senior populations, that the towns establish a Senior Services District upon the acceptance hereof by their select boards; that accurate, appropriate, and sustaining assessments, fees and charges for said services be established; that said supplementary services for said towns be operated in an efficient and financially sustaining manner to further encourage the availability and soundness of senior programming and resources all to the public benefit and good, and to the extent and in the manner provided herein.

SECTION 2. For the purposes specified in section 1, Ashfield, Buckland and Shelburne may create a Senior Services District to be known as the "West County Senior Services District", hereinafter referred to as "the district", which upon its creation shall be a body politic and corporate and a public instrumentality. Except as set forth in Section 2A hereof, the district shall be created when: (a) this act has been accepted by the select board of each of the aforementioned Towns, which in their capacities as members of the district shall be referred to herein separately as a "member town" and collectively as the "member towns;" and (b) the member towns' execution of an agreement terminating the agreement known as and entitled "The Senior Center Consortium Agreement Among the Towns of Ashfield, Buckland and Shelburne," as amended as of January 8, 2019 (the "Consortium Agreement"). Upon its creation, the district shall have, any general or special law notwithstanding, as hereinafter provided and in accordance with this act, the authority to provide senior services and programs, construct, operate, and maintain a shared senior center within the geographical boundaries of a member town.

If any member town, once having accepted this act in accordance with the provisions of this section, desires, upon town meeting vote, to withdraw from the district, it may do so with prior written notice to the board of managers, as herein defined, which withdrawal shall become effective one year from the July 1 next following the delivery of such timely written notice, and in the same manner provided for acceptance of this act; provided, however, that such withdrawing town shall be obligated to pay as follows its annual shares of operational costs and debt costs, respectively and as defined in sections six and seven hereof: (1) the withdrawing town shall continue to accrue and be obligated to pay its assessed share of operational costs through the conclusion of the fiscal year next commencing following the withdrawing town's delivery of timely written notice as set forth above; and (2) in addition, the withdrawing town shall continue to accrue and be obligated to pay its assessed share of principal and interest costs that such town had approved to be incurred by or on behalf of the district, for so long as said debt costs are due and owing. Upon the effective date of its withdrawal the membership of the board of managers shall be reduced to reflect the termination of such withdrawing town's seats.

The board of managers may, in its discretion, establish requirements in the By Laws relating to the admission into the district of any additional municipality, including without limitation with respect to the allocation of charges to be assessed to such municipalities. Addition of member towns shall be by select board approval of all member towns.

SECTION 2A. For purposes of providing for the transition from the terms of the Consortium Agreement to the terms of this act, the board of managers shall be deemed created and authorized to act upon acceptance of this Section 2A by the elect board of each of the aforementioned Towns. Prior to the termination of the Consortium Agreement the board of managers shall present a transition plan to the

select boards of the aforementioned towns for each select board's approval.

SECTION 3. The management and control of all property acquired by, and the exercise of all powers, privileges and duties conferred upon, the district pursuant to the provisions of this act shall be vested in and exercised by a board of managers, which shall consist of two members each from Ashfield, Buckland and Shelburne and any future member municipalities appointed by their respective select boards. The board of managers shall annually elect from its members a chairperson, vice chairperson and secretary, provided that no member town may have more than one representative serving as an officer contemporaneously. The district shall be deemed a governmental body pursuant to chapter 30B of the General Laws. Notwithstanding any general or special law to the contrary, the administrators of the district who are procurement officers for said district shall participate in the Massachusetts public purchasing official certification program conducted by the office of the inspector general in order to earn a Massachusetts public purchasing official certificate or shall hire a certified procurement officer for purchases subject to chapter 30B. Of the two representatives of each member town on the board of managers, one member shall serve for a term of two years, and the other shall serve for a term of three years; at least one member shall be appointed from the town's Council on Aging or such Council's designee duly appointed by the select board. Members of the board of managers may be removed for cause by their appointing authority. Members of the board of managers, together with the board's agents, employees, and professional staff shall be indemnified against personal liability by the district in accordance with, and subject to the limitations set forth in, chapter 258 of the General Laws. The district shall be deemed a public employer pursuant to chapter 258 of the General Laws. The district acting through its initial board of managers shall promptly adopt by-laws describing by whom and how meetings of the board may be called, notified and conducted; establish rules and regulations for the management of its affairs not inconsistent with this act or any other provision of law; shall appoint for such term as it may determine, a treasurer of the district, and such other officers and employees not specifically provided for in this act as it may deem necessary and proper, and shall fix their compensation and benefits. The treasurer shall not be a member of the board of managers, and shall give bond to the district in such an amount as may be approved by said board with a surety company authorized to transact business in the commonwealth as a surety. The district may contract with any of its member towns or other qualified entities for treasurer services. A majority of appointed managers shall constitute a quorum of the board of managers. Unless otherwise specified herein, the board of managers may act by a majority vote, provided that no vote pertaining to the district's budget or debt issuances may be deemed approved unless at least one representative from each member town has voted affirmatively thereon. Vacancies occurring in the membership of the board of managers from any cause may be filled for the remainder of the unexpired term by the appointing authority. No vacancy occurring in the membership of the board of managers shall disqualify the board of managers from taking any action authorized by this act.

The Board of Managers shall annually prepare and provide to the select boards of the member towns, a written report of the operations and programming, the actions of the board of managers, and receipts and expenditures of the district for the preceding fiscal year.

SECTION 4. The district, acting by and through its board of managers, shall have all the rights and powers necessary or convenient to carry out and effectuate the purposes of this act including, but without limiting the generality of the foregoing, the following rights and powers:

- (a) to adopt the by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce, and collect penalties for the violations thereof;
- (b) to adopt an official seal and alter the same at its pleasure;
- (c) to maintain an office at such place or places as it may determine;
- (d) to apply for, receive, accept, administer, expend, and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state, and federal governments, donation or appropriation of any property or money in aid of the purposes of the district, and to accept contributions of money, property, labor, or other

things of value;

(e) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to and equipping buildings or for the purpose of remodeling and making extraordinary repairs to buildings and for the construction or reconstruction of any and all facilities incidental or related thereto, and for the purpose of purchasing department equipment; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however, that such debt is incurred in accordance with Section 7. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the director of accounts pursuant to section 38 of chapter 44;

(f) To incur temporary debt in anticipation of revenue to be received from any source;

(g) to acquire by purchase, lease, lease purchase, sale and lease back, gift, or devise, or to obtain options for the acquisition of, any property, real or personal, easements, or any interest therein, in the exercise of its powers and the performance of its duties in compliance with the District Bylaws and this Act;

(h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein in compliance with the District Bylaws and this Act, and, with regard to real property, subject to approval by the town meetings of each of the member towns;

(i) to fix, revise, charge, collect and abate fees, rates, rents, and other charges for services, facilities, and commodities furnished or supplied by it;

(j) to construct, improve, extend, enlarge, maintain, and repair the senior facilities located within the geographical jurisdiction of the district;

(k) to make contracts of every name and nature, and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(l) to sue and be sued and to prosecute and defend actions relating to its properties and affairs, provided that only property of the district other than revenues pledged to the payment of bonds or notes shall be subject to attachment or levied upon execution or otherwise;

(m) to engage architectural, engineering, accounting, management, legal, financial, and environmental consulting and other professional services;

(n) to employ an Executive Director and personnel

(o) to charge a programming and use fee to senior clients who are or are not residents of the member towns, and seek to use the services and resources of the district in a manner as the Board of Managers may determine; and

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act for the purposes expressly granted or necessarily implied in this act;

(q) and all other powers expressly conferred upon the district under this act

SECTION 5. Notwithstanding any general or special law to the contrary, and subject to the terms set forth in this act, fees, rates, rents, assessments, and other charges for resources and services, facilities, and commodities furnished or supplied by the district shall be fixed and adjusted by the board of managers so as to provide funds at least sufficient in each fiscal year, together with other revenues and funds of the district, if any, available therefor, to pay the full cost of operation of the district for that fiscal year, including all current expenses; all debt service on bonds or notes of the district; all costs of maintenance, repair and replacement, including the establishment of reasonable stabilization funds, replacement reserves, and other similar funds in accordance with generally accepted accounting principles, as determined by the board of managers to be necessary or desirable;

and all other amounts which the district may be obligated to pay or provide for by law or by contract.

SECTION 6. The District, for the purpose of paying annual operating expenses (the "operational costs," which shall include all costs not requiring the issuance of debt) shall prepare a preliminary proposed annual budget for each fiscal year by November 30, of the preceding year. The board of managers shall determine what assessment is necessary to pay for that portion of the operational costs not covered by fees or other receipts in accordance with section 5, and shall apportion such amount in accordance with the proportional five-year average usage formula by each member town of the services being supplied by the district, as follows: each member town shall be assessed that portion of the operational costs that represents the same percentage of the total operational costs (the "Operations Assessment Percentage") that such member town's residents' total usage over the immediately preceding five year period bears relative to the total usage during such span (each as reported to the Massachusetts Executive Office of Elder Affairs annually).

The board of managers shall hold a public hearing on the draft proposed annual budget after notice to the member towns and such notice to the public as it shall determine and shall adopt such proposed annual budget, with or without amendment, after the public hearing but not later than the fifteenth (15th) day of December.

Within one week of its adoption, the board of managers shall cause the proposed annual budget and proposed assessment to be delivered to the select board and finance committee in each member town.

The board of managers shall receive comments from the member towns until the next following January 31st. After the final day for the towns' comment and prior to the March 1st next following, the board of managers shall, by majority vote, adopt an annual budget, with or without amendment to the proposed annual budget, and shall notify the member towns of the same by mail in the same manner and within the same time frame as is required above with respect to a proposed annual budget and assessment.

The annual budget shall include all revenue receipts, expenses, capital costs and other financial information to sufficiently inform the towns of the costs of operating the District.

The budget shall not be deemed effective and binding unless the annual assessment has been approved by each member town by a majority vote of its town meeting held prior to the commencement of the fiscal year to which the budget pertains. The annual budget and annual assessment shall then become final and effective for the next following fiscal year upon the adoption of each member town's assessment.

If the annual assessment is not approved, the board of managers may from time to time resubmit it or may submit a revised budget and assessment for consideration in the manner described above, but without need for an additional public hearing, and if no annual budget has been adopted prior to the commencement of the fiscal year to which it pertains, the District shall, on a month to month basis until a new annual budget and assessment become effective, operate with the budget and assessment used for the previous fiscal year.

Any sums assessed by the district and raised and appropriated by a municipality in accordance with this section shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

SECTION 7. Each member town's share of debt costs (the "Debt Cost Share") shall be calculated as follows with respect to each debt issuance, with each component calculated for the most recent fully completed fiscal year immediately preceding the date of notice of such proposed debt issuance: (1) 50% shall be divided among the members in the amounts of their respective Operations Assessment Percentages; (2) 25% shall be divided among the member towns based upon their equalized property values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized property value amounts to 50% of the total sum of the member towns' collective equalized property value, such member town would be responsible for at least 12.5% of the debt costs); and (3) 25% shall be divided among the member towns based upon their equalized income values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized income value amounts to 50% of the total sum of the member towns' collective equalized income value, such member town would be responsible for at least 12.5% of the

debt costs). Upon determining each member town's debt cost share, which shall remain static and binding upon each of the member towns until the District has fully paid the underlying debt, the board of managers shall certify, to the select board in each member town, that the board of managers shall propose the issuance of such bonds or notes, either in the name of the district or one or more of the member towns, and the amount to be assessed against each member unit therefor, provided that the decision as to whether the district or one or more member towns shall incur the underlying debt shall be subject to a majority approval by the select board of each member town. Upon such approval by each such select board, the select board of each member town, shall cause to be placed in the warrant for the next available annual town meeting, an article in the form specified by the board of managers, seeking authorization from each member town meeting for the district to issue such bonds or notes, and the amount to be assessed therefor against each member town. Upon approval by each member town's town meeting by a two-thirds vote at an annual town meeting, the district may issue such bonds or notes as have been so approved. The indebtedness on bonds or notes issued by the district and the member towns pursuant to this act shall not be subject to section 10 of chapter 44, and sums assessed by the district to repay such bonds or notes shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

The fiscal year of the district shall commence July 1 and end June 30.

SECTION 8. In the event that the board of managers desires to terminate the district and dispose of its assets, a majority of the board of managers then existing shall first vote to do so, and give notice of such vote, in writing, to the select board of each member town. Each member town shall thereafter provide, at its next regular or special town meeting a warrant article to dissolve in the same manner in which the district was created, the warrant article shall contain the question "Shall the West County Senior Services District be dissolved, and its assets disposed of in accordance with the vote of its board of managers?" If all member towns vote in the affirmative, the district shall be dissolved, but not otherwise. In the event of such affirmative vote, the board of managers shall be empowered to dispose of the assets of the district in accordance with the General Laws.

SECTION 9. If the district authorized by section 2 is not created in the manner described in said section 2 within ten years from the effective date of this act, then this act shall be without further legal effect.

SECTION 10. This act shall take effect upon its passage.

ARTICLE 33. To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by:

1. Approving a surcharge on real property tax for the purposes permitted by said Act, including:
 - a) the acquisition, creation and preservation of open space,
 - b) the acquisition, preservation, rehabilitation and restoration of historic resources,
 - c) the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use,
 - d) the acquisition, creation, preservation and support of community housing, and
 - e) the rehabilitation and restoration of such open space and community housing which is acquired or created as provided under said Act;
2. To set the amount of such surcharge at 3.0% on real property tax as a percentage of the annual real estate tax levy against real property;
3. To set fiscal year 2024 as the fiscal year in which such surcharge shall commence;
4. To accept the following exemptions from such surcharge as permitted under Section 3(e) of said Act:

- a) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act;
- b) Class three, commercial, and class four, industrial, properties. as defined in M.G.L. c.59, §2A;
- c) \$100,000 of the value of each taxable parcel of residential real property; class three, commercial property; and class four, industrial property, as defined in section 2A of said Chapter 59;

5. A taxpayer receiving a regular property tax abatement or exemption shall also receive a pro rata reduction in the said surcharge;

6. A Community Preservation Committee, composed of local citizens, as described in the CPA Committee Bylaw to be adopted in coordination with this Warrant Article, shall make recommendations to Town Meeting on the use of Community Preservation Act funds, and all such expenditures must be pre-approved by Town Meeting; and

7. To submit the terms of this Warrant Article to be approved or disapproved by the voters of the Town on the November 2022 ballot, or to take any other action relative thereto.

ARTICLE 34. To see if the Town will vote to adopt the following CPA Bylaw in accordance with Chapter 44B, Section 5(a) of the General Laws, otherwise known as the Massachusetts Community Preservation Act; which bylaw shall take effect if, and when, the Community Preservation Act is adopted by the Town, or take any other votes relative thereto.

1. Required members: There shall be five required members of the Shelburne CPA Committee (the "CPC");

A. One member appointed by the Conservation Commission;

B. One member appointed by the Planning Board;

C. One member appointed by the Recreation Committee;

D. One member, appointed by the Select Board, who is either (1) a member of a town board or agency which has been acting in the capacity of or performing like duties of a town historical commission, or (2) if no such town organization exists, a person with interests and expertise relevant to matters which would be handled by a historical commission; and

E. One member, appointed by the Select Board, who is either (1) is a member of a town board or agency which has been acting in the capacity of or performing like duties of a town housing authority, or (2) if no such organization exists, of a person with interests and expertise relevant to matters which would be handled by such a housing authority.

2. Members at Large.

A. The Select Board shall appoint one at large member; and

B. The Open Space Committee shall appoint one at large member.

3. Committee Members shall serve for two years; provided that 50% of the initial members appointed by the Select Board shall serve for one year and 50% shall serve for two years.

4. The CPC shall not meet or conduct business without the presence of a quorum. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote of the quorum. Recommendations to an Annual Town Meeting shall include their anticipated costs.

5. The CPC shall be responsible for evaluating the community preservation needs of the Town and

making recommendations for appropriations from the CP Fund to a Town Meeting as part of the annual budget process. Its role is analogous to that of a capital planning committee in developing a multi-year capital improvement plan for a community and presenting an annual capital budget to a Town Meeting.

A. Annual Needs Study

(1) The CPC shall study the community preservation needs, possibilities and resources of the town (including possible consideration of regional community preservation projects), consulting with various municipal agencies, particularly those represented on the committee. It should then develop a community preservation program and financial plan for the town. The program should identify long-term and short-term goals and needs, set criteria for evaluating proposed acquisitions and initiatives, prioritize projects and estimate their costs. The financial plan should include a multi-year revenue and expenditure forecast and identify the fund or other municipal financing source for each proposed project. The program and financial plan should be reviewed and updated annually to reflect changes in the community's needs, priorities and resources.

(2) The CPC shall hold at least one public, informational hearing as part of the initial study and annual review process. Notice of the annual hearing must be posted at least two weeks before the hearing date. In addition, the CPC must publish a hearing notice in a newspaper of general circulation in the community for each of the two weeks before the hearing date.

B. Annual Recommendations and Budget

(1) The community preservation budget should include the CPC's revenue projections for the fiscal year and identify all appropriations that the CPC recommends funding from CP Fund financing sources. CPA appropriations fall into two categories: (a) for the CPC's administrative or operating budget; and (b) for eligible community preservation asset projects. The three community preservation asset categories are: (1) open space (including land for recreational use); (2) historic resources; and (3) community housing. [G.L. c. 44B, §§ 2 and 5\(b\)\(2\)](#). In determining its recommendations to the legislative body, the CPC should first determine whether a project is eligible for CPA funding under [G.L. c. 44B](#). If a project is eligible for CPA funding, the CPC should then determine whether to recommend funding to a Town Meeting after considering its community preservation program and financial plan (described above), other projects competing for CPA funding and other relevant information. The CPC is not obligated to recommend that a Town Meeting approve funding for a project simply because the project is eligible for CPA funding. The CPC's recommendations should be included in an annual community preservation budget presented as part of the community's annual budget process and should include recommendations for the funding of debt service and any other existing or ongoing obligations.

(2) Alternatively, debt service, committee administrative and other expenses to be financed with annual CP Fund revenues may be included in the community's omnibus budget. The community preservation budget should account for the commitment of funds for these expenditures, however.

C. Additional Recommendations

Throughout the year, the CPC may make additional recommendations on acquisitions and projects to the extent funds are available to support them.

6. Town Meeting Action on Recommendations

A. A Town Meeting may make appropriations from or reservations of community preservation funds in the dollar amount recommended by the CPC or it may reject the recommendations of the CPC or, if consistent with the community's charter, local by-laws (including the by-law establishing the CPC) and procedures, a Town Meeting may reduce any recommended amount.

B. A Town Meeting may not increase any recommended appropriation or reservation and it may not change the funding source recommendation of the CPC. In addition, it may not appropriate or reserve any CP Fund monies on its own initiative without a prior recommendation by the CPC. G.L. c. 44B, § 7.

C. Circumstances under which appropriations may be made by a Town Meeting from the CP Fund without a prior recommendation of the CPC:

(1) Appropriations to an administrative budget of the CPC. Providing administrative and operating expenses to the committee is not included within the “gatekeeper” language of [G.L. c. 44B, § 7](#) which requires a prior recommendation of the CPC. It is, therefore, recommended that a Town Meeting appropriate an administrative budget for the CPC in the first year of the CPA’s implementation if the CPC has not yet been formed.

(2) Appropriations to pay debt service on debt previously voted by a Town Meeting after a recommendation of the CPC. (This is because the CPC made the original recommendation to a Town Meeting to approve the issuance of the debt.)

(3) In the first year of adoption of the CPA, if the CPC has not already been formed, the Town Meeting may appropriate CP Fund annual revenues to an annual budgeted reserve. Before an appropriation may be made by the Town Meeting from the annual budgeted reserve for a CP project or other CP expenditure, however, the appropriation will require a recommendation from the CPC.

7. Recordkeeping

A. The CPC is responsible for maintaining records relating to the use of the CP Fund. [G.L. c. 44B, § 13](#). These records are subject to disclosure as public records. [G.L. c. 66, § 10](#); [G.L. c. 4, § 7, Clause 26](#).

(1) Recommendations

The CPC must keep a record of its recommendations to the legislative body and the specific action taken on them.

(2) Expenditures

The CPC should track all appropriations and expenditures made from the CP Fund. The municipal clerk certifies all appropriation votes and the accounting officer maintains the official financial records of the municipality. The CPC should periodically monitor spending from the fund, however, in the same manner as department heads review monthly reports from the accounting officer on the status of their budgets.

(3) Property Interests

The CPC must maintain an inventory of all real property interests acquired, disposed of or improved by the community after recommendation of the committee. The inventory must contain, at a minimum, the names and addresses of the grantors and grantees, the amount of consideration and all relevant action dates. It should also reference all documents related to acquisitions, dispositions and improvements, such as purchase and sale agreements, deeds and permanent restrictions on acquired property interests. [G.L. c. 44B, § 12\(a\)](#).

8. Reporting

The CPC should coordinate with applicable municipal officials to provide the information required by reports required by the Community Preservation Act and ensure that annual reports are timely filed.

9. Effect of CPA revocation

Upon revocation of the CPA, the CPC shall continue to provide spending recommendations for remaining community preservation funds that are not required for the satisfaction of outstanding obligations.

