

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
March 14, 2024**

MOTIONS WITH BACKGROUND INFORMATION

ARTICLE 1. MOVED: That the Town will vote to amend the Classification Plan to add the position of DPW Truck Driver Laborer in Training at Grade B.

(Selectboard Request)
Selectboard Recommends 3-0
Finance Committee Recommends 4-0

Background

The DPW lost three Truckdriver/Laborers in Fiscal Year 2023. One position was filled, but another almost immediately opened due to a promotion. The DPW has since been unable to fill these three vacant positions, which currently require a Commercial Driver's License (CDL). The goal is that this new position will allow the Town to hire employees without a CDL. After a 6-month period of employment to ensure the employee will work out, the Town would then pay for the CDL training and upon receipt of a CDL, the employee would move to a Truckdriver/Laborer position at Grade C.

ARTICLE 2. MOVED: That the Town vote to amend the vote taken pursuant to Article 6 at the May 6, 2023 Annual Town Meeting, Schedule II Appointed Officials, by adding the position of Cemetery Sexton with a rate per burial of \$100.

(Cemetery Commission Request)
Selectboard Recommends 3-0
Finance Committee Recommends 6-0

Background

The Montague Cemetery Commission is requesting the creation of a Cemetery Sexton position to manage the process for burials at Highland and Old South Cemeteries. Having a paid position to support this work will create a sustainable structure for the

town and allow the cemeteries to function efficiently without sole reliance on volunteers. Establishing this position requires Town Meeting approval.

The volume of burials for which the Town holds some responsibility for coordinating fluctuates by year but has averaged 11 burials per year in the past 10 years. While cremation burials can be planned in advance, body burial is a time-sensitive event that requires someone to be on call to mark the grave and coordinate with vendors or with the family in the cases where they family is making arrangements without a funeral director.

The Sexton position would be paid \$100 on a 'per burial' basis and this would cover the performance of the specific burial for which compensation is received as well as other responsibilities attended to in collaboration with the Cemetery Commission, such as selling plots, monitoring cemetery conditions and fielding calls from families who have questions about their plot. The Commission proposes to add \$2,000 to the Fiscal Year 2025 operating budget to cover the Sexton position, which would cover up to 20 burials. There are adequate funds available for Fiscal Year 2024 within the existing budget.

Additional information can be found in the separate handout titled "Article 2 Sexton Position."

ARTICLE 3. MOVED: That the Town vote to amend the vote taken pursuant to Article 6 at the May 6, 2023 Annual Town Meeting, Schedule II Appointed Officials, by increasing the pay range for Part Time Police Officers from \$25-\$28 per hour to \$29-\$35 per hour.

(Police Department Request)

Selectboard Recommends 3-0

Finance Committee Recommends 6-0

Background

All part-time police officers must now meet all full-time officer certification requirements and that means that most part-time officers will be retired police officers or full-time officers from other departments. The increase in rate reflects the experience that these part-time officers will have and commensurate wage requirements.

ARTICLE 4. MOVED: That the Town vote to revoke its acceptance of the provisions of the former Section 48 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted under Article 16 of the Warrant for the 1932 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the Civil Service status of regular or permanent members of the Police Department of the Town of Montague, so that the regular or permanent members of the Police Department shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto, except that such revocation shall not affect any civil service rights, which have come into existence between the Town and employees of the Police Department as a result of the Town's original acceptance of the statute.

(Police Department Request)
Selectboard Recommends 3-0

Background

Following the vote of the Annual Town Meeting in 2022 authorizing the Selectboard to petition the General Court for legislation removing members of the Town's Police Department from the state's civil service system, Town officials determined that special legislation was not required and that the Town can effectively revoke its acceptance of the civil service law, which was accomplished by vote of Annual Town Meeting in 1932, through a vote of Town Meeting. This is the case because a local option statute such as the civil service law can be revoked in the same manner that it was accepted. Here, further research indicated that the Town accepted the civil service statute in 1932 by means of a town meeting vote, rather than special legislation. Accordingly, this article seeks formal revocation of the Town's acceptance of the civil service law for members of the town's police department.

ARTICLE 5. MOVED: That the Town vote to appropriate the sum of \$1,974 for the purpose of providing retroactive out-of-grade compensation to a union employee within the Treasurer/Tax Collector's Office for the prior year, said sum to be raised from Free Cash.

(Treasurer/Tax Collector Request)
Selectboard Recommends 3-0
Finance Committee Recommends 4-0

Background

The Treasurer/Tax Collector was out of the office due to a medical condition from January 4, 2023, through March 13, 2023, during which time the Assistant Treasurer/Tax

Collector was entitled to out-of-grade pay for performing out of grade duties. Since the Treasurer/Tax Collector is not a union member, she was not aware of this clause in the NAGE contract. In September of 2023 it was brought to the Treasurer/Tax Collector's attention that according to the contract, the Assistant Treasurer/Tax Collector was entitled to out-of-grade pay after the Treasurer/Tax Collector was out for 4 consecutive weeks, beginning on the 5th week. Although this request is outside of the timeline dictated by the NAGE contract, this is solely due to an oversight by the Treasurer/Tax collector. The Assistant Treasurer/Tax Collector performed the extra duties required and should be fairly compensated. While the actual amount that will be paid is \$1,973.89, the Town Accountant has requested that the amount be rounded up for the warrant.

ARTICLE 6. MOVED: That the Town vote to appropriate the sum of \$300 for the purpose of making a prior year's longevity payments to a union employee in the Library Department, said sum to be raised from Free Cash.

(Library Director)

Selectboard Recommends 3-0

Finance Committee Recommends 4-0

Background

This was inadvertently overlooked during the Fiscal Year 2024 budget process and the error was not discovered until after the end of Fiscal Year 2023. The employee is entitled to this longevity payment and good faith requires that it be paid.

ARTICLE 7. MOVED: That the Town vote to amend the vote taken pursuant to Article 7 at the May 6, 2023 Annual Town Meeting by increasing the Fiscal Year 2024 Building Inspector Budget, Line 241 by \$8,481 from \$148,621 to \$157,102, and to appropriate said sum from Free Cash for the purpose of funding said increase.

(Building Inspector Request)

Selectboard Recommends 3-0

Finance Committee Recommends 4-0

Background

When Town employees retire, they are entitled to a buy-back of 25% of their unused sick leave, to a maximum of \$3,500, as well as payment of any unused accrued vacation

time. The retirement of the Building Inspector Administrative Assistant was not anticipated in the Fiscal Year 2024 budget, so an additional appropriation is required.

ARTICLE 8. MOVED: That the Town vote to amend the vote taken pursuant to Article 7 at the May 6, 2023 Annual Town Meeting by increasing the Fiscal Year 2024 Selectboard budget by \$23,000 from \$329,781 to \$352,781, and to appropriate said sum from Free Cash for the purpose of funding said increase.

(Selectboard Request)
 Selectboard Recommends 3-0
 Finance Committee Recommends 4-0

Background

When Town employees retire, they are entitled to a buy-back of 25% of their unused sick leave, to a maximum of \$3,500, as well as payment of any unused accrued vacation time. The retirement of the Town Administrator was not anticipated in the Fiscal Year 2024 budget, so an additional appropriation is required.

ARTICLE 9. MOVED: that the Town appropriate the total sum of 152,261 for the purpose of funding the operations of the Airport, including the payment of wages and benefits for airport employees, maintenance of property and equipment, the purchase of supplies, debt service, and anything incidental or related thereto, with said amount to be used to fund the expected Fiscal Year 2024 revenue shortfall in the Airport Enterprise Fund, with \$128,000 to be transferred from Free Cash and with \$24,261 to be transferred from the Sale of Real Estate Fund, and to adjust the line items in the Airport Enterprise Fund, as voted pursuant to Article 9 of the May 6, 2023 Annual Town Meeting, as follows:

<u>AIRPORT</u>	<u>Voted May 6, 2023</u>	<u>Proposed March 14, 2024</u>
482 Wages & Expenses	\$274,915	\$284,915
482 Capital Outlay/Local Share	\$10,000	\$0
700 Debt Service	\$101,535	\$101,535
Employee benefits	\$40,515	\$40,515
TOTAL AIRPORT	\$426,965	\$426,965

(Airport Commission Request)
 Selectboard Recommends 3-0
 Finance Committee Recommends 4-0
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Background

This article combines three specific actions. The first is that there have been several unanticipated expenditures, the largest of which was when a 1996 era heating source failed a safety inspection and needed to be replaced at a cost of \$17,500. The additional appropriation needed is being funded by the unspent Capital Outlay budget, as the item for which the Capital Outlay budget was intended will now be funded via Article #10.

The second and third actions involve funding an expected revenue shortfall, with part coming from Sale of Real Estate and the balance from Free Cash. The Fiscal Year 2024 budget was planned with the expectation of \$151,962 of solar lease revenue, with actual lease revenue expected to total \$240,000. The bid was awarded in the spring of 2023 and the lease was signed in the summer of 2023, but it was contingent on interconnect approval by Eversource. Eversource estimates that the interconnect will cost in excess of \$16million, far more than the solar company had planned and far more than past interconnect agreements in the Town. The Airport has spent months working with the utility and developer to find a solution, but it is clear that this will not be resolved in Fiscal Years 2024 or 2025.

This matters because the Airport is authorized to spend up to the appropriation amount voted at the Annual Town Meeting and they have costs that they are obligated to pay through the end of the fiscal year. At the end of the fiscal year, if revenues are less than expenditures, a “revenue deficit” is created. Revenue deficits must be raised by the Town in the next Tax Rate Recapitulation. Bottom line, unfortunately, is pay now or pay later. By paying now, the Fiscal Year 2024 shortfall will not have to be funded through next year’s tax levy.

To reduce the amount of Free Cash needed, the Town is proposing to use \$24,261 from the Sale of Real Estate account, which is a Receipts Reserved for Appropriation account like the Colle Receipts Reserved for Appropriation account. The Sale of Real Estate account can only be used for items for which the Town can borrow, and while this doesn’t generally include debt service, the Department of Revenue opined that it can be used for the debt service on real estate. This amount covers the balance of the Pioneer property debt service after the use grant funds.

The portion of the revenue shortfall that can’t be funded from Sale of Real Estate will be funded with \$128,000 from Free Cash. Ongoing operational expenses should be paid from current revenues rather than reserves, but it is too late to add this to the Fiscal Year 2024 tax levy, so Free Cash is recommended. Since Free Cash can be described as

the portion of prior year revenue that was not spent in the prior year, it is the available funding source that is most like taxation.

ARTICLE 10. MOVED: That the Town vote appropriate the sum of \$152,315 for the purpose of replacing all failed pavement, utility connections, parking lots, and loading docks, on the Pioneer Aviation property, including any and all incidental and related costs, said funds to be raised from the Town Capital Stabilization Fund.

(Airport Commission Request)

Selectboard Recommends 3-0

Finance Committee Recommends 3-1*

Capital Improvements Committee Recommends 5-0

**Dissenting Finance Committee vote was due to a preference to fund from Free Cash.*

Background

This project will be done in three phases, but the full appropriation is requested in a single article for simplicity. The total cost is estimated at \$3,046,300, with 95 percent federal and state funding, and the remaining 5 percent as the Town's share. Phase I is for tribal and environmental coordination and is to be completed in FY24 with a local share of \$4,190. Phase II is the design and bid phase, and is expected to be completed in Fiscal Year 2025 with a local share of \$18,125. Phase III will be the construction phase, and work is expected to occur in Fiscal Years 25 and 26 with a local share of \$130,000.

The pavement on the Pioneer Aviation property is original from 1971, with only a few minor patches done over the years. The only areas that are not 50+ years old include the warehouse loading dock and access driveway, installed in 2007. All areas are considered to be in a failed condition according to the FAA pavement condition report. On a scale of 0-100, where 100 is new, a rating below 40 is considered to be failed and in non-compliance by the FAA. The pavement condition overall on the property as of a 2020 study is 26, well below industry safety standards. In addition, this project will also address a non-standard taxiway pavement geometry. Public access areas and freight loading docks will be removed and replaced with load bearing pavement or concrete, meeting current ADA standards. Drainage work will address potential storm water discharge issues and runoff control. Improvements to utility connections will be made, and two of the three building will be connected to the town sewer system which may require the replacing of the forced main on Industrial Blvd. Total pavement to be

removed and replaced is roughly 135,000 sq-ft and includes three loading docks and two parking areas.

ARTICLE 11. MOVED: That the Town vote to appropriate the sum of \$125,000 for the purpose of funding a Wastewater Asset Vulnerability Inventory, including all related or incidental costs, with \$50,000 to be raised from the Clean Water Facility Retained Earnings and \$75,000 from the Town Capital Stabilization Fund. The Town will first exhaust funds provided by State grants and the Clean Water Facility Retained Earnings account before using the Stabilization Fund.

(Sewer Commission Request)
Selectboard Recommends 3-0
Finance Committee Recommends 7-0

Background

The Wastewater Asset Vulnerability Inventory is a tool to manage wastewater related assets and to facilitate compliance with the town's National Pollution Elimination Discharge System (NPDES) permit. It provides a foundation for a broader permit-required Adaptation Plan for Major Storm and Flood Events. The project includes inventorying the Town's Clean Water Facility and collection system asset information, compiling information into the Town's Geographic Information System, determining if any assets are within the 100-year or 500-year floodplain, defining the criticality of each asset, and identifying the highest priority assets. The Town has received preliminary award notification for a 60% reimbursement grant (\$75,000) from the Clean Water Trust's Asset Management Program, leaving the Town responsible for \$50,000. The entire project cost of \$125,000, however, must be appropriated in order to obtain the reimbursement grant and maintained throughout the grant term.

ARTICLE 12. MOVED: That the Town vote to appropriate the sum of \$90,000 for the purpose of purchasing and equipping a skid steer, including any and all incidental and related costs said sum to be raised from the Town Capital Stabilization Fund.

(Department of Public Works Request)
Selectboard Recommends 3-0
Finance Committee Recommends 4-0
Capital Improvements Committee Recommends 5-0

Background

A skid steer loader is an essential piece of equipment for a modern public works department. It is a versatile utility vehicle with attachments that allow the DPW to perform many public works functions including mowing steep slopes, milling pavement, loading trucks, snow removal, backfilling ditches. One particular function of the skid steer will be to conduct required mowing of the steep, uneven slopes of the landfill and recently capped burn dump landfill. The DPW has borrowed the Airport’s skid steer for these functions over the last year and has found the equipment to be incredibly useful to operations. The airport’s machine, however, is not always available for DPW use. Some skid steer attachments can be shared with the airport.

ARTICLE 13. MOVED: To see if the Town will vote to appropriate the sum of \$222,880 for the purpose of replacing a culvert on South Ferry Road, including any and all incidental and related costs, said sum to be raised from the Town Capital Stabilization Fund.

(Department of Public Works Request)
Selectboard Recommends 3-0
Finance Committee Recommends 4-0
Capital Improvements Committee Recommends 5-0

Background

The South Ferry Road culvert services a small tributary to the Sawmill River. The culvert is undersized and has a history of causing localized flooding issues. The 24” asbestos pipe culvert will be replaced with a precast concrete 8’ x 5’ box culvert that will meet Massachusetts Stream Crossing Standards. The work will enhance riverine habitat along the Sawmill River and reduce localized flooding. The work will be conducted by DPW in accordance with engineered and permitted plans. This will replace one of 22 culverts identified as being in “critical condition” in the 2021 municipal culvert assessment. It leverages a \$25,000 grant from the Department of Ecological Restoration for the initial inventory and design work.

ARTICLE 14. MOVED: That the Town vote in accordance with the provisions of Chapter 77 of the Acts of 2023 to rescind the vote taken under Article #16 of the October 13, 2022 Special Town Meeting, which established an Opioid Settlement Stabilization Fund and dedicated all opioid settlement revenues to this fund, such funds henceforth to be placed in a special

revenue fund to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid settlement documents.

(Selectboard Request)

Selectboard Recommends 3-0
Finance Committee Recommends 4-0

Background

Opioid settlement funds can only be expended according to the terms of the settlement. The Department of Revenue (DOR) previously required that a special purpose stabilization fund was needed to segregate these funds for ease in meeting any spending requirements. DOR has now determined that opioid settlements funds may be placed in a special revenue fund where they can be expended without further appropriation according to the settlement terms. This article will eliminate the previously created special purpose stabilization fund and those funds and any future receipts will now be accounted for in a special revenue fund.