

JOINT FINANCE COMMITTEE AND BOARD OF SELECTMEN MEETING

April 15, 2015

Page 1 of 28

**Meeting Date:** April 15, 2015

**Called to Order:** 6:00 PM

**Location:** 1 Avenue A, Turners Falls MA

**Finance Committee Members Present:** John Hanold, Sharon Kennaugh, Michael Naughton and Lynn Reynolds. Greg Garrison was absent.

**Selectmen Present:** Mark Fairbrother, Christopher Boutwell and Michael Nelson were absent.

**Others Present:** Town Accountant Carolyn Olsen

**Minutes**

Finance Committee Moved:

To approve the minutes of April 8, 2015.

Vote: 3 In Favor 0 Opposed 1 Abstained

**Reserve Fund Transfer Request**

The DPW has overspent the Snow & Ice budget, and is requesting a transfer of \$8,000 to cover the shortfall.

Finance Committee Moved:

To transfer \$8,000 from the Reserve Fund Transfer to the Snow & Ice Budget

Vote: 4 In Favor 0 Opposed 0 Abstained

**Reconsider Previous Votes**

Review and reconsider previous votes on operating budgets, special articles, funding sources, revenue estimates, re-vote as needed or desired

The Town cannot borrow for School projects, so the Sheffield boiler will be funded from debt authorized by GMRSD, not town debt. This means it will just confuse the issue to include partial funding from an existing special article balance. Does the committee need to revote the recommendation?

Finance Committee Moved:

To reconsider the funding source for the \$145,000 for repairs and replacements of boilers and burners at the Sheffield School.

Vote: 4 In Favor 0 Opposed 0 Abstained

Finance Committee Moved:

To recommend \$145,000 for repairs and replacements of boilers and burners at the Sheffield School to be funded with long term debt issued by the Gill-Montague Regional School District.

Vote: 4 In Favor 0 Opposed 0 Abstained

**Finance Committee Report to Town Meeting**

After various minor edits:

Finance Committee Moved:

To submit the revised report to Town Meeting.

Vote: 4 In Favor 0 Opposed 0 Abstained

**Topics not anticipated within in the 48 hour posting requirements-**

- The House Ways & Means Committee has released a budget that is similar to the Governor's regarding local and school aid.
- Jeff Singleton would like to meet with the Finance Committee regarding Chapter 70

**Meeting adjourned at 6:58 PM**

**Set Next Meetings:**

The next meetings will be scheduled for April 29<sup>th</sup> and May 6<sup>th</sup>.

Things to settle before the next budget cycle are firming the definition of capital items, formalizing the use of the FCTS Stabilization Fund.

**List of Documents and Exhibits**

- Minutes for April 8, 2015
- Draft Finance Committee Report
- Final Finance Committee Report below (note- paging and headings are off due to headers of minutes.

## **FINANCE COMMITTEE REPORT TO TOWN MEETING**

# **Fiscal Year 2016**

The Montague Finance Committee proposes a balanced budget of \$22,306,226 to provide municipal services during Fiscal Year 2016. These services include the town's general operations, educational assessments, the Water Pollution Control Facility, maintenance of the Colle building, and the Turners Falls Municipal Airport.

Montague has staffed and operated effective municipal programs and services, which serve our residents as well as attracting visitors from outside the town. Approval of this budget will fund the town's services and support continued progress toward the goal of fiscal sustainability. The proposed budget includes assessments from both the Gill-Montague Regional School District (\$8,498,343) and the Franklin County Technical School (FCTS) (\$760,615), derived from the budgets approved by the respective school committees.

This year, our budget deliberations included two new considerations: the Financial Management Policies adopted by the Board of Selectmen in June, 2014, and the Town Administrator's budget.

The Financial Management Policies (see link on the town website) lay out a set of goals that the town should strive to achieve. We are pleased to report that as of April 30, 2015 the town is currently doing so in most areas (see Debt Load for the notable exception) detail on how the town is doing can be found in the Annual Budget Information on the town website:

- Total Stabilization Funds plus Free Cash are 9.96% of Prior Year General Operating Revenue (PYGOR); the goal is between 5% and 10%.
- The General Stabilization Fund is 6.29% of PYGOR; the goal is 5%. (As a result, no appropriation to this fund was needed; the policies call for an annual appropriation of .3% of PYGOR.)
- Free Cash is currently 1.53% of PYGOR. The policies call for amounts over 3% to be used for other purposes; that is not necessary this year.
- The Capital Stabilization Fund has a balance of \$350,000. The policy calls for an appropriation of .2% and we recommend this in view of expected future spending needs.
- The town's current debt payments plus capital items recommended at this meeting total 5.65% of PYGOR; this is below the minimum 6% called for by the policies.
- Building Renewal and Equipment Replacement in the recommended budget (DPW equipment and police cruiser) total 3.23% of estimated Fiscal Year 2016 General Operating Revenue, largely as a result of the recommended appropriations for the Sheffield School. Our building infrastructure will require ongoing attention; which is a situation that will need to be addressed in future years.

- The town’s total debt service is 3.96% of PYGOR; the policies call for not more than 15%. Also, the town’s non-excluded debt service is .65% of PYGOR; the policies call for between 2% and 5%.

We note that the policies indicate that the town is not carrying enough of a debt load. This area should receive further scrutiny in upcoming years. There are certainly worthy purposes to which additional debt might be put; however, without significant new revenue sources, servicing a higher debt load can only be accomplished by reducing spending in other areas.

The Town Administrator’s Budget (link on the Board of Selectmen’s page on the town web site) is a document prepared by the Administrator that attempts to tie budget recommendations to an overall view of the town’s operations and goals. It provided our Committee with a second starting-point, along with the original departmental requests. Compared to the Town Administrator’s Budget, our Committee is recommending:

- That the town not fund a \$3,500 sick leave buy-back in the Selectmen’s department because the retirement is not certain. When it occurs the impact will be greater than \$3,500 and can be addressed at that time.
- A reduction in Snow & Ice material. Though costs may rise, the town needed only \$8,000 more than budgeted, for a long snowy winter. The recommended appropriation is still an increase over Fiscal Year 2015.
- The continuation of salary and benefits for a temporary position at the WPCF. The Town Administrator recommended not funding this position.

<u>Dept</u>		<u>Town Administrator</u>	<u>Finance Committee</u>
122	Selectmen	166,035	162,535
423	Snow & Ice	226,500	216,500
440	WPCF - Operating	1,457,463	1,525,575
440	WPCF - Benefits	215,327	227,327

At the time this report went to press Governor Baker had delivered his proposed budget to the legislature, including municipal aid figures slightly higher than in Fiscal Year 2015, but final mid-year cuts to Fiscal Year 2015 aid have not been determined. Neither house of the legislature has proposed increased municipal aid; consequently, our recommendation uses the Fiscal Year 2015 figure for all elements of State Aid.

These following estimated revenue and spending reflects our cautious view of recovering economic conditions and tax collections. In view of this uncertain environment we acknowledge that department heads have accepted fiscal challenges to help balance the budget.

Here are Summaries of the Total Proposed Budget Revenue and Expense categories. Fiscal Year references are to budget cycles ending June 30<sup>th</sup>.

JOINT FINANCE COMMITTEE AND BOARD OF SELECTMEN MEETING

April 15, 2015

Page 5 of 28

Change figures in parentheses are changes from Fiscal Year 2015 as adjusted.

	FY2015	FY2016		
<b>Revenues</b>	ADJ BUDGET	PROPOSED	\$ Change	% Change
Taxation	14,423,921	14,896,389	472,468	3.28%
State Aid	1,509,148	1,509,148	-	0.00%
Local Receipts	1,290,810	1,255,109	(35,701)	-2.77%
FCTS SRO Reimbursement	75,645	56,706	(18,939)	-25.04%
Available Funds/Reserves			-	
Free Cash for Town Budget	125,000	125,000	-	0.00%
Free Cash for GMRSD	125,000	125,000	-	0.00%
Free Cash for Special Articles	59,500	-	(59,500)	-100.00%
Town Stabilization for Sp Articles	113,000	136,000	23,000	20.35%
Special Article Balances	20,000	-	(20,000)	-100.00%
Colle Receipts	86,738	80,350	(6,388)	-7.36%
Sewer User Fees	2,052,286	2,044,913	(7,373)	-0.36%
Airport User Fees	27,165	30,847	3,682	13.55%
Airport Retained Earnings	4,000		(4,000)	-100.00%
Long Term Debt	3,560,000	2,046,764	(1,513,236)	-42.51%
<b>Total Revenues</b>	<b>23,472,213</b>	<b>22,306,226</b>	<b>(1,165,987)</b>	<b>-4.97%</b>
<b>Total Revenues net of Debt</b>	<b>19,912,213</b>	<b>20,259,462</b>	<b>347,249</b>	<b>1.74%</b>
<b>Expenses</b>				
General Town	8,281,535	8,373,806	92,271	1.11%
WPCF	2,177,286	2,244,913	67,627	3.11%
Airport	45,512	46,278	766	1.68%
Gill-Montague Assessment	8,293,458	8,498,343	204,885	2.47%
Franklin Cty Tech Assessment	682,601	760,615	78,014	11.43%
Colle	86,738	80,350	(6,388)	-7.36%
Recommended Special Articles	3,905,083	2,301,921	(1,603,162)	-41.05%
<b>Total Expenses</b>	<b>23,472,213</b>	<b>22,306,226</b>	<b>(1,165,987)</b>	<b>-4.97%</b>
<b>Total Special Articles net of Debt</b>	<b>345,083</b>	<b>255,157</b>	<b>(89,926)</b>	<b>-26.06%</b>

**Fiscal Year 2015 figures reflect the budget approved at the May 2014 Annual Town Meeting, adjusted by the following appropriations at later Special Town Meetings:**

Settlement of union contracts	Throughout budget
Legal: recurring support	\$22,500
Police: for extraordinary repairs	\$ 3,000
Police: cover shifts for injury	\$12,000
Dispatch: cover shifts for turnover	\$20,000
WPCF: Engineering Services	\$20,000

WPCF: Temporary Employee \$13,700

**Revenue Highlights**

The town’s budget is funded mostly from four sources: property taxes, state aid, local receipts, and reserves (principally from Free Cash or Stabilization Funds).

**Property Taxes** The proposed budget assumes that the total levy will rise to the 2.5% limit. Net levy revenue, including New Growth, is 3.28% over fiscal year 2015. New Growth is forecast at a level typical of earlier years, and we continue to set aside a provision for settlement of disputed valuations.

**State Aid** is estimated the same as 2015 levels, pending agreement between the Governor and legislature on the extent of recovering economic activity. This is a cautious position, in view of possible Fiscal Year 2015 mid-year cuts.

**Local Receipts** This source is projected slightly below the Fiscal Year 2015 level, due primarily to the loss of Medicare Part D reimbursements. Over 70% of local receipts come from Motor Vehicle Excise Taxes and Trash Sticker sales.

**Reimbursement for SRO** Normally part of Local Receipts, this is highlighted separately for transparency, and amounts to the full cost (salary, benefits and related non-personnel expenses) of a School Resource Officer at the Franklin County Technical School.

**Reserves** are a combination of Free Cash, Stabilization Funds and other miscellaneous reserves. At this Annual Town Meeting our recommended appropriations from Reserves (compared to Fiscal Year 2015) are:

	<b><u>Fiscal Year 2015</u></b>	<b><u>Fiscal Year 2016</u></b>
Free Cash to support Town Budget	\$125,000	\$125,000
Free Cash to support GMRSD Budget	\$125,000	\$125,000
Stabilization to support Spec. Articles	\$113,000	\$136,000

In preparing the proposed Fiscal Year 2016 budget, the Finance Committee continued pursuing two general goals from prior years. The first is to fund annual needs (both departmental operating budgets and recurring Special Articles) from taxation, and to avoid using reserves for non-recurring projects less than \$10,000. The second is to allocate funds available for annual operations in a set proportion between the Gill-Montague Regional School District assessment and other town functions.

We have nearly accomplished the first goal by funding only one recurring Special Article for \$75,000 from Stabilization, the same as for Fiscal Year 2015.

We addressed the second goal by recommending, as for Fiscal Years 2012 through 2015, that 51.5% of available funds (as defined) be allocated to the town budget and 48.5% to the Gill-Montague Regional School District assessment. Continued use of these percentages maintains the balance of resources devoted to town and District budgets, and

seems adequate to meet their respective needs. This method resulted in a target maximum assessment of \$8,497,498, about \$204,040 higher than the final Fiscal Year 2015 figure; this approximates the School Committee's requested Fiscal Year 2016 figure of \$8,498,343, which we are pleased to recommend.

It is disappointing that State Aid to the District rose only slightly from Fiscal Year 2015, as has been true for several years. Though the Town and District managed to achieve the goal of financial affordability in Fiscal Year 2016, we recognize that in the absence of Chapter 70 increases future years will impose increasing funding stresses.

### **Town Operating Budget (excludes Special Articles)**

#### **General Conditions**

Requests from town departments generally met the initial guideline of a "level services" budget. For Fiscal Year 2016, the recommended cost of general town operations rose by about \$92,271, or 1.11% to \$8,373,806.

#### **Staffing Changes**

No new positions are included in this budget, but an additional five hours per week each for both the Health Agent and Executive Assistant have been requested by the Board of Health and Town Administrator, respectively. The justification is increased work for the state's Receivership program (remediating substandard buildings), and administrative support for Selectboard meetings and document requests. Their weekly totals will become 25 and 35 hours, respectively.

#### **Wages & Benefits**

Wages reflect a 1% Cost of Living increase and step-increases per collective bargaining agreements. All unions are under contract at this time. Employee Benefits costs fell \$31,064, or 1.65%, due primarily to lower health insurance costs for retirees.

#### **General Government**

These departments include statutory or otherwise essential functions for basic municipal operations. Principal departments are the Selectboard, Town Accountant, Assessors, Treasurer, Town Clerk, Town Planner, Legal Expenses, and Public Building Utilities.

The recommended budget for this group totals \$1,138,602, a 1.15% increase over Fiscal Year 2015. Lower costs for elections partially offset higher hours for the Executive Assistant and software costs for the Assessors. Total Utilities costs, a volatile area, are projected to rise 4%.

#### **Public Safety**

The budgets for Police and Dispatch continue to be affected by overtime costs. The need to cover shifts, while a replacement officer attends the Police Academy and during mandatory training classes, is the main force, and the Chief has accepted a challenge to manage these costs with minimal impact on safety and services. Increases in requested non-personnel spending are primarily fuel and forecasted repair expenses. In total, the

requested budget for this group of departments rose 5.05% from the adjusted Fiscal Year 2015 budget; we recommend an increase of 3.28%, to \$2,054,876.

### **Public Works**

A new contract for solid waste handling is reflected in the recommendation, as well as a small increase (\$4,500 or 2.12%) in Snow & Ice materials (less than requested). Personnel costs fell, a result of retirement-related separation payments in Fiscal Year 2015, but parts, repair & maintenance costs rose. The recommended total budget for this group is \$1,818,029, a 1.83% increase over Fiscal Year 2015. The Capital Improvements Committee considers the vehicle fleet to be in good condition.

### **Human Services and Culture & Recreation**

These departments provide social services and other functions that enhance quality of life in Montague. These include the Council on Aging, Libraries, Parks and Recreation, and Veterans' Services. For Fiscal Year 2016 the separation of fee-based Recreation programs from basic-foundation services makes a year-to-year comparison (10.9% rise) less significant than for other municipal departments. The proposed total budget for this group is \$666,197 or 1.72% above Fiscal Year 2015. The overall increase reflects a lower estimated case-load in Veterans' Benefits, a shift in overhead and administrative costs of Parks and Recreation from their revolving fund to the general fund, including the cost of the water park, and a shift of some of the Libraries' operating costs from State Aid to the budget.

### **Debt Service**

This category fell very slightly from Fiscal Year 2015, to \$661,201. Debt service for the Public Safety Building and the town's share of the Combined Sewer Overload project accounts for about 82% of the town's debt service, but does not divert funds from the operating budget because it is paid from taxes assessed beyond the Proposition 2-1/2 limit. Any significant future borrowing is expected to be excluded debt.

### **Water Pollution Control Facility**

The Water Pollution Control Facility's Fiscal Year 2016 operating budget of \$2,244,913 is about \$67,627, or 3.11%, higher than Fiscal Year 2015. We recommend the continuation of a temporary position for exploration of other revenue sources. Septage handling for other towns has generated higher revenues, and may be expanded if it appears promising. The approaching year will see the continuation of regular sewer line evaluation to plan for future-years repair/replacement.

Capital spending for sewer facilities in Fiscal Year 2016 will amount to \$385,000, which will come from borrowing (see also **Special Articles & Reserves** section below). This project will continue the inspection, cleaning, lining and rehabilitation of old lines, or lines similar to those replaced or repaired during Fiscal Year 2015. These are the next



steps in the long-term capital investment plan, specific to the Treatment Plant, which was mentioned in last year's report.

Of the Facility's total 2016 budget request (including the Special Article) about 78% is funded by current-year user fees and 15% from borrowing -- leaving \$200,000 to be covered by taxation. This remainder represents "inflow and infiltration" into the system from non-metered sources.

**Airport**

As in prior years, user fees and revenue from non-aviation sources are insufficient to cover all Fiscal Year 2016 spending, which will rise less than 2%. The airport is roughly 67% self-supporting, a reduction from Fiscal Year 2015, because there are no significant retained earnings to offset spending. The Commission is actively pursuing development plans for areas not suitable for aviation operations.

**Educational Assessments**

**Franklin County Technical School**

The Franklin County Technical School (FCTS) assessment rose by about \$78,000 (11.42%) in Fiscal Year 2016, due in part to an increase in the proportion of Montague students to total enrollment. We chose not to absorb the increase from the FCTS Stabilization Fund, pending agreement on a clear policy defining an "unusual" shift in the proportions.

**Gill-Montague Regional School District**

The approved Gill-Montague Regional School District budget, on a basis similar to last year, rose from \$19,428,823 to \$20,452,361 (5.27%). However, the assessment request to Montague alone increased 2.47% to \$8,498,343, due in part to a reduction in our proportion of enrollment and a shift in the state-calculated minimum contribution. As in recent years, there was very little increase in state aid (Chapter 70) and a reduction of transportation reimbursements (Chapter 71), which were once expected to rise. The breakdown by category is as follows:

GMRSD Assessment	BUDGET	BUDGET	REQUEST	REQUEST
	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>INCR</u>
Minimum Contribution	4,704,760	4,858,813	5,006,608	147,795
Transportation	309,429	289,256	261,628	(27,628)
Debt Service	145,918	143,645	137,227	(6,418)
Over Minimum	2,805,450	3,001,744	3,092,880	91,136
Total	7,965,557	8,293,458	8,498,343	204,885
% Increase	1.46%	1.46%	2.47%	

As noted earlier, the Finance Committee's recommended "affordable assessment" (\$8,497,498) was calculated by allocating total forecasted available funds between the Gill-Montague district and the total of other town services. We had hoped that the state's Chapter 70 support for the district would have returned by now to historic levels. In fact it has remained nearly unchanged in recent years, which continues to challenge the district as it balances its educational goals with available funds. Declining enrollment and increasing choice- and charter-out costs have exacerbated this challenge.

### **Special Articles & Use of Reserves**

As noted earlier, we continue to ensure a financially sustainable future for Montague by funding ongoing expenses with taxes and other recurring revenue. Here are the principles that guide our recommendations:

#### **SPENDING**

1. We recommend regular appropriation of discretionary funds for needed purchase and repair of Information Technology, Police, and Public Works equipment. Though these continue to be presented as Special Articles (to enable unused balances to be preserved for future use for their intended purpose) our intent wherever possible is to fund them from Taxation. In Fiscal Year 2016 we recommend a total of \$98,200 for the discretionary funds, of which \$23,200 will come from Taxation and the remainder from Capital Stabilization. We hope to fund these entirely from taxation in the future.
2. We recommend funding vehicle leases from Taxation and outright purchases from Capital Stabilization, and accordingly recommend that a lease payment of \$43,325 come from Taxation. No major equipment purchases are planned for Fiscal Year 2016.
3. In Fiscal Year 2016 we recommend appropriations for small non-recurring expenditures (below \$25,000) from Taxation and not from Capital Stabilization. An exception is maintenance expenses for the former Montague Center Elementary School, because we expect it will not be needed, and this simplifies the budget presentation.
4. We recommend no spending from General Stabilization in order to preserve that fund for possible future cuts in state aid.
5. This year the Finance Committee recommends all articles and funding sources as presented in the motions (a separate document in the information packet). The only non-unanimous vote was for Article #19, Records Preservation, with the dissenting vote in favor of funding from General Stabilization.

#### **REPLENISHING RESERVES**

We believe it is important to continue the practice of regular appropriations to the Town General Stabilization and Town Capital Stabilization Funds, from Taxation on an annual basis and from Free Cash when an adequate balance is available. At this meeting we do not recommend an appropriation from Taxation into Town General Stabilization because that fund balance is above the threshold, but we do recommend a modest appropriation from Taxation into Town Capital Stabilization. Following past practice, and assuming a sufficient amount of certified Free Cash after July 1st, we will request that amounts of Free Cash not expected to be needed for Fiscal Year 2016 Special Town Meetings and Fiscal Year 2017 Annual Town Meeting be appropriated into various Stabilization funds at a fall Special Town Meeting

### **Conclusion**

There has been continuing pressure to maintain town services with the funds we have available. In recent years the Town has increased staff levels modestly to better support existing services, but is still below the levels of a decade ago. Our ability to maintain services in recent years has been significantly aided by the commitment and resourcefulness of town employees, the gradual recovery of revenue sources, cost controls at the two school districts that serve our town, moderation of employee benefit cost increases, and efficiencies and innovations at the Water Pollution Control Facility.

Looking forward to Fiscal Year 2017 we expect that state aid and local receipts will continue a slow rebound, as recovery comes in the form of a “new normal” balance of national and state economies. The town’s fiscal strength is good, and expected to improve, but the efforts of state and federal governments to address their own program needs and replenish their own reserves will slow the growth of grants and other aid, on which we have relied for some of our development plans. The increasing age of our buildings and equipment, within both the General Fund and the Water Pollution Control Facility, will require continuing spending for repair, maintenance or replacement. We expect to work with the Selectboard and Capital Improvements Committee to formulate and follow a clear plan for vital and effective town government without relying on the use of reserves for operating expenses.

In future years the Town will face the difficult choice of how to raise more revenues (through user fees, debt exclusions or a Proposition 2 ½ override) if we wish to replace or upgrade municipal buildings and infrastructure. Examples include a Public Works Garage, Senior Center We invite both general comments and specific questions from residents and Town Meeting members as to how Town services should be prioritized. We may be contacted directly through the Town’s website at [www.montague-ma.gov](http://www.montague-ma.gov). The website also contains this report, revenue estimates for Fiscal Year 2016, details of compliance with Financial Policies, and line item budgets for all Town departments. To locate this information, go to the website, and from the **Departments** list, select “Finance Committee and Town Accountant,” then “Annual Budget Information.”

Respectfully submitted,

John Hanold, Chair

Sharon Kennaugh

Greg Garrison

Michael Naughton      Lynn Reynolds

**SUMMARY OF WARRANT ARTICLES**

**PLEASE NOTE: All Special Articles that affect Stabilization Funds or authorize debt require a 2/3 vote. These are shown below with an asterisk in front of the Topic.**

**ANNUAL TOWN MEETING**

<u>ART NO.</u>	<u>TOPIC</u>	<u>AMOUNT REQUESTED</u>	<u>FUNDING SOURCE</u>
1.	Annual Reports		
2.	Accept Grants		
3.	Hazardous Materials Revolving Fund	7,500	Available Funds
4.	Elected Officials Salaries		
5.	Appointed Officials Salaries		
6.	Operating Budget	8,428,454	Taxation/Free Cash
7.	WPCF Operating Budget	2,244,913	Taxation/Sewer Fees
8.	Colle Receipts Operating Budget	80,350	Available Funds
9.	Airport Operating Budget	46,278	Taxation/Airport Fees
10.	Franklin County Technical School	760,615	Taxation
11.	Gill-Montague Regional School District	8,498,343	Taxation/Free Cash
12.	*Sewer Lines	385,000	Sewer Debt
13.	Sheffield Windows	1,116,764	GMRSD/Town Debt
14.	Sheffield Boilers/Burners	145,000	GMRSD/Town Debt
15.	*Purchase/Repair DPW Equipment	100,000	Town Capital Stab
16.	Lease Payment 6 Wheel Dump Trucks	43,325	Taxation
17.	Repair Shea Theater Roof	20,000	Taxation
18.	Police Equipment	15,000	Taxation
19.	*Town Records	46,000	Town Capital Stab
20.	*Increase Town Capital Stabilization Fund	32,632	Taxation
21.	*Montague Center School Maintenance	15,000	Town Capital Stab
22.	Amend bylaw- Town Meeting Postings		
23.	Information Technology	8,200	Taxation
24.	*Broadband Network	400,000	Town Debt
25.	Graffiti By-law		
26.	Approve Five-Year Recycling Contract		
27.	Alcohol License		
28.	Petition Article-Require Written Legal Proposals		
29.	Petitioned Article – Ban Fracked Gas Pipelines		
30.	Petitioned Article – Approve Contract with Montague Community Cable Incorporated		

**ANNUAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
May 2, 2015  
MOTIONS**

**ARTICLE 1. MOVED:** That the Town vote to receive and act upon the reports of the Officers of the Town and to receive the report of any committees and act thereon.

**ARTICLE 2. MOVED:** That the Town vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation.  
(Board of Selectmen Request)

**ARTICLE 3. MOVED:** That the Town vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2015 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills.

(Emergency Manager Request)

**ARTICLE 4. MOVED:** That the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2015, as set forth in Schedule I, Elected Officials.

<b>SCHEDULE I</b>				
<b>Elected Officials</b>				
<b><u>TITLE</u></b>	<b><u>FY14 ACTUAL</u></b>	<b><u>FY15 BUDGET</u></b>	<b><u>FY16 REQUEST</u></b>	<b><u>FY16 RECOMMEND</u></b>
<b>MODERATOR</b>	340	340	340	340
<b>BOARD OF SELECTMEN</b>				
All Members	1,500	1,500	1,500	1,500
<b>BOARD OF ASSESSORS</b>				
All Members	1,500	1,500	1,500	1,500
<b>TREASURER/COLLECTOR</b>	64,379.93	66,270	68,271*	68,271

\*Step increase from G-9 to G-10 with 1% COLA

JOINT FINANCE COMMITTEE AND BOARD OF SELECTMEN MEETING

April 15, 2015

Page 14 of 28

**TOWN CLERK** 61,879.56 63,697 65,620\* 65,620

\*Step increase from G-7 to G-8 with 1% COLA

**SCHEDULE I  
Elected Officials**

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
<b>BOARD OF REGISTRARS</b>				
Town Clerk	800	800	800	800
<b>TREE WARDEN</b>	1,300	1,300	<b>1,500</b>	<b>1,300</b>
<b>BOARD OF HEALTH</b>				
All Members	1,500	1,500	1,500	1,500

Finance Committee recommends Voted 5-0  
Selectmen recommend Voted 3-0

**ARTICLE 5. MOVED:** That the Town vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2015, as set forth in Schedule II, Appointed Officials.

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
<b><u>ANNUAL STIPENDS</u></b>				
<b>BOARD OF REGISTRARS (3)</b>	500	500	500	500
<b>EMERGENCY MGMT DIR</b>	5,490	5,490	5,490	5,490
<b>BURIAL AGENT</b>	670	670	<b>zero</b>	<b>zero</b>
<b>ANIMAL INSPECTOR</b>	1,500	1,500	1,500	1,500
<b>BARN INSPECTOR</b>	500	500	<b>1,000</b>	<b>1,000</b>
<b>IT ADMINISTRATOR</b>	2,000	2,000	<b>3,500</b>	<b>2,000</b>
<b>FOREST WARDEN</b>	1,631	1,631	1,631	1,631
<b><u>RATES PER INSPECTION</u></b>				

JOINT FINANCE COMMITTEE AND BOARD OF SELECTMEN MEETING

April 15, 2015

Page 15 of 28

ASST BLDG INSPECTOR	27.06	27.06	<b>27.50</b>	<b>27.50</b>
GAS INSPECTOR	27.06	27.06	<b>27.50</b>	<b>27.50</b>

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
<b><u>RATES PER INSPECTION</u></b>				
PLUMBING INSPECTOR	27.06	27.06	<b>27.50</b>	<b>27.50</b>
ELECTRICAL INSPECTOR	27.06	27.06	<b>27.50</b>	<b>27.50</b>

<u>HOURLY RATES</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>
EXTRA CLERICAL	8.00-10.00	8.00-10.00	9.00-10.00	9.00-10.00
ELECTION WORKERS	8.00-10.00	8.00-10.00	9.00-10.00	9.00-10.00
SUMMER HIGHWAY	8.00-12.00	8.00-12.00	9.00-12.00	9.00-12.00
SNOW PLOW DRIVERS	15.00-25.00	15.00-25.00	15.00-25.00	15.00-25.00
P/T POLICE OFFICERS	14.50-17.00	14.50-17.00	14.50-17.00	14.50-17.00
P/T DISPATCHERS	13.00-15.00	17.00-19.00	17.00-19.00	17.00-19.00
PARKS & RECREATION	8.00-25.63	8.00-25.63	9.00-25.63	9.00-25.63

**NON-UNION EMPLOYEES NOT SHOWN ABOVE**

<u>SALARIED</u>	<u>Grade</u>	<u>Range FY2015</u>		<u>Range FY2016</u>	
		Start	End	Start	End
TOWN ADMINISTRATOR	J	84,888	104,470	85,737	105,515
TOWN ACCOUNTANT	G	55,194	67,595	55,746	68,271
CHIEF OF POLICE	I	77,171	94,972	77,943	95,922
DPW SUPERINTENDENT	H	70,156	86,339	70,858	87,202
DIRECTOR OF HEALTH	G	55,194	67,595	55,746	68,271
LIBRARY DIRECTOR	G	55,194	67,595	55,746	68,271
WPCF SUPERINTENDENT	H	70,156	86,339	70,858	87,202

HOURLY

SELECTMEN'S SECRETARY	E	20.51	25.25	20.72	25.50
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**Informational Only: Fiscal Year 2016 budgeted wages with 1% COLA**

TOWN ADMINISTRATOR	101,417	DIRECTOR OF HEALTH	66,933
TOWN ACCOUNTANT	66,933	LIBRARY DIRECTOR	60,033
CHIEF OF POLICE*	98,267	WPCF SUPERINTENDENT	87,202
DPW SUPERINTENDENT	82,173	SELECTMEN'S SECRETARY	25.01

\*includes additional 20% educational incentive pay

Finance Committee recommends Voted 5-0  
 Selectmen recommend Voted 3-0

**ARTICLE 6. MOVED:** That the Town vote to appropriate the sum of \$8,373,806 for the maintenance of the several departments of the Town and for any other necessary changes, with \$125,000 to be raised from Free Cash and \$8,248,806 to be raised from Taxation said sums to be allocated in accordance Schedule III, Budget.

**SCHEDULE III  
 BUDGET**

DEPT NO.	ADJUSTED BUDGET FY15	REQUESTED FY16	TOWN ADMIN RECOMMEND FY16	SELECTMEN FIN COMM RECOMMEND FY16
<b>GENERAL GOVERNMENT</b>				
113	TOWN MEETING	1,720	1,720	1,720
122	SELECTMEN	155,102	166,035	162,535
131	FINANCE COMMITTEE	840	840	840
132	RESERVE FUND	50,000	50,000	50,000
135	TOWN ACCOUNTANT	75,360	76,100	76,100
141	ASSESSORS	149,978	156,533	156,533
141	ASSESSORS SOFTWARE		3,860	3,860
145	TREASURER/COLLECTOR	207,707	212,387	212,387
151	TOWN COUNSEL	92,500	70,000	70,000
159	SHARED COSTS	71,506	79,656	79,656
161	TOWN CLERK	131,099	130,320	130,320
175	PLANNING	76,610	79,226	79,226
176	ZONING BOARD OF APPEALS	2,710	2,710	2,710
182	MEDIC	1,500	1,500	1,500
190	PUBLIC BLDG UTILITIES	107,010	111,215	111,215
	<b>TOTAL GENERAL GOVT</b>	<b>1,125,642</b>	<b>1,142,102</b>	<b>1,138,602</b>
<b>PUBLIC SAFETY</b>				
211	POLICE	1,385,561	1,470,962	1,440,962
211	POLICE CRUISER	39,500	39,500	39,500
212	DISPATCH	272,703	275,691	270,691
241	BUILDING INSPECTOR	122,238	125,384	125,384
244	SEALER OF WEIGHTS	2,750	2,750	2,750
291	EMERG MANAGEMENT	5,740	5,740	5,740
292	ANIMAL CONTROL	17,850	17,800	17,800
294	FOREST WARDEN	1,631	1,631	1,631
299	TREE WARDEN	13,670	13,710	13,510
511	BOARD OF HEALTH	127,905	136,908	136,908
	<b>TOTAL PUBLIC SAFETY</b>	<b>1,989,548</b>	<b>2,090,076</b>	<b>2,054,876</b>



JOINT FINANCE COMMITTEE AND BOARD OF SELECTMEN MEETING

April 15, 2015

Page 17 of 28

DEPT NO.		ADJUSTED BUDGET FY15	REQUESTED FY16	TOWN ADMIN RECOMMEND FY16	SELECTMEN FIN COMM RECOMMEND FY16
PUBLIC WORKS					
420	DEPT OF PUBLIC WORKS	1,133,471	1,148,529	1,148,529	1,148,529
423	SNOW & ICE	212,000	226,500	226,500	216,500
433	SOLID WASTE	433,800	447,000	447,000	447,000
491	CEMETERIES	6,000	6,000	6,000	6,000
	TOTAL PUBLIC WORKS	1,785,271	1,828,029	1,828,029	1,818,029
HUMAN SERVICES					
541	COUNCIL ON AGING	38,288	39,669	39,669	39,669
543	VETERANS' SERVICES	172,500	157,500	157,500	157,500
	TOTAL HUMAN SERVICES	210,788	197,169	197,169	197,169
CULTURE & RECREATION					
610	LIBRARIES	337,643	357,096	351,149	351,149
630	PARKS & RECREATION	104,784	116,179	116,179	116,179
691	HISTORICAL COMMISSION	500	500	500	500
693	WAR MEMORIALS	1,200	1,200	1,200	1,200
	TOTAL CULTURE & REC	444,127	474,975	469,028	469,028
DEBT SERVICE					
700	DEBT SERVICE	662,036	661,201	661,201	661,201
INTERGOVERNMENTAL					
840	INTERGOVERNMENTAL	94,169	94,259	94,259	94,259
MISCELLANEOUS					
910	EMPLOYEE BENEFITS	1,882,335	1,851,271	1,851,271	1,851,271
946	GENERAL INSURANCE	87,619	89,371	89,371	89,371
	TOTAL MISCELLANEOUS	1,969,954	1,940,642	1,940,642	1,940,642
	GRAND TOTAL GENERAL	8,281,535	8,428,454	8,387,306	8,373,806

Finance Committee recommends \$8,373,806 Voted 5-0

Selectmen recommend \$8,373,806 Voted 3-0

**ARTICLE 7. MOVED:** That the Town vote to appropriate the sum of \$2,244,913 for the purpose of operating the Water Pollution Control Facility and associated pumping stations, with \$200,000 to be raised from Taxation and \$2,044,913 to be raised from Sewer User Fees, said sums to be allocated in accordance Schedule IV, WPCF Budget.

**SCHEDULE IV  
WPCF Budget**

DEPT NO.		BUDGET 2015	REQUEST 2016	TOWN ADMIN RECOMMEND 2016	FIN COMM SELECTMEN RECOMMEND 2016
	<b>WATER POLLUTION CONTROL FACILITY</b>				
440	Wages & Expenses	1,457,325	1,525,575	1,457,463	1,525,575
700	Debt Service	461,198	437,052	437,052	437,052
910	Employee Benefits	202,806	227,327	215,327	227,327
	<b>SUBTOTAL WPCF</b>	<b>2,122,327</b>	<b>2,189,954</b>	<b>2,109,842</b>	<b>2,189,954</b>
449	<b>DPW SUBSIDIARY</b>				
	Wages & Expenses	46,959	46,959	46,959	46,959
	Capital Outlay	8,000	8,000	8,000	8,000
	<b>SUBTOTAL DPW SUBSIDIARY</b>	<b>54,959</b>	<b>54,959</b>	<b>54,959</b>	<b>54,959</b>
	<b>TOTAL WPCF</b>	<b>2,177,286</b>	<b>2,244,913</b>	<b>2,164,801</b>	<b>2,244,913</b>

Finance Committee recommends \$2,244,913 Voted 5-0  
 Selectmen recommend \$2,244,913 Voted 3-0

**ARTICLE 8. MOVED:** That the Town vote to appropriate the sum of \$80,350 for the purpose of funding the operations, maintenance, and debt service of the Colle Building, said sum to be raised by Colle Receipts Reserved for Appropriations.

Finance Committee recommends Voted 5-0  
 Selectmen recommend Voted 3-0

**ARTICLE 9. MOVED:** That the Town vote to appropriate the sum of \$46,278 for the purpose of operating the Turners Falls Airport with \$15,431 to be raised from Taxation and \$30,847 from Airport User Fees.

Finance Committee recommends Voted 5-0  
Selectmen recommend Voted 3-0

**ARTICLE 10. MOVED:** That the Town vote to appropriate the sum of \$760,615 for the purpose of paying the Franklin County Technical School District for Montague's share of the assessment for the yearly operation of the Franklin County Technical School said sum to be raised from Taxation.

Finance Committee recommends Voted 5-0  
Selectmen recommend Voted 3-0

**ARTICLE 11. MOVED:** That the Town vote to appropriate the sum of \$8,498,343 for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools with \$125,000 to be raised from Free Cash and \$8,373,343 to be raised from Taxation.

Finance Committee recommends Voted 5-0  
Selectmen recommend Voted 3-0

**ARTICLE 12. MOVED:** That the Town vote to appropriate the sum of \$385,000 for the purpose of documenting and improving various sewer and storm water lines and drains, including any related costs, and as funding therefore, that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum and issue bonds and notes therefore pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority

**(2/3 vote required)**

(DPW and WPCF Request)

Finance Committee recommends Voted 5-0  
Selectmen recommend Voted 2-0-1  
Capital Improvements Committee Recommends

**ARTICLE 13. MOVED:** That the Town hereby approves the \$1,116,764.00 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of GMRSD Window Project at the Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing windows in the auditorium/gymnasium

wing, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of GMRSD the School Building Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six percent (76%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

**(Majority vote required)**

(GMRSD Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

Capital Improvements Committee Recommends

Energy Committee Recommends

**ARTICLE 14. MOVED:** That the Town hereby approves the \$145,000 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of the GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, Ma 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto. To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d), of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority.

**(Majority vote required)**

(GMRSD Request)

Finance Committee recommends Voted 4-0

Selectmen recommend Voted 3-0

Capital Improvements Committee Recommends

**ARTICLE 15. MOVED:** That the Town vote to appropriate the sum of \$75,000 for the purpose of purchasing and equipping and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, said sum to be raised from the Town Capital Stabilization Fund.

**(2/3 vote required)**

(Department of Public Works Request)

Finance Committee recommends \$75,000 Voted 5-0

Selectmen recommend \$75,000 Voted 3-0

Capital Improvements Committee Recommends \$75,000

**ARTICLE 16. MOVED:** That the Town vote to appropriate the sum of \$43,325 for the purpose of funding FY 2016 principal and interest payments due on the Six Wheel Dump Truck authorized for lease at the May 5, 2012 Annual Town Meeting, said sum to be raised from Taxation.

(Department of Public Works Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

Capital Improvements Committee Recommends

**ARTICLE 17. MOVED:** That the Town vote to appropriate the sum of \$20,000 for the purpose of repairing the Shea Theater roof, including all costs incidental or related thereto, said sum to be raised from Taxation.

(Board of Selectmen Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

**ARTICLE 18. MOVED:** That the Town vote to appropriate the sum of \$15,000 for the purpose of funding purchases of Police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, said sum to be raised from Taxation.

(Police Department Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

**ARTICLE 19. MOVED:** That the Town vote to appropriate the sum of \$46,000 for the purpose of funding and supporting the retention and storage of Town records through a storage management system, said sum to be raised from the Town Capital Stabilization Fund.

**(2/3 vote required)**

(Town Clerk Request)

Finance Committee recommends Voted 4-1\*

Selectmen recommend Voted 3-0

Capital Improvements Committee Recommends

\*dissenting vote favored funding from General Stabilization

**ARTICLE 20. MOVED:** That the Town vote to appropriate the sum of \$32,632 for the purpose of increasing the Town Capital Stabilization Fund, said sum to be raised from Taxation.

**(2/3 vote required)**

(Finance Committee Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

**ARTICLE 21. MOVED:** That the Town vote to appropriate the sum of \$15,000 for the purpose of maintaining the Montague Center School building, said sum to be raised from the Town Capital Stabilization Fund.

**(2/3 vote required)**

(Board of Selectmen Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

**ARTICLE 22. MOVED:** That the Town vote to amend Article 1, Section 1 of the by-laws of the Town of Montague (amended 3/12/92) by replacing the words “in some conspicuous place in each of the post offices of the Town and in each of the public libraries of the Town, and the Town office building,” with “on the Town’s website and on the official Town Hall Bulletin Board”.

(Board of Selectmen Request)

**ARTICLE 23. MOVED:** That the Town vote to appropriate, the sum of \$8,200 for the purpose of funding the purchase of information technology equipment, parts, accessories, and software and for the installation thereof, said sum to be raised from Taxation.

(Computer Administrator Request)

Finance Committee recommends Voted 5-0

Selectmen recommend Voted 3-0

**ARTICLE 24. MOVED:** That the Town vote to appropriate the sum of \$400,000 for costs associated with the design, construction, and installation, including any costs associated with or incidental thereto, of a broadband fiber-to-the-home network to provide cable service to sections of the Town that do not have access to such service, to also include installation of a fiber backbone to enable future expansion of cable service throughout the Town, the expenditure therefore to be reduced by the amount of any gift, grant, or other funding source obtained for this purpose; and further to authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds to defray the cost of said project, and to enter into such agreements and execute any and all instruments as may be necessary to accomplish the foregoing; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow said amount pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority.

**(2/3 vote required)**

(Board of Selectmen Request)

Finance Committee Voted 2-0-2

Selectmen recommend Voted 2-0-1

**ARTICLE 25. MOVED:** That the Town vote to amend Article IV of the By-Laws of the Town of Montague, by adding the following new section to be consecutively numbered at the end thereof.

## **GRAFFITI AND SPRAY PAINT BY-LAW**

### **A. Graffiti Abatement**

1. Definition of "Graffiti". Any word, figure or painted design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, unless the same was authorized in advance by the owner thereof.
2. The existence of Graffiti on any surface within the town is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. No person shall apply or allow Graffiti to remain on any surface within the Town.
4. No owner of any surface within the town shall allow any Graffiti to remain thereon when the Graffiti is visible from the street or from other public or private property.

5. Whenever the Building Inspector, the Board of Health or its designee or a member of the Police Department determines that Graffiti on any surface within the town is visible from the street or from other public or private property, the owner thereof shall abate the Graffiti within 10 days of service of an order to abate or in such other time as the enforcement official shall order.
6. A property owner shall be deemed to have complied with an order to abate the Graffiti if it is obliterated by a matching building paint or by such other means as shall obliterate the Graffiti and remove the nuisance.
7. This by-law may be enforced by the Building Inspector, Board of Health or its designee or any police officer of the Town of Montague.
8. A property owner who violates any provision of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of twenty-dollars (\$20) for each offense. Each day that Graffiti remains on the owner's property after expiration of an order to abate shall constitute a separate offense.
9. Any person who applies Graffiti to any surface in the Town may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense. Each day that Graffiti remains shall constitute a separate offense.
10. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.
11. Nothing in this by-law shall be construed to limit in any way the Town's authority to order the abatement of a nuisance as set forth in any applicable law, including but not limited to the authority of the Board of Health as set forth in Massachusetts General Laws, Chapter 111, Sections 122-125. The Town may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

**B. Sale or Delivery of Spray Paint to Minors**



1. Definition of "Spray Paint". Any aerosol container that is adapted or made for the purpose of applying paint or any other substance capable of defacing the surface to which it is applied.
2. No person shall sell or deliver Spray Paint to any person under seventeen (17) years of age.
3. No employee of any establishment offering Spray Paint for sale to the public shall be penalized under this by-law if they reasonably rely on a facially valid form of identification issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act (50 App. U.S.C. \*451 et seq.), identification card issued to a member of the Armed Forces or a birth certificate.
4. This by-law may be enforced by any member of the Town of Montague Police Department. Any person who violates this bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense.
5. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense.
6. Any person who owns, manages or operates a place of business wherein Spray Paint is offered for sale to the public shall conspicuously post notice of this law in such place of business in letters of at least one inch (1") high stating: "The sale and possession of Spray Paint to persons under age 17 is prohibited by law and subject to penalties; valid identification may be required."

**C. Possession of Spray Paint by Minors**

1. No person under seventeen (17) years of age shall possess Spray Paint, unless accompanied by a parent or legal guardian or in the course of employment involving the manufacture, distribution, sale or use of Spray Paint.
2. This by-law may be enforced by any member of the Montague Police Department. Any person under the age of seventeen (17) found violating the provisions of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of two hundred dollars (\$200) for each offense.

3. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.

(Police Chief Request)

**ARTICLE 26. MOVED:** That the Town vote to authorize the Board of Selectmen to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

(Board of Selectmen Request)

**ARTICLE 27. MOVED:** That the Town vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 37 Third Street, in the Turners Falls Village of the Town, by the Five Eyed Fox, 37 Third Street, Turners Falls, or its successors or assigns, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE  
ADDITIONAL LIQUOR LICENSE.

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.** (a) Notwithstanding section 17 of Chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to Five Eyed Fox, or its successors or assigns, to be exercised at and located at 37 Third Street, in the Turners Falls Village in said town. A license granted under this section shall be subject to all of said Chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the Department of Revenue indicating that the license is in good standing with the

Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

(Board of Selectmen Request)

**ARTICLE 28. MOVED:** That the Town vote to act on the following petition:

The undersigned direct the selectboard to solicit written proposals (for time task and money) for legal services for the upcoming fiscal year (2016-2017; all said proposals shall be presented to town meeting at the next special or annual town meeting for their vote.

(Petitioned Article)

**ARTICLE 29. MOVED:** That the Town vote to act on the following petition:

**RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY**

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGP's high pressured pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

(Petitioned Article)

**ARTICLE 30. MOVED:** That the Town vote to act on the following petition:

To see if the Montague Annual Town Meeting will vote to approve a contract between the town of Montague and its PEG access provider, Montague Community Cable Incorporated, or take any other action relative thereto. The contract shall not be for more than three years and shall be accompanied by a plan, submitted by MCCI, to expand local content and community involvement in the station (MCTV).

(Petitioned Article)