

# **TOWN OF MONTAGUE FY2023 ANNUAL BUDGET**



FINANCE COMMITTEE REPORT TO  
TOWN MEETING  
MONTAGUE, MASSACHUSETTS  
**May 7, 2022, 8:30AM**  
**TURNERS FALLS HIGH SCHOOL THEATER**





## **TOWN OF MONTAGUE**

*Finance Committee*

One Avenue A

Turners Falls, Massachusetts 01376

413 863-3200 ext. 121

April 13, 2022

Dear Town Meeting Members:

One of the Finance Committee's responsibilities is to report to Town Meeting about the annual budget being proposed for the upcoming fiscal year. This booklet includes information and explanation of major elements of the proposed budget, as well as background on each of the motions you will be asked to vote on. If you would like more details, you can find materials related to this year's budget development process on the Town's website at [www.montague-ma.gov/p/374/Annual-Budget-Information](http://www.montague-ma.gov/p/374/Annual-Budget-Information), and of course if you have questions, any of us would be happy to speak with you.

The budget we are presenting to you is the result of a collaborative process that started in 2021, when departments and committees were asked to prepare requests for anticipated capital and operating needs in their areas for Fiscal Year 2023. The Capital Improvements Committee started reviewing capital requests for FY2023 in October, and department heads who were proposing significant staffing changes presented proposals to the Selectboard (acting as the Personnel Board) in December and January.

The Finance Committee and Selectboard had all of the initial operating budget and special article requests in hand by mid-December 2021, and preliminary revenue projections were in place in January 2022. Based on this information, in late January the Selectboard offered a preliminary budget to the Finance Committee for further investigation. We reviewed the requests, invited public input, gathered information through written correspondence, researched and asked questions, and discussed our concerns at public meetings in February and March.

The operating budget proposed for the Town was refined by this process, and our input also helped influence decisions about the special articles that would ultimately appear on the Annual Town Meeting Warrant. When we reconvened with the Selectboard in mid-March, we received the Capital Improvements Committee's report and recommendations and then worked together to settle on a final budget to propose to you. We look forward to hearing what you think of it in May!

Respectfully, Your Finance Committee:

Jennifer Audley, Gregory Garrison, John Hanold, Christopher Menegoni, Jennifer Waryas, and Francia Wisnewski

# FINANCE COMMITTEE REPORT TO TOWN MEETING

## Fiscal Year 2023

In accordance with the bylaws of the Town, the Montague Finance Committee has investigated the cost of maintenance and expenditures of the different departments of the Town and here recommend in detail the amounts to be appropriated for each department for the ensuing year. We have also considered articles in Town warrants requiring the appropriation of money. We propose a balanced budget of \$28,067,866 to provide municipal services during Fiscal Year 2023 (FY23).

Further detail on the development of the FY23 budget is available on the Town's website at [www.montague-ma.gov/p/374/Annual-Budget-Information](http://www.montague-ma.gov/p/374/Annual-Budget-Information). The "Annual Budget Information" section includes a glossary of the terms that are bold-faced in this report, revenue estimates for FY23, Montague's Financial Management Policies, line-item budget requests for all town departments, budget narratives, our Capital Improvements Committee's annual report, and other resources.

### **INTRODUCTION**

This budget strives to provide effective municipal programs and services to Montague's residents, while assuring a financially sustainable future. Our **Revenue** estimates reflect our expectations for tax collections, local receipts, and state aid in various forms.

As has been the case in recent years, town departments were asked to submit "level services" budgets, and for the most part they succeeded in finding ways to do so while containing costs. The notable exceptions were requests for increased staffing in the Selectboard, Police, Dispatch and WPCF Budgets, which are discussed later. Montague's financial situation has stabilized in recent years, and the gradual recovery from COVID restrictions and assistance from federal grants have enabled us to address some of our delayed infrastructure needs. This year we have supported proposals to improve the delivery of services and programs where possible, and we feel encouraged by efforts to engage in longer term planning that will ultimately help us make more strategic financial decisions.

This willingness to devote energy to future-oriented planning is particularly laudable during a year that has placed extraordinary demands on the time, talents, and goodwill of town staff and civic leaders alike. We are grateful to everyone who has worked with us throughout this annual budget season.

### **FUNDING GOALS**

The Finance Committee pursued several goals while developing this budget:

1. To fund annual needs (both departmental operating budgets and recurring Special Articles) from recurring non-Reserve sources, and to avoid using **Reserves** for

nonrecurring projects estimated to cost less than \$25,000. We accomplished this goal this year, using a combination of **Taxation** and **Free Cash**. Our ability to avoid the use of Free Cash for the Town's departmental operating budget and the GMRSD assessment is a sign of our improved fiscal health.

2. To fund the assessment of the Gill-Montague Regional School District (GMRSD) according to the method described in the [Compact for Funding Education](#), which was ratified in 2009, reaffirmed in 2019, and reviewed in a meeting with the district's new superintendent at the beginning of the budget development process. The agreement was based on a model where Montague allocates 48.5% of defined revenues as the "Affordable Assessment," and that percentage has been used ever since. The district's FY23 request matches that figure, and we recommend funding it.
3. To follow the Town's Financial Management Policies, which provide guidelines for capital spending, debt financing, and appropriations to various stabilization accounts. Bond rating agencies encourage towns to establish and follow such guidelines, and the Town's commitment to doing so has resulted in favorable interest rates on debt issued in FY2022.

This year we began work on revising the Town's Financial Management Policies and developing some additions, as well as a multi-year financial forecast, and published revisions to several of them. Fifteen of the eighteen new financial policies have now been approved by the Selectboard. That effort will continue in FY23, and we look forward to involving Town Meeting Members and the public.

Some other notable accomplishments from this year:

- The Town General Stabilization Fund is now adequate to meet three years of reduced State Aid. After years of contributions to this Fund, we believe it is safe and appropriate to waive adding to this funds for a second year.
- Tangible progress has been made toward the goal of a developing a comprehensive inventory of the Town's capital assets and their maintenance needs and a capital spending plan.
- Final borrowing for the Public Works garage was completed and investments in critical assets for the Water Pollution Control Facility and Public Works departments were made with the use of federal funds.
- The FY22 tax rate, set in December 2021, preserved \$632,589 in **Excess Capacity** for Montague, and the **Revenue** estimate for FY23 assumes Excess Capacity will be held at

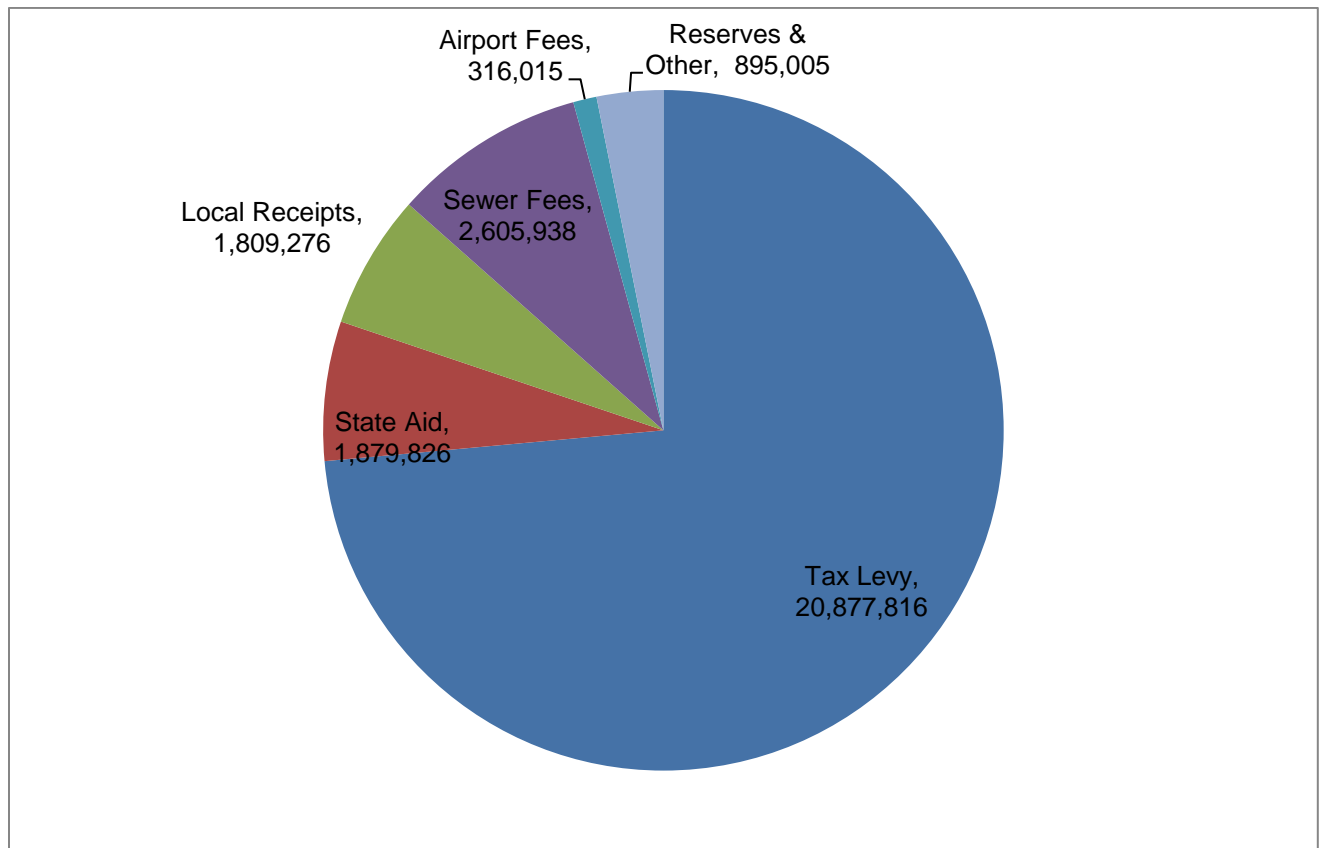
\$500,000. Montague’s ability to raise revenue sufficient for its needs without taxing to the annual levy limit is an indicator of fiscal health and provides a reserve for possible future revenue reductions.

- A portion of **Taxation** has been reserved for appropriations later in FY23 for expenses not yet quantified.

## Revenues

Massachusetts General Law requires municipalities to prepare an annual budget that balances revenues with expenditures. The revenue side of our budget is derived primarily from five sources: Property Taxes, State Aid, Local Receipts, Enterprise Fund (WPCF and Airport) revenues, and Reserves (principally Free Cash or Stabilization Funds). A summary table with revenue and expense comparisons to FY22 and FY23 is on page 11 of this report.

The following chart illustrates the proportion of revenues expected from each source. (Please note that later on, in the Motions, when “**Taxation**” is named as a funding source, **it includes the combination of property taxes, state aid, and local receipts.**)



## **REVENUE HIGHLIGHTS**

**Property Taxes** Net levy revenue is estimated 3.68% higher than FY22. The proposed budget assumes that property will be taxed to a level \$500,000 below the **Levy Limit**, and it includes \$566,345 in excluded debt service from bonding issued for the Department of Public Works building. The Tax Levy includes revenue from local taxes on residential, commercial, industrial, and personal property.

The Tax Levy also includes **New Growth**, which is estimated at \$120,000. While in recent years Montague has benefitted several times from unanticipated New Growth, we have been advised to expect a return to more historically normal levels.

**State Aid** We used the Governor's budget (also called "House 1") for estimates for State Aid, as those were the best figures available to us. These predicted an increase of 3% over FY22. While the State's final FY23 budget is still taking shape, State Aid has been on an upward trend since 2020 and looks like it will continue increasing next year but at a reduced slope.

<https://www.mma.org/advocacy/local-aid-ch-90-are-top-priorities-for-early-action-in-2022/>  
State Aid comprises less than 8% of our planned revenue, so Montague should be able to adapt to any changes that occur.

**Local Receipts** We have projected Local Receipts at 12% above FY22 in response to concerns that the Town's Free Cash is too high because taxes are too high. (Within the total revenue amount, lower Local Receipts estimates means you need more tax money to balance the budget. Increasing the estimated Local Receipts reduces the amount needed from Taxation.) The categories of Local Receipts are shown below. (Please note that this category includes a mix of revenue types.) Our practice has been to estimate local receipts conservatively, which should help buffer potential shortfalls in this area. Moderated consumer behavior (auto purchases, restaurant meals) and choices (composting, trash stickers) make forecasting more difficult.

	FY21 Actuals	FY22 Estimated	FY23 Estimated	% of Total
<b>Local Receipts</b>				
Excise/Meal Taxes	\$835,507	\$693,500	\$801,000	44.4%
Penalties & Fines	\$176,781	\$126,000	\$144,000	8.0%
Charges for Trash Disposal	\$314,699	\$238,000	\$263,000	14.5%
Rental - 50% Kearsarge	\$80,793	\$82,247	\$84,728	4.7%
SRO Reimbursements	\$124,207	\$127,415	\$142,000	7.8%
All Other	<u>\$438,240</u>	<u>\$347,675</u>	<u>\$374,548</u>	20.7%
<b>Total</b>	\$1,970,227	\$1,614,837	\$1,809,276	100.1%

**Reserves** include **Free Cash**, **Stabilization Funds**, and other miscellaneous funds. The proposed budget for FY23 uses \$200,000 of Free Cash for Special Articles and leaves a balance of \$51,242

to be carried over to next year.

We are recommending the use of \$593,800 from a variety of Stabilization Funds for Special Articles this year. The background on the Motions includes an explanation of the funding source recommendations for particular articles. Much of this year's appropriations from Stabilization Funds are offset by allocations that will partially replenish them.

**Airport and Sewer User Fees** Unlike most Town services, the Airport and the Water Pollution Control Facility (WPCF) are **Enterprise Funds**. These operations collect fees from those who use their services, and those fees are dedicated to funding their operations.

Airport user fees in FY23 will include Payments in Lieu of Taxes and rentals/leases of hangars and other newly acquired property. This is the first full year the airport has had its expanded property and projected revenues have been on target. State and Federal grants are expected to cover most debt service costs and increased operating revenues will allow the Airport to function without Town subsidy.

At the WPCF, sewer user fees include residential and industrial sewer bills and septage fees. The revenue proportion has moved toward residential users since the closure of the last paper mill in Montague. The Town also pays a user fee to the WPCF to cover the cost of treating Inflow and Infiltration (I & I) in the system.

### **Education Revenue**

Although it does not directly affect the Town's budget, Chapter 70 and Chapter 71 State Aid to local school districts is an important element of their funding, distinct from the Town's assessment contributions. Increases in aid for school districts enabled them to meet most of their desired increased spending to alleviate the stresses of COVID. The Gill-Montague District has met the Affordable Assessment target, and application of our policy to cushion the impact of enrollment changes at the FCTS will prepare us for future changes.

### **Cannabis Excise Tax Revenue**

Cannabis sales tax receipts are included in the "Reserves" category on the pie chart on page 3. At its March 5, 2020, Special Town Meeting, the Town decided to allocate excise tax revenue from retail cannabis sales to the Town Capital Stabilization Fund for the foreseeable future, or until the cannabis market stabilizes. At the time of this writing, retail cannabis excise tax revenue collected in FY22 (representing 2 quarters) had added \$141,206 to the Town Capital Stabilization Fund.

### **American Rescue Plan Act**

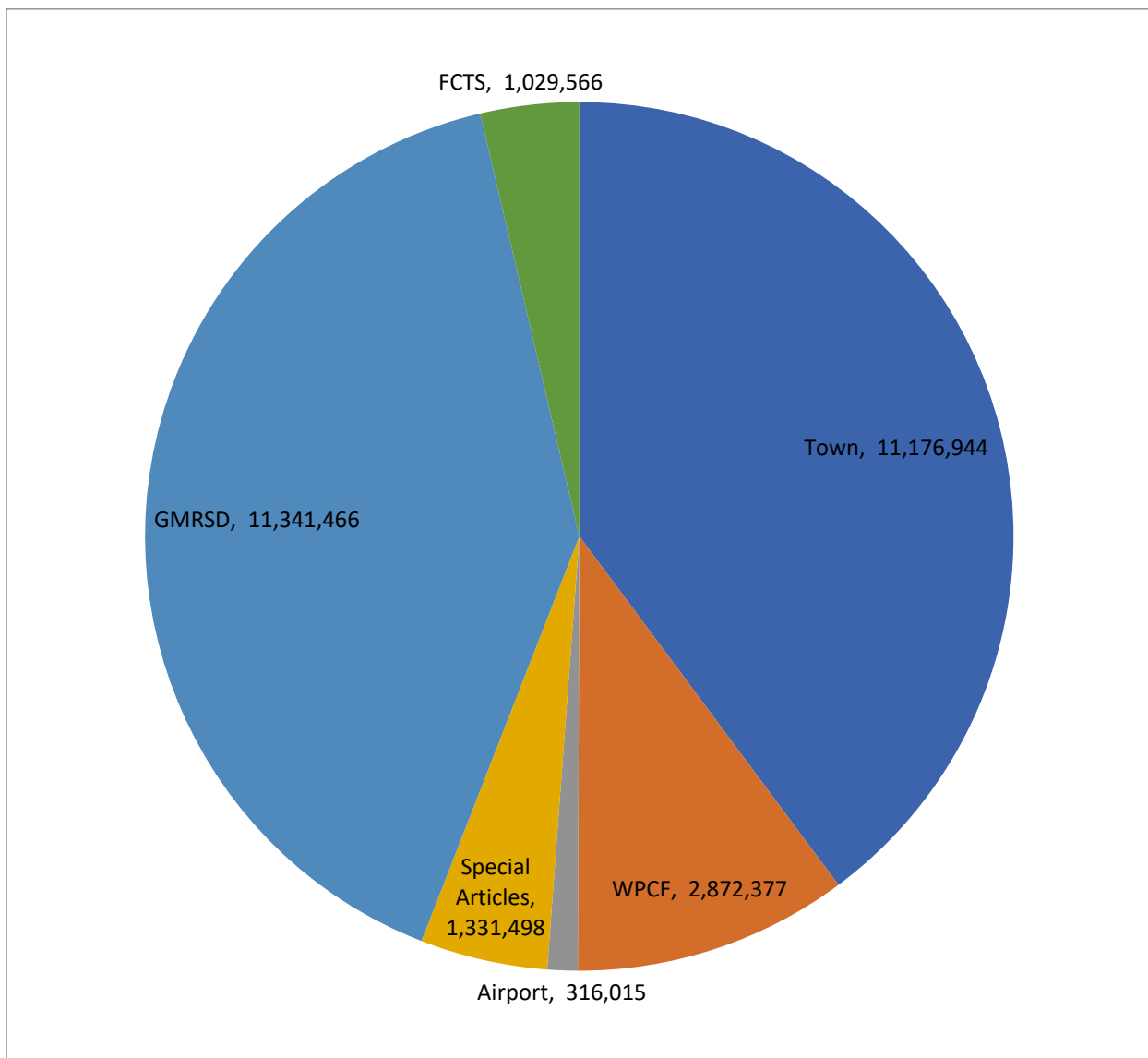
The provisions of this act (ARPA) provided supplemental funds not included in the Revenue section of this report. These funds are available only for about three years and are being allocated to non-recurring expenditures within the scope of the Act. They are noted here

because they have enabled over \$1,500,000 of critical investments in capital needs in the WPCF and DPW, as well as COVID related expenses.

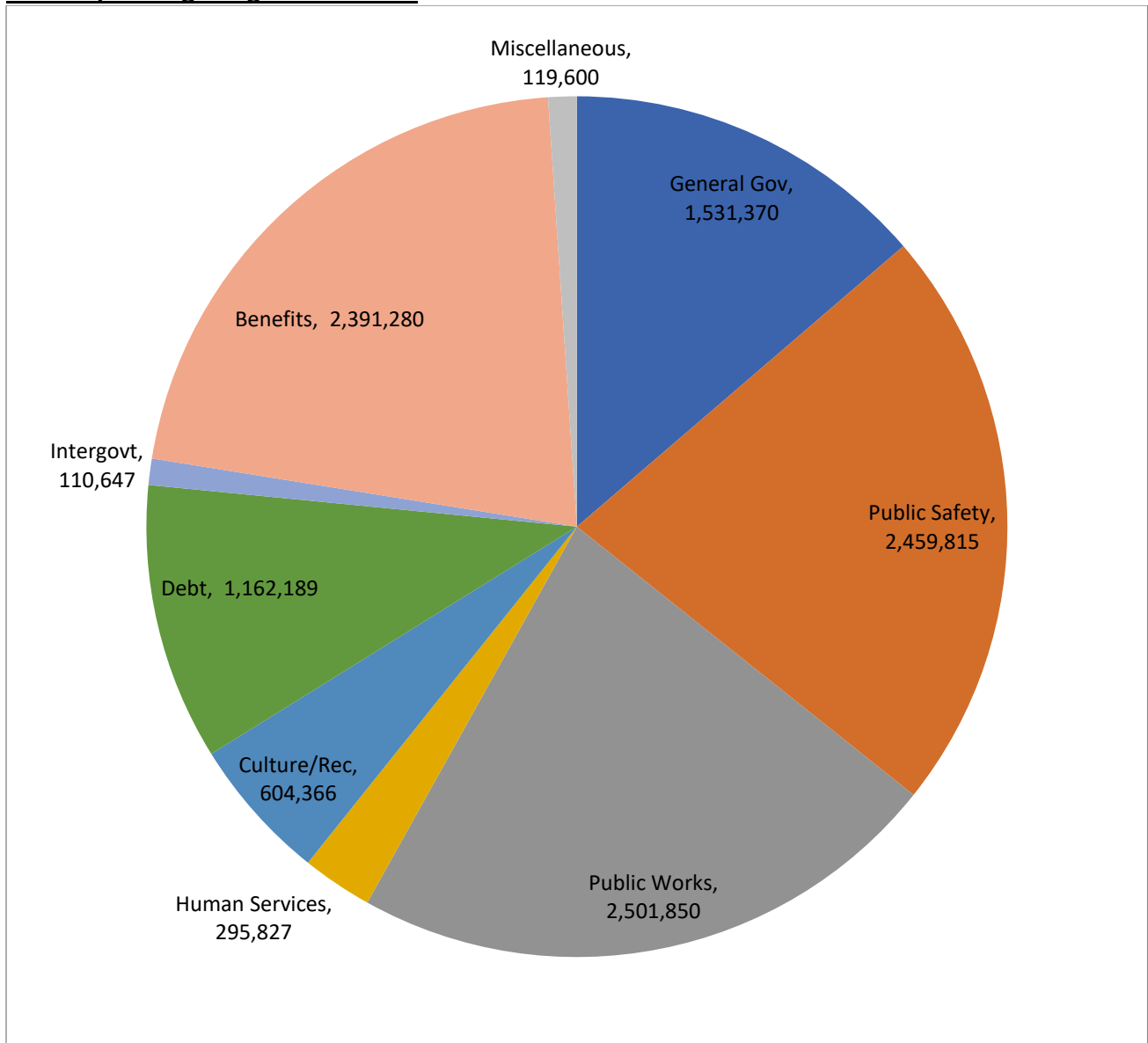
## Expenditures

Expenditures are grouped into four basic categories: Town Operating, Education, Enterprise Funds, and Special Articles. Education (GMRSD + FCTS) takes the largest share, at 44%, followed by Town Operating at 40%, Enterprise Funds at 11%, and Special Articles at 5%. A summary table with revenue and expense comparisons to FY21 and FY22 is on page 11 of this report.

### Total Expenses



### Town Operating Budget Allocation:



The categories on the pie chart shown above correspond to lines on Schedule III, which is addressed in Article 9.

In the **General Government** category, the Selectboard is proposing a significant staffing increase. This has been publicly discussed extensively, but some members are concerned about both the process and timing. This proposal will increase the Selectboard budget by 61% and will offset the elimination of the current \$4,000 MEDIC Coordinator stipend, reduce the burden of HR functions currently performed by the Treasurer/Collector Department, and increase the capacity to attract and manage new sources of grants.

In the **Public Safety** category, the Police Department made an argument that to maintain 24/7 services they need to increase their staffing in both the Police Department and Dispatch. The community continues to request and encourage the Police Department's efforts towards being proactive with an emphasis on a public safety approach integrating a plan that embraces the community's concerns. Another highlight is that the department will be purchasing a hybrid vehicle according to a replacement schedule that keeps up with the wear and tear of existing vehicles. Due to supply chain issues last year's vehicle has yet to be received.

In **Public Works**, the DPW Superintendent worked closely with the Finance Committee to fine tune his budgets which helped us meet our goals.

**Wages & Benefits** – Collective bargaining agreements for FY23-FY25 are currently being negotiated.

### **Airport**

Information on the changes to the Airport budget can be found in the background material for Article 11.

### **Water Pollution Control Facility (WPCF)**

An assessment for critical improvements to the basic functions of the WPCF has been made to ensure a highly functioning and efficient facility. Key requests in this warrant are the very specialized position of Lab Manager, to comply with EPA and DEP regulations and reporting requirements, and the WPCF Generator.

### **Franklin County Technical School (FCTS)**

The assessment from FCTS is based on the number of Montague resident students who attend the school. Enrollment of Montague students had been sharply increasing in recent years but decreased by 13% for FY23. See the background information under the motion for Article 13 for details.

### **Gill-Montague Regional School District (GMRSD)**

The assessment from GMRSD is based on an agreement (the "Compact for Funding Education") to keep the local assessment "affordable," which was forged between the district and its two sending towns a decade ago. The local assessments comprise about 50% of the district's overall annual operating budget, which funds the operation of five schools serving students from pre-school to 12th grade, as well as tuition, special education services, and school choice payments for some of the Montague resident students who are not enrolled at GMRSD schools.

For 2023, the school district continues to respond with proper interventions to support academic achievement and social/emotional growth needs that linger from the pandemic. An important strategy is to build instructional and support services related to special education,

counseling, and academic support. The district is noticing a favorable return of students that has resulted in increased Chapter 70 aid.

### **Cannabis Impact Fee Stabilization Fund**

This account is the source of funding for Articles 23, 24, and 25. The revenue for this account comes from the annual payments received from 253 Farmacy as part of their Host Community Agreement (HCA). These revenues are paid directly to the Town and may only be used to mitigate the financial impact of having the business in the community. Examples of financial impacts include increased administrative process, traffic and public safety, prevention and substance abuse mitigation, required infrastructure, and legal fees.

The term of an HCA is limited to five years from date of commercial operation. It is unclear whether HCAs are likely or will even be allowed to be extended beyond their original term. The Town's host agreement with 253 Farmacy includes an impact fee of 3% of gross retail sales and an escalating fee up to 3% for wholesale sales they may generate in the future.

For additional information about the Water Pollution Control Facility (WPCF), Turners Falls Airport, Gill Montague Regional School District, and Franklin County Technical School, see the background on the Motion for the Articles that correspond to their requests and the information they provided to support their requests for this year.

For additional information about the Town's General Operating Budget (also called Schedule III) requests for FY23, see the background information that accompanies Article 9, later in this booklet.

### **CONCLUSION**

We continue to see uncertainty about the economic outlook for Massachusetts, the United States, and the world right now. Many people, businesses, schools, and communities have been severely affected by the COVID-19 pandemic, and while the pace of recovery is not yet apparent, there will undoubtedly be consequences for the Town of Montague. Furthermore, the response of the US and our allies to the invasion of Ukraine is not yet clear. In particular, the impact on availability of materials and their costs is uncertain.

The age and condition of town-owned buildings and equipment continues to be a concern. While we have seen some expansion of revenue sources for the Town Capital Stabilization Fund, such as the Kearsarge property lease and retail cannabis sales tax, they do not come close to addressing the scope of our infrastructure needs.

At present the Town's fiscal condition is relatively healthy, and the Reserve funds we have funded diligently over the years are now a resource we can draw on. Commitment and resourcefulness of our Town employees also continues to be a source of strength, and we urge you to support their efforts to ensure that the Town's operations and programs will continue to

meet our needs.

Before the end of the budget year, Frederic (Fred) Bowman, a long-term member of the Finance committee, resigned for personal reasons. The Finance Committee would like to recognize the contributions Fred has made over the years. He was an active and contributing member. His contributions will be missed. Thank you, Fred for your many years of active participation.

We will continue to work in collaboration with the Selectboard and Capital Improvements Committee to formulate and follow a clear plan to manage the Town's assets in a responsible manner. As always, we invite both general comments and specific questions from residents and Town Meeting members.

Respectfully submitted:

Jennifer Audley	Gregory Garrison	John Hanold	Christopher Menegoni
Jennifer Waryas	Francia Wisnewski		

<b>HISTORICAL ATM BUDGET SUMMARY</b>				<b>% Incr</b>
<b>REVENUES</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	
Net Tax Levy	19,598,503	20,170,659	20,877,816	3.5%
State Aid	1,795,836	1,795,344	1,879,826	4.7%
Local Receipts	1,718,900	1,614,837	1,809,276	12.0%
Other Available	16,307	633,883	593,813	
Reserved Receipts	79,750	78,950	49,950	-36.7%
Free Cash	471,792	283,200	251,242	-11.3%
Borrowing	0	0	0	
Airport Fees	59,089	206,164	316,015	53.3%
Sewer User Fees	2,404,070	2,335,743	2,605,938	11.6%
<b>Total Revenues</b>	<b>26,144,247</b>	<b>27,118,780</b>	<b>28,383,876</b>	<b>4.7%</b>
<b>EXPENSES</b>				
General Government	1,428,587	1,404,752	1,531,370	9.0%
Public Safety	2,255,071	2,330,853	2,459,815	5.5%
Public Works	2,356,434	2,466,531	2,501,850	1.4%
Human Services	281,328	294,828	295,827	0.3%
Culture & Recreation	572,289	587,488	604,366	2.9%
Debt Service	1,128,500	1,066,809	1,162,189	8.9%
Intergovernmental	111,179	111,609	110,647	-0.9%
Employee Benefits	2,298,057	2,397,861	2,391,280	-0.3%
General Insurance	96,000	115,000	119,600	4.0%
WPCF	2,449,068	2,586,971	2,872,377	11.0%
AIRPORT	55,694	206,164	316,015	53.3%
FCTS Assessment	1,255,456	1,221,005	1,029,566	-15.7%
GMRSD Assessment	10,732,268	10,950,854	11,341,466	3.6%
Special Articles	1,118,985	1,374,421	1,331,498	-3.1%
<b>Total Expenses</b>	<b>26,138,916</b>	<b>27,115,146</b>	<b>28,067,866</b>	<b>3.5%</b>

## SUMMARY OF ARTICLES

#	TOPIC	AMOUNT <u>REQUESTED</u>	% OF <u>TOTAL</u>	FUNDING <u>SOURCE</u>
1.	Annual Reports			
2.	Accept Grants			
3.	Amend Airport Fuel Revolving Fund			
4.	Accept Assistant Town Administrator Position			
5.	Accept Selectboard Administrative Assistant Position			
6.	Accept WPCF Lab Manager Position			
7.	Elected Wages			
8.	Appointed Wages			
9.	Town Operating Budget	11,176,944	39.82	Taxation
10.	WPCF Operating Budget	2,872,377	10.23	Taxation/SUF*
11.	Airport Operating Budget	316,015	1.13	Airport Rev
12.	Colle Operating Budget	49,950	0.18	Colle RRA**
13.	FCTS Assessment	1,029,566	3.67	Taxation
14.	GMRSD Assessment	11,341,466	40.41	Taxation
15.	Conservation Fund	10,000	0.04	Free Cash
16.	Smith Vocational	45,000	0.16	Taxation
17.	DPW Equipment	75,000	0.27	Taxation
18.	WPCF Generator	130,000	0.46	WPCF Cap Stabilization***
19.	Increase #18C 5/22/21	21,584	0.08	Taxation
20.	<u>Town Articles</u>			
	Town Hall Roof	125,000	0.45	Town Cap Stabilization*****
	Shea Front Roof	60,000	0.21	Free Cash
	Carnegie Basement	130,000	0.46	Free Cash
	MontCtr Libr Masonry	100,000	0.36	Town Cap Stabilization*****
21.	Amend Vactor Truck Funding			
22.	<u>Financial Policy Articles</u>			
	Town Capital Stabilization Fund	131,200	0.47	Taxation
	OPEB Trust Fund	50,000	0.18	Taxation
	GMRSD Stabilization Fund	40,608	0.14	Taxation
	FCTS Stabilization Fund	124,356	0.44	Taxation
23.	<u>Substance Abuse Counselors</u>			
	GMRSD	86,900	0.31	Cannabis Impact Fee****
	FCTS	86,900	0.31	Cannabis Impact Fee****
24.	STEM Afterschool	40,000	0.14	Cannabis Impact Fee****
25.	Millers Falls Rd & Industrial Blvd	25,000	0.09	Cannabis Impact Fee****
26.	Canal District Utility Improvement Fund			
27.	Rescind Debt #8 2/25/21			
28.	Rescind Debt #1 3/29/18			
29.	Liquor License			
30.	Leave Civil Service			

#	<u>TOPIC</u>	<u>AMOUNT REQUESTED</u>	<u>% OF TOTAL</u>	<u>FUNDING SOURCE</u>
31.	Adopt MEDIC Update			
32.	Smart Growth Overlay District			
33.	11 Power Street			
34.	First Street			
35.	Demolition Delay Bylaw			
36.	Petitioned Article			
Total		28,067,866	100.00	

\*Sewer User Fees      \*\*Colle Receipts Reserved for Appropriation

\*\*\*WPCF Capital Stabilization      \*\*\*\*Cannabis Impact Fee Stabilization Fund

\*\*\*\*\*Town Capital Stabilization

ANNUAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
MAY 7, 2022

**MOTIONS**

**ARTICLE 1. Annual Reports** (Selectboard Request)

**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.

**Background:** This article appears regularly on the annual warrant and allows the receipt of reports.

**ARTICLE 2. Accept Grants** (Selectboard Request)

**MOVED:** That the Town vote to authorize the Selectboard, or other Town departments with the approval of the Selectboard, 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.

**Background:** This article appears regularly on the annual warrant and allows the acceptance of grants.

**ARTICLE 3. Amend Revolving Fund Bylaw** (Airport Commission Request)

**MOVED:** That the Town vote to amend Section 7 of Article II of the Town of Montague General Bylaws, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, by amending the Airport Fuel Revolving Fund for the Fiscal Year beginning July 1, 2022, with the changes as shown in ~~strikeout~~ and **bold** below.

Section 7: Revolving Funds

- (a) There are hereby established in the Town of Montague pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, the following revolving funds:

<u>Revolving Fund</u>	<u>Spending Authority</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>
Hazardous Materials Response Planning Committee (a.k.a. SARA Title III Committee)	SARA Title III Comm	Fees collected from individuals responsible for oil and hazardous material spills	For the purpose of cleaning up oil and hazardous material spills

<u>Revolving Fund</u>	<u>Spending Authority</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>
Montague Tree Fund	Tree Warden	Fees received under the Public Tree Protection Bylaw	Tree planting and maintenance consistent with the Public Tree Protection Bylaw
Airport Fuel	Airport Manager	Fees from sale of <del>Airport</del> <b>aviation</b> fuel	Purchase of <del>Airport</del> <b>aviation</b> fuel <del>to be sold and used at the Airport,</del> <b>system maintenance, parts, and inspections</b>

- (b) Expenditures from each revolving fund shall be subject to the limitations established by Town Meeting, and to any additional limitations as otherwise set forth in Massachusetts General Laws Chapter 44, Section 53E½.

**Background:** This amendment allows the revenue from aviation fuel sales to be used towards maintenance of the fuel system, rather than having those expenses charged to the operating budget.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

#### **ARTICLE 4. Add Assistant Town Administrator Position** (Selectboard Request)

**MOVED:** That the Town vote to amend the Classification Plan to add the position of Assistant Town Administrator at Grade I, with such benefits as are awarded to other non-union management personnel.

**Assistant Town Administrator Background:** The Assistant Town Administrator for Development, Facilities, and Infrastructure (ATA) would bear primary responsibility for—and manage or support the implementation of—the Town’s community and economic development strategy, infrastructure and facilities-related planning, and related grant-making and management. The ATA would also work on special projects consistent with the above roles at the discretion of the Town Administrator (TA), subject to agreement of the Selectboard. The TA and ATA responsibilities will be well-differentiated, but the positions should also be assumed to be highly collaborative.

Hierarchically, the ATA position rests under the supervision of the Town Administrator and works at the direction of the Selectboard. The ATA would assume day to day management of Town operations in the absence of the Town Administrator. The ATA would provide supervision to the Town Planner and Building Inspector, and their staff; and would collaborate closely with other department heads, most notably with those managing Town infrastructure or facilities, including the DPW, WPCF, Libraries, and

Parks and Recreation, expanding the capacity of those departments to plan and execute work.

Although some responsibilities will require collaboration, the roles are substantially and logically differentiated. The Town Administrator role would evolve to reflect an increased focus on other essential functions of the office, which are detailed in the table below. This division of responsibilities serve as a basis for the drafting of new/revised position descriptions by the Selectboard. The listed responsibilities are not presumed to be exhaustive.

Town Administrator	ATA for Development, Facilities & Infrastructure
Governance and Related Policy	Economic and Community Development
Financial Management & Planning	Capital Plan Development & Management
Contract Review and Management	Road, Bridge, Sewer Planning
Capital Funding Strategies	Building & Facilities Planning
Operational Grantmaking	Design & Construction Procurement
Procurement Systems & Training	Design & Engineering Oversight
HR Strategy, Hiring, Bargaining	Construction Project Oversight
Succession Planning and Support	Direct Oversight Planning, Buildings
Personnel Management Systems	Transportation Planning
IT and Modernization Strategy	ADA Coordinator
Emergency Management	Utility Company Relations
Ad Hoc Projects and Initiatives	
Intergovernmental Relations and Advocacy	
Grantmaking and Management	
Town Board Development and Support	
Community-Constituent Relations	

Selectboard Recommends 3-0  
Finance Committee Voted 3-3

**Comment:** The nay votes by Finance Committee members reflect these specific concerns about the proposed Assistant Town Administrator:

- Creation of the Assistant Town Administrator position reflects a major re-alignment of responsibilities but is not supported by a clear separation of duties and an organization chart.
- The grade assignment and salary range does not result from a deliberate Pay & Class evaluation and appears high relative to other positions.
- The justification for the position is vague, and not consistently presented over the course of the budget cycle.

**ARTICLE 5. Add Selectboard Administrative Assistant Position** (Selectboard Request)

**MOVED:** That the Town vote to amend the Classification Plan to add the position of Selectboard Administrative Assistant at Grade B.

**Selectboard Administrative Assistant Background:** The Selectboard Office is a central point for Town related business and the proposed addition of a part-time (20 hours/week) clerical assistant is intended to absorb a portion of the routine paperwork, record keeping, meeting and advertising logistics, and other tasks that are currently attended to by the Selectboard's Executive Assistant. In combination with the addition of an ATA, this will allow for the Executive Assistant to spend more time on higher skilled tasks and expand the capacity of the office to absorb increased Human Resource, Procurement, and other responsibilities.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 6. Add WPCF Laboratory Manager Position** (Selectboard Request)

**MOVED:** That the Town vote to amend the Classification Plan to add the position of WPCF Laboratory Manager at Grade D.

**WPCF Laboratory Manager Background:** The WPCF seeks to create a full time Laboratory Manager position to consistently accommodate the wide array of testing required as part of the Town's current discharge permit, industrial pretreatment program, storm water pollution prevention program permit, and day to day process operations that occur at the wastewater treatment facility. Currently, the facility rotates laboratory duties between 6-7 operators. While cross training in the laboratory is an important aspect for operators, this ultimately ties up available licensed operators from their required duties and spreading the workload among different staff also leads to inconsistencies in laboratory practices, scheduling, methods, and reporting.

EPA has advised that the new National Pollutant Discharge Elimination System permits will be issued to Montague in the coming year. These permits will require additional testing and analysis of effluent, influent, and sludge. The facility would like to keep as much testing as possible in house to make the addition of a new process, such as composting (which has even more testing requirements), more viable.

The additional costs of this position will be offset by an estimated \$28,000 in cost savings and cost avoidances by having a dedicated position in the laboratory. The net impact is an approximate 1% overall increase to the total FY23 WPCF budget.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 7. Wages for Elected Positions** (Selectboard Request)

**MOVED:** That the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2022, as set forth in Schedule I, Elected Officials.

**SCHEDULE I  
Elected Officials**

<b><u>TITLE</u></b>	<b><u>FY22 BUDGET</u></b>	<b><u>FY23 REQUEST</u></b>	<b><u>FY23 RECOMMEND</u></b>
<b>MODERATOR</b>	370	370	370
<b>SELECTBOARD</b>			
Chairman	2,355	2,355	2,355
Second/Third Members	2,140	2,140	2,140
<b>BOARD OF ASSESSOR</b>			
Chairman	1,765	1,765	1,765
Second/Third Members	1,605	1,605	1,605
<b>TREASURER/COLLECTOR</b>	71,396*	72,824**	72,824
*G-8			
**G-9			
<b>TOWN CLERK</b>	76,139	76,139	76,139
G-11			
<b>BOARD OF REGISTRARS</b>			
Town Clerk	840	840	840
<b>TREE WARDEN</b>	1,575	1,575	1,575
<b>BOARD OF HEALTH</b>			
Chairman	1,765	1,765	1,765
Second/Third Members	1,605	1,605	1,605

**Background:** This article appears regularly on the annual warrant. While the Town Clerk and Treasurer/Collector are elected officials, their proposed salaries are aligned with the pay scales of full-time appointed officials. The Treasurer/Tax Collector and Town Clerk FY23 wages shown do not include any increases that might be negotiated in the NAGE union contract currently being negotiated. If wage increases are negotiated, this schedule will be amended to reflect that at a later town meeting. The remaining

stipends reflect FY20's comprehensive review and are not expected to increase again until FY25.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 8. Wages for Non-Union Appointed Positions** (Selectboard Request)

**MOVED:** That the Town vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2022, as set forth in Schedule II, Appointed Officials.

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY22 BUDGET</u>	<u>FY23 REQUEST</u>	<u>FY23 RECOMMEND</u>
<b><u>ANNUAL STIPENDS</u></b>			
<b>BOARD OF REGISTRARS (3)</b>	525	525	525
<b>EMERGENCY MGMT DIRECTOR</b>	5,765	5,765	5,765
<b>ANIMAL INSPECTOR</b>	1,575	1,575	1,575
<b>BARN INSPECTOR</b>	1,050	1,050	1,050
<b>IT COORDINATOR</b>	2,100	2,100	2,100
<b>MEDIC COORDINATOR</b>	4,000	4,000	4,000
<b>POLICE IT ADMINISTRATOR</b>	3,000	3,000	3,000
<b>FOREST WARDEN</b>	1,710	1,710	1,710
<b><u>RATES PER INSPECTION</u></b>			
<b>ASST. BUILDING INSPECTOR</b>	35.00	35.00	35.00
<b>GAS INSPECTOR</b>	35.00	35.00	35.00
<b>PLUMBING INSPECTOR</b>	35.00	35.00	35.00
<b>ELECTRICAL INSPECTOR</b>	35.00	35.00	35.00

<u>HOURLY RATES</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>
EXTRA CLERICAL	13.50-15.25	14.25-16.00	14.25-16.00
ELECTION WORKERS	13.50-16.25	14.25-17.00	14.25-17.00
SUMMER HIGHWAY	13.50-15.25	14.25-16.00	14.25-16.00
SNOW PLOW DRIVERS	15.00-25.00	15.00-25.00	15.00-25.00
PART TIME POLICE OFFICERS	17.00-21.00	25.00-28.00	25.00-28.00
PART TIME DISPATCHERS	17.00-21.00	22.00-25.00	22.00-25.00
PARKS & RECREATION	13.25-20.75	14.25-21.50	14.25-21.50
AIRPORT INTERN	13.50-15.20	14.25-16.00	14.25-16.00

**Note: Minimum Wage is \$14.25/hr as of 1/1/22 and goes to \$15/hr 1/1/2023**

**NON-UNION EMPLOYEES NOT SHOWN ABOVE**

	<u>Grade</u>	<u>Range FY2022</u>		<u>Range FY2023</u>	
<u>SALARIED</u>		Start	End	Start	End
TOWN ADMINISTRATOR	J	95,616	117,673	95,616	117,673
ASSISTANT TOWN ADMIN	I	86,924	106,976	86,924	106,976
TOWN ACCOUNTANT	G	62,170	76,139	62,170	76,139
CHIEF OF POLICE	I	86,924	106,976	86,924	106,976
DPW SUPERINTENDENT	H	79,022	97,250	79,022	97,250
DIRECTOR OF HEALTH	G	62,170	76,139	62,170	76,139
LIBRARY DIRECTOR	G	62,170	76,139	62,170	76,139
WPCF SUPERINTENDENT	H	79,022	97,250	79,022	97,250
<u>HOURLY</u>					
EXECUTIVE ASSISTANT	E	23.11	28.44	23.11	28.44
POLICE LIEUTENANT	G+8.5%	37.85	41.99	37.85	41.99
POLICE CUSTODIAN	A	15.49	19.06	15.49	19.06

**Informational Only: Fiscal Year 2023 budgeted wages –**

TOWN ADMINISTRATOR	117,673	DPW SUPERINTENDENT	97,250
ASSISTANT TOWN ADMIN	86,924	DIRECTOR OF HEALTH	71,396
TOWN ACCOUNTANT	76,139	LIBRARY DIRECTOR	74,282
CHIEF OF POLICE*	125,239	WPCF SUPERINTENDENT	89,407
POLICE LIEUTENANT	41.99	POLICE CUSTODIAN	18.23
EXECUTIVE ASSISTANT	28.44		

\*includes additional 20% educational incentive pay

**Background:** This article appears regularly on the annual warrant. These Annual Stipends and Rates per Inspection were reviewed for FY2020 and are not expected to increase until FY25. Hourly rates reflect planned increases in the state minimum wage as well as requested increases for Part Time Police Officers and Per Diem Dispatchers. Wages for “Non-Union Employees Not Shown Above” include eligible step increases but

do not include any increases that might be negotiated in the NAGE union contract currently being negotiated. If wage increases are negotiated, this schedule will be amended to reflect that at a later town meeting.

**Comment:** This schedule includes both the Assistant Town Administrator position shown in Article 4 AND the MEDIC Coordinator stipend. There may be an amendment to eliminate one of those positions, depending on the vote for Article 4.

Selectboard Recommends 3-0  
Finance Committee Recommends 5-1

**ARTICLE 9. Town Operating Budget (Selectboard Request)**

**MOVED:** That the Town vote to appropriate the sum of \$11,176,944 for the maintenance of the several departments of the Town, said sums to be allocated in accordance with Schedule III, Budget, with \$13.20 to be raised from Transportation Infrastructure Fund Receipts Reserved for Appropriation and \$11,176,930.80 to be raised from Taxation.

**Background:** Schedule III includes the FY23 requests from all non-enterprise Town departments. While reviewing this year's requests, the Selectboard and Finance Committee suggested some adjustments or reworked estimates, which were incorporated into Schedule III before recommendations were voted. Therefore, the amounts requested match the recommended amounts.

The Town Operating Budget request for FY23 is 3.77% higher than the previous year. Many of the increases were due to recommended staff increases (addressed under Articles 4 & 5, plus an additional Police Sergeant and Dispatcher), planned debt service increases, and the contractual increase for solid waste disposal.

The budget increases that are greater than \$15,000 or 10%, and their causes are:

1. The Selectboard increase of \$118,781 (61%) reflects the new full-time Assistant Town Administrator and the new part-time benefitted Administrative Assistant.
2. The Town Clerk's increase of \$36,980 (23.83%) is due to additional elections in FY23.
3. The Police Department increase of \$70,812 (4.02%) reflects the addition of a new (4<sup>th</sup>) Sergeant Position. The requested new vehicle will be a hybrid. Existing fully electric vehicles do not meet the requirements for police use.
4. The Dispatch Department increase of \$62,610 (20.18%) reflects the addition of a new (5<sup>th</sup>) full-time dispatcher.

5. The DPW budget increased by \$29,550, which is only a 1.95% increase. This was offset by no longer having a capital outlay request for a lease payment, so the total department budget only increased by \$8,229.
6. The increase of \$31,189 (4.99%) in the Solid Waste Budget is due to changes in the new contract with Republic Services.
7. Increasing the Council on Aging Director's hours from 17 to 20 increased the Council on Aging budget by \$8,819 (18.96%). The reason behind the increase is a combination of additional time needed in the position and succession planning. It will be very difficult to eventually fill the position if it is not benefitted.
8. Debt Service increased \$95,380 (8.94%) due to the final issuance of debt for the new DPW Facility.
9. Budgets were decreased in the following departments:
  - a. The Reserve Fund was decreased by \$10,000 to reflect current use.
  - b. The Treasurer/Collector's budget had a net reduction due to not funding the part-time position. The staffing is now 3 full-time employees.
  - c. The Assessor's budget had a net reduction of \$13,075. One full-time position is no longer funded, although this is partially offset by an appropriation for consultants to do some of the inspections.
  - d. The Town Counsel budget was reduced by \$10,000 to reflect current use.
  - e. The Information Technology budget was reduced by \$18,800, primarily reflecting the lower cost of the current consultant.
  - f. The Building Inspector's budget decreased by \$5,698 because the new Building Inspector is on a lower pay step.
  - g. The Veteran's Benefits budget dropped \$11,300 due to reduced need.

Schedule III  
Town Operating Budget

DEPT NO.		BUDGET FY22	REQUEST FY23	SELECTBOARD FIN COMM RECOMMEND FY23	\$ Increase	% Increase
	GENERAL GOVERNMENT					
113	TOWN MEETING	2,140	2,390	2,390	250	11.68%
122	SELECTBOARD	194,729	313,510	313,510	118,781	61.00%
131	FINANCE COMMITTEE	2,000	2,000	2,000	-	0.00%
132	RESERVE FUND	60,000	50,000	50,000	(10,000)	-16.67%
135	TOWN ACCOUNTANT	83,400	88,600	88,600	5,200	6.24%
141	ASSESSORS	179,761	187,261	187,261	7,500	4.17%
145	TREASURER/COLLECTOR	228,963	215,888	215,888	(13,075)	-5.71%
151	TOWN COUNSEL	85,000	75,000	75,000	(10,000)	-11.76%
155	INFORMATION TECHNOLOGY	97,800	79,000	79,000	(18,800)	-19.22%
159	SHARED COSTS	77,579	78,079	78,079	500	0.64%
161	TOWN CLERK	155,173	192,153	192,153	36,980	23.83%
175	PLANNING	123,121	129,007	129,007	5,886	4.78%
176	ZONING BOARD OF APPEALS	700	700	700	-	0.00%
182	MEDIC	5,000	5,000	5,000	-	0.00%
190	PUBLIC BLDG UTILITIES	109,846	112,782	112,782	2,936	2.67%
	TOTAL GENERAL GOVT	1,405,212	1,531,370	1,531,370	126,158	8.98%
	PUBLIC SAFETY					
211	POLICE	1,761,945	1,832,757	1,832,757	70,812	4.02%
211	POLICE CRUISER	53,000	54,000	54,000	1,000	1.89%
212	DISPATCH	310,291	372,901	372,901	62,610	20.18%
241	BUILDING INSPECTOR	143,080	137,382	137,382	(5,698)	-3.98%
244	SEALER OF WEIGHTS	2,750	2,750	2,750	-	0.00%
291	EMERGENCY MANAGEMENT	6,265	6,265	6,265	-	0.00%
292	ANIMAL CONTROL	21,527	21,765	21,765	238	1.11%
294	FOREST WARDEN	1,710	1,710	1,710	-	0.00%
299	TREE WARDEN	30,285	30,285	30,285	-	0.00%
	TOTAL PUBLIC SAFETY	2,330,853	2,459,815	2,459,815	128,962	5.53%
	PUBLIC WORKS					
420	DEPT OF PUBLIC WORKS	1,518,825	1,548,375	1,548,375	29,550	1.95%
420	EQUIPMENT LEASE PAYMENT	21,321	-	-	(21,321)	-100.00%
423	SNOW & ICE	278,050	278,050	278,050	-	0.00%
433	SOLID WASTE	624,796	655,985	655,985	31,189	4.99%

Schedule III  
Town Operating Budget

DEPT NO.		BUDGET FY22	REQUEST FY23	SELECTBOARD FIN COMM RECOMMEND FY23	\$ Increase	% Increase
480	CHARGING STATIONS	6,000	6,000	6,000	-	0.00%
491	CEMETERIES	13,440	13,440	13,440	-	0.00%
	TOTAL PUBLIC WORKS	2,462,432	2,501,850	2,501,850	39,418	1.60%
511	BOARD OF HEALTH	160,324	163,987	163,987	3,663	2.28%
541	COUNCIL ON AGING	46,521	55,340	55,340	8,819	18.96%
543	VETERANS' SERVICES	87,800	76,500	76,500	(11,300)	-12.87%
	TOTAL HUMAN SERVICES	294,645	295,827	295,827	1,182	0.40%
	CULTURE & RECREATION					
610	LIBRARIES	437,744	452,485	452,485	14,741	3.37%
630	PARKS & RECREATION	147,944	150,081	150,081	2,137	1.44%
691	HISTORICAL COMMISSION	500	500	500	-	0.00%
693	WAR MEMORIALS	1,300	1,300	1,300	-	0.00%
	TOTAL CULTURE/RECREATION	587,488	604,366	604,366	16,878	2.87%
	DEBT SERVICE					
700	DEBT SERVICE	1,066,809	1,162,189	1,162,189	95,380	8.94%
	INTERGOVERNMENTAL					
840	INTERGOVERNMENTAL	110,720	110,647	110,647	(73)	-0.07%
	MISCELLANEOUS					
910	EMPLOYEE BENEFITS	2,397,861	2,391,280	2,391,280	(6,581)	-0.27%
946	GENERAL INSURANCE	115,000	119,600	119,600	4,600	4.00%
	TOTAL MISCELLANEOUS	2,512,861	2,510,880	2,510,880	(1,981)	-0.08%
	TOTAL TOWN BUDGET	10,771,020	11,176,944	11,176,944	405,924	3.77%

Selectboard Recommends 3-0

Finance Committee Recommends 4-2

**Comment:** The nay votes by Finance Committee members reflect a general concern that the budget is higher than taxpayers can support, and specific concerns about the proposed Assistant Town Administrator as noted for Article 4.

**ARTICLE 10. WPCF Budget** (Selectboard Request)

**MOVED:** That the Town vote to appropriate the sum of \$2,872,377 for the purpose of operating the Water Pollution Control Facility and associated pumping stations, said sums to be allocated in accordance with Schedule IV, WPCF Budget, with \$266,439 to be raised from Taxation and \$2,605,938 to be raised from Sewer User Fees.

Schedule IV WPCF Budget					
		SELECTBOARD FIN COMM			
DEPT NO.		BUDGET FY22	REQUEST FY23	RECOMMEND FY23	\$ Increase      % Incr
	WATER POLLUTION CONTROL				
440	Wages & Expenses	1,751,791	1,898,655	1,898,655	146,864      8.38%
440	Capital Outlay		58,500	58,500	58,500
700	Debt Service	514,047	505,270	505,270	(8,777)      -1.71%
910	Employee Benefits	270,333	359,152	359,152	88,819      32.86%
	SUBTOTAL WPCF	2,536,171	2,821,577	2,821,577	285,406      11.25%
449	DPW SUBSIDIARY				
	Wages & Expenses	42,800	42,800	42,800	-      0.00%
	Capital Outlay	8,000	8,000	8,000	-      0.00%
	SUBTOTAL DPW SUBSIDIARY	50,800	50,800	50,800	-      0.00%
	TOTAL WPCF	2,586,971	2,872,377	2,872,377	285,406      11.03%

**Background:** The FY23 WPCF budget request is \$2,872,337, of which about 90.72% is funded by user fees (residential and industrial sewer bills and septage fees) and 9.28% from Taxation (which represents the approximate cost of treating inflow and infiltration [I & I] into the system from non-metered sources). The cost to taxpayers to treat I & I has been increasing in the last few years. The FY23 cost is \$266,439, up \$51,439 (23.93%) from the \$215,000 cost in FY20. This increase has resulted in greater focus on finding and fixing the issues causing I & I, including the allocation of about \$300,000 in ARPA funds for that purpose.

The WPCF Chief Operator (now WPCF Foreman) position had been vacant for about 18 months. During this time, a retired Superintendent came back part time to help with many of the critical projects, and he stayed on to maintain continuity of operations until the foreman position was recently created and filled. The full time WPCF Foreman will allow the plant to optimize staffing and operations and meet DEP license requirements.

The total budget increase was \$285,406 (11.03%). The main increases were the addition of a new full-time Lab Manager Position (\$44,704 + benefits), \$151,000 in solid waste disposal costs, and \$58,000 (2% of total WPCF costs) as an overall cushion.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 11. Airport Budget** (Airport Commission Request)

**MOVED:** That the Town vote to appropriate the sum of \$316,015 for the purpose of operating the Turners Falls Airport, said sums to be allocated in accordance with Schedule V, Airport Budget, to be raised from Airport Revenue.

Schedule V Airport Budget					
DEPT NO.		BUDGET FY22	REQUEST FY23	SELECTBOARD FIN COMM RECOMMEND	
				FY23	\$ Increase      % Increase
	AIRPORT				
482	Wages & Expenses	156,483	181,794	181,794	25,311    16.17%
700	Debt Service	37,789	101,120	101,120	63,331    167.59%
910	Employee Benefits	11,892	33,101	33,101	21,209    178.35%
	TOTAL AIRPORT	206,164	316,015	316,015	109,851    53.28%

**Background:** This budget pays for the operating costs of the Turners Falls Municipal Airport, which is overseen by the Airport Commission. The total budget is increasing around \$110,000, of which the majority (\$63,331) is for full debt service on the recent property acquisition and fuel station upgrades. Operating expenses increased by \$25,311 (16.17%). Of this, roughly \$16,000 is increases in wages reflecting the combination of an additional step increase for the Airport Manager and the increase from 19 to 30 hours a week for the Operations Manager, creating a benefitted position. The increase in hours will cost \$12,776 in wages and \$11,892 for related benefits. The other operating increases are primarily for utilities and fuel for equipment. FY23 will be the first year the Airport budget pays a retirement assessment (\$13,828.) That plus insurance for a second benefitted employee increases the Benefits budget by \$21,209.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 12. Colle Budget (Selectboard Request)**

**MOVED:** That the Town vote to appropriate the sum of \$49,950 for the purpose of funding the operations, maintenance, and debt service of the Colle Building, said sum to be raised from Colle Receipts Reserved for Appropriation.

**Background:** This budget is wholly funded by building lease fees, which are dedicated to the building. This appropriation pays for all the normal building maintenance including some utilities, general repairs, and the debt service from the renovation. There is a rather significant reduction from last year due to the final payments on one debt issue and a new lease the requires the tenant to pay for electricity and natural gas. Colle Receipts Reserved for Appropriations has a current balance of \$383,071.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 13. FCTS Assessment (Franklin County Technical School Request)**

**MOVED:** That the Town vote to appropriate the sum of \$1,029,566 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.

**Background:** Montague is one of 19 member towns in the Franklin County Technical School District, which operates a school in the Montague Industrial Park. Montague's enrollment has now dropped from 107 to 93, with a resulting assessment decrease of \$191,439 (15.68%).

**Comment:** The Finance Committee has an internal policy to cushion sharp changes to the assessment. It provides additions or reductions to the FCTS Stabilization Fund to stabilize the assessment's impact on the budget. The Finance Committee recommends that most of the FY23 assessment decrease (\$124,356) be added to the FCTS Stabilization Fund to help smooth out future assessment increases. This is part of Article 22.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 14. GMRSD Assessment (Gill-Montague Regional School District Request)**

**MOVED:** That the Town vote to appropriate the sum of \$11,341,466 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, said sum to be raised from Taxation.

**Background:** The GMRSD has provided additional information in a separate document in your packet. Montague's assessment increased by \$390,612 or 3.57% which is \$4,804 below the Affordable Assessment amount provided to them by Montague. This amount

is calculated as 48.5% of Montague's available operating revenues, plus excluded debt for GMRSD capital projects. The total operating budget for the GMRSD in FY23 is \$26,432,465, an increase of \$2,309,280 or 9.57%.

The combined assessments from Montague and Gill comprise (\$13,092,754) 49.53% of the district's total operating revenue. The remainder comes from state aid and reimbursements, grants, school choice payments from sending districts, etc.

The GMRSD is not requesting appropriations for any capital improvement projects, as Special Town Meeting recently approved \$295,000 to repair the floors at Hillcrest Elementary.

**Comment:** The GMRSD has again managed to build a budget around an "affordable" figure provided to them by Montague, in part due to the increased amount of available grants. By approving this request, Town Meeting upholds its commitment to offer the district a significant, predetermined portion of Town revenue, while reserving the rest for other uses.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 15. Increase Conservation Trust Fund (Conservation Commission Request)**

**MOVED:** That the Town vote to appropriate the sum of \$10,000 for the purpose of supplementing the Henry Waidlich Conservation Trust Fund, said sum to be raised from Free Cash.

**Background:** The Conservation Commission is requesting to supplement the existing balance of \$6,505 in the Henry Waidlich Conservation Trust Fund with an additional \$10,000. The fund is used to leverage the protection of priority farmland and other open space as identified in the current Open Space and Recreation Plan.

Town Meeting has supported the Henry Waidlich Conservation Trust Fund for over 40 years. The fund is dedicated to the purpose of protecting important land and resources in Montague. It is stewarded by the Conservation Commission. Expenditures from this fund have helped protect over 500 acres of the Town's most important agricultural properties from development. Since 2000, for every dollar contributed by the Henry Waidlich Conservation Trust Fund the Town has leveraged \$16 of funding from outside sources.

The fund has not been supplemented since 2014 and has recently been drawn down due to the 2020 purchase of an Agriculture Preservation Restriction on 36 acres of prime farmland off Old Greenfield Road. In that instance the fund's investment of \$32,500 leveraged \$392,500 from the Massachusetts Department of Agriculture and Franklin Land Trust to protect high priority farmland with an iconic tobacco barn. While the

Town has deployed the fund wisely since 1989, there are still hundreds of acres of priority farmland and forestland to pursue. Those properties are identified in the 2018 Open Space and Recreation Plan.

The availability of these funds allows the Conservation Commission to be nimble and responsive to sometimes rapidly moving real-estate opportunities. The fund also accepts donations and bequests.

**Comment:** Since this is not for a capital expense and the amount is less than \$25,000, Free Cash was chosen as the funding source.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 16. Smith Vocational Tuition/Transportation** (Town Accountant Request)

**MOVED:** That the Town vote to appropriate the sum of \$45,000 for the purpose of providing tuition and transportation for a Montague resident attending Smith Vocational School, said sum to be raised from Taxation.

**Background:** A Montague resident was attending Smith Vocational prior to moving to Montague. Since the student's program is not offered at FCTS, the Town is obligated to pay the tuition and transportation costs to Smith Vocational. Current estimate of tuition for FY23 is \$20,000. FY22 transportation cost is \$65/day for one trip only. Estimating an 8% increase, with 2 trips per day for 180 school days in FY23 provides a cost of \$25,272 for FY23 transportation. Rounding both figures provides a total cost of \$45,000.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 17. DPW Discretionary Account** (Department of Public Works Request)

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

**Background:** The purpose of the DPW Discretionary Fund is to provide immediately accessible funding for the DPW Superintendent to fund purchases of and/or major repairs to DPW vehicles and equipment. Its strongest justification is that it addresses the practical need to address unforeseen expenditures where the timeline is of importance. The goal is to allow the DPW to begin each year with a balance in the range of \$100,000. Based on the balance of \$53,225 in the DPW discretionary account at the time of printing, this recommended appropriation is expected to return the total DPW discretionary fund balance to approximately \$128,000 as of July 1<sup>st</sup>. However, we understand that the DPW does plan to replace an aged zero-turn mower and repair a

vehicle at an expected cost of about \$30,000. After this purchase, the DPW discretionary fund will be in the vicinity of \$98,000, which is the general funding target.

The DPW vehicle/equipment inventory is current and in good condition. The CIC does not anticipate large, unexpected expenses and believes \$75,000 to be an appropriate supplement to its existing balance. The CIC is also considering that future requests for light pickup trucks be included in the normal capital improvements schedule instead of through the discretionary account. This is due to the cost of new light-duty trucks now approaching and even exceeding \$70,000.

**Comment:** While the department originally requested \$100,000, the request was later revised to meet the recommendations of the Capital Improvements Committee, Selectboard, and Finance Committee. Since this is a recurring article, funding from Taxation is recommended.

Selectboard Recommends \$75,000 voted 3-0

Finance Committee Recommends \$75,000 voted 6-0

Capital Improvements Committee Recommends \$75,000 voted 4-0

#### **ARTICLE 18. WPCF Generator (WPCF Request)**

**MOVED:** That the Town vote to appropriate the sum of \$130,000 for the purpose of purchasing and installing a facility back-up generator for the Water Pollution Control Facility and all incidental installation costs to include but not be limited to the corresponding moving of transfer switches and fuel tank, said sum to be raised from the WPCF Capital Stabilization Fund.

**Background:** The CIC viewed this in its in-building location and while it appears to have been well maintained, it is no longer viable, and its indoor location is not ideal. While servicing of the generator can continue, many proprietary part replacements cannot be sourced due to the age and availability of parts. Most replacement parts need to be individually machined and the downtime of the generator requires an out-sourced temporary generator to be provided at a substantial cost to the facility.

Removal of the current generator and relocation of the new generator outside will also provide the facility additional indoor office or meeting space, which is sorely needed. There is also the benefit of improving the working environment. When the current generator is operating the decibel level indoors requires hearing protection within the office environment.

The Planning Department and WPCF explored grant opportunities to subsidize the cost of this generator. Unfortunately, no such grants were available, and though the cost of related battery storage could be fundable, at this time the cost and suitability of battery storage is speculative and may not be suited to the application.

The WPCF has participated in the NRG Curtailment Program with our current generator and hopes to maintain that program to help offset the grid demand for power and as a small revenue source. Unfortunately, during the renewal application to the program, the current generator failed to meet the standards required to participate. We will not be able to participate until we have a new generator installed and certified by the organization.

**Comment:** Because this is a capital request, the WPCF Stabilization Funds is the recommended funding source.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0  
Capital Improvements Committee Recommends 5-0

**ARTICLE 19. Increase Bid/Project Overrun Article (Town Administrator and CIC Request)**

**MOVED:** That the Town vote to appropriate the sum of \$21,584 for the purpose of increasing the amount appropriated pursuant to Article #18C of the May 22, 2021, Annual Town Meeting, which provided funds for bid and project overruns, said sum to be raised from Taxation.

**Background:** Article #18C of the 5/22/21 Annual Town Meeting appropriated \$25,000 to create a fund that the Selectboard could deploy in a time efficient fashion to ensure that a project previously approved by Town Meeting can be satisfactorily completed. Larger requests would need to be presented to Town Meeting.

Capital project proposals are typically based on cost estimates provided by vendors. While great effort is made to get reliable estimates, expected costs are sometimes lower than final bid costs. Estimates also may not anticipate problems that become evident over the course of project implementation. Such unanticipated costs may sometimes exceed the contingency included in the estimated project budget. The CIC recommends that use of this fund be limited to provide no more than 10% of the value of the original appropriation to support any given project, but in no case to exceed the lesser of either the resources available in the fund or \$25,000.

During FY2022, this account was used for its intended purpose, and this article requests \$21,584 to replenish the account.

**Comment:** In the event of a project overrun, the alternative to using this account is that the work must be halted or completed in a less than adequate fashion.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 20. Town Capital Projects** (Town Administrator and CIC Request)

**MOVED:** That the Town vote to appropriate the sum of \$415,000 for the following Town projects and all incidental and related costs, with \$190,000 to be raised from Free Cash and \$225,000 to be raised from the Town Capital Stabilization Fund.

- A. \$125,000 for Town Hall Roof (TCSF)
- B. \$60,000 for Shea Front/Lower Roof (Free Cash)
- C. \$130,000 for Carnegie Basement Renovation (Free Cash)
- D. \$100,000 for Montague Center Library Masonry Repair (TCSF)

**Town Hall Roof Background:** The Montague Town Hall asphalt shingle roof is failing. It currently does not leak, but the asphalt shingles are actively shedding from the roof. It is at imminent risk of failure, as detailed in a study report produced by Northeast Roof Consultants in January 2022.

The CIC reviewed a detailed estimate of the expected cost of asphalt replacement shingles and also considered whether a metal roof was a good option. After consideration of both the architectural shingle and metal roof options, the CIC recommends that the roof be replaced with 30-year architectural shingles. The central reason was that metal was estimated to increase the cost by a factor of 2 to 2.5x. If cost was not a factor, steel would likely have been preferred.

**Shea Lower/Front Roof Background:** The lower mezzanine EPDM (synthetic rubber) roof of the Shea Theater leaks. The leaks are significant and ongoing, even after attempts to patch and repair.

The area to be resurfaced is located on the street side mezzanine and it hosts a large HVAC unit and ductwork that has to be removed, by crane, to complete the work. The existing structure will not require reinforcement, but new insulation and EPDM roofing will be installed, along with any new decking that may be required. The Shea Theater Lower Roof Assessment is available on the CIC web page.

The Town replaced the failing EPDM Main Roof of the Shea Theater three years ago, about two years after recoating the EPDM on the building's smaller lower roof section. The CIC previously recommended the main roof be replaced and that work was completed in 2018 and has resolved all the issues with the main roof surface.

The lower roof has resumed leaking, with minor repairs not able to resolve the problem. As a result, interior finishings in the Shea Theater front lobby have been subject to water damage. The roof was professionally assessed and determined to be at the end of its useful life and in need of immediate replacement.

**Carnegie Basement Renovations Background:** The basement space in the Carnegie Library has had repeated and chronic moisture-related issues, resulting in a previous Board of Health determination that the air quality in the basement was unfit for library employees' use on a full-time basis. As a result, some library staff were relocated to previously public spaces on the main floor. Owing to a lack of space, the Library Director, a part-time worker, and volunteers still use the basement for office space.

The goal of this project is to renovate a substantial portion of the basement, removing existing ceiling panels, wall paneling, wall framing, and insulation, and replacing them with new, clean finishes to create a habitable workspace. This is planned to be done in conjunction with exterior site drainage remediation (regrading and paving of rear driveway) that is already in-process and is not included in this scope. This exterior grading and paving work will be performed by the DPW.

In Phase 1 of the project, a new electrical subpanel will be installed on the second floor of the building and temporary office space set up to allow for the relocation of the Library Director and other staff to the second floor for the duration of the renovations. Phase 2 will include the demolition of wall and ceiling finishes in the basement, installation of new finishes, upgraded light fixtures, expanded window wells, installation of 2 new mini-splits, and the creation of a separate office for the Library Director. Once the basement is completed the temporary office set up on the second floor will be removed. Electrical and communications improvements on the second floor will remain in place.

The projected cost for this demo and construction work will be \$100,000, with mini-split HVACs requiring an additional \$20,000 and an additional \$10,000 set aside for project contingency. With regard to the HVAC, it is expected to include two 2-ton HVAC units (mini-splits) with outdoor compressors. The system plan was considered and discussed on-site with Mr. Burbank, who estimated the cost. Formal quotes for this element of the project are pending, but the allowance is considered sufficient based on recent similar quotations. Note that a \$10,000 for construction contingency was added after the CIC suggested it to the Trustees.

**Montague Center Library Masonry Background:** The Montague Center Library masonry shows evidence of failure as a result of degradation of the mortar in the brick masonry. This issue was initially presented to the CIC in FY21 and has been the subject of some substantial evaluation with a building assessment report and subsequent engineering review confirming the need to attend to it. The Library obtained a quote for repair of the mortar and necessary drainage improvement to reduce basement moisture and the CIC reviewed this quote of \$105,376. Fortunately, the DPW has already addressed an important element of that intended scope - focused on the drainage and pointing of the accessible ramp and re-grading to improve water drainage - leading to a reduced request of \$100,000 for this project.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0  
Capital Improvements Committee Recommends 5-0

**ARTICLE 21. Allow Outright Purchase of Vactor Truck** (Town Accountant Request)

**MOVED:** That the Town vote to amend the vote taken pursuant to Article 4 at the March 3, 2022 Special Town Meeting, which appropriated the sum of \$125,000 from the Capital Stabilization Fund to pay the first year payment on a lease-purchase agreement for a new combination vacuum and sewer cleaner truck, also known as a vactor truck, and any equipment related thereto, by authorizing the Selectboard to use said appropriation toward the outright purchase of said vactor truck, with the remaining purchase price to be funded through the use of ARPA grant funds.

**Background:** Article #4 of the March 3, 2022, Special Town Meeting authorized the lease-purchase of a vactor truck. The Selectboard have since allocated ARPA funds to enable an outright purchase. This article simply amends the original language to allow for an immediate purchase rather than a lease.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 22. Transfers to Reserves** Finance Committee Request

**MOVED:** That the Town vote to appropriate the following sums for the purpose of increasing the special purpose funds set forth below, said sums to be raised from Taxation.

Fund	Amount (\$)
Town Capital Stabilization Fund	131,200
OPEB Trust Fund	50,000
GMRSD Stabilization Fund	40,608
FCTS Stabilization Fund	124,356
<b>Total:</b>	<b>346,164</b>

**Town Capital Stabilization Fund Background:** The Town's Financial Management Policies and Objectives direct that an annual appropriation of 0.2% of prior year general operating revenue (PYGOR) be made to this fund. For FY23 that amount is \$44,960.

The FY23 Kearsarge lease payment of \$167,455 to Montague is allocated as follows:

- *50% for operating expenses.* This is included in calculated available revenues for the Affordable Assessment. These revenues are allocated 51.5 % to the town and 48.5% to the GMRSD. The share for GMRSD is included in the Affordable Assessment, and the Town share of \$43,120 is appropriated to the Town Capital Stabilization Fund as part of the \$131,200 shown above.
- *50% for capital expenses.* 48.5 % of this amount is this appropriation to the GMRSD Stabilization Fund, which amounts to \$40,608. The Town's 51.5% share of \$43,120 is appropriated to the Town Capital Stabilization Fund as part of the \$131,200 shown above.

The total requirement is \$131,200 (the town's share for both operating and capital expenses, \$43,120 + \$43,120, plus \$44,960 representing 2% of PYGOR). The balance in this fund prior to Town Meeting was \$1,723,401.

**OPEB Trust Fund Background:** Montague currently pays for its other post-retirement benefits (OPEB), primarily retiree health insurance, on a pay-as-you-go basis. This means we pay the bills as they occur but make no provision to fund the post-employment costs of current employees. This appropriation of funds into the OPEB Trust is viewed both as a practical and a symbolic gesture showing that Montague recognizes its obligation and is beginning to address it. This year's appropriation is the customary contribution of \$50,000.

The Town's long-term plan is to address the OPEB unfunded liability more aggressively after the Town's unfunded pension liability has been "fully funded" (currently expected to occur in FY33). At that time the money currently appropriated to fund the unfunded pension liability will be available for use, on an annual basis, to more rigorously fund the unfunded OPEB liability, although there may not be a formal funding schedule in place. The balance in this fund prior to Town Meeting was \$1,178,641.

**GMRSD Stabilization Fund Background:** This represents the agreement to direct a specific percentage of the annual Kearsarge lease payment towards the GMRSD Stabilization Fund. This amount was explained under Town Capital Stabilization Fund. The balance in this fund prior to Town Meeting was \$102,407.

**FCTS Stabilization Fund Background:** See comment under Article #13, FCTS Assessment

**Comment:** The established policy of using Taxation to fund certain reserves is based on the belief that directing a portion of the town's "earnings" to savings is a financially prudent approach.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 23. Substance Abuse Counselors (Selectboard Request)**

**MOVED:** That the Town vote to appropriate the sum of \$173,800 for costs associated with the establishment and operation of a marijuana establishment known as 253 Farmacy, said sums to be raised from the Cannabis Impact Fee Stabilization Fund.

- A. \$86,900 for contracted services of a licensed alcohol and drug abuse counselor and related curriculum material expenses for the Gill-Montague Regional School District; and
- B. \$86,900 for contracted services of a licensed alcohol and drug abuse counselor and related curriculum material expenses for the Franklin County Technical School

**Background:** Students attending schools in both GMRSD and FCTS benefitted this year from access to a Licensed Alcohol and Drug Counselor (LADC), hired by the schools under contract with the Center for Human Development. The need for this position was heightened by concerns regarding youth and family use or abuse of substances, in particular the increased accessibility of cannabis in the community.

School year 2021-2022 was the first year this resource was available to the schools and officials viewed is as an important support to student success. They believe the effectiveness of the resource would be greatly enhanced by additional time/availability in each school, which would allow for stronger integration of complementary services. This year's request reflects separate full time LADCs for the Franklin County Technical School and the Turners Falls High School/Great Falls Middle School.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 24. STEM Programming (Selectboard Request)**

**MOVED:** That the Town vote to appropriate the sum of \$40,000 for the purpose of providing Science, Technology, Engineering, and Math afterschool enrichment programs, said sum to be raised from the Cannabis Impact Fee Stabilization Fund.

**Background:** Both GMRSD and FCTS noted a desire to integrate after-school programming with their substance abuse counselling efforts. This is partially in response to those efforts, as well as community desire to provide developmentally appropriate outlets for youth in Montague as a means to discourage substance abuse. This funding is intended to enable a community-based organization to provide such programming in the coming school year. Proposals would be received through a competitive procurement process. Cost is based roughly on grant funding for a similar program.

Selectboard Recommends 3-0  
Finance Committee Recommends 5-0-1

**ARTICLE 25. Millers Falls Rd and Industrial Blvd** (Selectboard Request)

**MOVED:** That the Town vote to appropriate the sum of \$25,000 for the purpose of developing a Feasibility Assessment and Preliminary Design for roadway safety improvements to the intersection of Millers Falls Road and Industrial Boulevard, said sum to be raised from the Cannabis Impact Fee Stabilization Fund.

**Background:** The corridor between the Turners Falls High School and the Franklin County Technical School has seen increased traffic due in part to the conversion of the long vacant Hallmark Imaging Lab at 253 Millers Falls Road into a cannabis retail, cultivation, and production facility. Additional traffic is projected from the planned cultivation facility at 180 Industrial Boulevard. This corridor is used by students of the two nearby high schools, industrial park employees, FCHRA patrons, and area residents.

The goals of the design study would be to calm traffic, to safely accommodate multiple users, and improve the safety of the intersection at Industrial Boulevard and Millers Falls Road. Montague has a complete streets policy and defines complete streets as a transportation system that provides safety and accessibility to all its users (including pedestrians, bicyclists, transit users, motorists, and other users). The Town's consulting engineer may recommend sidewalks, bus stops, bike lanes, and traffic calming measures that could potentially be funded with support from cannabis impact fees and/or grant funds.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 26. New Stabilization Fund** (Selectboard Request)

**MOVED:** That the Town vote, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, to establish a special purpose stabilization fund to be known as the "Canal District Utility Improvement Fund", for the purpose of funding installations, repairs, and upgrades of utility services for the Canal District of the Town, and anything incidental or related thereto; and further to accept the provisions of the fourth paragraph of said Massachusetts General Laws, Chapter 40, Section 5B, to allow one hundred percent (100%) of the funds received pursuant to the Town's August 9, 2021 Agreement with FirstLight MA Hydro, LLC to be dedicated to said Fund, without further appropriation, to be effective for the Fiscal Year beginning on July 1, 2022.

**Background:** The Town has an agreement with FirstLight that provides that "Within 30 days of receipt of FERC approval for the New 5<sup>th</sup> Street Pedestrian Bridge, without any conditions that are unsatisfactory to FirstLight, in its sole discretion, FirstLight shall pay to the Town the sum of \$250,000 for the purpose of improving utilities in the Turners Falls Canal District." The Department of Revenue has advised that this money will have to be received as general revenue unless placed in a stabilization fund. This article

creates that new stabilization fund and accepts the language that would allow these specific funds to go directly from FirstLight to that stabilization fund for later appropriation for the intended purpose.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 27. Rescind Unneeded Debt** (Town Accountant Request)

**MOVED:** That the Town vote to rescind the unused \$286,081.30 borrowing authority as voted pursuant to Article #8 of the February 25, 2021, Special Town Meeting, which appropriated \$1,450,000 for the purpose of acquiring three properties for airport and aviation purposes.

**Background:** When a project is funded by long term debt, the Town's appropriation is both the amount that can be spent on the project AND the amount that the Town is authorized to borrow. The Town has a limit for authorized debt, and all authorized debt amounts reduce the amount available for other uses. When these projects are finished and the entire appropriation was not spent, the Town needs to rescind the unused appropriation and borrowing authority. This removes the unnecessary amount from the Town's total debt and increases the available amount of allowed debt.

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 28. Rescind Unneeded Debt** (Town Accountant Request)

**MOVED:** That the Town vote to rescind the unused \$1,305,011.05 borrowing authority as voted pursuant to Article #1 of the March 29, 2018, Special Town Meeting, which appropriated \$11,146,762 for the purpose of building and equipping a new DPW Facility.

**Background:** See Article 27

Selectboard Recommends 3-0  
Finance Committee Recommends 6-0

**ARTICLE 29. Additional Liquor License for El Nopalito** (Selectboard Request)

**MOVED.** That the Town vote to authorize the Selectboard to petition the General Court for one (1) additional on premises all alcoholic beverages license to be exercised and located at 196 Turners Falls Road in the Montague Center village of the Town, 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 Selectboard 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 GRANT ONE ADDITIONAL LIQUOR LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES  
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, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to El Nopalito Restaurant, located at 196 Turners Falls Road, in the town of Montague. The license shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority of the town of Montague shall not approve the transfer of the license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license granted pursuant to this act 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 act.

(d) The license granted pursuant to this act shall be issued not later than 2 years after the effective date of this act; provided however, that if the license is originally granted within that time period, it may be granted to a new applicant pursuant to subsection (b) or (c) anytime thereafter.

SECTION 2. This act shall take effect upon its passage.

**Background:** A restaurant has requested an all alcoholic beverages license for use at 196 Turners Falls Road, but Montague has no more available. This article would request an additional license from the legislature for that specific location, which could not be transferred to any other location.

Selectboard Recommends 3-0

**ARTICLE 30. Leave Civil Service (Police Request)**

**MOVED:** That the Town vote to authorize the Selectboard to petition the General Court for special legislation providing that all of the positions in the Police Department after passage of

the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Selectboard approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Selectboard to approve such amendments.

AN ACT EXEMPTING ALL POSITIONS IN THE POLICE DEPARTMENT OF  
THE TOWN OF MONTAGUE FROM THE CIVIL SERVICE LAW

*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. Notwithstanding any general or special law to the contrary, all positions in the police department of the town of Montague shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. Notwithstanding the provisions of Section 2, no appointments or promotions made after the effective date of this act will be governed in any way by chapter 31 of the General Laws.

SECTION 4. This act shall take effect upon its passage.

**Background:** The civil service law was enacted to regulate the hiring and promotion process for police officers. It helped protect officers from nepotism and provided a transparent way of hiring and promoting. Annual Town Meeting members voted Montague into civil service back in March of 1932.

The police department proposes removal from civil service for various reasons. The first is that fewer and fewer people are taking the civil service test. The selection pool of applicants has been severely diminished over at least the past (7) years. During the last two tests that were administered (every two years) we have had only (5) people that completed the test and listed Montague as their primary town. Out of the first three, we hired one who graduates the academy on April 7, 2022, one could not complete the process and the other went to work for another town. One of the two latest applicants is under 21 and he cannot apply until his 21st birthday.

We may be looking for an additional hire within the next fiscal year to replace an officer that is promoted to sergeant. There are also two ranking officers that will be eligible for maximum retirement this year. If the department is going to fill those possible vacancies, we are going to need a much larger pool of applicants to choose from. One untrained person on our current civil service list is not going to be enough.

With the new P.O.S.T. (Peace Officer Standards & Training) regulations we cannot hire an officer until they graduate from a full-time academy. Those who are current part time officers must go through a bridge academy and accumulate 2,400 hours of actual work experience before they can be considered a full-time officer. This also leaves us with a smaller pool of trained candidates to choose from.

The only way to hire a “full time officer” via civil service is to have someone laterally transfer to Montague from another civil service department. Within recent years those civil service departments around us, Athol, Orange, Greenfield & Northampton, have all been removed from civil service.

Any officer currently employed will retain their civil service status once removed. A patrol officer will retain their status as that and a sergeant will retain their civil service status as a sergeant. Any new hires and or promotions will not be covered by civil service.

The Town usually approaches the union body to be removed. In this instance, both the Chief and the union body are requesting that the Town petition Annual Town Meeting for their removal.

Selectboard Recommends 3-0

**ARTICLE 31. Adopt 2022 Update to MEDIC Plan (MEDIC Request)**

**MOVED:** That the Town vote to adopt the 2022 Update to the Montague Economic Development and Industrial Corporation’s Economic Development Plan developed in accordance with Mass General Laws Chapter 121 C, as shown in the hand-out titled “2022 Update to the Montague Economic Development and Industrial Corporation’s Economic Development Plan”.

**Background:** Montague Economic Development and Industrial Corporation (MEDIC) is statutorily required to have town meeting adopt a 5-year Economic Development Plan. MEDIC spent 2021 developing an update to the 2015 plan. After a requisite public hearing, the Planning Board endorsed the plan on 11/23/2021. The plan authorizes the MEDIC to undertake economic development activities on parcels identified in the plan. The statutory powers of MEDIC include the ability to purchase/sell/manage property, ability to receive grants, and the ability to acquire properties through eminent domain. In 2021 and 2022, MEDIC facilitated the sale of 3 industrial parcels which netted the

Town \$337,500 in revenue, put over 8 acres of industrial land onto the tax rolls, and is projected to create over 70 jobs. In Montague the five areas of jurisdiction are:

- Airport Industrial Park
- Sandy Lane Industrial Area
- Canal District
- Great Falls Discovery Center Area
- Former Farren Hospital Area (new for 2022 plan)

The plan is available for review at <https://www.montague-ma.gov/g/55/Economic-Development-and-Industrial-Corporation-EDIC>

Selectboard Recommends 3-0

#### **ARTICLE 32. Smart Growth Overlay District (Planning Board Request)**

**MOVED:** That the Town vote to amend the Town's Zoning Bylaws, in accordance with Chapter 40R of the Massachusetts General Laws, to add a new Section 10, to be titled "Smart Growth Overlay Districts (SGODs), as shown below.

#### **SECTION 10: SMART GROWTH OVERLAY DISTRICTS (SGODs)**

##### **1. PURPOSE**

The purposes of this Section are:

1. To establish Smart Growth Overlay Districts (SGODs) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R;
2. To encourage the revitalization of underutilized properties to benefit the general health and welfare of our residents and the region;
3. To encourage the creation of new multifamily and residential developments in appropriate locations at appropriate densities; and,
4. To maintain or increase the supply of affordable dwelling units;
5. To maintain a consistently high level of design quality.

##### **2. DEFINITIONS**

For purposes of this Section the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or Section 2.0, or as set forth in the PAA Regulations. With respect to their application to Section 10, to the extent that there is any conflict between the definitions or terms set forth in, or otherwise regulated by, the Governing Laws and those defined or used in Section 10, inclusive of any applicable Design Standards, PAA Regulations, or any other applicable associated local zoning

requirement (e.g., zoning requirement contained in another section of the Zoning Bylaw that is nonetheless incorporated by reference), the terms of the Governing Laws shall govern.

***Affordable Homeownership Unit*** - an Affordable Housing unit required to be sold to an Eligible Household.

***Affordable Housing*** - housing that is affordable to and occupied by Eligible Households.

***Affordable Housing Restriction*** - a deed restriction of Affordable Housing meeting the statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 5.5 of this Bylaw.

***Affordable Rental Unit*** - an Affordable Housing unit required to be rented to an Eligible Household.

***Applicant*** – the individual or entity that submits a Project application for Plan Approval.

***As-of-right*** - a use allowed under Section 10.4.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 10. 8.0 through 10. 12.0 shall be considered an as-of-right Project, subject to review and approval by DHCD of any Municipal 40R regulations, guidelines, application forms, or other requirements applicable to review of Projects by the Plan Approval Authority under the 40R Zoning and 760 CMR 59.00.

***Department or DHCD*** - the Massachusetts Department of Housing and Community Development, or any successor agency.

***Design Standards*** – provisions of Section 12 made applicable to Projects within the SGOD that are subject to the Plan Approval process.

***Eligible Household*** - an individual or household whose annual income is less than or equal to 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

***Governing Laws*** - G.L. Chapter 40R and 760 CMR 59.00.

***Mixed-Use Development Project*** – a Project containing a mix of residential uses and non-residential uses, as allowed in Section 10. 4.2, and subject to all applicable provisions of Section 10.

**Monitoring Agent or Administering Agent** – the PAA or a qualified housing entity designated by the PAA, pursuant to Section 10. 5.2, to review and implement the Affordability requirements affecting Projects under Section 10. 5.0.

**PAA Regulations** – the rules and regulations of the PAA adopted pursuant to Section 10. 8.3.

**Plan Approval Authority (PAA)** - The local approval authority authorized under Section 10. 8.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

**Project** - a Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of Section 10.

**Residential Project** - a Project that consists solely of residential and any allowed or required parking and/or accessory uses, as further defined in Section 4.1.

**SGOD** – A Smart Growth Overlay District established in accordance with Section 10 and as shown on the Smart Growth Overlay District Map referenced in Section 3 herein and as shown of the Town’s Zoning Map.

**Zoning Bylaw** - the Zoning Bylaw of the Town of Montague.

### **3. Applicability of SGODs – SCOPE AND AUTHORITY**

**3.1 Establishment.** The Smart Growth Overlay District, herein referred to as the “SGOD,” is an overlay district having a land area of approximately 4 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map as set forth on the map entitled “Smart Growth Overlay District, dated \_\_\_, prepared by \_\_\_.” This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

**3.2 Subdistricts.** The SGOD contains the following Sub-Districts:  
Sub-District A: Griswold Mill comprising approximately 3.02 acres and;  
Sub-District B: First Street comprising approximately 1.16 acres.

**3.3 Applicability of SGODs.** An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Governing Laws and Section 10, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations. To the extent that there is any conflict between the Governing Laws and Section 10, inclusive of the Design Standards,

the PAA Regulations, and any otherwise applicable associated local zoning requirement (e.g., zoning requirement contained in another section of the Zoning Bylaw that is nonetheless incorporated by reference), the Governing Laws shall govern.

**3.4 Underlying Zoning.** The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to Section 10. Within the boundaries of the SGOD, an Applicant may elect either to develop a Project in accordance with the requirements of the SGOD, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

**3.5 Administration, Enforcement, and Appeals.** The provisions of Section 10 shall be administered by the Building Inspector, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 8 through 12 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

#### **4. PERMITTED USES - GENERAL**

The following uses are permitted As-of-Right for Projects within SGODs unless otherwise specified under the corresponding section of the District-specific requirements.

**4.1 Sub-District A (Griswold Mill).** The following uses are allowed:

- a) Multifamily residential uses
- b) Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to residential uses shall be 51% of the gross floor area of the Project:
  - Offices, including medical offices.
  - Retail stores, including banks, but excluding wholesale establishments and establishments with drive-through windows.
  - General service establishments and personal service establishments, including daycares.
  - Bakeries and artisan food or beverage producers.
  - Restaurants and cafes, indoor or outdoor.
  - Hotels.
  - Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers.
  - Municipal facilities.

- Craft workshops or light assembly shops.
- c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses

**4.2 Sub-District B (First Street).** The following uses are allowed:

- a. Single-family, two-family, three-family, or multifamily residential uses, any of which may include live/work units.
- b. Mixed-use Projects, incorporating multifamily residential uses and any of the following non-residential uses, where the minimum gross floor area devoted to residential uses shall be 51% of the gross floor area of the Project:
  - Offices, including medical offices and co-working facilities
  - Retail stores, including banks, but excluding wholesale establishments and establishments with drive-through windows.
  - General service establishments and personal service establishments.
  - Bakeries and artisan food or beverage producers.
  - Restaurants and cafes, indoor or outdoor.
  - Hotels
- c) Accessory uses, including home occupations, and parking accessory to any of the above permitted uses.

**5. Housing and Housing Affordability**

**5.1 Number of Affordable Housing Units.** For all Projects, not less than twenty percent (25%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of .5 or greater shall be deemed to constitute a whole unit.

**5.2 Monitoring Agent.** A Monitoring Agent which may be the PAA or other qualified housing entity shall be designated by the PAA. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. income eligibility of households applying for Affordable Housing is properly and reliably determined;

3. the housing marketing and resident selection plan conform to all requirements, have been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and are properly administered;
4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR. 59.00, recorded with the proper registry of deeds.

**5.3 Submission Requirements.** As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 10, the Applicant must submit the following documents to the PAA and the Monitoring Agent:

- 1) evidence that the Project complies with the cost and eligibility requirements of Section 10. 5.4:
- 2) Project plans that demonstrate compliance with the requirements of Section 10. 5.5; and
- 3) a form of Affordable Housing Restriction that satisfies the requirements of Section 10. 5.6.

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

**5.4 Cost and Eligibility Requirements.** Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits, as approved by DHCD, applies.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, and insurance, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless

another affordable housing program methodology for calculating rent limits, as approved by DHCD, applies.

Prior to the granting of any Building Permit for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Montague.

**5.5 Design and Construction.** Units of Affordable Housing shall be finished housing units. With respect to the minimum required number for a given Project, units of Affordable Housing shall be equitably integrated and proportionately dispersed throughout the residential portion of the Project of which they are part, across all residential buildings, floors, distinct unit types, and with respect to the gross floor area devoted to residential units, in accordance with the affordable housing restriction and marketing and tenant selection plan approved by DHCD and be comparable in initial construction quality, size, amenities, and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

**5.6 Affordable Housing Restriction.** Each Project shall be subject to an Affordable Housing Restriction which is approved by DHCD pursuant to the Governing Laws and recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. specification of the term of the Affordable Housing Restriction which shall be stipulated in the Plan Approval decision but in no case be less than thirty years;
2. the name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
3. a description of the Affordable Homeownership Unit(s), by address and number of bedrooms in a Project or portion of a Project which is homeownership; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of the Affordable Rental Unit(s) in a Project or portion of a Project which is rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
4. reference to an affirmative fair housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall be consistent with DHCD guidance and approved by DHCD. Consistent with DHCD guidance, such plan shall include a preference based on need for the number of

bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable, and may only provide for additional preferences in resident selection to the extent such preferences are also consistent with applicable law and approved by DHCD.

5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
7. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
8. provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
9. provision that the AHR on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
10. provision that the AHR on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
11. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
12. a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

**5.7 Costs of Housing Marketing and Selection Plan.** The housing marketing and selection plan or any associated Monitoring Services Agreement may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

**5.8 Age Restrictions.** Nothing in Section 10 shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 10. 5.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing units.

**5.9 Phasing.** For any Project that is approved and developed in phases in accordance with Section 10. 8.4, the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 10. 5.1. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 10. 5.5 shall be applied proportionately to the Affordable Housing provided for in each respective phase.

**5.10 No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in Section 10. 5.0 shall not be waived.

## **6. Dimensional and Density Requirements - GENERAL**

**6.1 Residential Density.** Multifamily Residential (four or more dwelling units) and Mixed Use Development Projects in a SGOD, and in any Sub-District, may be developed as-of-right at a minimum density of 20 dwelling units per acre of Developable Land. Two-family and three-family residential Projects may be developed as-of-right in Sub-District B at a minimum density of 12 dwelling units per acre of Developable Land. Single-family residential use Projects may be developed as-of-right in Sub-District B at a minimum density of 8 dwelling units per acre of Developable Land.

### **6.2 Lot Area, Frontage, and Yard Setbacks**

Each Project shall have:

Minimum Project area:	4,000 square feet
Minimum length of frontage:	30 feet
Minimum front yard setback:	0 feet
Maximum front yard setback:	no maximum setback
Minimum side yard setback:	no requirement between buildings within a Project; 10 feet between any Project building and the boundary of the applicable Sub-District
Minimum rear yard setback:	no requirement between buildings within a Project; 10 feet between any Project building and the boundary of the applicable Sub-District

For the purposes of this subsection, frontage and front yard setbacks shall be determined with respect to public and private streets, as well as to private ways providing similar access.

Access: Individual buildings or parcels within a Project site shall have coordinated street access. There shall be not more than one driveway (curb cut) per 50 feet of frontage.

**6.3 Open Space:** A minimum of 20 percent of the total Project area shall be open space. For the purpose of this subsection, “open space” shall be defined as yards, playgrounds, walkways and other areas not covered by parking and driveways; such open space need not be accessible to the public. This minimum percentage may be reduced by the PAA through the Plan Approval process only if the Project provides for direct access or enjoyment of the Connecticut River.

**6.4. Building Height, maximum:**

Subdistrict A: 60 feet

Subdistrict B: 40 feet

**7. Parking Requirements - GENERAL**

The parking requirements applicable for Projects within the SGOD are as follows.

**7.1 Number of parking spaces.** Unless otherwise found to be Unduly Restrictive with respect to Project feasibility and approved by the PAA, the following minimum and maximum numbers of off-street parking spaces shall be provided and allowed, respectively, by use, either in surface parking, within garages or other structures, or on-street:

Residential Project: Minimum One parking space per residential unit, maximum 2 parking spaces per residential unit.

Mixed-use Project: Same formula for residential units plus the applicable quantity computed per Section 7.2.2 of the Town’s Zoning Bylaws for non-residential uses.

The PAA may allow for additional visitor parking spaces beyond the 2 maximum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in any required parking as provided in Sections 7.2 and 7.3 below.

**7.2 Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process, if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies) or the PAA is otherwise satisfied that the reduced parking is nonetheless sufficient and consistent with smart growth practices.

**7.3 Reduction in parking requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan

Approval process, if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off-street parking spaces serving other uses having peak user demands at different times;
- d) To the extent consistent with 760 CMR 59.04(1)(g) and 760 CMR 59.04(l)(i)1., age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) Any applicable transportation demand management strategies that will be integrated into the Project or such other factors as may be considered by the PAA.

**7.4 Location of Parking.** Any surface parking lot shall, to the maximum extent feasible, be located at the rear or, where such location is deemed infeasible by the PAA, the side of a building, relative to any principal street, public open space, or pedestrian way.

## **8. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS**

**8.1 Plan Approval.** An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Section 10. Such Plan Approval process shall be construed as an As-of-Right review and approval process as required by and in accordance with the Governing Laws. Any Project with uses allowable in Section 4 shall be subject to the Plan Approval Process.

**8.2 Plan Approval Authority (PAA).** The Montague Planning Board consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

**8.3 PAA Regulations.** The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by the Department of Housing and Community Development.

**8.4 Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the

Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section 10.5.9.

## **9. PLAN APPROVAL PROCEDURES**

**9.1 Preapplication.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

**9.2 Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For all Projects, the application shall be accompanied by all materials required under Section 10.

5.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the PAA.

**9.3 Filing.** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Montague Clerk and a copy of the application including the date of filing certified by the Montague Clerk shall be filed forthwith with the PAA.

**9.4 Circulation to Other Boards.** Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Select Board, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Department, Department of Public Works, the Monitoring Agent (if already identified, for any Project subject to the Affordability requirements of Section 10. 5.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

**9.5 Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

**9.6 Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

## **10. PLAN APPROVAL DECISIONS**

**10.1 Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project as described in the application meets all of the requirements and standards set forth in Section 10 and the PAA Regulations, or a waiver has been granted therefrom; and
3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For all Projects, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of Section 10. 5.0 have been satisfied. Any Plan Approval decision for a Project shall specify the term of such affordability, which shall be no less than thirty years. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with Section 10, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

**10.2 Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

1. the Applicant has not submitted the required fees and information as set forth in the Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in Section 10 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or

3. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

**10.3 Waivers.** Upon the request of the Applicant and subject to compliance with the Governing Laws and Section 10. 5.10, the Plan Approval Authority may waive dimensional and other requirements of Section 10, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under Section 10.

**10.4 Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by the Department in relation to the specific Project, the proportion of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 10. 5.1.

**10.5 Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

**10.6 Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

## **11. CHANGE IN PLANS AFTER APPROVAL BY PAA**

**11.1 Minor Change.** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision and provide a copy to the Applicant for filing with the Town Clerk.

**11.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 10. 8.0 - through 10. 12.0.

## **12. DESIGN STANDARDS - GENERAL**

**12.1. Design Standards.** The Plan Approval Authority may adopt, by simple majority vote, Design Standards which shall be applicable to Development Projects subject to Plan Approval by the Plan Approval Authority. Such Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, may require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

**12.2. DHCD Approval.** After adopting Design Standards, the PAA shall submit Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting proposed Design Standard for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable costs to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair (as such term is defined under 760 CMR 59.02) the economic feasibility of a Development Project shall not constitute sufficient documentation. At its discretion, DHCD may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

**12.3. Plan Approval.** An application for Plan Approval that has been submitted to the Town Clerk pursuant to this Section 10 shall not be subject to Design Standards that have not been approved by DHCD and filed with the Town Clerk.

### **13. SEVERABILITY**

If any provision of Section 10 is found to be invalid by a court of competent jurisdiction, the remainder of Section 10 shall not be affected but shall remain in full force. The invalidity of any provision of Section 10 shall not affect the validity of the remainder of the Montague Zoning Bylaws.

**Background:** The Planning Board has determined that there is a need for the municipality to support and plan to produce affordable and housing in general. To address the issue, the Town can take advantage of a state zoning program under MGL 40R called Smart Growth Overlay Districts whereby the municipality designates certain locations that are highly suitable to accommodate housing and mixed-use development and allow it as-of-right, subject to the standards identified in the bylaw. The Town receives an initial incentive payment from the State for adopting the bylaw plus additional payments once dwelling units are constructed. The zoning also signals that the community welcomes new housing and mixed-use development within the district. This can help target investment in these areas. This zoning overlay is an optional regulation that property owners may elect to utilize when developing a property. The underlying zoning would otherwise still be in effect. One of the requirements of the bylaw is that at least 20% of the housing units constructed in this district must be affordable in accordance with the state's definition. The proposed district includes two sub districts A: Griswold Mill Site (Map 3 Lots 27 and 89- 2.8 Acres) and B: First Street (Map 4 Lots 31 and 24- 1.1 acres)- both of which are in downtown Turners Falls. Adopting a 40R Smart Growth District was recommended in the Montague Housing Plan and the Downtown Livability Plan. It is important to have the zoning in place in advance of developing sites like Griswold Mill or First Street.

Selectboard Recommends 3-0

#### **ARTICLE 33. 11 Power St. (Planning Department Request)**

**MOVED:** That the Town vote in accordance with MGL c. 40, § 15A to transfer from the board or commission having the care, custody, and control of a parcel of land containing 2.27 acres of land, more or less, located at 11 Power Street and identified as Assessors' Parcel ID 03-0-027 further described in a deed recorded with the Franklin Registry of Deeds in Book 6418, Page 65, and referenced in a judgement in a tax lien case recorded with said Registry in Book 7959, Page 332 and shown on a plan recorded with said Registry in Plan Book 133, Page 21 to the Selectboard for the purposes of economic development or the development of low or

moderate income housing; and further, that the Selectboard be authorized to sell, lease, transfer or convey any portion or all of the aforesaid property upon such terms and conditions and for such amounts as the Selectboard shall deem fit, subject to the approval of the Montague Economic Development and Industrial Corporation, and further that the Selectboard be authorized to execute any and all instruments, including deeds, leases or other agreements and take all other actions necessary or appropriate to effectuate the vote taken hereunder.

**Background:** 11 Power Street, known locally as “Railroad Salvage” or “Griswold Mill” came into the Town’s possession by way of tax title foreclosure in March 2022. The 2.27-acre property was subject to a demolition and environmental cleanup activity by the EPA in 2021. This strategically important parcel in the Turners Falls Canal District has been identified by the Planning Board to be suitable for housing and mixed-use redevelopment. Over \$10M is being invested in the immediate area between MassDOT’s plans to replace the 6th Street/ Power Street Bridge and the EPA’s cleanup. The Town anticipates private or non-profit investment to “follow” the initial public investment through the development of this property. Two non-profit developers have expressed interest in developing mixed-income housing at the site.

#### Selectboard Recommends 3-0

#### **ARTICLE 34. First St. (Planning Department Request)**

**MOVED:** To see if the Town will vote to transfer care, custody and control of a parcel of land containing 0.65 acres of land, more or less, located on First Street and identified as Assessors’ Parcel ID 04-0-0031, from the Selectboard for general municipal purposes to the Selectboard for general municipal purposes or for developing low or moderate income housing and to authorize the Selectboard to sell or lease, transfer or convey all or any portion of such land for such sum and upon such conditions determined by the Selectboard to be in the best interests of the Town, pursuant to G.L. c. 30B, and to authorize the Selectboard to execute any and all instruments, including deeds, leases or other agreements and take all other actions necessary or appropriate to effectuate the vote taken hereunder.

**Background:** In effort to meet the housing production needs of the community, the Planning Board has identified this underutilized municipal overflow parking lot across from Town Hall as highly suitable for new downtown housing due to its proximity to Avenue A and the riverfront. The article will unlock the parcel and make it available for development. The Town has received a statement of interest to develop +/- 5 affordable owner-occupied units on the parcel and another non-profit developer has expressed interest as well. The lot was historically used for worker housing through the early 1900’s. It is expected that the demand for parking at this lot will be met by the parking area on the Town Hall lot at One Avenue A. The actual demand of the lot behind 1 Avenue A for public parking has diminished since the DPW consolidated its operations at 128 Turners Falls Road. Further, the planned removal of the blue utility shed behind

Town Hall will further open significant amounts of untapped parking area there. Because of its 'readiness', this project was identified as a priority action item in the 2021 Downtown Turners Falls Rapid Recovery Plan. The plan identifies that more residents living downtown who are not cost-burdened by housing would have a positive outcome for the economic health and sustainability of the downtown.

Selectboard Recommends 3-0

**ARTICLE 35. Demolition Delay** (Historical Commission Request)

**MOVED:** That the Town vote to amend the Town's General Bylaws to add a new Bylaw, to be titled "Demolition Delay", as shown below, and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification.

**Montague Demolition Delay Bylaw**

**§ 1 Purpose.**

The purpose of this Bylaw is to preserve and protect, through advance notice of their proposed demolition, Significant Buildings within the Town of Montague which constitute or reflect distinctive features of the architectural, cultural, political, economic, or social history of the Town, to encourage owners of Preferably Preserved Significant Buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate, or restore such buildings rather than demolish them, to alert residents of the Town to impending demolitions of Significant Buildings, and by furthering these purposes to promote the public welfare, to preserve the resources of the Town, and to make the Town a more attractive and desirable place to live. To achieve these purposes, the Montague Historical Commission is empowered to advise the Montague Inspector of Buildings with respect to the issuance of permits involving demolition, and the issuance of demolition permits for Significant Buildings is regulated as provided in this Bylaw.

**§ 2 Definitions.**

As used in this Bylaw, the following terms shall have the meanings indicated:

**APPLICATION**

An application for a permit involving the demolition of a Significant Building. Every application shall include the address of the building to be demolished, the owner's name, address and telephone number, photographs of all sides of the building visible from a public way taken within the past year, plans, a narrative description of the building and justification of the proposed demolition, and a brief description of the proposed reuse, reconstruction, or replacement.

## **BUILDING**

Any combination of materials capable of providing shelter for persons, animals, or property.

## **COMMISSION**

The Montague Historical Commission.

## **DEMOLITION**

Any act of pulling down, destroying, removing, or razing a structure or significant portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same. Significant portion is defined as twenty-five percent (25%) of the volume of the building or structure, or twenty-five percent (25%) of the roof structure. For purposes of this Bylaw, the term "demolition" shall not include the ordinary maintenance or repair of any building or structure, interior renovations, or removal or demolition of any ancillary portion of a structure such as porches, decks, or windows, provided that in the instance of demolition of said ancillary portions for the purpose of repair or replacement, said repair or replacement shall be done using like-kind or better materials.

## **DEMOLITION PERMIT**

A permit issued by the Inspector of Buildings under the State Building Code for the demolition of a building or structure.

## **INSPECTOR OF BUILDINGS**

The administrative chief of the building department in a municipality who is charged with the administration and enforcement of 780 CMR, the Massachusetts State Building Code.

## **SIGNIFICANT BUILDING**

- A.** Any building or structure individually listed on the National Register of Historic Places or is the subject of a pending application for listing on said National Register; or
- B.** Any building or structure evaluated by Massachusetts Historical Commission to be a contributing building within a National Register or State Register District; or
- C.** Any building or structure which has been certified by the Massachusetts Historical Commission to meet eligibility requirements for individual listing on the National Register of Historical Buildings; or
- D.** Any Building or structure constructed, or a portion of which was constructed, over 100 years ago that contributes to the historical or architectural heritage or resources of the Town.

**§ 3 Preferably Preserved Significant Buildings.**

**A.** A Preferably Preserved Significant Building is any Significant Building which the Montague Historical Commission determines, pursuant to the procedure detailed in § 4, is in the public interest to be preserved or rehabilitated rather than to be demolished. A Preferably Preserved Significant Building is subject to the one-year delay period of this Bylaw.

**B.** The Montague Historical Commission may determine that a building or structure be designated as a Preferably Preserved Significant Building if it meets one or more of the following criteria:

**(1)** It is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or

**(2)** The Montague Historical Commission determines that the structure meets one or more of the following three criteria:

**(a)** Historical importance. The structure meets the criteria of historical importance if it:

**[1]** Has character, interest, or value as part of the development, heritage or cultural characteristics of the Town of Montague, the Commonwealth of Massachusetts, or the nation; or

**[2]** Is the site of an historic event; or

**[3]** Is identified with a person or group of persons who had some influence on society; or

**[4]** Exemplifies the cultural, political, economic, social, or historic heritage of the community.

**(b)** Architectural importance. The structure meets the criteria of architectural importance if it:

**[1]** Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; or

**[2]** Embodies those distinguishing characteristics of an architectural type; or

**[3]** Is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town; or

**[4]** Contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.

**(c)** Geographic importance. The structure meets the criteria of geographic importance if:

**[1]** The site is part of, or related to, a square, park, or other distinctive area; or

**[2]** The structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, or the community as a whole.

**§ 4 Procedure.**

- A.** No permit for the demolition of any building or structure shall be issued other than in conformity with this Bylaw. The Inspector of Buildings, on the day of receipt of an application for demolition of a Significant Building or within seven days, shall cause a copy of each such permit application to be forwarded to the Montague Historical Commission. At such time, the applicant will be notified that their permit application has been submitted to the Montague Historical Commission. No demolition permit shall be issued at that time, unless the Inspector of Buildings deems the building is in need of emergency demolition and the emergency demolition provisions of this Bylaw have been met.
- B.** The Montague Historical Commission shall hold a public hearing within 45 days of receiving a copy of such application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least 14 days before said hearing. The Montague Historical Commission shall mail a copy of said notice to the applicant and shall, at least seven days prior to said hearing, notify the Selectboard, Town Administrator, Inspector of Buildings, Planning Department, Planning Board, Zoning Board of Appeals, and such other persons as the Montague Historical Commission shall deem entitled to notice. The applicant shall notify all abutting landowners as they appear on the most recent local tax list no later than seven days prior to said hearing.
- C.** If, after such hearing, the Montague Historical Commission determines that the demolition of the Significant Building would not be detrimental to the historical or architectural heritage or resources of the Town, the Montague Historical Commission shall so notify the Inspector of Buildings and Selectboard within seven days of such determination. Upon receipt of such notification, or after the expiration of 21 days from the date of the close of the public hearing, if he or she has not received notification from the Montague Historical Commission, the Inspector of Buildings may, subject to the requirements of the State Building Code and any other applicable laws, rules, or regulations, issue the demolition permit.

- D.** If, after such hearing, the Montague Historical Commission determines that the demolition of the Significant Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a Preferably Preserved Significant Building. The Montague Historical Commission's determination remains in effect for one year from the date of decision. Upon a determination by the Montague Historical Commission that the Significant Building which is the subject of the application for a demolition permit is a Preferably Preserved Significant Building, the Montague Historical Commission shall, within seven days, so advise the applicant by registered mail, and the Inspector of Buildings, and no demolition permit may be issued until at least one year after the date of designation as a Preferably Preserved Significant Building. The applicant shall, upon notice of said designation, secure the building or site against vandalism, fire or other destruction and post a copy of said designation on the building in a place visible from the nearest public way. The applicant shall give reasonable access to the building or site to the Montague Historical Commission.
- E.** Notwithstanding the preceding section, the Inspector of Buildings may issue a demolition permit for a Preferably Preserved Significant Building at any time after receipt of written advice from the Montague Historical Commission to the effect that either:
- (1)** The Montague Historical Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate, or restore such building; or
- (2)** The Montague Historical Commission is satisfied that reasonable efforts have been made to identify a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

**§ 5 Emergency demolition.**

Nothing in this Bylaw shall be construed to derogate in any way from the authority of the Inspector of Buildings derived from Massachusetts General Laws Chapter 143.

- A.** If a building poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Inspector of Buildings.
- B.** Upon receipt of any application for an emergency demolition permit, the Inspector of Buildings shall within five days transmit a copy thereof to the Montague Historical Commission.

- C.** As soon as is practicable, but within 14 days after receipt of such an application, and regardless as to whether a copy of the emergency demolition permit has been transmitted to the Montague Historical Commission, the Inspector of Buildings shall inspect the building with an inspection team consisting of the Inspector of Buildings, Fire Chief, Montague Historical Commission Chair, or the designees of said officials.
- D.** Within five days after inspection of the building and after consultation with other members of the inspection team, the Inspector of Buildings shall determine:
- (1)** Whether the condition of the building or structure represents a serious and imminent threat to public health and safety; and
- (2)** Whether there is any reasonable alternative to the immediate demolition of the building which would protect public health and safety.
- E.** If the Inspector of Buildings finds 1) that the condition of the building or structure poses a serious and imminent threat to public health and safety, and 2) that there is no reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety, then the Inspector of Buildings may issue an emergency demolition permit to the owner of the building.
- F.** If the Inspector of Buildings finds 1) that the condition of the building does not pose a serious and imminent threat to public health and safety, and/or 2) that there are reasonable alternatives to the immediate demolition of the building which would protect public health and safety, then the Inspector of Buildings may refuse to issue an emergency demolition permit to the owner of the building or structure.
- G.** Upon issuing an emergency demolition permit under the provisions of this section, the Inspector of Buildings shall submit a brief written report to the Montague Historical Commission describing the condition of the building and the basis for his/her decision to issue an emergency demolition permit. Nothing in this section shall be inconsistent with the procedure for the demolition and/or securing of buildings and structures established by G.L. c. 143, §§ 6 through 10.

**§ 6 Enforcement and remedies.**

The Inspector of Buildings is specifically authorized to institute any and all actions and proceedings, in law or equity, as he/she may deem necessary and appropriate to obtain compliance with the provisions of this Bylaw or to prevent a threatened violation thereof.

- A.** No permit for erection of a new structure on the site of an existing Preferably Preserved Significant Building may be issued prior to issuance of a permit for demolition of such existing building.
- B.** No permit for erection of a new building, paving of drives or for parking shall be issued for one year from the commencement of such work if a structure is demolished in violation of this Bylaw. The Commission may suspend this moratorium if it determines that earlier reconstruction, restoration, or other remediation of any demolition in violation of this Bylaw better serves the intent and purpose of this Bylaw.
- C.** Any owner of a building and/or structure subject to this Bylaw who knowingly acts to demolish said building and/or structure, or damage a portion of a building or structure in a way which increases its likelihood of total failure, without first obtaining a building permit for demolition in accordance with the provisions of this Bylaw, or who likewise by some causative action contributes to the deterioration of said building or structure during the demolition review period, shall be in violation of this Bylaw and subject to enforcement by a noncriminal complaint pursuant to the provisions of G.L. c. 40, § 21D, as amended.
- D.** Notwithstanding the provisions of Article 30 of the Town of Montague Bylaws, the fine for any such violation shall be \$300 for each offense. Each day the violation exists shall constitute a separate offense until the demolished building is rebuilt or recreated as directed by the Montague Historical Commission, or unless otherwise agreed to by the Montague Historical Commission.

#### **§ 7 Historic Districts Act.**

If any provision of this Bylaw conflicts with Massachusetts General Laws Chapter 40C, the Historic District Act, that Act shall prevail.

**Background:** The proposed bylaw was developed to ensure that historically significant buildings are not demolished without a review by the Montague Historical Commission. The purpose of the bylaw is to protect the integrity of historic resources within the Town. A demolition delay bylaw allows for the demolition of historically significant buildings while alternatives to the destruction of the building(s) are explored. Over 100 towns in Massachusetts currently have a demolition delay bylaw. Montague's bylaw would authorize the Montague Historical Commission to advise the Building Inspector with respect to the issuance of permits involving demolition and empowers the Commission via the Building Inspector to delay the issuance of demolition permits for historic structures by 12 months.

Selectboard Recommends 3-0

**ARTICLE 36. Petitioned Article**

**MOVED:**

**FAIR SHARE AMENDMENT-MONTAGUE RESOLUTION OF SUPPORT**

WHEREAS, Massachusetts needed new investments in our transportation and public education systems even before the COVID-19 pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, the best way to help working families and rebuild a strong economy for us all is to make sure that we have quality public schools for our children, affordable public higher education, and a reliable transportation system; and

WHEREAS, Montague has numerous structurally deficient bridges and overdue road repair and replacement projects; and

WHEREAS, students need a well-rounded education and major investments in public education are needed to help students recover academically, socially, and emotionally from the COVID-19 pandemic; and

WHEREAS, tuitions and fees at our public colleges are among the highest in the country, forcing students to take on enormous debt just to receive a degree; and

WHEREAS, new state revenue is necessary to rebuild crumbling roads and bridges, improve our public schools from Pre-K through college, expand access to vocational and technical training invest in reliable and decarbonized public transportation, make public higher education affordable again, and expand opportunities for healthy walking and bicycling; and

WHEREAS, wealth Massachusetts residents saw their investments grow during the pandemic while working families struggled, and Massachusetts' wealthiest residents should pay their fair share to support our communities and grow our economy; and

WHEREAS, the Legislature's Constitutional Convention voted 159-41 to place the Fair Share Amendment on the November 2022 statewide ballot;

**THEREFORE, let it be resolved that the Montague Town Meeting Supports the proposed Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for the repair and maintenance of roads, bridges, and public transportation.**

## Notes and Questions