

## FINANCE COMMITTEE REPORT TO TOWN MEETING

# Fiscal Year 2013

The Montague Finance Committee proposes a balanced budget of \$18,443,587 to provide municipal services during Fiscal Year 2013. These services include the town's general operations, educational assessments, the Wastewater Pollution Control Facility, maintenance of the Colle building, and the Turners Falls Municipal Airport.

Montague has staffed and operated effective municipal programs and services, which serve our residents as well as attracting visitors from outside the town. Approval of this budget will fund the town's services and support continued progress toward the goal of fiscal sustainability. The proposed budget includes assessments from both the Gill-Montague Regional School District (\$7,850,604) and the Franklin County Technical School (\$737,865), derived from the budgets approved by the respective school committees.

At the time this report went to print, the legislature had not set a final figure for state aid to either towns or school districts. We have used the municipal aid figure in Governor Patrick's initial budget proposal in our recommendation, but will consider any further developments in future presentations to town meeting members.

The Summary of the Total Proposed Budget is presented first, followed by highlights of the Revenue and Expense categories. Fiscal year references are to budget cycles ending June 30th, and \$ Change figures in parentheses are reductions from Fiscal Year 2012.

	<b>FY12</b>	<b>FY13</b>		
<b>Revenues</b>	<b>Budgeted</b>	<b>Proposed</b>	<b>\$ Change</b>	<b>% Change</b>
Taxation	12,981,749	13,380,299	398,550	3.07%
State Aid	1,258,668	1,293,006	34,338	2.73%
Local Receipts	1,222,240	1,269,374	47,134	3.86%
Available Funds/Reserves				
One Time State Aid-Supplemental		19,000	19,000	
Free Cash for Town Budget	125,000	125,000	-	0.00%
Free Cash for GMRSD	125,000	125,000	-	0.00%
Free Cash for Special Articles		127,000	127,000	
FCTS Stabilization Fund		24,000	24,000	
Town Stabilization Fund for GM	106,503	154,182	47,679	44.77%
Town Stabilization Fund for FCTS		12,000	12,000	
Town Stabilization for Sp Articles	327,006		(327,006)	-100.00%
Special Article Balances	58,000		(58,000)	-100.00%
Colle Receipts	90,600	89,400	(1,200)	-1.32%
Sewer User Fees	1,569,239	1,633,865	64,626	4.12%
Sewer Retained Earnings	70,000		(70,000)	-100.00%
Airport User Fees	30,263	31,461	1,198	3.96%
Long Term Debt		160,000	160,000	
<b>Total Revenues</b>	<b>17,964,268</b>	<b>18,443,587</b>	<b>479,319</b>	<b>2.67%</b>
<b>Total Revenues net of Debt</b>	<b>17,964,268</b>	<b>18,283,587</b>	<b>319,319</b>	<b>1.78%</b>

	<b>FY12</b>	<b>FY13</b>		
	<b>Budgeted</b>	<b>Proposed</b>	<b>\$ Change</b>	<b>% Change</b>
<b>Expenses</b>				
General Town	7,311,792	7,488,471	176,679	2.42%
WPCF	1,760,758	1,808,367	47,609	2.70%
Airport	36,427	37,625	1,198	3.29%
Gill-Montague Assessment	7,576,183	7,850,604	274,421	3.62%
Franklin Cty Tech Assessment	678,302	737,865	59,563	8.78%
Colle	90,600	89,400	(1,200)	-1.32%
Recommended Special Articles	510,206	431,255	(78,951)	-15.47%
<b>Total Expenses</b>	<b>17,964,268</b>	<b>18,443,587</b>	<b>479,319</b>	<b>2.67%</b>
<b>Total Special Articles net of Debt</b>	<b>510,206</b>	<b>271,255</b>	<b>(238,951)</b>	<b>-46.83%</b>

### **Revenue Highlights**

The town's budget is funded mostly from four sources: property taxes, state aid, local receipts, and savings (also called "reserves").

The proposed budget assumes that the total property tax levy will rise to the 2.5% limit. In a flat economic climate new growth is conservatively forecasted at about \$48,000 below 2012.

State Aid is expected to approximate 2012 levels (excluding the supplemental aid granted in October 2011), reflecting efforts by the governor and legislature to be conservative with higher-than-forecasted revenue growth. Though a supplemental appropriation for Fiscal Year 2013 is possible, it is not assured at this time.

The largest elements of Local Receipts (65%) are Motor Vehicle Excise taxes and Trash Stickers, which are projected to grow slightly. Revenue estimates for Fiscal Year 2013 are conservatively based on information through March 2012, and still lag Fiscal Year 2011 results.

Savings are a combination of Free Cash, Stabilization Funds and other miscellaneous reserves. In Fiscal 2012 we used \$125,000 of Free Cash to balance the town's operating budget, and \$327,006 of reserves to fund Special Articles. We also used \$125,000 of Free Cash and \$106,503 of reserves to fund the assessment from the Gill-Montague Regional School District.

For Fiscal Year 2013, we again recommend using \$250,000 from Free Cash (split between Town and Gill-Montague Regional School District operations), a further \$154,182 from reserves to fund GMRSD operations, and \$36,000 from reserves to fund the Franklin County Technical School assessment.

As in 2012, we do not recommend the use of reserves to fund the town's operating budget, but we do recommend using \$146,000 of reserves to fund various Special Articles (see commentary below for details).

In preparing the proposed Fiscal Year 2013 budget, the Finance Committee continued to pursue two general goals from prior years. The first is to fund annual needs (both departmental operating budgets and recurring special articles) from taxation. The second is to continue

allocating available fund in a set proportion between the Gill-Montague Regional School District assessment and other town functions, while meeting our commitment to long-term goals under a voluntary Compact with the District, the Town of Gill, and our local legislators.

We made progress toward the first goal by funding over \$125,000 of Special Articles from taxation. Given the uncertainty of the final state aid figure, we felt it was prudent to continue using reserves to fund some recurring Special Articles, but we intend to limit this practice in future years. Other articles are funded from the supplemental 2012 state aid received in October 2011 and the unusually high Free Cash balance certified at the end of Fiscal Year 2011. We are deferring until later in the year any recommendation to transfer Free Cash to Stabilization.

We addressed the second goal by recommending, as for Fiscal Years 2011 and 2012, that 51.5% of available funds (as defined) be allocated to the town budget and 48.5% to the Gill-Montague Regional School District assessment. These percentages are based on past practice, and help stabilize the balance of resources devoted to town and District budgets. This method would result in a target assessment that is about \$154,000 higher than the final Fiscal Year 2012 figure, but still \$154,182 lower than the School Committee's request for Fiscal Year 2013. This is consistent with the Compact among GMRSD, Montague and Gill officials, and state legislators which outlines a multi-year plan for fiscal and educational sustainability.

As of this date Montague and the District have met their commitments, but the State has not. We have chosen to recommend meeting the resulting gap of \$154,182 from reserves, but recognize that continuing this practice is not sustainable in the long term.

## **Town Operating Budget**

### **General Conditions:**

Requests from town departments generally met the initial target of level funding of non-salary spending. On a comparable basis the cost of general town operations rose by about \$140,000, or 1.9%, driven mostly by Legal, Solid Waste, and Benefit costs and offset by reductions in Debt Service, Public Safety, and other areas. Other principal contributors are described below.

### **Staffing Changes:**

After many years of no increases in staff levels, we are recommending the addition of a full-time position in Public Works and a part-time position in Public Health, both driven by service-level considerations.

### **Wages & Benefits:**

The proposed budget provides step increases to union and non-union employees who have not yet reached the maximum of their salary range, but no cost of living adjustment. For employees already at the range maximum, a 1.5% increase is also included, recognizing the absence of adjustments to salary ranges since Fiscal Year 2008.

Approximately 27% of our staff will have reached the maximum step by the end of Fiscal Year 2013. Completion of a Pay & Classification study, the first since 2001, will be the basis for grade assignments and salary ranges in future years. Employee Benefits costs rose 2%, primarily in Retirement Plan costs.

General Government Functions:

These departments include statutory or otherwise essential functions for basic municipal operations. Principal examples include:

Select board	Accountant	Assessor	Public Building Utilities
Treasurer	Clerk	Planner	

The proposed total budget for this group is \$1,021,648, a 4.34% increase over Fiscal Year 2012; the savings from decreased utility costs was offset by higher costs for elections and legal and financial services. A stipend for Information Technology co-ordination was also added, restoring a reduction in earlier years.

Public Safety Functions:

Staffing changes in the Police department following the retirement of long-time chief Ray Zukowski allowed Police-Dispatch total spending to stay close to 2012 levels.

The Fiscal Year 2013 request includes increases for insurance and Police Academy training for a new officer. In the absence of grant sources which once funded the periodic purchasing of vests, radios, etc., we recommend the approval of a \$20,000 Special Article to fund those needs. This recommendation is similar to one for Public Works.

To recognize the role of Public Health in overall public safety, the Board of Health, including the addition of a part-time Health inspector, has been moved into the Public Safety group. On a comparable basis, Public Safety as a whole decreased by 0.7%.

Public Works:

Increased costs for sand/salt and solid waste handling account for half of the non-personnel increase in the Public Works group. The Department of Public Works initially requested \$100,000 for the purchase and major repair of equipment, but has concurred with a recommendation from the Capital Improvements and Finance Committees of \$75,000 for this request, since a portion of the 2012 appropriation is still available. In Fiscal Year 2012 the \$100,000 requested for purchase and repair of equipment was reduced to \$50,000. The Finance Committee also supports the lease of a new six-wheel truck for \$220,000, spread over five years.

Human Services and Culture & Recreation Functions

These departments provide social services and other functions that enhance living conditions. Principal examples include:

Council on Aging	Veterans' Benefits	Libraries	Parks & Recreation
------------------	--------------------	-----------	--------------------

The proposed total budget for this group is \$539,590, which is about 2.1% below Fiscal Year 2012. This reflects a lower expected case-load in Veterans' Benefits.

Debt Service:

This category is 2% below Fiscal Year 2012 now that permanent financing for the Public Safety Facility and Combined Sewer Overflow projects is complete. Debt service for these two projects accounts for about 75% of the town's debt service but does not divert funds from the operating budget; because it is paid from taxes assessed beyond the Proposition 2-1/2 limit.

### **Water Pollution Control Facility**

The Water Pollution Control Facility's Fiscal Year 2013 operating budget of \$1,808,367 is about \$48,000, or 2.7%, higher than Fiscal Year 2012, due largely to rising repair & maintenance supplies, full-year budgeting for a new laborer position, and re-classification of an existing position. Savings from process improvements and new equipment result in no increased solid waste disposal costs. About 90% of the Facility's 2013 operating budget is funded by user fees, leaving about \$175,000 to be covered by taxation. This remainder represents "inflow and infiltration" into the system from misdirected surface water.

We recommend a Special Article to survey the sources of "inflow & infiltration," funded from one-time State Aid, and another for a fourth Fournier Press, funded from Sewer Borrowing, to enhance the efficiency and economy of the facility. The retirement of older bonds in 2013 and future years will help offset this new debt service.

### **Airport**

Steady revenue from airport leases and cost management results in unchanged taxation support in Fiscal Year 2013. The airport is now nearly 85% self-supporting.

### **Educational Assessments**

#### **Franklin County Technical School**

The Franklin County Technical School assessment rises sharply in Fiscal Year 2013, due in part to an increase in the proportion of Montague students to total enrollment and in part to a decline in miscellaneous non-town revenues. In addition, there is a Capital Fund assessment in anticipation of a future roof replacement. Consequently, we recommend the use of the Tech School Stabilization Fund, authorized at an April 2010 Special Town Meeting, along with the town's Stabilization Fund, to absorb a part of the increase. We specifically recommend \$24,000 from the FCTS Stabilization fund for the assessment increase due to additional Montague students, and \$12,000 from the Town Stabilization for the capital portion of the assessment.

#### **Gill-Montague Regional School District**

The total approved Gill-Montague Regional School District budget request increased only about \$160,000 from Fiscal Year 2012 to \$16,567,640, but the assessment request to Montague increased about \$275,000 to \$7,850,604 because there was no increase in state aid (Chapter 70 and transportation). Furthermore, the net cost of Choice and Charter programs rose over \$90,000. The breakdown by category is as follows:

GMRSD Assessment	BUDGET	BUDGET	REQUEST	REQUEST	PROPOSED
	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>INCREASE</u>	<u>FY13</u>
Minimum Contribution	4,378,670	4,468,859	4,565,235	96,376	4,565,235
Transportation	309,556	316,047	313,834	(2,213)	313,834
Debt Service	178,577	183,714	177,758	(5,956)	177,758
Over Minimum	2,534,805	2,607,563	2,793,777	186,214	2,793,777
Total	7,401,608	7,576,183	7,850,604	274,421	7,850,604
% Increase		2.36%	3.62%		

As noted earlier, a recommended “affordable assessment” \$7,696,422 (note – this amount ties to taxation plus Free Cash used) was calculated by allocating total forecasted available funds between the Gill-Montague district and the total of other town services in the proportion of 48.5% to the district and 51.5% to the town and other services. Our Fiscal Year 2013 recommendation is higher than the calculated “affordable assessment” because the Compact with other parties, referred to earlier, forecasted that a supplemental amount would be necessary until educational aid recovers from the current economic downturn.

We wish to commend the Gill-Montague District’s administration and School Committee for respectively proposing and approving a budget that shares the burden of providing educational services to the town’s students within our current fiscal limitations. This is an outstanding achievement in the face of numerous programmatic recommendations from state officials and local requests for increased spending. This accomplishment was made possible by a substantial reorganization of non-classroom staffing and budget tightening in other areas, and follows a 2012 budget with no increase over Fiscal Year 2011.

**Other Subjects and Use of Reserves**

As noted earlier, we continue to take steps toward a financially sustainable future for Montague that does not depend on funding ongoing expenses with one-time savings. The following steps are worth mentioning:

1. We recommend regular appropriation of discretionary funds for equipment needs for Police, Public Works and Information Technology functions. Though these are best presented as Special Articles, to enable unused balances to be preserved for their intended purpose, our intent is to rely on taxation as the funding source. In Fiscal Year 2013 this is recommended for Police and Information Technology, and in future years we hope to extend this to Public Works.
2. We believe it is important to continue last year’s practice of regular replenishment of the town’s Stabilization Fund as circumstances allow (for instance, when overlay reserves or high Free Cash balances are available), even as we draw on it for periodic non-recurring spending. We ask your support for consciously setting money aside for major projects prior to beginning them. At this time we recommend deferral of this step until the first quarter of Fiscal Year 2013, when we know what Free Cash and supplemental state aid are available.

## **Conclusion**

Historically, personnel costs (wages and benefits) and selected other expenses have risen faster than property taxes and other state/local revenue sources. In addition, school district assessments were consuming an increasingly larger share of the town's total revenues. In recent years, the Compact with GRMSD, along with lower waste disposal and utility costs and moderation of benefits increases, have helped ease the pressures.

Looking forward to Fiscal Year 2014 we expect that state aid and local receipts will rebound only slowly, as economic recovery will result in a "new normal" structure of national and state economies and higher governmental levels replenish their own reserves. We expect to work with the Selectboard and Capital Improvements Committee to formulate and follow a clear plan for maintaining a vital and effective town government without relying on the use of reserves for operating expenses.

In the relatively near future the town may face the difficult choice of whether to raise more revenues (for example through a Proposition 2 ½ override) or to streamline services. Any plan to restructure town departments, alter the services provided, or change revenue streams for Fiscal Year 2014 needs to begin immediately if it is to be successful. We invite both general comments and specific questions from residents and Town Meeting members as to which alternative they prefer, and in any case how to prioritize town services.

We may be contacted directly through the Town's website at [www.montague-ma.gov](http://www.montague-ma.gov). The website also contains this report, revenue estimates for Fiscal Year 2013, and line item budgets for all town departments. To locate this information, go to the website; from the **Departments** list, select "Finance Committee and Town Accountant," then "Annual Budget Information."

Faithfully submitted,

John Hanold, Chair  
Lynn Reynolds

Andrew Killeen  
Roy Rosenblatt

Michael Naughton

## SUMMARY OF WARRANT ARTICLES

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

### SPECIAL TOWN MEETING

<u>ART NO.</u>	<u>TOPIC</u>	<u>AMOUNT REQUESTED</u>	<u>FUNDING SOURCE</u>
1.	Restore or Demolish 38 Ave A	30,000	Free Cash
2.	Accept St Anne's Rectory		
3.	Flags & Accessories	1,910	Free Cash

### ANNUAL TOWN MEETING

<u>ART NO.</u>	<u>TOPIC</u>	<u>AMOUNT REQUESTED</u>	<u>FUNDING SOURCE</u>
1.	Annual Reports		
2.	Accept Grants		
3.	Hazardous Materials Revolving Fund	7,500	Available Funds
4.	Elected Officials Salaries		
5.	Appointed Officials Salaries		
6.	Operating Budget	7,488,471	Tax Levy/Free Cash
7.	WPCF Operating Budget	1,808,367	Tax Levy/Sewer Use Fees
8.	Colle Receipts Reserved for Appropriation	89,400	Available Funds
9.	Airport Operating Budget	37,625	Tax Levy/Airport Use Fees
10.	*Franklin County Technical School	737,865	Tax Levy/Stabilization Funds
11.	*Gill-Montague Regional School District	7,850,604	Tax Levy/Free Cash/ Stabilization
12.	WPCF 4 <sup>th</sup> Dewatering Zone	60,000	Sewer Debt
13.	Inflow & Infiltration Study	35,000	Tax Levy
14.	Information Technology	8,200	Tax Levy
15.	Police Equipment	20,000	Tax Levy
16.	Town Hall Flooring	8,000	Free Cash
17.	Purchase/Repair DPW Equipment	75,000	Free Cash
18.	Lease DPW 6 Wheel Dump Trucks	54,055	Tax Levy
19.	6 Wheel Dump Truck (Lease amount shown)	44,000	Free Cash
20.	Children's Library Programming	4,000	One Time State Aid
21.	Library Technology	8,000	Tax Levy
22.	Montague Center School Maintenance	15,000	One Time State Aid
23.	Sheffield School Parking Lot	85,000	Debt
24.	GMRSD ADA Projects	15,000	Debt
25.	Memo of Understanding		
26.	Inoperable Motor Vehicle Bylaw		
27.	Right to Farm Bylaw		
28.	Committee to investigate GMRSD Regional Agreement		
29.	Petitioned Article to Amend US Constitution		

**SPECIAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
May 5, 2012**

**MOTIONS**

**ARTICLE 1 MOVED:** That the Town vote to appropriate the sum of \$30,000 for the purpose of restoring 38 Avenue A through remediation and roof repair or demolition of the building, said funds to be raised from Free Cash.

**(Board of Selectmen Recommends, voted 2-0)  
(Finance Committee Recommends, voted 4-0)**

**ARTICLE 2 MOVED:** That the Town vote to accept a donation of the St. Anne's Rectory, 25 Sixth Street, Turners Falls (Map 03, Lot 022).

**(Board of Selectmen Recommends, voted 2-0)  
(Finance Committee Recommends, voted 4-0)**

**ARTICLE 3 MOVED:** That the Town vote to appropriate the sum of \$1,910 for the purpose of purchasing flags and accessories to be installed throughout the Town of Montague, said sum to be raised by Free Cash.

**(Board of Selectmen Recommends, voted 2-0)  
(Finance Committee Recommends, voted 4-0)**

**ANNUAL TOWN MEETING  
TOWN OF MONTAGUE  
COMMONWEALTH OF MASSACHUSETTS  
May 5, 2012**

**MOTIONS**

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

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

**ARTICLE 3 MOVED:** That the Town vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2012 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills.

**ARTICLE 4 MOVED:** That the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2012.

**SCHEDULE I  
Elected Officials**

<b><u>TITLE</u></b>	<b><u>FY11 ACTUAL</u></b>	<b><u>FY12 BUDGET</u></b>	<b><u>FY13 REQUEST</u></b>	<b><u>FY13 RECOMMEND</u></b>
<b>MODERATOR</b>	327	327	327	327
<b>BOARD OF SELECTMEN</b>				
Chairman	1,000	1,000	1,000	1,000
Second/Third Members	1,000	1,000	1,000	1,000
<b>BOARD OF ASSESSOR</b>				
Chairman	1,000	1,000	1,000	1,000
Second/Third Members	1,000	1,000	1,000	1,000
<b>TREASURER/COLLECTOR</b>	60,942.82	61,848.80*	63,068.20**	63,068.20
*60,496.80 (8-17) plus Treasurer/WPCF stipend of 1,352				
**61,716.20 (8-18) plus Treasurer/WPCF stipend of 1,352				
<b>TOWN CLERK</b>	57,286.91	58,130.80*	59,313.80**	59,313.80
*(8-15)   **(8-16)				

**SCHEDULE I  
Elected Officials**

<u>TITLE</u>	<u>FY11 ACTUAL</u>	<u>FY12 BUDGET</u>	<u>FY13 REQUEST</u>	<u>FY13 RECOMMEND</u>
<b>BOARD OF REGISTRARS</b>				
Town Clerk	772	772	772	772
<b>TREE WARDEN</b>	1,267	1,267	1,267	1,267
<b>BOARD OF HEALTH</b>				
Chairman	1,000	1,000	1,000	1,000
Second/Third Members	1,000	1,000	1,000	1,000
	(Board of Selectmen Recommends, voted 2-0)			
	(Finance Committee Recommends, voted 5-0)			

**ARTICLE 5 MOVED:** That the Town vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2012.

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY11 ACTUAL</u>	<u>FY12 BUDGET</u>	<u>FY13 REQUEST</u>	<u>FY13 RECOMMEND</u>
<b><u>ANNUAL STIPENDS</u></b>				
<b>BOARD OF REGISTRARS (3)</b>	338	338	338	338
<b>EMERGENCY MGMT DIRECTOR</b>	5,490	5,490	5,490	5,490
<b>BURIAL AGENT</b>	670	670	670	670
<b>ANIMAL INSPECTOR</b>	1,339	1,014	1,500	1,500
<b>BARN INSPECTOR*</b>		325*	500	500
*Included in Animal Inspector in previous years				
<b>COMPUTER ADMINISTRATOR</b>			5,000	2,000
<b>FOREST WARDEN</b>	1,584	1,584	1,584	1,584
<b><u>HOURLY RATES</u></b>				
<b>ASST. BUILDING INSPECTOR/Inspect.</b>	27.06	27.06	27.06	27.06
<b>GAS INSPECTOR/Inspection</b>	27.06	27.06	27.06	27.06
<b>PLUMBING INSPECTOR/Inspection</b>	27.06	27.06	27.06	27.06

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY11 ACTUAL</u>	<u>FY12 BUDGET</u>	<u>FY13 REQUEST</u>	<u>FY13 RECOMMEND</u>
<b><u>ANNUAL STIPENDS</u></b>				
ELECTRICAL INSPECTOR/Inspection	27.06	27.06	27.06	27.06
	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>
EXTRA CLERICAL	8.00-10.00	8.00-10.00	8.00-10.00	8.00-10.00
ELECTION WORKERS	8.00-10.00	8.00-10.00	8.00-10.00	8.00-10.00
SUMMER HIGHWAY	8.00-12.00	8.00-12.00	8.00-12.00	8.00-12.00
SNOW PLOW DRIVERS	15.00-25.00	15.00-25.00	15.00-25.00	15.00-25.00
PART TIME POLICE OFFICERS	14.62-16.00	14.62-16.00	14.50-17.00	14.50-17.00
PART TIME DISPATCHERS			13.00-15.00	13.00-15.00
PARKS & RECREATION	8.00-25.63	8.00-25.63	8.00-25.63	8.00-25.63

**NON-UNION EMPLOYEES NOT SHOWN ABOVE**

<u>SALARIED</u>	<u>Grade</u>	<u>Range FY2012</u>		<u>Range FY2013</u>	
		<u>Start</u>	<u>End</u>	<u>Start</u>	<u>End</u>
TOWN ADMINISTRATOR	11	64,555.40	90,363.00	64,555.40	90,363.00
TOWN ACCOUNTANT	8	44,080.40	61,716.20	44,080.40	62,644.40*
CHIEF OF POLICE	10	61,661.25	86,362.29	61,425.00	86,031.40
DPW SUPERINTENDENT	10	61,661.25	86,362.29	61,425.00	86,031.40
DIRECTOR OF HEALTH	8	44,080.40	61,716.20	44,080.40	62,644.40*
LIBRARY DIRECTOR	9	44,651.88	62,483.40	44,840.80	62,244.00
WPCF SUPERINTENDENT	10	61,661.25	86,362.29	61,425.00	86,031.40

\*includes 1.5% increase for employees on top step for at least one year as of anniversary date

**HOURLY**

SELECTMEN'S SECRETARY	5	16.35	22.86	16.35	22.86
-----------------------	---	-------	-------	-------	-------

**Informational Only: Fiscal Year 2013 budgeted wages**

TOWN ADMINISTRATOR	87,868.90	DIRECTOR OF HEALTH	62,644.40
TOWN ACCOUNTANT	62,644.40	LIBRARY DIRECTOR	62,154.40
ACTING CHIEF OF POLICE*	68,621.70	WPCF SUPERINTENDENT	79,094.12
DPW SUPERINTENDENT	73,411.98	SELECTMEN'S SECRETARY	31,836.00

\*plus additional 20% educational incentive pay

**(Board of Selectmen Recommends, voted 2-0)  
(Finance Committee Recommends, voted 5-0)**

**ARTICLE 6 MOVED:** That the Town vote to appropriate the sum of \$7,488,471 for the maintenance of the several departments of the Town and for any other necessary changes, with \$125,000 to be raised from Free Cash and \$7,373,471 to be raised from Taxation.

DEPT NO.		EXPENDED FY11	BUDGET FY12	REQUESTED FY13	PROPOSED FY13
	<u>GENERAL GOVERNMENT</u>				
113	TOWN MEETING	1,194	1,707	1,707	1,707
122	SELECTMEN	123,389	129,174	132,205	132,205
131	FINANCE COMMITTEE	574	820	820	820
132	RESERVE FUND	38,600	50,000	50,000	50,000
135	TOWN ACCOUNTANT	67,846	67,900	69,050	69,050
141	ASSESSORS	135,982	142,657	145,290	145,290
145	TREASURER/COLLECTOR	188,967	184,980	195,361	195,361
151	TOWN COUNSEL	51,673	41,600	55,000	55,000
159	SHARED COSTS	64,316	57,015	66,250	66,250
161	TOWN CLERK	115,878	116,094	122,194	122,194
175	PLANNING	62,952	61,906	64,731	64,731
	<u>ZONING BOARD OF</u>				
176	APPEALS	1,085	2,080	2,080	2,080
190	PUBLIC BLDG UTILITIES	103,914	123,185	116,960	116,960
	TOTAL GENERAL GOVERNMENT	956,370	979,118	1,021,648	1,021,648
	PERCENT INCREASE FROM FY12			4.34%	
	<u>PUBLIC SAFETY</u>				
211	POLICE	1,121,680	1,200,742	1,153,903	1,153,903
211	POLICE CRUISER	-	37,000	37,000	37,000
212	DISPATCH	186,577	198,596	208,612	208,612
241	BUILDING INSPECTOR	107,968	114,779	116,612	116,612
244	SEALER OF WEIGHTS	2,750	2,750	2,750	2,750
291	EMERGENCY MGMT	5,490	5,640	5,740	5,740
292	ANIMAL CONTROL	2,908	6,350	5,050	5,050
294	FOREST WARDEN	1,584	1,584	1,584	1,584
299	TREE WARDEN	12,485	7,867	11,867	11,867
511	BOARD OF HEALTH	87,358	95,745	114,889	114,889
	TOTAL PUBLIC SAFETY	1,528,801	1,671,053	1,658,007	1,658,007
	PERCENT INCREASE FROM FY12			-0.78%	
	<u>PUBLIC WORKS</u>				
420	DEPT OF PUBLIC WORKS	864,678	926,222	986,936	986,936
420	DPW CAPITAL OUTLAY	-	8,000	-	-
423	SNOW & ICE	171,778	198,900	212,000	212,000
433	SOLID WASTE	405,949	406,075	435,950	435,950
491	CEMETERIES	4,158	6,000	6,000	6,000
	TOTAL PUBLIC WORKS	1,446,563	1,545,197	1,640,886	1,640,886
	PERCENT INCREASE FROM FY12			6.19%	

DEPT NO.		EXPENDED FY11	BUDGET FY12	REQUESTED FY13	PROPOSED FY13
	<u>HUMAN SERVICES</u>				
541	COUNCIL ON AGING	28,384	28,174	28,793	28,793
543	VETERANS' SERVICES	132,063	127,500	107,500	107,500
	TOTAL HUMAN SERVICES	160,447	155,674	136,293	136,293
	PERCENT INCREASE FROM FY12			-12.45%	
	<u>CULTURE &amp; RECREATION</u>				
610	LIBRARIES	296,040	298,813	303,662	303,662
630	PARKS & RECREATION HISTORICAL COMMISSION	94,994	96,408	97,935	97,935
691	WAR MEMORIALS	-	-	500	500
693		1,187	1,200	1,200	1,200
	TOTAL CULTURE & RECREATION	392,221	396,421	403,297	403,297
	PERCENT INCREASE FROM FY12			1.73%	
	<u>DEBT SERVICE</u>				
700	DEBT SERVICE	622,289	663,079	649,784	649,784
	PERCENT INCREASE FROM FY12			-2.01%	
840	INTERGOVERNMENTAL	83,440	85,050	83,075	83,075
	PERCENT INCREASE FROM FY12			-2.32%	
	<u>MISCELLANEOUS</u>				
910	EMPLOYEE BENEFITS	1,639,089	1,773,079	1,812,892	1,812,892
946	GENERAL INSURANCE	72,837	80,121	82,589	82,589
	TOTAL MISCELLANEOUS	1,711,926	1,853,200	1,895,481	1,895,481
	PERCENT INCREASE FROM FY12			2.28%	
	GRAND TOTAL GENERAL FUND	6,902,056	7,348,792	7,488,471	7,488,471
	PERCENT INCREASE FROM PY		6.47%	1.90%	1.90%

**(Board of Selectmen Recommends, voted 2-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 7 MOVED:** That the Town vote to appropriate the sum of \$1,808,367 for the purpose of operating the Water Pollution Control Facility and associated pumping stations, with \$174,502 to be raised from Taxation and \$1,633,865 to be raised from Sewer User Fees.

DEPT NO.		EXPENDED FY11	BUDGET FY12	REQUEST FY13	PROPOSED FY13
	WATER POLLUTION CONTROL				
440	Wages & Expenses	1,125,777	1,147,135	1,216,538	1,216,538
700	Debt Service	338,790	397,214	371,398	371,398
910	Employee Benefits	140,295	161,450	168,311	168,311
	SUBTOTAL WPCF	1,604,863	1,705,799	1,753,408	1,753,408
449	DPW SUBSIDIARY				
	Wages & Expenses	15,544	46,959	46,959	46,959
	Capital Outlay	5,968	8,000	8,000	8,000
	SUBTOTAL DPW SUBSIDIARY	21,513	54,959	54,959	54,959
	TOTAL WPCF	1,626,375	1,760,758	1,808,637	1,808,637

**(Board of Selectmen Recommends, voted 2-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 8 MOVED:** That the Town vote to appropriate the sum of \$89,400 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 Appropriations.

**(Board of Selectmen Recommends, voted 2-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 9 MOVED:** That the Town vote to appropriate the sum of \$37,625 for the purpose of operating the Turners Falls Airport, with \$6,164 to be raised from Taxation and \$31,461 to be raised from Airport User Fees.

**(Board of Selectmen Recommends, voted 2-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 10 MOVED:** That the Town vote to appropriate the sum of \$737,865 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, with \$12,000 to be

raised from Town Stabilization, \$24,000 to be raised from FCTS Stabilization, and \$701,865 to be raised from Taxation.

**(Board of Selectmen Recommends, voted 2-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 11 MOVED:** That the Town vote appropriate the sum of \$7,850,604 for the purpose of paying the Gill-Montague Regional School District for Montague's share of the assessment for the yearly operation of the Gill-Montague Regional Schools, with \$125,000 to be raised from Free Cash, \$154,182 to be raised from Town Stabilization and \$7,571,422 to be raised from Taxation.

**(Board of Selectmen Recommends, voted 2-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 12 MOVED:** That the Town vote to appropriate the sum of \$60,000 for the purpose of purchasing and installing a fourth dewatering zone on the Fournier Rotary Press, said sum to be raised from Sewer Borrowing.

**(Board of Selectmen Recommends, voted 3-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 13 MOVED:** That the Town vote to appropriate the sum of \$35,000 for the purpose of performing an Inflow and Infiltration Flow Metering and Rainfall Study, said sum to be raised from Taxation.

**(Board of Selectmen Recommends, voted 3-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 14 MOVED:** That the Town vote to appropriate the sum of \$8,200 for the purpose of funding information technology equipment, parts, accessories, software and installations, said sum to be raised from Taxation.

**(Board of Selectmen Recommends, voted 3-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 15 MOVED:** That the Town vote appropriate the sum of \$20,000 for the purpose of funding purchases of Police equipment such as bullet-proof vests, tasers, computers, firearms, radios or similar items, said sum to be raised from Taxation.

**(Board of Selectmen Recommends, voted 3-0)**

**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 16 MOVED:** That the Town vote to appropriate the sum of \$8,000 for the purpose of purchasing and installing new flooring in four offices at Town Hall to cover up old asbestos flooring, said sum to be raised from Free Cash.

**(Board of Selectmen Recommends, voted 3-0)**

**(Finance Committee Recommends, voted 3-2, with dissenting members preferring another funding source)**

**ARTICLE 17 MOVED:** That the Town vote to appropriate the sum of \$75,000 for the purpose of funding purchases and major repairs of DPW vehicles and equipment, said sum to be raised from Free Cash.

**(Board of Selectmen Recommends, voted 3-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 18 MOVED:** That the Town vote to appropriate the sum of \$54,055 for the purpose of funding lease payments for 2 Six Wheel Dump Trucks, said sum to be raised from Taxation.

**(Board of Selectmen Recommends, voted 2-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 19 MOVED:** That the Town vote appropriate the sum of \$200,000 for the purpose of purchasing or leasing a 6 wheel dump truck, said sum to be raised from Free Cash.

**(Board of Selectmen Recommends Leasing, using \$44,000 from Free Cash for the first payment, voted 3-0)**  
**(Finance Committee Recommends Leasing, using \$44,000 from Free Cash for the first payment, voted 4-1, with dissenting member preferring outright purchase and another funding source)**

**ARTICLE 20 MOVED:** That the Town vote to appropriate the sum of \$4,000 for the purpose of providing Children's Programming at the libraries, said sum to be raised from One-Time State Aid.

**(Board of Selectmen Recommends, voted 3-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 21 MOVED:** That the Town vote to appropriate the sum of \$8,000 for the purpose of providing technology at the libraries, said sum to be raised from Taxation.

**(Board of Selectmen Recommends, voted 3-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 22 MOVED:** That the Town vote to appropriate the sum of \$15,000 for the purpose of maintaining the Montague Center School, said sum to be raised from One-Time State Aid.

**(Board of Selectmen Recommends, voted 3-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 23 MOVED:** That the Town vote to appropriate the sum of \$85,000 for the purpose of repairing and resurfacing the parking lot at the Sheffield School, said sum to be raised from Borrowing.

**(Board of Selectmen Recommends, voted 3-0)**  
**(Finance Committee Recommends, voted 5-0)**

**ARTICLE 24 MOVED:** That the Town vote to appropriate, the sum of \$15,000 for the purpose of funding ADA projects in the Gill-Montague Regional School District, said sum to be raised from Borrowing.

**(Board of Selectmen Recommends, voted 3-0)  
(Finance Committee Recommends, voted 5-0)**

**ARTICLE 25 MOVED:** That the Town vote to support the Town entering into a Memorandum of Understanding between the Town of Montague and the Massachusetts Division of Fisheries and Wildlife for maintenance of a replacement walking bridge in the Sawmill River Conservation Land.

**ARTICLE 26 MOVED:** That the Town vote to amend Article VI of the By-Laws of the Town of Montague by striking the entire Section entitled “Unregistered Motor Vehicles” and replacing it with the following new language:

## **INOPERABLE OR UNREGISTERED MOTOR VEHICLE BYLAW**

### **Section 1: Purpose**

It is the intent of this by-law to provide a mechanism for regulating, subject to reasonable and appropriate controls, the storage of Inoperable and/or Unregistered Motor Vehicles within the Town of Montague.

### **Section 2: Definitions**

FARMER – a person substantially engaged in the occupation of farming, as further defined in Massachusetts General Law (M.G.L.) Chapter 90, Section 1.

GARAGE: A building, as defined by the Montague Zoning By-Law for the storage of motor vehicles.

MOTOR VEHICLE: Any motor vehicle defined as such in M.G.L. Chapter 90, Section 1, requiring registration pursuant to M.G.L. Chapter 90, Section 2 to be operated on a public way.

INOPERABLE VEHICLE: any Motor Vehicle or Trailer, that is not capable of being used as such in its existing condition by reason of being damaged, dismantled or failing to contain parts necessary for operation. Any Unregistered Vehicle, as defined herein, shall be considered an Inoperable Vehicle for purposes of this Bylaw.

OPERABLE VEHICLE: any Motor Vehicle or Trailer, that is capable of being used in its existing condition for the purpose for which it was designed and that is registered in accordance with Massachusetts General Laws, Chapter 90, Section 2.

UNREGISTERED VEHICLE: any Motor Vehicle or Trailer that is not registered in accordance with Massachusetts General Laws, Chapter 90, Section 2.

TRAILER: Any vehicle defined as such in M.G.L. Chapter 90, Section 1.

### **Section 3: Storage of one (1) Inoperable Vehicle Permitted**

A property owner, or other person having the permission of the property owner, may store one (1) Inoperable Vehicle on said premises.

### **Section 4: Storage of more than one (1) Inoperable Vehicle**

- (a) No property owner, or any person, may store or permit to be stored more than one (1) Inoperable Vehicle on said property owner's premises unless:
  - 1. The vehicles are stored in a garage, or;
  - 2. An Inoperable Vehicle Storage Permit is granted by the Board of Selectmen after a public hearing as described in Section 5 of this By-law, or;
  - 3. The property owner or person in control of the property holds a Class I or Class II or Class III License for the sale of motor vehicles or trailers issued pursuant to M.G.L. Chapter 140, Section 57 to Section 69.
- (b) This Section shall not apply to a Farmer or a Farm Equipment dealer as defined in M.G.L. Chapter 93G, Section 1.

### **Section 5: Inoperable Vehicle Storage Permit**

- (a) Any property owner or other person with the permission of the property owner, seeking to store more than one Inoperable Vehicle, un-garaged on a premise must make application for an Inoperable Vehicle Storage Permit to the Board of Selectmen.
- (b) The application shall be accompanied by a fee of \$100. Said fee may be amended by the Board of Selectmen from time to time.
- (c) Upon receipt of an application for an Inoperable Vehicle Storage Permit, the Board of Selectmen shall hold a public hearing on the issue within 30 days.
- (d) An Inoperable Vehicle Storage Permit may be granted by the Board of Selectmen if it finds that no hazard to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created and upon such terms and conditions as the Board deems appropriate, including but not-limited-to a limit on the number of Inoperable Vehicles that may be stored at any one time.

- (e) Prior to any public hearing the Selectmen may request the Board of Health or any other agent of the town to conduct an inspection of the property in question. The Board of Health or other agent of the town, as requested, shall submit a report to the Board of Selectmen describing any issues of concern.
- (f) The Board of Selectmen may waive the public hearing requirement to allow more than one (1) Inoperable or Unregistered Vehicle on a premises for a period of (30) days or less if it finds that no hazards to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created by the storage of said vehicles for such temporary period of time.
- (g) Legal notice of any public hearing held pursuant to this section shall be given by:
  - (1) Posting legal notice in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing and,
  - (2) Sending notification to all abutters, within three hundred (300) feet of any part of the storage property, via first class letter.

### **Section 6: Enforcement**

This By-law may be enforced by the Police Department, Board of Health, Zoning Enforcement Officer, or other designee of the Board of Selectmen.

### **Section 7: Violations and Penalties**

- (a) Non-Criminal Disposition - Whoever violates any provision of this by-law may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> and subsequent offenses. Each day a violation continues shall constitute a separate offense.
- (b) Criminal Complaint - Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the district court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or
- (c) The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

### **Section 8: Existing Inoperable Motor Vehicles**

A property owner, or other person having the permission of the property owner, who, at the time this by-law takes effect, is in violation of any section(s) of this by-law shall have ninety (90) days to come into compliance.

### **Section 9: Severability**

In the event any section or provision of this by-law is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect.

**ARTICLE 27 MOVED:** That the Town vote to add a new section at the end of the By-Laws of the Town of Montague by placing a Right to Farm Bylaw into the Town by-laws as follows:

### **Section 1: Purpose and Intent**

The Town of Montague understands that farming is an essential and valued activity which provides fresh food, economic diversity and local employment, open space, and scenic vistas to all the citizens of our town, and is a draw for tourism. Therefore, this bylaw is intended to encourage the pursuit of agriculture and agricultural-based economic activities and employment, and protect farmland. The purpose is to allow agricultural practices to function in harmony with the community, town agencies, and others. This By-law restates with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We, the citizens of Montague, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

### **Section 2: Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, as allowed by zoning regulations. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Production of crops for biofuels;
- growing and harvesting of forest products on forest land, and any other forestry or lumbering operations;
- raising and keeping of livestock, including horses;
- keeping of horses as a commercial enterprise;

- keeping and raising of poultry, rabbits, sheep, swine, cattle, horses, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of any farm equipment over roads within the Town;
- control of pests, including but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- application of manure, fertilizers and pesticides in accordance with state and federal regulations;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including related signage;
- maintenance, repair, or storage of equipment or apparatus owned or leased by the farm owner or manager, that is used expressly for the purpose of agricultural activities;
- on-farm relocation of earth and the clearing of ground for farming operations, including burning brush in accordance with Massachusetts agricultural fire permit regulations;
- operation of composting facilities;
- irrigation of crops;
- construction and use of farm structures and facilities for the purpose of: storing animal wastes, farm equipment, pesticides, fertilizers, or agricultural products; housing of livestock; processing of animal wastes and agricultural products; season extension; hydroponic production of agricultural products; sale of agricultural products; and use by farm labor; all as permitted by local and state building codes and regulations;
- rejuvenating drainage or irrigation ditches; picking stone; construction, repair, and maintenance of fences; rejuvenating and maintaining pastures;
- herding or moving of livestock including horses from area to area, including along roads.

### **Section 3: Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Montague, in recognition of the benefits of farming to the neighborhood, community, and society in general. The above-described agricultural activities could occur on weekdays, weekends, and holidays, by night or day, and include the attendant incidental noise, odors, dust, and fumes associated with accepted agricultural practices. The benefits and protections of this By-Law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practice, consideration shall be given to both traditional customs

and procedures as well as to new practices and innovations. The Town endorses the use of best management practices to limit use of pesticides, protect animal health, and minimize negative environmental impacts.

Nothing in this Right-To-Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law. Moreover, this By-Law does not supersede any state or federal laws or regulations or private covenants.

#### **Section 4: Effective Date**

This Bylaw shall be effective upon approval by the Massachusetts Attorney General and the publication and posting as required by law.

#### **Section 5: Disclosure Notification**

In order to allow prospective purchasers or tenants to make informed decisions prior to a real estate transaction or rental agreement, and to promote harmony between farmers and their neighbors after such transactions, the Town of Montague requests that sellers and landlords and/or their agents (and assigns) provide written notification to prospective buyers and renters substantially as follows:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities could include, but are not limited to, activities that cause noise, dust, and odors, and could occur by day or night on weekdays, weekends, and holidays. Occupying land within the Town of Montague means that one could expect and accept such conditions as a normal and necessary aspect of living in such an area”.

Written notification to buyers or renters may occur in one of several ways, including but not limited to disclosure forms, or as an addendum to a Purchase and Sale Agreement or rental agreement.

Within 30 days after this Bylaw becomes effective, a copy of the above notification will be displayed at the Town Hall and posted on the Town’s website. A copy of the notification shall be included in the Town’s annual report. The notification shall also be available for distribution upon request in the offices of the Select Board, Board of Assessors, and Town Clerk.

#### **Section 6: Resolution of Disputes**

Any person having a complaint about a farm or farming activity is encouraged to seek an amicable solution directly with the owner or operator of the farm at issue. Such person

may, notwithstanding the pursuit of any other available remedies, request resolution assistance directly from the Agricultural Commission, or file a complaint with the Town Administrator, Select Board, Board of Health, or Zoning Enforcement Officer. The filing of a grievance does not suspend the time within which to pursue any other available remedies. The Town officials may forward the complaint to the Agricultural Commission if deemed appropriate and the Commission can help to seek an amicable resolution through facilitating discussion between the parties. The Agricultural Commission will report back to the Town officials on the outcome within a reasonable time frame. Any complaints brought directly to the Agricultural Commission will also be forwarded to Town officials, so that they may help determine whether any public health or other laws and regulations are being violated.

**Section 7: Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Montague hereby declares the provisions of this By-law to be severable.

**ARTICLE 28 MOVED:** That the Town Meeting Moderator appoint a committee to investigate revising the regional agreement between the member towns creating the Gill-Montague Regional School District in order to change the composition and method of selecting the School Committee of said district. The appointed committee will report to the next town meeting, special or annual.

(Petitioned Article)

**ARTICLE 29 MOVED:** That the town vote to instruct our members of Congress to support an amendment to the United States Constitution to clarify that corporations do not have the same rights as people and that money is not speech for purposes of election- related spending, and/or take any action relative thereto. We further direct the Montague Town Clerk, upon passage of this resolution, to send copies to Montague’s state representative, state senator, congressional representatives, U.S. senators, and the governor of Massachusetts with an accompanying cover letter, stating that this resolution was passed by the residents of Montague at their annual town meeting, Sat., May 5, 2012.

WHEREAS, the United States Constitution and the Bill of rights are intended to protect the rights of individual human beings (“real people”); and,

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations;

WHEREAS, the United States Supreme Court in citizens United v. Federal Election Commission presents a serious threat to self- government by allowing unlimited corporate spending to influence elections;

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy;

NOW THEREFORE, BE IT RESOLVED that the voters of Montague, Massachusetts hereby instruct the Senators representing the Commonwealth of Massachusetts and the member of the United States House of Representatives representing this Congressional District to propose and our state legislators to ratify an amendment to the United States Constitution to provide that corporations are not entitled to the constitutional rights of real people and that money is not speech for purposes of campaign- related expenditures and contributions.

The text of the proposed amendment is as follows:

### **Amendment**

#### **Section 1** (*A corporation is not a person and can be regulated*)

The rights protected by the Constitution of the United States are the rights of natural persons only.

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by The People, through Federal, State, or local law.

The privileges of artificial entities shall be determined by The People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

#### **Section 2** (*Money is not speech and can be regulated*)

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

#### **Section 3**

Nothing contained in this amendment shall be construed to abridge the freedom of the press.