

**JOINT SELECTBOARD and BOARD OF HEALTH
MEETING NOTICE**

Due to COVID-19 Public Participation will be by:

Join Zoom Meeting: <https://zoom.us/j/91886534990>

Meeting ID: 918 8653 4990 **Password:** 285962

Dial into meeting: +1 646 558 8656 or +1 312 626 6799 or +1 301 715 8592

Monday, May 3, 2021

Topics may start earlier than specified, unless there is a hearing scheduled

Meeting Being Taped

Votes May Be Taken

1. 6:30 PM Selectboard Chair opens the meeting, including announcing that the meeting is being recorded and roll call taken
2. 6:30 Board of Health Chair opens the meeting, roll call taken
3. 6:31 Approve Minutes:
 - Joint Selectboard and Board of Health Meeting: April 26, 2021
4. 6:32 Public Comment Period: Individuals will be limited to two (2) minutes each and the Selectboard will strictly adhere to time allotted for public comment
5. 6:35 Jon Dobosz, Parks and Recreation Director
 - Request to create a gift account for Montague Center Park Improvements
6. 6:40 Personnel Board, Chelsey Little, WPCF Superintendent
 - Appoint John Orcutt, WPCF Laborer/Summer Help, \$13.50/hr, up to 24 hrs. week effective 5/10/21
7. 6:45 COVID-19 Updates and Action Items
 - Update on Montague COVID case counts
 - Update on Vaccine Eligibility & County Clinics
 - Review of Updated State Guidance or Orders
8. 6:55 Daniel Wasiuk, Health Director
 - Review Mosquito Control Plan
9. 7:05 Susan Corey, Manager, Montague Community Band
Use of Public Property: Concert in the Park
 - Peskeompskut Park, July 5, 12, 15, 26, 6:15 PM – 9:00 PM
10. 7:10 Jeff Singleton, FRTA Representative
 - Rerouting of the Orange Route 32
 - Meeting with State regarding weekend service
11. 7:20 Receive and Accept reports of Police Public Advisory Groups – Schedule date for discussion

**JOINT SELECTBOARD and BOARD OF HEALTH
MEETING NOTICE
Monday, May 3, 2021
Page 2**

12. 7:25 Town Meeting Warrant – To approve and execute draft May 22, 2021 warrant, attached hereto
13. 7:35 Town Administrator's Report
- Public Information Meeting about New Maintenance Facility for the Franklin Regional Transit Authority Located on Sandy Lane, Montague, 5/12/21 5:00 PM to 6:00 PM
 - Transportation Planning Organization Update
 - Farren Care Center Closure Updates
 - Topics not anticipated in 48 hour posting

Upcoming Meetings:

- Selectboard Meeting, **MONDAY, May 10, 2021, 6:30 PM** via Zoom

**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
MAY 22, 2021**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet at the Franklin County Technical School, 82 Industrial Boulevard, Turners Falls, Massachusetts, on Saturday, May 22, 2021, at 9:00 A.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1: To see if the Town will 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.

(Selectboard Request)

ARTICLE 2: To see if the Town will 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, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 3: To see if the Town will 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 creating a new Airport Fuel Revolving Fund for the Fiscal Year beginning July 1, 2021, with the changes as shown in **bold** below; and to establish an annual spending limit of \$160,000 for said Airport Fuel revolving fund, and which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Selectboard, with the approval of the Finance Committee, may increase the limit for that fiscal year only, or pass any vote or votes in relation thereto.

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
Airport Fuel	Airport Manager	Fees from sale of Airport fuel	Purchase of Airport fuel to be sold and used at the Airport

(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.

(Airport Commission Request)

ARTICLE 4: To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2021, as set forth in Schedule I, Elected Officials, a copy of which is on file in the Office of the Town Clerk and on the Town’s website at <https://www.montague-ma.gov/p/374> or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 5: To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2021, as set forth in Schedule II, Appointed Officials, a copy of which is on file in the Office of the Town Clerk and on the Town’s website at <https://www.montague-ma.gov/p/374> or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 6: To see if the Town will vote to acquire and accept, by donation, from Millers River Cemetery Corporation, or the current owner, all of the real property known as the Highland Cemetery, containing 7.393 acres, more or less, located at Millers Falls Road, Montague, and shown as Parcel 28-0-13; and further, to acquire and accept, by donation, all of the personal property, funds and accounts of said Millers River Cemetery Corporation owned, maintained and used in connection with the ownership and operation of the Highland Cemetery; and to authorize the Selectboard to take all

actions and execute all documents necessary and appropriate for said acquisition and acceptance, or pass any vote or votes in relation thereto.

(Cemetery Commission Request)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,775,731, or any other amount, for the maintenance of the several departments of the Town, said sums to be allocated in accordance with Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374> and for any other necessary changes, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,586,971, or any other amount, 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, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374>, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$78,950, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$206,164, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,221,005, or any other amount, 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, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,950,854, or any other amount, 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, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$13,130, or any other amount, for the purpose of utility valuation appraisal services, or pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$190,000, or any other amount, for the following school building related projects and any and all incidental and related costs, or to pass any vote or votes in relation thereto.

- A. \$55,000 to repair the Hillcrest Façade
- B. \$45,000 to repair the Sheffield Façade
- C. \$90,000 to update the Sheffield fire alarm system

(GMRSD Request)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$56,511, or any other amount, for the purpose of resurfacing the tennis courts at the Turners Falls High School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(GMRSD Request)

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing, equipping, and making major repairs to DPW vehicles

and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$250,000, or any other amount, for the purpose of purchasing and equipping a six wheel dump truck with plow and sander, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$75,000, or any other amount, for the following Town projects and any and all incidental and related costs, or to pass any vote or votes in relation thereto.

- A. \$25,000 Unsafe Unhealthy Buildings
- B. \$25,000 for Unexpected Engineering Services
- C. \$25,000 for Bid/Project Overrun

(Town Administrator and CIC Requests)

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of a Building Assessment and Capital Plan Study, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(CIC Request)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$32,500, or any other amount, for the purpose of a Phase II Environmental Study for 500 Avenue A, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Town Planner Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,050, or any other amount, for costs associated with the establishment and operation of a marijuana establishment known as 253 Farmacy, or pass any vote or votes in relation thereto.

- A. \$14,012 for costs incurred by Town departments in connection with the establishment and operation of 253 Farmacy
- B. \$5,538 for costs incurred by the Turners Falls Fire District in connection with the establishment and operation of 253 Farmacy
- C. \$7,000 for police training relative to identification of cannabis intoxication
- D. \$8,500 for prevention programming development and monitoring
- E. \$85,000 for school-based substance abuse counseling resources

(Town Administrator Request)

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the following sums, or any other amount, for the purpose of increasing the special purpose funds set forth below, or pass any vote or votes in relating thereto.

Fund	Amount (\$)
Town Capital Stabilization Fund	127,690
OPEB Trust Fund	50,000
GMRSD Stabilization Fund	39,890
Total:	217,580

(Finance Committee Request)

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$180,000, or any other amount, for the purpose of increasing the WPCF Capital Stabilization Fund, or pass any vote or votes in relating thereto.

(Finance Committee Request)

ARTICLE 24: To see if the Town will vote to authorize the Selectboard to acquire by gift, purchase and/or eminent domain, an easement across the FirstLight Canal for the placement of a new 5th Street pedestrian bridge, southerly of the existing 5th Street vehicular bridge and the 1880 County Layout, and permanent and temporary construction easements at the western and eastern termini of the new pedestrian bridge as may be needed for support, access, bridge appurtenances, and for the purpose of constructing the bridge, and for all purposes incidental and related thereto, all as shown

on a plan entitled "Easement Plan Canal Street & Fifth Street Bridge," dated April 5, 2021, prepared by Sherman & Frydryk, as said plan may be amended, a copy of which plan is on file with the Town Clerk, and such other permanent and temporary easements adjacent to and within 500 feet of said easements, and further to see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$700, or any other amount, to fund such acquisitions; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 25: To see if the Town will vote to authorize the Selectboard to file a petition to join the Pioneer Valley Mosquito Control District, if the Selectboard determines that joining said District is in the best interests of the Town, and to authorize the Selectboard to execute any and all documents and to take such actions as may be necessary to effectuate the purposes of this article; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of mosquito control, and anything incidental or related thereto, which may include but not be limited to paying an assessment for the Town's membership in the Pioneer Valley Mosquito Control District; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 27: Petitioned Article

**A Resolution in Opposition to State Subsidies and & Incentives
for Biomass Plants**

WHEREAS, the Town Meeting of Montague is committed to ensuring and safeguarding the health, safety, and environment of the residents in our community, and

WHEREAS, wood-burning biomass plants are a highly polluting form of energy generation, know to release pollutants including fine particulate matter, volatile organic compounds, nitrogen oxides, carbon monoxide, and carbon dioxide, and

WHEREAS, the Commonwealth adopted science-driven Renewable Portfolio Standard (RPS) regulations in 2012 recognizing that wood-burning power plants emit more carbon dioxide than fossil fuel power plants per unit of energy generated, and

WHEREAS, if the weakened RPS regulations proposed in December 2020 by the Massachusetts Department of Energy Resources (DOER) go into effect, Massachusetts subsidies and incentives would be available for inefficient large-scale biomass power plants, and

WHEREAS, the proposed RPS regulations would wrongly incentivize and directly subsidize the construction of a large-scale wood-burning biomass plant proposed by Palmer Renewable Energy in Springfield, an Environmental Justice community already heavily burdened by industrial air pollution and by record-setting rates of asthma and other respiratory illnesses, and

WHEREAS, our Town Meeting stands in solidarity with the residents of the City of Springfield, and the Springfield City Council, which passed a resolution on December 21, 2020, opposing Massachusetts state subsidies and incentives for wood-burning biomass plants,

NOW, THEREFORE BE IT RESOLVED, that Montague Town Meeting opposes any state subsidies or incentives for commercial wood-burning biomass plants in the Commonwealth of Massachusetts, and

BE IT FURTHER RESOLVED, that Montague Town Meeting calls upon the Massachusetts DOER to revise the proposed RPS regulations by returning the woody biomass provisions to their previous, science-based language, and

BE IT FURTHER RESOLVED, that Montague Town Meeting urges its State Legislative Delegation to support legislation in the forthcoming session of the Massachusetts General Court to remove and bar taxpayer and ratepayer incentives for commercial biomass power plants in the Commonwealth of Massachusetts, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to our municipality's State Legislators, as well as Governor Charles Baker, DOER Commissioner Patrick Woodcock, and the Co-Chairs of the Joint Committee on Telecommunications, Utilities, and Energy Committee, Senator Mike Barrett and Representative Jeff Roy.

ARTICLE 28: To see if the Town will vote to amend the General Bylaws of the Town of Montague, by adding a new section titled "Montague Public Tree Protection Bylaw", as set forth below, and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification, or pass any vote or votes in relating thereto.

Montague Public Tree Protection Bylaw

1. Preamble:

The Town of Montague recognizes that trees are an asset to the community and provide a healthier and more beautiful environment in which to live. Trees improve air quality and provide shade, wildlife habitat, and beauty. Trees give protection from wind, glare and noise, and act as barriers and water quality protection. Public trees and landscaping are economically beneficial in attracting new residents, shoppers, visitors and industry. When properly chosen varieties are planted in appropriate settings, trees enhance property values, promote the economic viability of commercial districts, and enhance the desirability and sustainability of residential neighborhoods.

2. Intent and Purpose:

This by-law is enacted for the purpose of preserving and protecting public shade trees pursuant to Massachusetts General Law Chapter 87. It is also enacted to encourage the planting of more public shade trees than are removed to compensate for tree losses and the time it takes for trees to mature.

3. Definitions:

Critical Root Zone (CRZ): Defined by measuring outwards from the trunk a minimum of 1.25 feet for every inch diameter of tree trunk four feet above the ground. For any tree, a minimum of six feet must be protected around trees regardless of the trunk diameter.

Public Tree: Any tree within public right-of-way, in a municipal park, or adjacent to public buildings.

Right-of-Way: All land within the boundaries of the public right-of-way as set forth by an order of the town laying out a public way. The public right-of-way may include not only the traveled surface of the public way but lands adjacent thereto, including sidewalks and the tree belt.

Drip Line: Drip line of a tree is the area defined by the outermost circumference of a tree's canopy, where water drips from and onto the ground.

4. Tree Warden:

The Tree Warden is an elected position pursuant to Massachusetts General Law, Chapter 41, Section 106.

The duties and responsibilities of the Tree Warden shall conform to the Massachusetts General Law Chapter 87 and shall include, but not be limited to the following:

- Care, control, and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons; and the care, control, and management of trees within parks if so requested by the Director of Parks and Recreation;
- Expenditure of funds for public tree planting and maintenance consistent with this bylaw and Massachusetts General Law Chapter 87;

- Enforcement of the provisions of this bylaw and Massachusetts General Law Chapter 87;
- Preparation and maintenance of a current Public Tree Management Plan;
- Coordination with the Highway Department, Planning Department, Parks and Recreation, Planning Board, and the Montague Tree Advisory Committee on matters related to urban forestry and public tree management, and;
- Develop regulations for the care and preservation of public trees and establish fines and forfeitures for violation thereof.
- Other responsibilities consistent with this bylaw and Massachusetts General Laws.

5. Cutting of Public Trees:

Consistent with Massachusetts General Law Chapter 87, no person except the Tree Warden, may cut, trim, prune, damage, or remove any part of a public tree, including the roots within the drip line of the tree, without written permission as described in Section 7.

The Tree Warden may not remove, permit the removal of, or cause to be destroyed any tree greater than 1.5 inches in caliper without a duly advertised public hearing as specified in Massachusetts General Law Chapter 87, or if objection is given at or prior to the hearing in writing, without the additional approval of the Selectboard, unless that tree is determined to be an imminent hazard tree, as described in Section 8.

Utilities may, or at the request of the Tree Warden must, file an annual vegetation management plan and/or a hazard tree removal plan.

In all cases, pruning and removal of public trees shall be done in accordance with the current ANSI pruning standards.

6. Planting of Public Trees:

No person except the Tree Warden may plant a tree on public property without written permission as described in Section 7.

No trees, except those smaller species appropriate for planting under utilities, shall be planted within 10 lateral feet of an overhead electric utility wire.

Consistent with Massachusetts General Law Chapter 87, the Tree Warden may plant trees within 20 feet of the public right-of-way with the written consent of the adjoining land owner. The Property owner will own the tree immediately after planting and is responsible for the maintenance for the lifetime of the tree. The Tree Warden may require a one-time cost share for the expense of the tree.

7. Permission for Planting, Cutting, Pruning or Removal of Non-Hazardous Public Trees:

No person other than the Tree Warden shall plant, prune, trim, cut above the ground, remove, or conduct any excavation within the drip line of, a public tree without first filing an application and procuring written permission from the Tree Warden. The Tree

Warden may grant permission, may deny permission or may issue permission with conditions.

Permission must be granted by the Tree Warden not less than three business days in advance of the time the work is to commence with the exception that, if the work consists of cutting down or removal of a public tree, the application shall be made no less than thirty days in advance. At the time that the application is submitted, applicants shall pay a non-refundable fee of five dollars per tree to the Montague Tree Fund. In cases of emergency, an applicant may seek and receive oral permission from the Tree Warden to trim or excavate within the drip line of a public shade tree without first requesting permission in writing. An emergency is defined as an unforeseen occurrence, which requires immediate action to avoid or reduce significant injury or damage to persons or property. Within three business days after oral permission is granted, the applicant must submit a written request to the Tree Warden who shall grant pre-approval due to emergency.

Removal:

An applicant who wishes to remove a non-hazardous public shade tree is responsible for the following expenses:

- Cost of advertising a hearing as specified in Massachusetts General Law Chapter 87;
- Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
- Planting of sufficient replacement trees as described below;
- Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and
- All other costs related to the removal and replanting.

Public trees shall not be removed for a private purpose without suitable compensation to the Town for replacements. The value of existing shade trees is to be calculated on an inch-by-inch replacement basis. Replacements shall be at least two-inch trunk diameter, nursery grown stock. The Tree Warden may, at their discretion, require larger replacements. For example, if an 18-inch diameter tree, measured four feet above grade is to be removed, the applicant must sufficiently reimburse the Town to provide for the purchase and planting of nine, two-inch diameter replacements. At the discretion of the Tree Warden, the applicant shall either:

A. Arrange to plant suitable replacements using his/her own contractor, working to the Town's specifications, or

B. Make a cash contribution to the Montague Tree Fund to be used exclusively for the purchase and planting of replacements, and related expenses.

If the applicant proposes to trim or prune a public tree, and if, in the opinion of the Tree Warden, the proposed work will drastically affect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree. In these cases, the Tree Warden may either order the removal of the tree, or allow the tree to remain, provided that it does not

present an imminent hazard. In either case, appropriate replacement plantings must be provided by the applicant.

Nothing contained in this bylaw shall prohibit the Tree Warden from refusing to permit the cutting, trimming or removal of non-hazardous trees.

All trees or tree parts (i.e. wood) removed from the town trees are owned by the Town of Montague, with the exception of fallen leaves.

8. Removal of Hazard Trees:

The Tree Warden may remove, without a public hearing, a tree that is determined by the Tree Warden, to be an imminent hazard to persons or property.

The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, or otherwise minimizing the risk based on hazard trees objectively presenting the most risk.

9. Fines:

Any person who removes, or causes to be destroyed, a non-hazardous public tree without a duly advertised hearing, permission from the Tree Warden, and the approval of the Selectboard if an objection is made to the removal, shall pay a fine of up to \$500 or the appraised value of the tree, whichever is greater, to the Montague Tree Fund.

Any person who cuts, trims, prunes, damages or removes any part of a public tree, including the roots within the drip line of the tree, without written permission, or who fails to comply with the conditions of their permission, shall pay a fine of up to \$100 per tree to the Montague Tree Fund.

This provision is inclusive, but not limited to the following prohibited acts:

- Mutilating (e.g. driving in nails or screws), girdling, carving into, or topping a tree;
- Damage to the root system by trenching, digging, or other excavation;
- Tapping a publicly owned sugar maple;
- Removing any tree guard, tree stake, watering bag, or other device or material intended for the protection or to support the health of a public tree;
- Covering or obstructing any open land at the base of a public tree designed to permit access of air, water and fertilizer to the root system;
- Applying or sweeping road salt onto the CRZ of a public tree;
- Securing, fastening or running any rope, wire, holiday lighting, unprotected electrical installation, or other device or material to, around or through a public tree, or attaching any sign, poster, notice or other object to any public tree, except that the Tree Warden may authorize tying temporary signs to such trees as necessary;

- Causing or encouraging any fire or burning within the drip line of any public tree. This includes the grilling of food below a public tree, within the drip line, unless the grill is provided in a public park and is permanently installed under the tree;
- Paving over the tree belt and/or over the CRZ on public land;
- Parking a vehicle on the CRZ of a public tree;
- The application of chemicals including, but not limited to, pesticides and herbicides on public land.

10. Public Hazard and Abatement:

Upon a determination by the Tree Warden that a private tree constitutes a public hazard, they shall give written notice to the owner of the property upon which said hazard exists to remove, or otherwise mitigate the hazard posed by such tree as to cause the hazard to the public to be abated. Failure to comply with such written notice within fifteen days thereafter is a violation of this section, and the Tree Warden or coworkers may then remove or trim such tree and assess the cost thereof against the property.

11. Severability:

Should any part or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof other than the part held to be invalid.

Appendix A. Suitable Trees for the Town of Montague (May 2019)

Note: A more extensive discussion of tree tolerances and preferences can be obtained from the MTC in an expanded treatment of this list. **NOTE:** specific cultivar (“variety”) names are listed intentionally. Many species are not suitable for various reasons but the specific cultivars may have special traits that make them much more desirable (e.g. no seed production, narrow outline, shorter stature, etc.). Measurements are mature HEIGHT X WIDTH. Ultimate size is influenced by growing conditions and regional climate. All trees are cold hardy to at least Zone 5 (all of the town of Montague).

Shade trees and ornamental flowering trees

Acer campestre (Hedge Maple) **+* (A, B, C)** – preferred cultivars are Metro Gold® (aka ‘Panacek’) and Streetwise™ (aka ‘Stwizam’) 30’x30’. Obtain trees trained to **one** leader.

Acer ginnala (Amur Maple) **+* (A, B, C)** Obtain trees trained to **one** leader. 20’ x 25’

Acer miyabei (Miyabei Maple) *** (E)** – preferred cultivar is State Street™ (aka ‘Morton’) 35’ x 35’.

Acer rubrum *** (D, E)** (Red or Swamp Maple) Male cultivars are preferred to avoid seed.

Acer tataricum (Tatarian Maple) **+* (A, B, C)** – best cultivar is Rugged Charm®, aka ‘JFS-KW2’, and HotWings® (aka ‘GarAnn’) 20’ x 20’.

Catalpa speciosa (Northern Catalpa) **(E)**. 45’x 35’

Celtis occidentalis (Common Hackberry) *** (A – if lines are not droopy, B, C)** – Better cultivars include ‘Chicagoland’ and Prairie Sentinel™ (extremely narrow)

Cercis canadensis (Eastern Redbud) **+ (A – see conditions)** – 20’x20’

Cornus mas (Cornelian Cherry Dogwood) **+* (A, B, C)** 20 to 25 feet Buy only those trained into a tree form.

Cotinus x 'Grace'+* (Grace Cotinus) **(A, B, C)** 20'x15'
 Use only specimens trained to a single stem.

Crataegus viridis 'Winter King' (Winter King Hawthorn) +* **(A, B, C)**– 30' x 30'

Eucommia ulmoides **(E)** (Hardy Rubber Tree) – 45' x 45' after 30 years. Use any but Emerald Pointe™ is an upright column only 5 feet wide

Ginkgo biloba* **(E)** (Ginkgo or Maidenhair tree) Huge but very slow. Use only male clones like 'Autumn Gold', 'Princeton Upright'

Gleditsia triacanthos var. inermis* **(C)** (Thornless Honeylocust)
 (preferably 'Skyline', 'Shademaster' or the narrower 'Draves' aka Street Keeper® Honeylocust). 40-50' x 40-50'

Heptacodium miconioides (Seven Son Flower) +* **(A, B, C)** Only use single trunk specimens 15-20' at maturity with a 10' spread.

Liquidambar styraciflua 'Ward' (Cherokee™ Sweetgum) * **(E)** 60'x70'**Maackia amurensis** (Amur Maackia) +* **(A)** 25'-30' '

Maclura pomifera 'White Shield' (White Shield Osage Orange) +* **(A, B, C)** 30' x 30'.

Magnolia 'Galaxy' (Galaxy Magnolia) * **(E)** 30' x 20'.

Magnolia x soulangeana (Saucer Magnolia) + **(E)** generally 25'x 25'

Malus 'Adirondack' (Adirondack Crabapple) +* **(A, B, C)**. 18'x14'.

Malus 'Sugar Tyme' (Sugar Tyme Crabapple) +* **(A, B, C)**. 18'x16'

Malus 'Donald Wyman' (Donal Wyman Crabapple) +* **(B, C)**. 15' to 20' x 20 to 25'

Platanus x acerifolia (Planetree) * **(E)**. 80' x 80' is possible. Use only disease-resistant cultivars like 'Morton Circle' aka Exclamation!® or 'Bloodgood'.

Prunus sargentii +* (Sargent Cherry) **(A, B)** 30'x30' The cultivar 'Columaris' is a narrow (to 20') vase shaped tree useful when width is an issue.

Prunus serrulata 'Kwanzan' (Kwanzan cherry) +* **(A, B)** 25'x25'

Prunus virginiana 'Canada Red' (Canada Red Choke Cherry) * **(A, B, C)**. Purple leaves. 25-35'x18'

Prunus x yedoensis (Yoshino Flowering Cherry) **(A, B)** 25' x 25'

Quercus Oaks produce acorns, which can litter streets and if planted near fast traffic roads hit moving cars at high speed. Oaks also extend cleanup season as many leaves are retained until spring.

Quercus bicolor * (Swamp White Oak) **(E)** About 50'x 50'

Quercus palustris * (Pin Oak) **(C, E)** – 60'x40'

Quercus rubra * (Red Oak) **(E)** 70'x60'

Sophora japonica, now Styphnolobium japonicum (Scholar Tree) * **(E)**. '60'x 60' at maturity. Regent' is the best cultivar as it grows fast enough to be useful.

Syringa reticulata*? (Japanese Tree Lilac) **(A, B)**. 20'x20' 'Ivory Silk', 'Summer Snow', and 'Regent' will perform best but mixed results under city conditions .

Taxodium distichum (Bald Cypress) * **(D, E)** Preferred cultivars are 'Mickelson' aka Shawnee Brave® (50'x20') or 'Skyward' (20'x6')

Tilia americana 'Redmond' (Redmond Linden) * **(E)**.

Tilia cordata x mongolica 'Harvest Gold' (Harvest Gold Linden) * **(E)** 40'x 30'.

Tilia cordata (Littleleaf Linden) * **(E)** Greenspire® or 'Norlin' are good culitvars but there are many good selections. 60'x35'

Ulmus davidiana var. japonica 'Discovery' (Discovery Elm)* **(C, E)**. 40'x35'

Ulmus 'Frontier' (Frontier Elm) * **(A, C, E)**. (35'x20')

Ulmus wilsoniana 'Prospector' (Prospector Elm) * **(E)** 40'x25'

Ulmus 'Morton Glossy' (Triumph™ Elm) * **(E)** 50'x40'

Zelkova serrata (Japanese Zelkova) * **(A, B for 'Musashino', C, E for the rest)**
 Dwarf 'JFS-KW1' aka City Sprite® (24'x18'), Wireless® aka 'Schmidtlow' flat top that avoids power lines (24'x35') or use 'Musashino' tight upright column (45'x15') or 'Village Green' when space permits as it provides more shade (50'x50').

KEY:

Trees with no asterisk or plus sign are suitable for parks and open spaces and may not tolerate street conditions (drought, salt, compaction, limited root zone).

* Trees that can tolerate street conditions (size, width, shade vs. sun, etc. still need to be considered).

The width of the tree belt or size of a tree pit will greatly influence success on some if not all of these.

+ Trees suitable for use under power lines.

Mapping codes below established by the Franklin Regional Council of Governments (FRCOG)

- A. Under utility lines
 - B. In otherwise constrained canopy area (but not under utility line)
 - C. In constrained root area
 - D. In wetland or river area
 - E. No constraints (park, front yard, wide tree belt (8 feet or greater))
-

Fruit trees

The planting of edible fruit or nut bearing trees on municipal tree belts is prohibited in Montague, except by the permission of the Tree Warden. Fruit and nut trees can cause damage to personal property (e.g. automobiles) and their low-lying limbs can provide obstruction to easy passage of pedestrians on sidewalks. They are generally considered shorter lived and more pest prone than urban shade trees. Acknowledging the important resource (nutritious fresh food) and positive community associations and harvesting traditions that develop around fruit and nut trees, the use of edible fruit and nut bearing species at community gardens and certain parklands is acceptable, with the permission of the Tree Warden.

If fruit trees are to be planted the following should be used because they require less intensive pest control:

Apple varieties ('Baldwin', 'Raritan', 'Northern Spy', 'Fuji', 'Liberty', 'Honeycrisp', 'Red Delicious', and 'Gold Delicious')

Peach varieties ('Harcot')

Pear varieties ('Seckel')

(Montague Tree Advisory Committee Request)

ARTICLE 29: To see if the Town will 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 creating a new Montague Tree Fund for the Fiscal Year beginning July 1, 2021, with the changes as shown in **bold** below; and to establish an annual spending limit of \$5,000 for said Montague Tree Fund revolving fund, and which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Selectboard, with the approval of the Finance Committee, may increase the limit for that fiscal year only, or pass any vote or votes in relation thereto.

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> Hazardous Materials Response Planning Committee (a.k.a. SARA Title III Committee)	<u>Spending Authority</u> SARA Title III Comm	<u>Revenue Source</u> Fees collected from individuals responsible for oil and hazardous material spills	<u>Allowed Expenses</u> For the purpose of cleaning up oil and hazardous material spills
Montague Tree Fund	Tree Warden	Fees received under the Public Tree Protection Bylaw	Tree planting and maintenance consistent with the Public Tree Protection Bylaw

(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.

(Montague Tree Advisory Committee Request)

Given under our hands this 3rd day of May in the Year of Our Lord Two Thousand and Twenty One.

Michael Nelson

Christopher M. Boutwell, Sr.

Richard Kuklewicz, Chairman
Selectboard, Town of Montague

Franklin, ss Montague, MA May ____, 2021

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least seven days before said meeting as within directed.

Constable of Montague

WendyB-Montague Board of Selectmen

From: Jonathan Dobosz
Sent: Thursday, April 29, 2021 9:17 AM
To: WendyB-Montague Board of Selectmen
Subject: 5 mins. on Monday's agenda?

Hi Wendy,
Would there happen to be about five minutes on the Selectboard agenda Monday evening, for me to make a request to create a gift account for Montague Center Park Improvements?

Jon Dobosz, CPRP, CPO
Director of Parks & Recreation
Montague Parks & Recreation Dept.
56 First St.
Turners Falls, MA 01376
(413) 863-3216



MOTION:

Moved to create a gift account for Montague Center Park Improvements.

Town of Montague Personnel Status Change Notice

Authorized Signature: _____ Employee # 1926

General Information:

Full name of employee: <u>John Orcutt</u>	Department: <u>WPCF</u>
Title: <u>Summer Help/Laborer</u>	Effective date of change: <u>5/10/2021</u>

New Hire: (Previously Summer Help @ DPW)

Permanent: <u>Y</u> <u>X</u> N	If temporary, estimated length of service: <u>Summer</u> (<u>12 weeks</u>)
Hours per Week: <u>24</u>	Union: <u>NIA</u>
Pay: Grade _____ Step _____	Wage Rate: <u>13.50</u> (annual/daily/ <u>hourly</u>)
Board Authorizing: <u>Personnel/Selectboard</u>	Date of Meeting: <u>5/03/21</u>

Grade/Step/COLA Change:

Union: _____
Old Pay: Grade _____ Step _____ Wage Rate: _____ (annual/daily/hourly)
New Pay: Grade _____ Step _____ Wage Rate: _____ (annual/daily/hourly)

Termination of Employment:

Resignation: _____	Layoff: _____	Involuntary Termination: _____
--------------------	---------------	--------------------------------

Other:

_____ Unpaid Leave of Absence	Termination Date: _____
_____ Unpaid Sick Leave	Termination Date: _____
_____ Other/Specify: _____	Termination Date: _____

Copies to:

- | | | |
|-----------------|------------------|--------------------------|
| _____ Employee | _____ Department | _____ Board of Selectmen |
| _____ Treasurer | _____ Accountant | _____ Retirement Board |

WendyB-Montague Board of Selectmen

From: Daniel Wasiuk
Sent: Thursday, April 29, 2021 3:48 PM
To: WendyB-Montague Board of Selectmen
Subject: Mosquito control plan
Attachments: Alternative Mosquito Management Plan for Montague.pdf

Hi Wendy,

I would like to add the attached draft version of the Alternative Mosquito Management Plan for Montague to Opt Out of Spraying by the State Reclamation and Mosquito Control Board for review by the Selectboard on Monday (5/3) In addition please add that I will be attending a Mosquito Control Task Force public listening session on Monday morning to learn more about mosquito control districts.

Attending the session will hopefully lead to a broader understanding of the advantages and/or disadvantages of applying to the Pioneer Valley Mosquito Control District (PVMCD) Following this session I will more prepared to advise on action(s) pertaining to the membership of the PVMCD. Please let me know if you have any questions.

Thank you,

Daniel Wasiuk
Director of Public Health
Montague Board of Health
Town of Montague, MA
healthdir@montague-ma.gov
#413-863-8200 ext.116

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

INTRODUCTION

- Pursuant to M.G.L. Chapter 252, Section 2A, municipalities may opt out of spraying, including aerial or other mosquito control spraying, conducted by the State Reclamation and Mosquito Control Board (“SRMCB”). To opt out of any spraying conducted by the SRMCB, a municipality must have an alternative mosquito management plan (“Plan”) approved by the Executive Office of Energy and Environmental Affairs (“EEA”).
- Approval of a Plan allows a municipality to opt out of spraying (including both aerial or wide-area) conducted by the SRMCB under M.G.L. c. 252, Section 2A. It does not extend to any spraying conducted by a mosquito control project or district (“MCD”) of which a municipality may be a member. Any questions related to services provided by an MCD should be directed to its attention.
- A Plan must be approved in order for the SRMCB to recognize any municipality’s request to opt out of spraying.
- This process applies only to municipalities. Any other requests to opt out of spraying or exclude private property must be made in accordance with M.G.L. c. 252 or 333 CMR 13.00. More information on these options is available on the SRMCB website at <https://www.mass.gov/how-to/how-to-request-an-exclusion-or-opt-out-from-wide-area-pesticide-applications>.
- A Plan shall be effective from the date of approval through December 31st of the year in which it was approved.

PROCESS

The following steps must be completed prior to submitting a Plan to EEA for its review:

1. The municipality must hold a meeting of the City Council or Select Board, at which a vote must be taken indicating the municipality’s intention to opt out of spraying (including aerial or other mosquito control spraying) conducted by the SRMCB.
 - a. This meeting should include input on the Plan from the local board of health and allow for public comment.
 - b. The vote should include the following:
 - i. The date and time of the public meeting
 - ii. That the board of health was consulted;
 - iii. That public comment was allowed;
 - iv. Whether the municipality is opting out of all spraying or only certain spray activities, such as aerial spraying. If a vote does not include that it is for a specific type of spraying, the vote will cover all spray activities conducted by the SRMCB under M.G.L. c. 252, Section 2A; and
 - v. That the vote to opt out will only be honored if **an alternative mosquito management plan** is submitted and approved by EEA.
2. The municipality must include a copy of the certified vote must be included as part of the application for approval of a Plan.
3. The municipality must complete this application for approval of a Plan and submit it to EEA at the following address: EEAopt-out@mass.gov
4. All applications must be received by **May 15th** of the year for which the request is being made.

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

CONTACT INFORMATION

Please provide contact information for your municipality:

- Town/City: Montague
- County: Franklin
- If your municipality is currently a member of a Mosquito Control District or Project, please enter the Project/District Name:
- Point of contact:
 - Name: Daniel Wasiuk Title: Public Health Director
 - Email: healthdir@montague-ma.gov Phone: 413-863-3200 ext.116
- **A copy of the certified vote** (must be submitted along with this application)

Is the person responsible for overseeing the work outlined in this plan different than the point of contact above? Yes No

If yes, please enter their information below:

- Point of contact:
 - Name: Title:
 - Email: Phone:

MOSQUITO CONTROL SERVICES

Who is providing services? Check all that apply:

- MCD (If this box is checked, skip to the **MOSQUITO HABITAT** section on page 6)
- Contractor
 - Contractor name and contact information, if available:
 - Number of staff to be provided: Full-time: Part-time: Contract:
- Municipal Staff
 - Number of staff to be provided: Full-time: 2 Part-time: Contract:
 - Description of staff roles, licenses held to perform work, etc.
Daniel Wasiuk, Board of Health: Education and Public outreach. Tom Bergeron, DPW Superintendent: Water management and ditch maintenance.

SERVICES TO BE PROVIDED

Check off all that apply:

- Education, Outreach & Public education (REQUIRED)
- Source reduction (tire removals)
- Water Management/Ditch maintenance
- Larval mosquito control
- Larval mosquito surveillance
- Adult mosquito control
- Adult mosquito surveillance (species ID and populations counts only)

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

- Adult mosquito arbovirus testing (For EEE, WNV, etc.)**
- Research**
- Other (please list):**

Comments:

EQUIPMENT

Equipment needed for mosquito management, to be provided by contractor or in-house (if any):

- Modified wetland equipment (Number: and type:)
- Larval control equipment (Number: and type:)
- ULV sprayers (Number: and type:)
- Vehicles (Number:)
- Other (please describe):

SOURCE REDUCTION

If you plan to conduct tire removals or other methods of source reduction, please fill out the section below.

Please describe your program: Montague Board of Health source reduction program. Program will focus on mitigation measures in which residents will need to eliminate breeding sites on their personal property. This will be completed through inspection and enforcement efforts.

What time frame during the year will this method be employed? **March thru November**

Comments: Board of Health will require residents to eliminate artificial sources of standing water around residential and commercial areas by discarding abandoned containers or structures such as plastic containers, glass bottles, and other similar water-holding containers, removing discarded tires and rubbish accumulation, and maintaining swimming pools, birdbaths, and roof gutters.

WATER MANAGEMENT/DITCH MAINTENANCE

If you plan to have a water management or ditch maintenance program, please fill out the section below, or skip ahead to the next section.

Please check all that apply:

- Inland/freshwater habitats**
- Saltmarsh/coastal habitats**

Please describe your program:

Check off all planned maintenance types that apply:

- Culvert cleaning** (**Freshwater** **Saltwater**)
- Hand cleaning** (**Freshwater** **Saltwater**)
- Mechanized cleaning** (**Freshwater** **Saltwater**)

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

Stream flow improvement

Other (describe):

Comments: Montague DPW will enact source reduction(remove, cover, drain, and fill) of larval habitats that are not environmentally sensitive or protected. Culvert cleaning and road ditch maintenance will assist in eliminating breeding sites by improving water flow and water access to streams and wetlands.

What time frame during the year would this work be done? March through November

If available, please attach a map of ditch maintenance areas (or a website link to that map).

LARVAL MOSQUITO CONTROL:

If you plan to have a larval mosquito control program, please fill out the section below. NOTE THAT THE USE OF PESTICIDES IS UNDER THE JURISDICTION OF M.G.L. c. 132B, THE MASSACHUSETTS PESTICIDE CONTROL ACT, AND THE REGULATIONS PROMULGATED THEREUNDER AT 333 CMR 2.00 THROUGH 14.00 ET SEQ.

Describe the purpose of this program:

What months will this program be active?

Describe the types of areas where you intend to use this program:

What will your trigger be for larviciding operations? (check all that apply)

Best professional judgment

Historical records

Larval dip counts – please list trigger for application:

Other (please describe):

Comments:

What control methods will you use (check all that apply):

Ground application of larvicide (hand, portable and/or backpack, etc.)

Aerial applications of larvicide (typically helicopter)

Catch basin treatments

Other (please list):

Comments:

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

ADULT MOSQUITO SURVEILLANCE

If you plan to have an adult mosquito surveillance program, please fill out the section below, or have the contractor provide this information if a contractor has already been selected.

Describe the purpose of this program:

What months will this program be active?

List all trap types you intend to employ (CDC light traps, gravid traps, ovitraps, etc.):

ADULT MOSQUITO CONTROL

*If you plan to have an adult mosquito control program, please fill out the section below, or have the contractor provide this information. **NOTE THAT THE USE OF PESTICIDES IS UNDER THE JURISDICTION OF M.G.L. c. 132B, THE MASSACHUSETTS PESTICIDE CONTROL ACT, AND THE REGULATIONS PROMULGATED THEREUNDER AT 333 CMR 2.00 THROUGH 14.00 ET SEQ.***

Describe the purpose of this program:

What is the time frame for this program?

Describe the types of areas where you intend to use this program:

What methods of control will you use? Check all that apply:

- Aerial applications (typically helicopter)
- Portable applications (ex. Backpack sprayers)
- Truck applications (ultra-low volume (ULV) sprayers, misters, etc.)
- Other (please list):

Comments:

What will your trigger be for adulticiding operations? Check all that apply:

- Arbovirus data
- Best professional judgment
- Complaint calls (Describe trigger for application:)
- Landing rates (Describe trigger for application:)
- Trap data (Describe trigger for application:)

Comments:

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

ASSESSMENT OF MOSQUITO MANAGEMENT PLAN EFFICACY

Describe efforts for assessing the efficacy of your mosquito management program, if your plan involves any of the following:

- Aerial Larvicide – wetlands:
- Ground ULV Adulticide:
- Larvicide – catch basins:
- Larvicide-hand/small area:
- Source Reduction:
- Other (please list):

Provide or list standard steps, criterion, or protocols regarding the documentation of efficacy (pre- and post- data), and pesticide resistance testing (if any):

INFORMATION TECHNOLOGY (IT)

Does your program intend to use (check all that apply):

- Aerial Photography
- Databases
- Dataloggers (monitoring for temperature, etc.)
- GIS mapping (Describe:)
- GPS equipment
- Smartphones
- Tablets/Toughbooks
- Other (please describe):

Comments:

MOSQUITO HABITAT

Has any potential mosquito habitat been identified in your municipality? Yes No

If so, how? Please indicate all that apply:

- Mapping of wetlands
- Mapping of catch basins
- Past surveillance, done by:

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

- DPH
- Mosquito Control District
- Contractor
- Municipality

MOSQUITO TESTING AND ARBOVIRUS

Indicate below which arboviruses have been found in your area during the last five years. If the box is checked please provide number of positive mosquito pools, equine (horse) and human cases.

Information available from your MCD, or at: <https://www.mass.gov/lists/arbovirus-surveillance-plan-and-historical-data>

Arbovirus	Positive Mosquito Pools	Equine Cases	Human Cases
<input type="checkbox"/> Eastern Equine Encephalitis (EEE)			
<input type="checkbox"/> West Nile Virus (WNV)			
<input type="checkbox"/> Other (please list):			

Comments:

EDUCATION, OUTREACH & PUBLIC RELATIONS

All municipalities are required to have an education/outreach program.

Provide a 1-2 paragraph narrative of the proposed outreach plan:

The Montague Board of Health will launch a campaign focused on education, outreach, and prevention. This public education and outreach program will address town level prevention action steps including: preventing mosquito breeding opportunities, personal protective measures, and mosquito control activities.

Messaging methods and materials to be utilized will entail the following: publicly accessible website, campaign branded pamphlets, infographics, and facts sheets, public meetings, advertisements in public spaces and local media sources. Public educational support will also involve the Board of Health assisting residents with mosquito concerns by responding to office walk-ins, emails, and phone calls and answering concerns and providing opportunities for concerned residents to receive educational materials.

Check off all education/outreach methods that you intend to employ:

- Development/distribution of brochures, handouts, etc.
- Door-to-door canvassing (door hangers, speaking to property owners, etc.)
- Social media accounts (Facebook, Twitter, or other social media):
- Mailings (Describe target audiences):
- Media outreach (interviews for print or online media sources, press releases, etc.)

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

- Presentations (in-person or virtual)
- School-based programs, science fairs, etc.
- Tabling at events (local events, annual meetings, etc.)
- Website (URL: _____)
- Other (please describe): _____

Select the audience types you intend to target from the list below:

- Residents (homeowners, apartment dwellers, etc.)
- Landlords (for large apartment or condominium complexes)
- K-12 (teachers, students, camps, etc.)
- Municipal staff (highway dept., parks and recreation, board of health, conservation commission, etc.)
- State/Federal land managers (state parks, national wildlife refuges, etc.)
- Transportation industry (Busing companies, commuter rail, truck/rest stops, etc.)
- Recreational venues (fairgrounds, sports complexes, ballfields, etc.)
- Other land owners/managers (please describe): _____
- Other (please describe): _____

Additional Comments:

List a minimum of 3 education/outreach activities you plan to execute for the upcoming mosquito season:

1. Inform residents and businesses on how to reduce mosquito breeding sites through fact sheets and pamphlets.
2. Informing residents and businesses of how mosquito-borne diseases are transmitted in the community through publicly accessible website.
3. Providing educational fact sheets and pamphlets, and advertisement signs focusing on protective clothing (e.g., long pants/long shirts, and using repellents).
4. Using local media sources to promote education on limiting outdoor activities during evening, nighttime, and dawn hours.
5. Advertisements in public spaces on personal protective measures.

OTHER COMMENTS

Please use this section to add any comments here on topics not covered elsewhere in this report:

REPORTING REQUIREMENTS

Municipalities that receive approval of alternative mosquito management plans from EEA are required to submit an annual report for all activities conducted during the mosquito season **by January 31st.**

Annual reports must be submitted to: EEAopt-out@mass.gov

Application for an Alternative Mosquito Management Plan Required for a Municipality to Opt Out of Spraying Conducted by the State Reclamation and Mosquito Control Board

ACKNOWLEDGEMENT

Please mark each check box indicating your acknowledgement of the items below, and sign and date the application before submitting it.

- The Municipality acknowledges that any work performed will be subject to applicable local, state, and federal regulations, ordinances, and statutes and all necessary permits, licenses, approvals, or other permission must be obtained prior to the commencement of any work. The approval of this Plan does not constitute work under M.G.L. c. 252 or authorize any exemption provided for work conducted under said chapter, unless otherwise expressly provided for by law.
- The municipality acknowledges that approval of a Plan allows it to opt out of spraying conducted by the SRMCB under M.G.L. c. 252, Section 2A. It does not extend to any spraying conducted by a mosquito control project or district ("MCD") of which a municipality may be a member.
- The municipality acknowledges that it has conducted the required public meeting, that a vote is included with this Plan, and that any vote to opt out of spraying performed under M.G.L. c. 252 is subject to the approval of this Plan. No such opt out will be honored without an approved Plan.

Daniel Wasiuk, Director of Public Health

Signature and Title (Sign or Type Signature)

April 29, 2021

Date



Board of Selectmen Town of Montague

1 Avenue A (413) 863-3200 xt. 108
Turners Falls, MA 01376 FAX: (413) 863-3231

Event Application for use of PESKEOMPSKUT PARK and MONTAGUE CENTER TOWN COMMON

Name of applicant Montague Community Band *c/o Susan Corey manager*

Name of business/group sponsoring proposed event if applicable: N/A

If applicable, number of years your organization has been running this event in Montague? 129 years

Address 2 WALNUT ST TURNERS FALLS

Contact phone 413-522-4120 Contact email Sp. COREY@Comcast.net

FID 04-3040886

Dates of proposed event July 5, 12, 15, 26 Location: Peskeompskut Park

Hours 7pm - 8:30 pm Set Up: 6:15-7:00 p Clean Up: 8:30 - 9:00 pm

Approximate number of people expected to attend 50 - 60

What provisions will be made regarding clean up of site? Band members will clean site

Will the proposed event be:

- Musical
- Theatrical
- Exhibitions
- Amusements
- Wedding
- Other _____

Fully & specifically describe content of the proposed exhibition, show and/or amusements:

THE Montague Community Band is made up of local amateur musicians & has provided Summer concerts to the town of Montague since 1892. The music consists of marches, show tunes, classics, etc, the concerts are free, musicians are volunteers. Anyone ~~can~~ is welcome to come play with the band. Not only does this group provide quality full concert band music for folks to experience but also an outlet for musicians to continue their love of playing with an ensemble.

Fully & specifically describe the premises upon which the proposed event is to take place.

Peskeompskut Park band shell. ~~the~~

Use back of form or attach a map of the premises indicating parking area(s), entertainment area(s), vendor area(s), location & number of toilets, location & number of garbage receptacles, garbage storage area, camping area(s), and location of first aid/medical stations.

Will vendors be selling:
 merchandise
 food/beverage
 alcohol
 other services _____
NA

Fully & specifically describe the extent to which the event and/or premises would affect public safety, health, or order. If serving alcohol, indicate separate serving area, approved server i.e. TIPS trained. (separate license required to serve alcohol)

No alcohol or vendors. Audience brings their own chairs or blankets. An old Fashion concert in the park.

Describe the appropriate level and nature of security and/or traffic control that would be needed and what provisions have been made.

People park on street or walk from home. This event usually attracts an order crowd. No need for security

What provisions will be made regarding first aid and emergency medical care?

In case an emergency occurs, band has a doctor 2 nurses and several First Responders who play in the group.

Are you also applying to place signs within Montague to advertise or give directions to your event? (See the Montague Building Inspector)

If so, at which locations? Yes. Only at Peskeompskut. 1 facing Ave A, 1 facing 7th St and 1 facing 6th St.

Attach a copy of your insurance policy or liability binder indicating a minimum policy of \$1Million Individual/\$3Million Group.

In the past we have been covered by the town's policy

I attest that to my knowledge the information provided in this application is accurate and not misleading.

Signature of applicant

Juan Perez

Date 4-19-21

License fees:

Monday – Saturday = \$25.00 per day

Sunday = \$50.00

BOARD OF SELECTMEN – Approval

Date: _____

POLICE CHIEF - Approval / Comments

*Yes If COVID policy
is followed to date.*
[Signature]

Date: 4-19-21

BOARD OF HEALTH – Approval / Comments

Date: _____

10

WendyB-Montague Board of Selectmen

From: jeff singleton <singleton.jeff47@gmail.com>
Sent: Thursday, April 29, 2021 12:34 PM
To: WendyB-Montague Board of Selectmen; jeff singleton; StevenE - Montague Town Administrator
Cc: rich kuklewicz; Michael Nelson; Christopher Boutwell Sr (cboutwell@martignetti.com); christopher boutwell sr.
Subject: FRTA stuff for Monday packet
Attachments: General Pierce Bridge Closure 04.26.21.JPG; FRTA Letter to MassDOT and State Reps_Signed 4-30-21.pdf; DOT Response Letter to FRTA Weekend Service Issue.pdf

Hi Wendy...

Thanks for doing this for me. attached are several docs including the bridge closing announcement and the rerouting of the Orange Route. We have no choice in this but due to past bad FRTA decisions - which Montague opposed- there will now be even more massive redundancy between Greenfield and Montague at the very time that the state is demanding ridership "metrics" to evaluate routes.

The other two docs pertain to a request for a meeting w the state re weekend service. The Selectboard played an important role in suggesting this to the FRTA advisory board in March and attached is the adv boards letter and response from the state.

Sorry to dump all this on you folks but I sort of allowed this stuff to accumulate over the past few weeks and feel it has now reached a critical mass. I doubt there will need to be votes but the board should be aware of this stuff since I do essentially represent them.

Jeff S

Attention Passengers

Franklin Regional Transit Authority

Detour

Route 32 Outbound and Inbound

Effective: Monday, April 26th, 2021

Due to the closure of the General Pierce Bridge, FRTA Route 32 will no longer service stops along Deerfield Street and Montague City Road starting Monday, April 26, 2021. Instead, FRTA Route 32 will travel to and from Ave A and 3rd Street via **High St and the Gill-Montague Bridge.**

Anyone wishing to travel to or from any closed bus stops may download the FRTA Access App.

Any questions or service issues, please call Dispatch
413.773.8090 x103



For More Information

Phone: (413) 773-8090
Online at www.firta.org



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Acting Secretary & CEO

massDOT
Massachusetts Department of Transportation

April 15, 2021

Chairman Eric Twarog
FRTA Advisory Board
Franklin Regional Transit Authority
12 Olive Street
Greenfield, MA 01301

Dear Chairman Twarog,

I am writing in response to your letter dated March 30, 2021 to Secretary Jamey Tesler regarding the issue of weekend fixed route service in the Franklin Regional Transit Authority service area. I recommend that before a meeting is scheduled with Secretary Tesler and the members of the FRTA legislative delegation, that a meeting be arranged between myself, Tina Cote, Michael Perrault and either yourself, representing the board, or if desired, the entire FRTA Board of Directors.

I make this suggestion to ensure that all available information related to MassDOT's role in funding distribution to the RTAs is provided to you and the FRTA Board. I will also discuss MassDOT's relationship with the RTAs as it relates to service decisions. It is important to understand that MassDOT is not opposed to weekend service for FRTA. RTAs receive state funding based on an agreed upon formula with the other RTAs and they develop and manage their own budgets and weekend service, or any other service decision, is not contingent on MassDOT approval.

As you pointed out in your letter, MassDOT has awarded Discretionary Grant funding to FRTA to run the FRTA Access Micro-transit project. A component of the FRTA Access program provides weekend service to FRTA customers. MassDOT's understanding of this pilot project is that the FRTA Administrator is gathering the data collected through FRTA Access program in order to use the information to best decide where and when weekend fixed route bus service should be implemented. Without this data and subsequent analysis by FRTA, a meeting with the Secretary and legislative delegation to discuss weekend bus service is premature.

I look forward to hearing back from you and will make myself available to accommodate this discussion.

Sincerely,

Thomas D. Schiavone

Thomas D. Schiavone
MassDOT Deputy Transit Administrator

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot



Franklin Regional Transit Authority 12 Olive St, Greenfield MA 01301

www.firta.org Tel: (413)774-2262 Fax: (413)772-2202

March 30, 2021

Massachusetts Department of Transportation
Acting Secretary Jamey Tesler
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Acting Secretary Tesler,

At its March 18, 2021 meeting the Advisory Board of the Franklin Regional Transit Authority unanimously passed the following statement:

“While the Advisory Board supports the current plan to provide some communities in our region with weekend service through a micro transit pilot, we would like to know why the FRTA is the only regional transit authority in the state without weekend fixed route service in some form.”

The lack of weekend fixed route service has been the most consistent complaint of our ridership and many others in the region over the years. Weekend service was recommended in the 2015 five-year comprehensive transit plan required by the legislature, but that recommendation was never implemented. State budget considerations have often been cited as a reason for the lack of weekend service but this consideration as a reason does not seem to apply to other RTAs, which all have fixed route service in some form.

The most recent five-year plan also recommends weekend service but appears to link it to a micro-transit pilot with no clear criteria for success. Again, while the Board strongly supports the micro transit experiment, no other RTA in the state makes weekend service contingent on micro transit.

We request a meeting with the appropriate Department of Transportation officials and our representatives in the legislature to address what appears to be a glaring inequity. Please contact Michael Perreault, Assistant Administrator to make meeting arrangements at 413-774-2262 Ext. 105 or michael@firta.org. Thank you for your consideration. We look forward to your reply.

Respectfully,

Eric Twarog, Chairman
FRTA Advisory Board

Cc: Thomas Schiavone, MassDOT Deputy Transit Administrator
Representative Natalie Blais, 1st Franklin District
Representative Nicholas Boldyga, 3rd Hampden District
Representative Paul Mark, 2nd Berkshire District
Representative Smitty Pignatelli, 4th Berkshire District
Representative Lindsay Sabadosa, 1st Hampshire District
Representative Susannah Whipps, 2nd Franklin District
Senator Joanne Comerford, Hampshire, Franklin and Worcester District
Senator Anne Gobi, Worcester, Hampden, Hampshire and Middlesex District
Senator Adam Hinds, Berkshire, Hampshire, Franklin and Hampden District
Senator John Velis, Second Hampden and Hampshire District

**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
MAY 22, 2021**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet at the Franklin County Technical School, 82 Industrial Boulevard, Turners Falls, Massachusetts, on Saturday, May 22, 2021, at 9:00 A.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1: To see if the Town will 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.

(Selectboard Request)

ARTICLE 2: To see if the Town will 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, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 3: To see if the Town will 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 creating a new Airport Fuel Revolving Fund for the Fiscal Year beginning July 1, 2021, with the changes as shown in **bold** below; and to establish an annual spending limit of \$160,000 for said Airport Fuel revolving fund, and which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Selectboard, with the approval of the Finance Committee, may increase the limit for that fiscal year only, or pass any vote or votes in relation thereto.

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
Airport Fuel	Airport Manager	Fees from sale of Airport fuel	Purchase of Airport fuel to be sold and used at the Airport

(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.

(Airport Commission Request)

ARTICLE 4: To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2021, as set forth in Schedule I, Elected Officials, a copy of which is on file in the Office of the Town Clerk and on the Town’s website at <https://www.montague-ma.gov/p/374> or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 5: To see if the Town will vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2021, as set forth in Schedule II, Appointed Officials, a copy of which is on file in the Office of the Town Clerk and on the Town’s website at <https://www.montague-ma.gov/p/374> or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 6: To see if the Town will vote to acquire and accept, by donation, from Millers River Cemetery Corporation, or the current owner, all of the real property known as the Highland Cemetery, containing 7.393 acres, more or less, located at Millers Falls Road, Montague, and shown as Parcel 28-0-13; and further, to acquire and accept, by donation, all of the personal property, funds and accounts of said Millers River Cemetery Corporation owned, maintained and used in connection with the ownership and operation of the Highland Cemetery; and to authorize the Selectboard to take all

actions and execute all documents necessary and appropriate for said acquisition and acceptance, or pass any vote or votes in relation thereto.

(Cemetery Commission Request)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,775,731, or any other amount, for the maintenance of the several departments of the Town, said sums to be allocated in accordance with Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374> and for any other necessary changes, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,586,971, or any other amount, 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, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374>, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$78,950, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$206,164, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,221,005, or any other amount, 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, or pass any vote or votes in relation thereto.

(Franklin County Technical School Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,950,854, or any other amount, 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, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$13,130, or any other amount, for the purpose of utility valuation appraisal services, or pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$190,000, or any other amount, for the following school building related projects and any and all incidental and related costs, or to pass any vote or votes in relation thereto.

- A. \$55,000 to repair the Hillcrest Façade
- B. \$45,000 to repair the Sheffield Façade
- C. \$90,000 to update the Sheffield fire alarm system

(GMRSD Request)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$56,511, or any other amount, for the purpose of resurfacing the tennis courts at the Turners Falls High School, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(GMRSD Request)

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000, or any other amount, for the purpose of purchasing, equipping, and making major repairs to DPW vehicles

and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$250,000, or any other amount, for the purpose of purchasing and equipping a six wheel dump truck with plow and sander, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$75,000, or any other amount, for the following Town projects and any and all incidental and related costs, or to pass any vote or votes in relation thereto.

- A. \$25,000 Unsafe Unhealthy Buildings
- B. \$25,000 for Unexpected Engineering Services
- C. \$25,000 for Bid/Project Overrun

(Town Administrator and CIC Requests)

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of a Building Assessment and Capital Plan Study, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(CIC Request)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$32,500, or any other amount, for the purpose of a Phase II Environmental Study for 500 Avenue A, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Town Planner Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,050, or any other amount, for costs associated with the establishment and operation of a marijuana establishment known as 253 Farmacy, or pass any vote or votes in relation thereto.

- A. \$14,012 for costs incurred by Town departments in connection with the establishment and operation of 253 Farmacy
- B. \$5,538 for costs incurred by the Turners Falls Fire District in connection with the establishment and operation of 253 Farmacy
- C. \$7,000 for police training relative to identification of cannabis intoxication
- D. \$8,500 for prevention programming development and monitoring
- E. \$85,000 for school-based substance abuse counseling resources

(Town Administrator Request)

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the following sums, or any other amount, for the purpose of increasing the special purpose funds set forth below, or pass any vote or votes in relating thereto.

Fund	Amount (\$)
Town Capital Stabilization Fund	127,690
OPEB Trust Fund	50,000
GMRSD Stabilization Fund	39,890
Total:	217,580

(Finance Committee Request)

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$180,000, or any other amount, for the purpose of increasing the WPCF Capital Stabilization Fund, or pass any vote or votes in relating thereto.

(Finance Committee Request)

ARTICLE 24: To see if the Town will vote to authorize the Selectboard to acquire by gift, purchase and/or eminent domain, an easement across the FirstLight Canal for the placement of a new 5th Street pedestrian bridge, southerly of the existing 5th Street vehicular bridge and the 1880 County Layout, and permanent and temporary construction easements at the western and eastern termini of the new pedestrian bridge as may be needed for support, access, bridge appurtenances, and for the purpose of constructing the bridge, and for all purposes incidental and related thereto, all as shown

on a plan entitled "Easement Plan Canal Street & Fifth Street Bridge," dated April 5, 2021, prepared by Sherman & Frydryk, as said plan may be amended, a copy of which plan is on file with the Town Clerk, and such other permanent and temporary easements adjacent to and within 500 feet of said easements, and further to see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$700, or any other amount, to fund such acquisitions; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 25: To see if the Town will vote to authorize the Selectboard to file a petition to join the Pioneer Valley Mosquito Control District, if the Selectboard determines that joining said District is in the best interests of the Town, and to authorize the Selectboard to execute any and all documents and to take such actions as may be necessary to effectuate the purposes of this article; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of mosquito control, and anything incidental or related thereto, which may include but not be limited to paying an assessment for the Town's membership in the Pioneer Valley Mosquito Control District; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 27: Petitioned Article

**A Resolution in Opposition to State Subsidies and Incentives
for Biomass Plants**

WHEREAS, the Town Meeting of Montague is committed to ensuring and safeguarding the health, safety, and environment of the residents in our community, and

WHEREAS, wood-burning biomass plants are a highly polluting form of energy generation, known to release pollutants including fine particulate matter, volatile organic compounds, nitrogen oxides, carbon monoxide, and carbon dioxide, and

WHEREAS, the Commonwealth adopted science-driven Renewable Portfolio Standard (RPS) regulations in 2012 recognizing that wood-burning power plants emit more carbon dioxide than fossil fuel power plants per unit of energy generated, and

WHEREAS, if the weakened RPS regulations proposed in December 2020 by the Massachusetts Department of Energy Resources (DOER) go into effect, Massachusetts subsidies and incentives would be available for inefficient large-scale biomass power plants, and

WHEREAS, the proposed RPS regulations would wrongly incentivize and directly subsidize the construction of a large-scale wood-burning biomass plant proposed by Palmer Renewable Energy in Springfield, an Environmental Justice community already heavily burdened by industrial air pollution and by record-setting rates of asthma and other respiratory illnesses, and

WHEREAS, our Town Meeting stands in solidarity with the residents of the City of Springfield, and the Springfield City Council, which passed a resolution on December 21, 2020, opposing Massachusetts state subsidies and incentives for wood-burning biomass plants,

NOW, THEREFORE BE IT RESOLVED, that Montague Town Meeting opposes any state subsidies or incentives for commercial wood-burning biomass plants in the Commonwealth of Massachusetts, and

BE IT FURTHER RESOLVED, that Montague Town Meeting calls upon the Massachusetts DOER to revise the proposed RPS regulations by returning the woody biomass provisions to their previous, science-based language, and

BE IT FURTHER RESOLVED, that Montague Town Meeting urges its State Legislative Delegation to support legislation in the forthcoming session of the Massachusetts General Court to remove and bar taxpayer and ratepayer incentives for commercial biomass power plants in the Commonwealth of Massachusetts, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to our municipality's State Legislators, as well as Governor Charles Baker, DOER Commissioner Patrick Woodcock, and the Co-Chairs of the Joint Committee on Telecommunications, Utilities, and Energy Committee, Senator Mike Barrett and Representative Jeff Roy.

ARTICLE 28: To see if the Town will vote to amend the General Bylaws of the Town of Montague, by adding a new section titled "Montague Public Tree Protection Bylaw", as set forth below, and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification, or pass any vote or votes in relating thereto.

Montague Public Tree Protection Bylaw

1. Preamble:

The Town of Montague recognizes that trees are an asset to the community and provide a healthier and more beautiful environment in which to live. Trees improve air quality and provide shade, wildlife habitat, and beauty. Trees give protection from wind, glare and noise, and act as barriers and water quality protection. Public trees and landscaping are economically beneficial in attracting new residents, shoppers, visitors and industry. When properly chosen varieties are planted in appropriate settings, trees enhance property values, promote the economic viability of commercial districts, and enhance the desirability and sustainability of residential neighborhoods.

2. Intent and Purpose:

This by-law is enacted for the purpose of preserving and protecting public shade trees pursuant to Massachusetts General Law Chapter 87. It is also enacted to encourage the planting of more public shade trees than are removed to compensate for tree losses and the time it takes for trees to mature.

3. Definitions:

Critical Root Zone (CRZ): Defined by measuring outwards from the trunk a minimum of 1.25 feet for every inch diameter of tree trunk four feet above the ground. For any tree, a minimum of six feet must be protected around trees regardless of the trunk diameter.

Public Tree: Any tree within public right-of-way, in a municipal park, or adjacent to public buildings.

Right-of-Way: All land within the boundaries of the public right-of-way as set forth by an order of the town laying out a public way. The public right-of-way may include not only the traveled surface of the public way but lands adjacent thereto, including sidewalks and the tree belt.

Drip Line: Drip line of a tree is the area defined by the outermost circumference of a tree's canopy, where water drips from and onto the ground.

4. Tree Warden:

The Tree Warden is an elected position pursuant to Massachusetts General Law, Chapter 41, Section 106.

The duties and responsibilities of the Tree Warden shall conform to the Massachusetts General Law Chapter 87 and shall include, but not be limited to the following:

- Care, control, and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons; and the care, control, and management of trees within parks if so requested by the Director of Parks and Recreation;
- Expenditure of funds for public tree planting and maintenance consistent with this bylaw and Massachusetts General Law Chapter 87;

- Enforcement of the provisions of this bylaw and Massachusetts General Law Chapter 87;
- Preparation and maintenance of a current Public Tree Management Plan;
- Coordination with the Highway Department, Planning Department, Parks and Recreation, Planning Board, and the Montague Tree Advisory Committee on matters related to urban forestry and public tree management, and;
- Develop regulations for the care and preservation of public trees and establish fines and forfeitures for violation thereof.
- Other responsibilities consistent with this bylaw and Massachusetts General Laws.

5. Cutting of Public Trees:

Consistent with Massachusetts General Law Chapter 87, no person except the Tree Warden, may cut, trim, prune, damage, or remove any part of a public tree, including the roots within the drip line of the tree, without written permission as described in Section 7.

The Tree Warden may not remove, permit the removal of, or cause to be destroyed any tree greater than 1.5 inches in caliper without a duly advertised public hearing as specified in Massachusetts General Law Chapter 87, or if objection is given at or prior to the hearing in writing, without the additional approval of the Selectboard, unless that tree is determined to be an imminent hazard tree, as described in Section 8.

Utilities may, or at the request of the Tree Warden must, file an annual vegetation management plan and/or a hazard tree removal plan.

In all cases, pruning and removal of public trees shall be done in accordance with the current ANSI pruning standards.

6. Planting of Public Trees:

No person except the Tree Warden may plant a tree on public property without written permission as described in Section 7.

No trees, except those smaller species appropriate for planting under utilities, shall be planted within 10 lateral feet of an overhead electric utility wire.

Consistent with Massachusetts General Law Chapter 87, the Tree Warden may plant trees within 20 feet of the public right-of-way with the written consent of the adjoining land owner. The Property owner will own the tree immediately after planting and is responsible for the maintenance for the lifetime of the tree. The Tree Warden may require a one-time cost share for the expense of the tree.

7. Permission for Planting, Cutting, Pruning or Removal of Non-Hazardous Public Trees:

No person other than the Tree Warden shall plant, prune, trim, cut above the ground, remove, or conduct any excavation within the drip line of, a public tree without first filing an application and procuring written permission from the Tree Warden. The Tree

Warden may grant permission, may deny permission or may issue permission with conditions.

Permission must be granted by the Tree Warden not less than three business days in advance of the time the work is to commence with the exception that, if the work consists of cutting down or removal of a public tree, the application shall be made no less than thirty days in advance. At the time that the application is submitted, applicants shall pay a non-refundable fee of five dollars per tree to the Montague Tree Fund. In cases of emergency, an applicant may seek and receive oral permission from the Tree Warden to trim or excavate within the drip line of a public shade tree without first requesting permission in writing. An emergency is defined as an unforeseen occurrence, which requires immediate action to avoid or reduce significant injury or damage to persons or property. Within three business days after oral permission is granted, the applicant must submit a written request to the Tree Warden who shall grant pre-approval due to emergency.

Removal:

An applicant who wishes to remove a non-hazardous public shade tree is responsible for the following expenses:

- Cost of advertising a hearing as specified in Massachusetts General Law Chapter 87;
- Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
- Planting of sufficient replacement trees as described below;
- Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and
- All other costs related to the removal and replanting.

Public trees shall not be removed for a private purpose without suitable compensation to the Town for replacements. The value of existing shade trees is to be calculated on an inch-by-inch replacement basis. Replacements shall be at least two-inch trunk diameter, nursery grown stock. The Tree Warden may, at their discretion, require larger replacements. For example, if an 18-inch diameter tree, measured four feet above grade is to be removed, the applicant must sufficiently reimburse the Town to provide for the purchase and planting of nine, two-inch diameter replacements. At the discretion of the Tree Warden, the applicant shall either:

A. Arrange to plant suitable replacements using his/her own contractor, working to the Town's specifications, or

B. Make a cash contribution to the Montague Tree Fund to be used exclusively for the purchase and planting of replacements, and related expenses.

If the applicant proposes to trim or prune a public tree, and if, in the opinion of the Tree Warden, the proposed work will drastically affect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree. In these cases, the Tree Warden may either order the removal of the tree, or allow the tree to remain, provided that it does not

present an imminent hazard. In either case, appropriate replacement plantings must be provided by the applicant.

Nothing contained in this bylaw shall prohibit the Tree Warden from refusing to permit the cutting, trimming or removal of non-hazardous trees.

All trees or tree parts (i.e. wood) removed from the town trees are owned by the Town of Montague, with the exception of fallen leaves.

8. Removal of Hazard Trees:

The Tree Warden may remove, without a public hearing, a tree that is determined by the Tree Warden, to be an imminent hazard to persons or property.

The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, or otherwise minimizing the risk based on hazard trees objectively presenting the most risk.

9. Fines:

Any person who removes, or causes to be destroyed, a non-hazardous public tree without a duly advertised hearing, permission from the Tree Warden, and the approval of the Selectboard if an objection is made to the removal, shall pay a fine of up to \$500 or the appraised value of the tree, whichever is greater, to the Montague Tree Fund.

Any person who cuts, trims, prunes, damages or removes any part of a public tree, including the roots within the drip line of the tree, without written permission, or who fails to comply with the conditions of their permission, shall pay a fine of up to \$100 per tree to the Montague Tree Fund.

This provision is inclusive, but not limited to the following prohibited acts:

- Mutilating (e.g. driving in nails or screws), girdling, carving into, or topping a tree;
- Damage to the root system by trenching, digging, or other excavation;
- Tapping a publicly owned sugar maple;
- Removing any tree guard, tree stake, watering bag, or other device or material intended for the protection or to support the health of a public tree;
- Covering or obstructing any open land at the base of a public tree designed to permit access of air, water and fertilizer to the root system;
- Applying or sweeping road salt onto the CRZ of a public tree;
- Securing, fastening or running any rope, wire, holiday lighting, unprotected electrical installation, or other device or material to, around or through a public tree, or attaching any sign, poster, notice or other object to any public tree, except that the Tree Warden may authorize tying temporary signs to such trees as necessary;

- Causing or encouraging any fire or burning within the drip line of any public tree. This includes the grilling of food below a public tree, within the drip line, unless the grill is provided in a public park and is permanently installed under the tree;
- Paving over the tree belt and/or over the CRZ on public land;
- Parking a vehicle on the CRZ of a public tree;
- The application of chemicals including, but not limited to, pesticides and herbicides on public land.

10. Public Hazard and Abatement:

Upon a determination by the Tree Warden that a private tree constitutes a public hazard, they shall give written notice to the owner of the property upon which said hazard exists to remove, or otherwise mitigate the hazard posed by such tree as to cause the hazard to the public to be abated. Failure to comply with such written notice within fifteen days thereafter is a violation of this section, and the Tree Warden or coworkers may then remove or trim such tree and assess the cost thereof against the property.

11. Severability:

Should any part or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof other than the part held to be invalid.

Appendix A. Suitable Trees for the Town of Montague (May 2019)

Note: A more extensive discussion of tree tolerances and preferences can be obtained from the MTC in an expanded treatment of this list. **NOTE:** specific cultivar (“variety”) names are listed intentionally. Many species are not suitable for various reasons but the specific cultivars may have special traits that make them much more desirable (e.g. no seed production, narrow outline, shorter stature, etc.). Measurements are mature HEIGHT X WIDTH. Ultimate size is influenced by growing conditions and regional climate. All trees are cold hardy to at least Zone 5 (all of the town of Montague).

Shade trees and ornamental flowering trees

Acer campestre (Hedge Maple) **+* (A, B, C)** – preferred cultivars are Metro Gold® (aka ‘Panacek’) and Streetwise™ (aka ‘Stwizam’) 30’x30’. Obtain trees trained to **one** leader.

Acer ginnala (Amur Maple) **+* (A, B, C)** Obtain trees trained to **one** leader. 20’ x 25’

Acer miyabei (Miyabei Maple) *** (E)** – preferred cultivar is State Street™ (aka ‘Morton’) 35’ x 35’.

Acer rubrum *** (D, E)** (Red or Swamp Maple) Male cultivars are preferred to avoid seed.

Acer tataricum (Tatarian Maple) **+* (A, B, C)** – best cultivar is Rugged Charm®, aka ‘JFS-KW2’, and HotWings® (aka ‘GarAnn’) 20’ x 20’.

Catalpa speciosa (Northern Catalpa) **(E)**. 45’x 35’

Celtis occidentalis (Common Hackberry) *** (A – if lines are not droopy, B, C)** – Better cultivars include ‘Chicagoland’ and Prairie Sentinel™ (extremely narrow)

Cercis canadensis (Eastern Redbud) **+ (A – see conditions)** – 20’x20’

Cornus mas (Cornelian Cherry Dogwood) **+* (A, B, C)** 20 to 25 feet Buy only those trained into a tree form.

Cotinus x 'Grace'+* (Grace Cotinus) **(A, B, C)** 20'x15'
 Use only specimens trained to a single stem.

Crataegus viridis 'Winter King' (Winter King Hawthorn) +* **(A, B, C)**– 30' x 30'

Eucommia ulmoides **(E)** (Hardy Rubber Tree) – 45' x 45' after 30 years. Use any but Emerald Pointe™ is an upright column only 5 feet wide

Ginkgo biloba* **(E)** (Ginkgo or Maidenhair tree) Huge but very slow. Use only male clones like 'Autumn Gold', 'Princeton Upright'

Gleditsia triacanthos var. inermis* **(C)** (Thornless Honeylocust)
 (preferably 'Skyline', 'Shademaster' or the narrower 'Draves' aka Street Keeper® Honeylocust). 40-50' x 40-50'

Heptacodium miconioides (Seven Son Flower) +* **(A, B, C)** Only use single trunk specimens 15-20' at maturity with a 10' spread.

Liquidambar styraciflua 'Ward' (Cherokee™ Sweetgum) * **(E)** 60'x70'**Maackia amurensis** (Amur Maackia) +* **(A)** 25'-30' '

Maclura pomifera 'White Shield' (White Shield Osage Orange) +* **(A, B, C)** 30' x 30'.

Magnolia 'Galaxy' (Galaxy Magnolia) * **(E)** 30' x 20'.

Magnolia x soulangeana (Saucer Magnolia) + **(E)** generally 25'x 25'

Malus 'Adirondack' (Adirondack Crabapple) +* **(A, B, C)**. 18'x14'.

Malus 'Sugar Tyme' (Sugar Tyme Crabapple) +* **(A, B, C)**. 18'x16'

Malus 'Donald Wyman' (Donal Wyman Crabapple) +* **(B, C)**. 15' to 20' x 20 to 25'

Platanus x acerifolia (Planetree) * **(E)**. 80' x 80' is possible. Use only disease-resistant cultivars like 'Morton Circle' aka Exclamation!® or 'Bloodgood'.

Prunus sargentii +* (Sargent Cherry) **(A, B)** 30'x30' The cultivar 'Columaris' is a narrow (to 20') vase shaped tree useful when width is an issue.

Prunus serrulata 'Kwanzan' (Kwanzan cherry) +* **(A, B)** 25'x25'

Prunus virginiana 'Canada Red' (Canada Red Choke Cherry) * **(A, B, C)**. Purple leaves. 25-35'x18'

Prunus x yedoensis (Yoshino Flowering Cherry) **(A, B)** 25' x 25'

Quercus Oaks produce acorns, which can litter streets and if planted near fast traffic roads hit moving cars at high speed. Oaks also extend cleanup season as many leaves are retained until spring.

Quercus bicolor * (Swamp White Oak) **(E)** About 50'x 50'

Quercus palustris * (Pin Oak) **(C, E)** – 60'x40'

Quercus rubra * (Red Oak) **(E)** 70'x60'

Sophora japonica, now Styphnolobium japonicum (Scholar Tree) * **(E)**. '60'x 60' at maturity. Regent' is the best cultivar as it grows fast enough to be useful.

Syringa reticulata*? (Japanese Tree Lilac) **(A, B)**. 20'x20' 'Ivory Silk', 'Summer Snow', and 'Regent' will perform best but mixed results under city conditions .

Taxodium distichum (Bald Cypress) * **(D, E)** Preferred cultivars are 'Mickelson' aka Shawnee Brave® (50'x20') or 'Skyward' (20'x6')

Tilia americana 'Redmond' (Redmond Linden) * **(E)**.

Tilia cordata x mongolica 'Harvest Gold' (Harvest Gold Linden) * **(E)** 40'x 30'.

Tilia cordata (Littleleaf Linden) * **(E)** Greenspire® or 'Norlin' are good culitvars but there are many good selections. 60'x35'

Ulmus davidiana var. japonica 'Discovery' (Discovery Elm)* **(C, E)**. 40'x35'

Ulmus 'Frontier' (Frontier Elm) * **(A, C, E)**. (35'x20')

Ulmus wilsoniana 'Prospector' (Prospector Elm) * **(E)** 40'x25'

Ulmus 'Morton Glossy' (Triumph™ Elm) * **(E)** 50'x40'

Zelkova serrata (Japanese Zelkova) * **(A, B for 'Musashino', C, E for the rest)**
 Dwarf 'JFS-KW1' aka City Sprite® (24'x18'), Wireless® aka 'Schmidtlow' flat top that avoids power lines (24'x35') or use 'Musashino' tight upright column (45'x15') or 'Village Green' when space permits as it provides more shade (50'x50').

KEY:

Trees with no asterisk or plus sign are suitable for parks and open spaces and may not tolerate street conditions (drought, salt, compaction, limited root zone).

* Trees that can tolerate street conditions (size, width, shade vs. sun, etc. still need to be considered).

The width of the tree belt or size of a tree pit will greatly influence success on some if not all of these.

+ Trees suitable for use under power lines.

Mapping codes below established by the Franklin Regional Council of Governments (FRCOG)

- A. Under utility lines
 - B. In otherwise constrained canopy area (but not under utility line)
 - C. In constrained root area
 - D. In wetland or river area
 - E. No constraints (park, front yard, wide tree belt (8 feet or greater))
-

Fruit trees

The planting of edible fruit or nut bearing trees on municipal tree belts is prohibited in Montague, except by the permission of the Tree Warden. Fruit and nut trees can cause damage to personal property (e.g. automobiles) and their low-lying limbs can provide obstruction to easy passage of pedestrians on sidewalks. They are generally considered shorter lived and more pest prone than urban shade trees. Acknowledging the important resource (nutritious fresh food) and positive community associations and harvesting traditions that develop around fruit and nut trees, the use of edible fruit and nut bearing species at community gardens and certain parklands is acceptable, with the permission of the Tree Warden.

If fruit trees are to be planted the following should be used because they require less intensive pest control:

Apple varieties ('Baldwin', 'Raritan', 'Northern Spy', 'Fuji', 'Liberty', 'Honeycrisp', 'Red Delicious', and 'Gold Delicious')

Peach varieties ('Harcot')

Pear varieties ('Seckel')

(Montague Tree Advisory Committee Request)

ARTICLE 29: To see if the Town will 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 creating a new Montague Tree Fund for the Fiscal Year beginning July 1, 2021, with the changes as shown in **bold** below; and to establish an annual spending limit of \$5,000 for said Montague Tree Fund revolving fund, and which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Selectboard, with the approval of the Finance Committee, may increase the limit for that fiscal year only, or pass any vote or votes in relation thereto.

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> Hazardous Materials Response Planning Committee (a.k.a. SARA Title III Committee)	<u>Spending Authority</u> SARA Title III Comm	<u>Revenue Source</u> Fees collected from individuals responsible for oil and hazardous material spills	<u>Allowed Expenses</u> For the purpose of cleaning up oil and hazardous material spills
Montague Tree Fund	Tree Warden	Fees received under the Public Tree Protection Bylaw	Tree planting and maintenance consistent with the Public Tree Protection Bylaw

(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 53E $\frac{1}{2}$.

(Montague Tree Advisory Committee Request)

Given under our hands this 3rd day of May in the Year of Our Lord Two Thousand and Twenty One.

Michael Nelson

Christopher M. Boutwell, Sr.

Richard Kuklewicz, Chairman
Selectboard, Town of Montague

Franklin, ss Montague, MA May ____, 2021

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least seven days before said meeting as within directed.

Constable of Montague

actions and execute all documents necessary and appropriate for said acquisition and acceptance, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,775,731, or any other amount, for the maintenance of the several departments of the Town, said sums to be allocated in accordance with Schedule III, Budget, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374> and for any other necessary changes, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,586,971, or any other amount, 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, a copy of which is on file in the Office of the Town Clerk and on the Town's website at <https://www.montague-ma.gov/p/374>, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$78,950, or any other amount, for the purpose of funding the operations, maintenance, and debt service of the Colle Building, or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$206,164, or any other amount, for the purpose of operating the Turners Falls Airport, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,221,005, or any other amount, for the purpose of paying the Franklin County Technical School District for

and equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$250,000, or any other amount, for the purpose of purchasing and equipping a six wheel dump truck with plow and sander, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Department of Public Works Request)

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$75,000, or any other amount, for the following Town projects and any and all incidental and related costs, or to pass any vote or votes in relation thereto.

- A. \$25,000 Unsafe Unhealthy Buildings
- B. \$25,000 for Unexpected Engineering Services
- C. \$25,000 for Bid/Project Overrun

(Town Administrator and CIC Requests)

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000, or any other amount, for the purpose of a Building Assessment and Capital Plan Study, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(CIC Request)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$32,500, or any other amount, for the purpose of a Phase II Environmental Study for 500 Avenue A, including any and all incidental and related costs, or to pass any vote or votes in relation thereto.

(Town Planner Request)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,050, or any other amount, for costs associated with the establishment and operation of a marijuana establishment known as 253 Farmacy, or pass any vote or votes in relation thereto.

on a plan entitled "Easement Plan Canal Street & Fifth Street Bridge," dated April 5, 2021, prepared by Sherman & Frydryk, as said plan may be amended, a copy of which plan is on file with the Town Clerk, and such other permanent and temporary easements adjacent to and within 500 feet of said easements, and further to see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$700, or any other amount, to fund such acquisitions; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 25: To see if the Town will vote to authorize the Selectboard to file a petition to join the Pioneer Valley Mosquito Control District, if the Selectboard determines that joining said District is in the best interests of the Town, and to authorize the Selectboard to execute any and all documents and to take such actions as may be necessary to effectuate the purposes of this article; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$10,000, or any other amount, for the purpose of mosquito control, and anything incidental or related thereto, which may include but not be limited to paying an assessment for the Town's membership in the Pioneer Valley Mosquito Control District; or pass any vote or votes in relation thereto.

(Selectboard Request)

ARTICLE 27: Petitioned Article

**A Resolution in Opposition to State Subsidies and & Incentives
for Biomass Plants**

WHEREAS, the Town Meeting of Montague is committed to ensuring and safeguarding the health, safety, and environment of the residents in our community, and

WHEREAS, wood-burning biomass plants are a highly polluting form of energy generation, know to release pollutants including fine particulate matter, volatile organic compounds, nitrogen oxides, carbon monoxide, and carbon dioxide, and

WHEREAS, the Commonwealth adopted science-driven Renewable Portfolio Standard (RPS) regulations in 2012 recognizing that wood-burning power plants emit more carbon dioxide than fossil fuel power plants per unit of energy generated, and

Montague Public Tree Protection Bylaw

1. Preamble:

The Town of Montague recognizes that trees are an asset to the community and provide a healthier and more beautiful environment in which to live. Trees improve air quality and provide shade, wildlife habitat, and beauty. Trees give protection from wind, glare and noise, and act as barriers and water quality protection. Public trees and landscaping are economically beneficial in attracting new residents, shoppers, visitors and industry. When properly chosen varieties are planted in appropriate settings, trees enhance property values, promote the economic viability of commercial districts, and enhance the desirability and sustainability of residential neighborhoods.

2. Intent and Purpose:

This by-law is enacted for the purpose of preserving and protecting public shade trees pursuant to Massachusetts General Law Chapter 87. It is also enacted to encourage the planting of more public shade trees than are removed to compensate for tree losses and the time it takes for trees to mature.

3. Definitions:

Critical Root Zone (CRZ): Defined by measuring outwards from the trunk a minimum of 1.25 feet for every inch diameter of tree trunk four feet above the ground. For any tree, a minimum of six feet must be protected around trees regardless of the trunk diameter.

Public Tree: Any tree within public right-of-way, in a municipal park, or adjacent to public buildings.

Right-of-Way: All land within the boundaries of the public right-of-way as set forth by an order of the town laying out a public way. The public right-of-way may include not only the traveled surface of the public way but lands adjacent thereto, including sidewalks and the tree belt.

Drip Line: Drip line of a tree is the area defined by the outermost circumference of a tree's canopy, where water drips from and onto the ground.

4. Tree Warden:

The Tree Warden is an elected position pursuant to Massachusetts General Law, Chapter 41, Section 106.

The duties and responsibilities of the Tree Warden shall conform to the Massachusetts General Law Chapter 87 and shall include, but not be limited to the following:

- Care, control, and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons; and the care, control, and management of trees within parks if so requested by the Director of Parks and Recreation;
- Expenditure of funds for public tree planting and maintenance consistent with this bylaw and Massachusetts General Law Chapter 87;