

Town of Shirley
Massachusetts



WARRANT

for the

**2017 SPECIAL
TOWN MEETING**

Ayer-Shirley Regional Middle School
Auditorium, 1 Hospital Road
Beginning Monday, November 13, 2017 at 7:15PM

DRAFT

8/21/17

**Town of Shirley Warrant, Special Town Meeting,
Monday, November 13, 2017**

ORDER OF ARTICLES

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1. Article 1 Amend Wage and Classification Schedule	3

NOTICE

If the business of this Warrant for the Special Town Meeting is not concluded on Monday, November 13, 2017, it is proposed to adjourn as follows, provided that the Meeting so votes: to Tuesday, November 13, 2017.

DRAFT

**Town of Shirley
Special Town Meeting
November 13, 2017
Warrant**

Middlesex, ss.

Commonwealth of Massachusetts

To any of the Constables of the Town of Shirley in said County,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley on Monday, the thirteenth day of November 2017 at 7:15 p.m., to consider the following:

ARTICLE 1: Amend FY18 Wage and Classification Schedule

To see if the Town will vote to:

- a) Amend the Salary Classification Plan, as set forth in Appendix A; Or take other action relative thereto.

Summary: *The Town adopted a salary classification plan and wage scale at the 1998 Annual Town Meeting; the plan has been revised since the 2017 Annual Town Meeting.*

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN & PERSONNEL BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 2: Funding Collective Bargaining Agreements

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Shirley Fire, Clerical, DPW, Dispatch and Police Unions, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2018 and fiscal year 2020; or take any other action relative thereto.

Summary: The Town and the Shirley reached agreement on contracts for all five of its unions. This contracts approves the final funding.

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 3: Supplemental Appropriation of Funds for Fiscal Year 2018

To see if the Town will vote to amend the Fiscal Year 2018 budget as voted under Article 9 of the 2017 Annual Town Meeting by transferring certain sums of money within said budget and by appropriating a sum or sums of money to supplement said budget, with said supplemental appropriations to be transferred from available funds or raised by taxation, all for the purposes and in the amounts specified in the chart below; or take any other action relative thereto.

Line Item Number	Department/Account Name	FY2018 Approved	Proposed (Reduction/Increase)	FY2017 Revised Budget
211	Lieutenant Salary	\$00.00	\$63,865	\$63,865
211	Goulden Separation Agreement	\$00.00	\$65,000	\$65,000
422	DPW	\$197,316	\$10,440	\$207,756
251	Communications	\$179,149.36	\$8,500	\$187,649.36
221	Fire	\$88,948.80	\$2,670.40	\$91,619.20

Summary:

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 4: Line Item Transfers Clerical Union

To see if the Town

From Line to Line	Department	FY 18 Approved	Proposed (Reduction/Increase)	FY2018 Revised Budget
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Summary:

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 5: Transfer to OPEB Liability Trust Fund

To see if the Town will vote to transfer a sum of monies to the Other Post Employment Benefit (OPEB) Trust Fund by a transfer from Free Cash; or take any other action relative thereto.

Summary: *This article transfers a sum of money to the OPEB Trust Fund. OPEB is an unfunded liability that the state has not mandated funding of, unlike retirement. The Fund was adopted at previous Town Meeting. Last Year the Town appropriated \$10,000.00 and the Board of Selectmen does not wish to exceed this amount.*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 6: Prior Year Bills FY 2017

To see if the Town will vote to transfer \$2,284 to pay bills incurred in a prior fiscal year by a transfer from available funds; or take any other action relative thereto.

The fiscal year ends on June 30th of each year. However, the General Laws provide further that the Town has until July 15th for departments to submit all charges against their budgets to the Town Accountant. This process allows the Town to close its books on a fiscal year and submit financial reports to the Commonwealth on a timely basis. However, on a few occasions, there are invoices that are received well past the July 15th deadline.

This article seeks funding for the following prior year bill(s):

A 4/5 vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 7: Transfer to the General Stabilization Fund

To see if the Town will vote to transfer a sum of money to the General Stabilization Fund by a transfer from available funds; or take any other action relative thereto.

Summary: This article transfers to the General Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the General Stabilization Fund. The balance as of _____

A two-thirds vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 8: Transfer to the Capital Stabilization Fund

To see if the Town will vote to transfer a sum of money to the Capital Stabilization Fund by a transfer from available funds; or take any other action relative thereto.

Summary: This article transfers to the Capital Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the Capital Stabilization Fund. The balance as of _____

A two-thirds vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen:

Finance Committee:

ARTICLE 9: Feasibility Study, Old School House

To see to if the Town.....

Summary:

A majority vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen:
Finance Committee:**

ARTICLE 10: Road Acceptance Morse Circle

To see if the Town will vote to adopt Morse Circle as a public Way; or take any other action relative thereto.

Summary:

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 11: Road Acceptance Apple Orchards (Windsor Road, Brandywine Lane, Gideon Lane, and Cider Court)

To see if the Town will vote to adopt Windsor Road, Brandywine Lane, Gideon Lane, and Cider Court as a public Way; or take any other action relative thereto.

Summary:

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 12: Marijuana Zoning Bylaw

To see if the Town will vote to amend the Town's Protective Zoning By-laws by adding a new Section ____, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section ____,

"Temporary Moratorium on Recreational Marijuana Establishments".

Section ____ PURPOSE:

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulation regarding the licensing of commercial activities by March 15, 2018 and to begin accepting application for licenses on April 1, 2018. Currently under the Zoning By-law, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, Section 1, is not specifically addressed in the Zoning By-law. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of location regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact by-laws in a consistent manner.

Section __ DEFINITION:

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Section ____ Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning By-law amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.

Or take any action relative thereto.

Summary:

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

ARTICLE 13: PROPOSED BY-LAW CHANGE:

To see if the Town will vote to amend Town By-law, Article XXXII, Stormwater Management Control By-law, Section 7.0 as follows:

FROM:

7.0 Permits and Procedures Public Hearing.

The Board shall make a determination of the completeness of an application within twenty-one (21) calendar days from the submittal. The Board shall hold a public hearing within twenty-one (21) calendar days of the receipt of a complete application as specified by the regulations and shall take final action within twenty-one (21) calendar days from the time of the close of the hearing unless such time is extended by agreement between the applicant and The Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to all abutters at least fourteen (14) calendar days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at Shirley Permit Granting Authority office. All expenses associated with the notice of Public Hearing shall be at the applicant's expense. The Board, at its discretion, may hold concurrent public hearings for other hearings required under state, federal or local law or Bylaws.

Start of Development. Prior to the start of development the following items must be met. 1. There shall be a fourteen (14) calendar day waiting period from the close of the hearing to allow for any appeals of the Permit Granting Authority's procedures and subsequent decision. Any and all appeals shall be rectified before any Start of Development.

TO:

7.0 Permits and Procedures Public Hearing.

The Board shall make a determination of the completeness of an application within twenty-one (21) calendar days from the submittal. The Board shall hold a public hearing within sixty five (65) calendar days of the receipt of a complete application as specified by the regulations and shall take final action within twenty-one (21) calendar days from the time of the close of the hearing unless such time is extended by agreement between the applicant and The Board. The Planning Board will request feedback from other Town Departments after receipt of the application but prior to the Public Hearing. Notice of the public hearing shall be given by publication and posting and by first-class mailings to all abutters at least fourteen (14) calendar days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at Shirley Permit Granting Authority office. All expenses associated with the notice of Public Hearing shall be at the applicant's expense. The Board, at its discretion, may hold concurrent public hearings for other hearings required under state, federal or local law or Bylaws.

Start of Development. Prior to the start of development the following items must be met. 1. There shall be a twenty one (21) calendar day waiting period from the close of the hearing to allow for any appeals

of the Permit Granting Authority's procedures and subsequent decision. Any and all appeals shall be rectified before any Start of Development.

Summary:

A two-thirds vote is required for passage of this article.

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen:
Finance Committee:**

**ARTICLE 14: Conservation Commission GIS Software System
\$1,250 software, \$3,000 laptop**

ARTICLE 15: Transfer to Land Acquisition Trust

To see if the Town will transfer up to \$10,000.00 and add said amount to the Conservation Land Acquisition Fund, Account #820000-171, such amount to be provided by transfer from available funds (Free Cash).

Summary: The Conservation Commission seeks to replenish said fund for the purposes said fund was established.

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN
CONSERVATION COMMISSION**

**Board of Selectmen:
Finance Committee:**

ARTICLE 16: Revolving Funds Bylaw

To see if the Town will vote pursuant to G.L. c.44, §53E½ to authorize revolving funds for the following departments for Fiscal Year 2018 as set forth below, amend the General Bylaws by inserting the following new bylaw, and establish fiscal year spending limits, all as specified below:

Revolving Funds Bylaw

Section 1. There are hereby established in the Town of Shirley pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

Section 2. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

Section 3. No liability shall be incurred in excess of the available balance of the fund.

Section 4. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

Section 5. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

Section 6. Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	ENTITY AUTHORIZED TO SPEND
<i>Van service for transporting the elderly and disabled</i>	Fees, fares or reimbursement from Montachusett Regional Transportation Authority	Council on Aging
<i>Postage and Legal Advertisements - Legal advertisements and postage funded by applicants for licenses, permits, etc. to pay costs of plan review, engineering services and related expenses for permitting of septic systems (other than Planning Board)</i>	Charges, costs and fees advanced or reimbursed by applicants in connection with applications for licenses, permits, variances or other matters	Town Administrator at request of various departments
<i>Board and Caring for Impounded Dogs</i>	Fines and payments by owners for boarding dogs	Police Department
<i>Wetlands By-law Expenses - Expert engineering and consulting services retained by the Conservation Commission for review of applications under the Wetlands Bylaw</i>	Costs and fees advanced by applicants	Conservation Commission
<i>Fees and Expenses of Animal Inspector - payment of Animal Inspector's stipend, fees and other program expenses</i>	Fees and charges assessed to owners for inspection of domestic animals in accordance with G.L. c.129, §19	Board of Health
<i>Deputy Collector Fees – payment of statutory fees earned by the Town's Deputy Collector</i>	Fees added to and paid with overdue bills	Town Collector
<i>Field Driver Fees – payment of fees and expenses of Town's Field Driver</i>	Fees and charges assessed to owners for collecting, transporting and impounding strayed animals	Police Department
<i>Police Lock-up – provide lock-up facilities for other governmental</i>	Fees paid for use of cells	Police Department

<i>entities</i>		
<i>Planning Board Fees – expert engineering and other consulting services and for required legal advertising and expenses incurred by the Planning Board for review of applications under its Subdivision Control Regulations</i>	Costs and fees advanced by applicants	Planning Board
<i>Recycling – Expenses for recycling cardboard, glass, metals, paper, plastics, etc.</i>	Payments for recycled materials	Board of Health
<i>Recreational Fields – maintenance, equipment and supplies, renovations and/or improvements to any and all Town-owned recreation fields, including related design services</i>	Fees assessed in connection with use of fields	Recreation Fields Committee
<i>Medical Transport Expenses – costs of transportation to medical events for the elderly that supplement services provided by the MART van</i>	Fares	Council on Aging
<i>Newsletter – advertising and printing monthly COA newsletter</i>	Revenue from advertisements	Council on Aging
<i>Conservation Land – costs of oversight and management of conservation land, including forestry</i>	Revenue from forestry undertaken on Town-owned conservation land	Conservation Commission

Section 7. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

REVOLVING FUND PROGRAM OR PURPOSE	Exenditure Limit
<i>Van service</i>	\$52,000
<i>Postage and Legal Advertisements (other than Planning Board)</i>	\$5,000
<i>Boarding and Caring for Impounded Dogs</i>	\$5,000
<i>Wetlands By-law Expenses -</i>	\$25,000
<i>Animal Inspector Fees and Expenses</i>	\$3,000
<i>Deputy Collector Fees</i>	\$15,000

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Field Driver Fees	\$2,000
Police Lock-up	\$5,000
Planning Board Fees	\$40,000
Recycling	\$3,000
Recreational Fields	\$25,000
Medical Transport Expenses	\$3,500
Newsletter	\$4,000
Conservation Land	\$25,000

Sponsored by:
BOARD OF SELECTMEN

Board of Selectmen:
Finance Committee:

Summary:

Some of the Town's governmental functions are able to produce enough revenue, through fees, grants, and the like, to support particular expenses. Formerly the Town had to raise the expense money at Town Meeting and then offset the appropriation with estimated receipts to keep the tax rate at a minimum. More recently state law has provided for the use of revolving funds, and now this article has become a standard article in Shirley.

The result is essentially the same, but the balancing is demystified. The voter can clearly see what is happening, rather than worry whether a particular revenue stream is truly being used to fund the service for which it is received versus some other unrelated function. The law requires that revolving funds generally be voted at an Annual Town Meeting and renewed annually.

With passage of the Municipal Modernization Act, the Town must adopt a general bylaw to establish the funds. For this year only, the Department of Revenue has also recommended that the Town also approve revolving funds in a manner similar to past years. The above article therefore lists the proposed revolving funds, proposes a bylaw, and establishes fiscal year spending limits. Note further that in contrast to past years, the revolving fund receipts do not include gifts and grants, as, pursuant to G.L. c.44, §53A, such monies must be separately accounted for and can be spent by the recipient of the grant or gift for such purposes without further appropriation.

A majority vote is required for the passage of this article.

* * * *

DRAFT

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Senior Center in Shirley Center, and a like copy at the United States Post Office in Shirley Village, fourteen days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this _____ Day of _____, 2017.

BOARD OF SELECTMEN

Holly Haase, Chair

Enrico Cappucci, Clerk

A true copy.
Attest:

Bill Olfke
Town Clerk

* * * *

DRAFT

* * * *

RETURN OF SERVICE

I certify that on the _____ Day of _____, 2017, I duly posted true and attested copies of the foregoing Warrant at the following places and times:

Town Offices _____ M.

U. S. Post Office _____ M.

Senior Center _____ M.

Hazen Memorial Library _____ M.

Constable, Signature

Constable, Printed Name

* * * *

DP-1