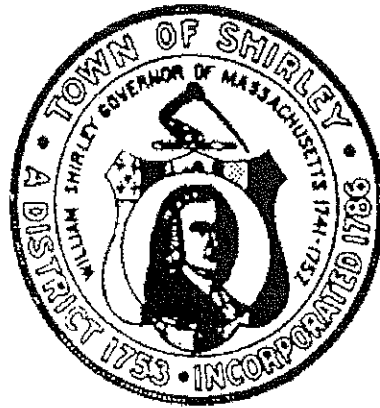


Town of Shirley
Massachusetts



WARRANT

for the

**2017 SPECIAL
TOWN MEETING**

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

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

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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 14, 2017.

**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: Accept Report

To see if the Town will vote to provide its non-binding support for the Open Space and Recreation Plan prepared by the Open Space and Recreation Plan Committee and submitted to the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services, as on file with the Town Clerk; or take any other action relative thereto.

Summary: *This is a non-binding vote with respect to the Open Space and Recreation Plan.*

Sponsored by:
BOARD OF SELECTMEN

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: AT TOWN MEETING

ARTICLE 2: Amend FY18 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 which plan has been updated by Town Meeting from time to time, including at the 2017 Annual Town Meeting. It is proposed that the plan be further updated to add the Police Lieutenant and DPW Reserve positions. The Personnel Board recommended this Article at its Monday, October 16, 2017 meeting.*

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

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

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 3: Funding Collective Bargaining Agreements

To see if the Town will vote to approve the cost items of collective bargaining agreements between the Town and the Shirley Fire, Clerical, DPW, Dispatch and Police Unions for the period July 1, 2017 through June 30, 2019, and to raise and appropriate or transfer from available funds a sum of money to defray the cost of salary and wages provided for the first fiscal year of such agreements; or take any other action relative thereto.

Summary: *The Town of Shirley reached agreement on contracts for all five of its unions. This article asks for funding.*

Line Item Number	Department/Account Name	FY2018 Approved	Proposed Increase	FY2018 Revised Budget
211	Police Salaries, Wages (Hourly) Union	\$640,021.80	\$10,000	\$650,021.80
422	DPW, Wages Union	\$197,316	\$10,440	\$207,756
211	Police Expenses	\$97,600	\$1,330	\$98,930
221	Fire, Full-Time Union	\$88,948.80	\$3,903.00	\$92,851.80
171	Conservation Commission Wages Union	\$18,814.45	\$4,473	\$23,287.45
176	Land Use Wages Union	\$14,723.53	\$6,100	\$20,823.53
422	DPW Wages Clerical Union	\$19,802.07	\$1,346	\$21,148.07
511	Board of Health Wages Union	\$15,726.82	\$1,608	\$17,334.82
512	Board of Health/Recycling Wages Union	\$4,610.30	\$573	\$5,183.30
541	Council on Aging	\$26,736.32	\$2,030	\$28,766.32

611	Library Wages Hourly	\$104,715.19	\$11,018	\$115,733.19
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Police Expenses: This is to cover a negotiated contractual increase in the clothing allowance.

Police: This amount will fund for FY2018 the collective bargaining agreement reached with the Town.

DPW: This amount will fund for FY2018 the collective bargaining agreement reached with the Town.

Clerical: This amount will fund for FY2018 the collective bargaining agreement reached with the Town.

A majority vote is required for the passage of this article, unless Stabilization funds are used, which requires a 2/3 vote.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

Article 4: Prior Year Bills 2017

To see if the Town will vote to transfer from Free Cash or other available funds a sum of money to pay bills incurred in a prior fiscal year; or take any other action relative thereto.

Summary: *The fiscal year ends on June 30th each year. However, the General Laws provide further that the Town may pay additional departmental charges for that fiscal year until July 15th. This process allows the Town to close its books for the fiscal year and submit timely financial reports to the Commonwealth. However, on a few occasions, invoices are received well past the July 15th deadline and therefore require appropriation by Town Meeting.*

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

Sewer Commission: \$1,364.00 Weston and Sampson Invoice April 18, 2017, likely to be paid through a transfer from the FY2018 departmental appropriation.

Planning Board: \$95.60 Lowell Sun Publishing Invoice June 6, 2017, likely to be paid through a transfer from the FY2018 departmental appropriation.

Veterans Event: \$1,545.89 Various Vendors for Memorial Day Celebrations, likely to be paid from free cash.

A 9/10 vote is required for the passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 5: 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 to supplement said budget, all for the purposes and in the amounts specified in the chart below; and, as funding therefor, to raise and appropriate or transfer from available funds, including line items within said budget, such sum or sums, or take any other action relative thereto.

Line Item Number	Department/Account Name	FY2018 Approved	Proposed Increase	FY2018 Revised Budget
211	Police Salaries (SEE CHART BELOW)	\$95,851.00	\$117,005.18	\$212,856.18
122	Selectmen Expenses	\$28,770	\$1,300 (minutes) \$2,000 (grant to TADS)	\$32,070.00
491	Cemeteries Expenses	\$6,300	\$2,000	\$8,300

Summary:

Police Salaries: This funding will allow the Town to meet certain salary and contractual obligations, as follows:

Previously Appropriated FY18 Salary \$95,851.00				
Position	Salary	Need 19.1 PR	Balance as of 10/17/17	Total Transfer From Free Cash
Police Chief (Santiago)	\$88,514.00	\$61,975.68		
Lieutenant (Cromwell Salary*)	\$57,515.37	\$ 46,916.90		
Claim Settlement (Cromwell)	\$15,000.00	\$15,000.00		
*Not a full Fiscal Year	\$72,515.37	\$ 61,916.90		
Police Chief (Goulden Settlement Agreement)	\$65,250.00	\$47,750.00		
	\$298,794.74	\$171,642.58	54,637.40	\$117,005.18

Selectmen Expenses: The will allow the Town to contract for services to prepare backlogged meeting minutes.

The entity known as Teenage Anxiety and Depression Solutions (TADS) wishes to provide services in Shirley. TADS is a non-profit 501(c)(3) entity devoted to addressing issues of mental health by raising awareness, providing education, and enabling access to care for all residents. If approved, the Board would enter into a grant agreement with TADS for the purpose of furthering awareness of and enabling access to mental health care in Shirley.

Cemeteries: *The current cemetery software system is antiquated and needs to be replaced. This amount will fund the expense to input existing cemetery data from the old software system to the new software system.*

A majority vote is required for the passage of this article, unless Stabilization funds are used, which requires a 2/3 vote.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION

Finance Committee:

Line 211-RECOMMEND FAVORABLE ACTION 3-2

Line 122-RECOMMEND FAVORABLE ACTION 3-2

LINE491-RECOMMEND FAVORABLE ACTION 5-0

ARTICLE 6: Transfer to OPEB Liability Trust Fund

To see if the Town will vote to transfer a sum of money from Free Cash to the Other Post Employment Benefit (OPEB) Trust Fund; 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 neither the state nor the federal government has required funding, unlike retirement obligations. The Fund was adopted at a previous Town Meeting. Last Year the Town appropriated \$10,000.00 and the Board of Selectmen does not wish to exceed that amount this year.*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION

Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 7: Transfer to Land Acquisition Trust

To see if the Town will transfer from Free Cash a sum of money not in excess of \$10,000.00 to the Conservation Land Acquisition Fund, Account #820000-171; or take any other action relative thereto.

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

A majority vote is required for passage of this article.

Sponsored by:

**BOARD OF SELECTMEN
CONSERVATION COMMISSION**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 8: Authorize Appropriation for Town Offices Boiler

To see if the Town will vote to transfer from available funds a sum or sums of money and/or authorize a lease purchase or other agreement for such purposes for a term of no more than ten years for the acquisition and installation of a new boiler for the Town Offices, including all incidental and related expenses; or take any other action relative thereto.

Summary: *The boiler in the Town Offices has rusted and needs to be replaced; repair is not an option. This article seeks authorization to replace the unit before complete failure.*

A 2/3 vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 9: Schoolhouse Number 8 Floor Repair

To see if the Town will vote to transfer from Free Cash or other available funds the sum of \$10,000 to repair the floor in the Town-owned building commonly known as Schoolhouse Number 8, on Church Street, including all incidental and related expenses; or take any other action relative thereto.

Summary: *This is a request from the Shirley Historical Society in the efforts to preserve the Schoolhouse on Church Street. This is a one-time expense that will allow for the building to be utilized by the public.*

A majority vote is required for passage of this article, unless Stabilization funds are used, which will require a 2/3 vote.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

ARTICLE 10: Landfill Expenses

To see if the Town will vote to transfer from Free Cash or other available funds the sum of \$10,000 for the purpose of expenses related to the operation of the Landfill resulting from the locating of a solar array on such property; or take any other action relative thereto.

Summary: *This funding is intended to offset costs generated at the Landfill. The Board of Health is seeking additional funding it feels is needed due to the addition of a solar development on the Landfill site.*

A majority vote is required for passage of this article, unless Stabilization funds are used, which will require a 2/3 vote.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND UNFAVORABLE ACTION

ARTICLE 11: Transfer to the General Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the General Stabilization Fund; 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. Further, 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 October 2017 \$823,590.05*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: AT TOWN MEETING
Finance Committee: AT TOWN MEETING

ARTICLE 12: Transfer to the Capital Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the Capital Stabilization Fund; 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. Further, 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 October 2017 \$455,822.*

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen: AT TOWN MEETING
Finance Committee: AT TOWN MEETING**

ARTICLE 13: Road Acceptance Morse Circle

To see if the Town will vote to adopt Morse Circle as a public Way, as laid out by the Board of Selectmen and shown on a plan entitled, "As Built Plan - Morse Circle", dated July 2017 on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Shirley, and any drainage, utility, access, and/or other related easements; or take any other action relative thereto.

Summary: *If approved as a public way, as with all public ways, the Town will be responsible for maintenance.*

A majority vote is required for passage of this article.

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

**Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION**

ARTICLE 14: 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; as laid out by the Board of Selectmen and shown on a plan entitled, "Construction Record Drawing", dated August 2016, revised October 23, 2017 on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Shirley, and any drainage, utility, access, and/or other related easements; or take any other action relative thereto.

Summary: *If approved as a public way, as with all public ways, the Town will be responsible for maintenance.*

A majority vote is required for passage of this article.

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

**Board of Selectmen: AT TOWN MEETING
Finance Committee: AT TOWN MEETING**

ARTICLE 15: Temporary Moratorium on MEDICAL Marijuana

To see if the Town will vote to amend the Town of Shirley's Protective Zoning Bylaws to add a new Section 14.17, entitled: **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, as set forth below, and to amend the Table of Contents for said Bylaws to add said section accordingly, or take any other action relative thereto.

14.17 Temporary Moratorium on Medical Marijuana Treatment Centers

14.17.1 Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth enacted Chapter 369 of the Acts of 2012, entitled "An Act for the Humanitarian Medical Use of Marijuana", regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013, and on May 24, 2013, the State Department of Public Health issued regulations under the act governing the cultivation, processing and distribution of medical-use marijuana. On July 28, 2017, Governor Baker signed "An Act to Ensure Safe Access to Marijuana" (the "Act"), adopted as Chapter 55 of the Acts of 2017. The Act makes a number of significant changes to the regulation of medical-use marijuana, including, but not limited to, the eventual repeal of Chapter 369 of the Acts of 2012, the transfer of the oversight and regulation of medical-use marijuana from the Department of Public Health to the newly-created Cannabis Control Commission, and the adoption of new requirements for the cultivation, processing, distribution, possession and use of marijuana for medical purposes. Pursuant to the Act, the Commission is required to promulgate new rules and regulations for the medical use of marijuana, including the licensing and operation of Medical Marijuana Treatment Centers. Currently under the Zoning Bylaws, the cultivation, processing, or distribution of marijuana for medical purposes is not a permitted use in the Town and regulations promulgated by the Commission are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers.

The regulation of medical marijuana raises complex legal, planning and public safety issues. The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such complex issues, as well as to address the potential

impact of State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers will allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

14.7.2 Definition

"Medical Marijuana Treatment Center" shall mean an establishment approved under a medical use marijuana license that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

14.7.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through December 31, 2018, or until the Town adopts Zoning Bylaw amendments that regulate Medical Marijuana Treatment Centers, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the impact of the "The Regulation and Taxation of Marijuana Act" and the "Act to Ensure Safe Access to Marijuana" and regulations adopted thereunder, and consider adopting new zoning bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Summary: *This amendment serves to adopt a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through December 31, 2018, or until the Town adopts Zoning Bylaw amendments that regulate Medical Marijuana Treatment Centers, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the impact of current and future regulations. The Planning Board recommends favorable action on this Article.*

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

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen: AT TOWN MEETING
Finance Committee: AT TOWN MEETING**

ARTICLE 16: Temporary Moratorium on RECREATIONAL Marijuana

To see if the Town will vote to amend the Town of Shirley's Protective Zoning Bylaws to add a new Section 14.18 entitled, "TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS", as set forth below, and to amend the Table of Contents accordingly, or take any other action relative thereto.

Section 14.8.1 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 14.8.2 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 14.8.3 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 December 31, 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: *This amendment serves to adopt a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishments. The moratorium shall be in effect through December 31, 2018, or until the Town adopts Zoning Bylaw 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 medical marijuana in the Town, consider the*

impact of current and future regulations. The Planning Board recommends favorable action on this Article.

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

**Sponsored by:
PLANNING BOARD**

**Board of Selectmen: AT TOWN MEETING
Finance Committee: AT TOWN MEETING**

ARTICLE 17: Proposed Change STORMWATER Management Town Bylaw

To see if the Town will vote to amend Town By-laws, Article XXXII, Stormwater Management Control By-law, Section 7.0, by deleting the strike through text and inserting the underlined text as follows:

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)~~ 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. The complete application must be reviewed by a qualified engineer at applicants expense. 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)~~ twenty one (21) calendar day waiting period from the receipt of decision submitted to the Town Clerk 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. 2. Building Inspector shall not issue a building permit until appeal period is over.

Or take any action relative thereto.

A majority vote is required for passage of this article.

**Sponsored by:
BOARD OF SELECTMEN**

**Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION**

ARTICLE 18: 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	Fiscal Year Expenditure Limit
<i>Van service for transporting the elderly and disabled</i>	Fees, fares or reimbursement from Montachusett Regional Transportation Authority	Council on Aging	\$52,000
<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	\$5,000
<i>Board and Caring for Impounded Dogs</i>	Fines and payments by owners for boarding dogs	Police Department	\$5,000
<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	\$25,000

<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	\$3,000
<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	\$15,000
<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	\$2,000
<i>Police Lock-up - provide lock-up facilities for other governmental entities</i>	Fees paid for use of cells	Police Department	\$5,000
<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	\$40,000
<i>Recycling - Expenses for recycling cardboard, glass, metals, paper, plastics, etc.</i>	Payments for recycled materials	Board of Health	\$3,000
<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	\$25,000
<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	\$3,500
<i>Newsletter - advertising and printing monthly COA newsletter</i>	Revenue from advertisements	Council on Aging	\$4,000
<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	\$25,000

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.

Or take any action relative thereto.

**Sponsored by:
BOARD OF SELECTMEN**

Board of Selectmen: RECOMMEND FAVORABLE ACTION
Finance Committee: RECOMMEND FAVORABLE ACTION

Summary: *Some of the Town's governmental functions produce enough revenue, through fees, grants, and the like, to support particular expenses. Formerly, the Town had to raise the funds at Town Meeting and then offset the appropriation with estimated receipts. More recently, however, state law has provided for the use of departmental revolving funds, whereby departmental receipts in connection with a particular program are able to be expended for program purposes without further appropriation by Town Meeting. The use such revolving funds is now standard practice in Shirley, with Town Meeting voting annually to establish, for each fund, the purpose for which funds can be*

expended, the revenues to be credited, the entity authorized to expend, and the limit on annual expenditures.

While the result is essentially the same, the balancing is demystified. The voter can clearly see how a particular program is being funded, resolving concerns as to whether a particular revenue stream is truly being used to fund the service for which it is received. Use of revolving funds also allows the Town to avoid raising through taxation revenues that prove unnecessary, such as if, for example, participation in a program decreases from the prior year.

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, which action was undertaken at the Annual Town Meeting. Note further that in contrast to past years, 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.

* * * *

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 23rd Day of October, 2017.

BOARD OF SELECTMEN



Holly Haase, Chair Enrico Cappucci, Clerk

A true copy.

Attest:


William Oelfke
Town Clerk

* * * *

Town of Shirley
Salary Classification Schedule (2018)

APPENDIX A

Grade	Position
16	None
15	Town Administrator
14	Police Chief
13	Fire Chief Public Works Director
12	None
11	Accountant/Budget Officer Information Technology Administrator Town Treasurer Town Collector Lieutenant
10	Library Director
9	None
8	None
7	Executive Assistant to the Selectman
6	Reserve Police Officer DPW Reserve
5	Conservation Secretary
4	Finance Committee Admin. Secretary Police Matron
3	Dispatcher-Part-time
2	None
1	None

* * * *

RETURN OF SERVICE

CONSTABLE

7 KEADY WAY

SHIRLEY, MA 01464

I certify that on _____, 2017 I duly posted true and attested copies of the foregoing Warrant for the November 13, 2017 Special Town Meeting at the Shirley Town Offices, Hazen Memorial Library, U.S. Post Office, and the Shirley Senior Center.

KEITH KEADY
Constable

A True Attest:

WILLIAM OELFKE
Town Clerk

* * * *