

**ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 7, 2011**

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 in the Turners Falls High School Theater on Saturday, May 7, 2011, at 8:45 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.

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen, or other Town departments with the approval of the Board of Selectmen, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts, or any other source, and to expend the same for purposes received without further appropriation, or pass any vote or votes in relation thereto.
(Board of Selectmen Request)

ARTICLE 3. To see if the Town will vote in accordance with Massachusetts General Law Chapter 44, Section 53E ½, as amended, to reauthorize a revolving fund for the Hazardous Materials Response Planning Committee (a.k.a. the SARA Title III Committee) into which fund will be placed the fees collected from individuals responsible for oil and hazardous material spills, and to further authorize the SARA Title III Committee to expend up to a maximum of \$7,500 for the fiscal year beginning July 1, 2011 from the Revolving Fund for the purpose of cleaning up oil and hazardous material spills, or pass any vote or votes in relation thereto.
(Emergency Manager 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, 2011, or pass any vote or votes in relation thereto.

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, 2011, or pass any vote or votes in relation thereto.

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,311,792, or any other amount, for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes in relation thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,760,758, or any other amount, for the purpose of operating the Water Pollution Control Facility and associated pumping stations, or pass any vote or votes in relation thereto.
(Water Pollution Control Facility 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 \$90,600, 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.
(Board of Selectmen 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 \$36,427, 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 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$678,302, 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 11. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$7,576,183, 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 12. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,000, or any other amount, for the purpose of repairing the Sheffield Entrance Ramp, 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 \$7,000, or any other amount, for the purpose of repairing the Sheffield Auditorium Steps, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District 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 \$3,000, or any other amount, for the purpose of repairing the Sheffield Employee Parking Lot, or pass any vote or votes in relation thereto.

(Gill-Montague Regional School District 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 \$50,000, or any other amount, for the purpose of reroofing the operations building at the Water Pollution Control Facility, or pass any vote or votes in relation thereto.

(Water Pollution Control Facility 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 \$20,000, or any other amount, for the purpose of surveying the sanitary sewage pump stations, or pass any vote or votes in relation thereto.

(Water Pollution Control Facility 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 \$8,000, or any other amount, for the purpose of for the purpose of negotiating the cable television contract, or pass any vote or votes in relation thereto.

(Cable Advisory Committee 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 \$8,200, or any other amount, for the purpose of funding information technology equipment, parts, accessories, software and installations, or pass any vote or votes in relation thereto.

(Computer Liaison Request)

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 funding purchases and major repairs of DPW vehicles and equipment, or pass any vote or votes in relation thereto.

(DPW 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 \$54,055, or any other amount, for the purpose of funding lease payments for 2 Six Wheel Dump Trucks, or pass any vote or votes in relation thereto.

(DPW 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 \$222,951, or any other amount, for the purpose of purchasing a street sweeper, or pass any vote or votes in relation thereto.

(DPW Request)

ARTICLE 22. To see if the town will vote, in accordance with MGL Chapter 32, Section 101, paragraph 3, as amended by Sections 27 and 28 of Chapter 131 of the Acts of 2010, to approve the Montague Retirement Board's acceptance of an increase in the supplemental annual allowance provided to eligible widows of retirees, or to pass any vote or votes in relation thereto.

(Montague Retirement Board Request)

ARTICLE 23. To see if the town will vote in accordance with MGL Chapter 32 Section 103(j), as amended by Section 19 of Chapter 188 of the Acts of 2010, to approve the Montague Retirement Board's acceptance of an increase to the base amount for calculating retiree cost-of-living increases to \$18,000, or pass any vote or votes in relation thereto.

(Montague Retirement Board Request)

ARTICLE 24. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$58,000 or any other amount for the purpose of providing funding for pre-development work and site engineering for solar energy generation and industrial development on municipal land off Turnpike Road, or pass any vote or votes in relation thereto.

(Town Planner Request)

ARTICLE 25. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other amount for the purpose of funding purchases of Police equipment such as bullet-proof vests, tasers, computers, firearms, radios or similar items, or to pass any vote or votes in relation thereto.

(Police Department Request)

ARTICLE 26. To see if the Town will vote to stop the Selectboard from using any taxation money or free cash for the Strathmore Mill Complex effective 10 days after Town Meeting May 7, 2011.

(Petitioned Article)

ARTICLE 27. To see if the Town will vote to petition the General Court for a special act providing that legislation be adopted amending the Town's Representative Town Government Act as set forth below; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or pass any vote or votes in relation thereto:

An Act Relative to Representative Town Meeting in the Town of Montague

Section 1. Chapter 398 of the Acts of 1962, "Act establishing in the town of Montague representative town government by limited town meetings", as amended by Chapter 706 of the Acts of 1987, is hereby further amended by deleting sections 2 and 3 and inserting in place thereof the following:-

Section 2. The Town shall be divided into convenient voting precincts from time to time in accordance with the laws of the commonwealth.

Section 3. There shall be elected from each voting precinct 24 Town Meeting Members, all of whom shall be eligible to vote at Town Meetings. Town Meeting Members shall be elected by registered voters of each precinct for

terms of three years. Provided, however, that at the first regular Town election held after the total number of voting precincts has changed or precinct lines have been redrawn in accordance with the provisions of Section 2, the terms of all incumbent Town Meeting members shall terminate, and the eight candidates from each precinct receiving the highest number of votes shall serve for terms of three years, the next highest eight shall serve for terms of two years, and the next highest eight shall serve terms of one year. In the event of any tie vote, including a tie affecting the division into thirds as aforesaid, the members elected from the precinct shall by ballot determine their terms of office or who should serve as a Town Meeting Member. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail.

Section 2. Said chapter 398 is further amended by inserting, at the end of the first sentence of Section 18, the following:- or at such later time certain as may be specified in said resignation.

Section 3. Said Section 18 of chapter 398 is further amended by inserting in the second sentence after the words, "the town shall", the following:- immediately.

Section 4. Said chapter 398 is further amended by inserting a new section after section 18 to provide as follows:-
Town meeting members shall attend all representative town meeting sessions. Each calendar day during which any portion of a representative town meeting is conducted shall be deemed to be a single "representative town meeting session". Notwithstanding the preceding sentences, however, a member may be excused by the town moderator from attendance at a representative town meeting session. If a representative town meeting member fails to attend more than one representative town meeting session in a calendar year without being excused there from by the moderator, the position shall be deemed vacant by the town clerk and town moderator, acting jointly at a meeting posted in accordance with the Open Meeting Law. The town clerk shall keep a record of attendance at each representative town meeting session which shall reflect all excused and unexcused absences.

Section 5. Section 38 of said chapter 398 is further amended by inserting in the third sentence after the words, "limited town meetings," the following:- as amended from time to time.

Section 6. Said chapter 398 is further amended by deleting sections 5-8, 12-14, 15-16, 24, and 37, and renumbering all remaining sections accordingly.

Section 7. The terms of any incumbent town meeting members holding office on the effective date of this act shall not be affected merely by passage of this act; provided, however, that such incumbents shall be subject to the provisions of said chapter 398, as amended, following any precincting that may be required under Section 2 of chapter 398 as amended herein.

Section 8. This act shall take effect upon passage.

or to pass any vote or votes in relation thereto.

ARTICLE 28. To see if Town Meeting will appoint a committee to study the topic of redistricting specifically with regard to:

1. How many precincts shall exist in the Town.
2. Whether the makeup or form of town meeting should be changed.

Said committee will be in place within a month of the passage of this article. The Committee shall return to town meeting on or before November 20, 2011, with recommendations based upon their findings.

(Petitioned Article)

ARTICLE 29. To see if the Town will vote to amend Article VI of the By-Laws of the Town of Montague by striking the entire Section entitled "Unregistered Motor Vehicles" and replacing it with the following new language:

Unregistered Motor Vehicles

Section 1: Purpose

- A. It is the intent of this by-law to provide a mechanism for regulating, subject to reasonable and appropriate controls, certain types of activities having to do with the storage of unregistered vehicles within the Town of Montague while at the same time protecting and preserving the residential atmosphere of the various neighborhoods of the town.

Section 2: Definitions

APPEAL AUTHORITY: Board of Selectmen or its designee.

FARM VEHICLES: Motor vehicles or trailers used exclusively and specifically by a farmer, as defined in Massachusetts General Laws, Chapter 90, Section 1.

GARAGE: A building, as defined by the Montague Zoning By-Law, designed and constructed for the storage of motor vehicles, for which a permit is required to erect or construct. For the purposes of this By-Law, the term “garage” does not include any structure whose exterior walls and/or roof are made of tarpaulin type material.

OPERATING CONDITION: Capable of being used in its existing condition for the purpose for which it was designed.

NOT IN OPERATING CONDITION: Not capable of being used as such in its existing condition by reason of being damaged or dismantled or failing to contain parts necessary for operation.

TRAILER: Any vehicle or object on wheels defined as such in M.G.L. c 90 Section 1.

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

VEHICLE COVER: A cover designed specifically for the purpose of covering motor vehicles or trailers. For purposes of this ordinance, a general-purpose tarpaulin shall not be considered a vehicle cover.

Section 3: Storage of one (1) unregistered motor vehicle or trailer or one (1) registered motor vehicle or trailer not in operating condition, permitted

- A. Any property owner, or any other person with the permission of the property owner, may store, or permit to be stored, one (1) unregistered motor vehicle or trailer, or one (1) registered motor vehicle or trailer not in operating condition, on said property owner’s premises. Any motor vehicle or trailer or major parts thereof, whether registered or unregistered, stored pursuant to this section that are not in operating condition shall, if visible from any public street or way, or from any abutting property, be covered with a vehicle cover.

Section 4: Storage of more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition, prohibited

- A. No property owner, or any person, may store or permit to be stored more than one (1) unregistered vehicle not in operating condition on said property owner’s premises unless:

1. The vehicles are stored in a garage, or:
2. A permit to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition is granted by the Town Administrator or his/her designee after a public hearing as described in Section 5 of this chapter, or:
3. The property owner or person in control of the property holds a Class I or Class II License for the sale or motor vehicles or trailers issued pursuant to M.G.L. c 140, Section 57 to Section 69.

Section 5: Application to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition, Public Hearing, and Board of Health report

- A. Any property owner, or other person with the permission of the property owner, seeking to store more than one (1) unregistered vehicle or more than one (1) registered vehicle, not in operating condition, un-garaged on the

property owner's premises, must make application for said storage to the Town Administrator's Office. Upon receipt of an application to store unregistered vehicles or registered vehicles not in operating condition, the Town Administrator or his/her designee shall hold a public hearing on the issue within forty-five (45) days of receipt of said application.

B. Authorization to store more than one (1) unregistered vehicle or more than one (1) registered vehicle not in operating condition shall be granted by the Town Administrator or his/her designee only if, as a result of the public hearing, the Town Administrator or his/her designee finds that no hazards to health or safety are involved and no unsightly conditions visible from public streets or ways, or abutting properties, exist or will be created by the storage of said vehicles.

C. Prior to any public hearing, the Board of Health will conduct an inspection and investigation of the property in question. The Board of Health shall submit a written report to the Town Administrator's Office describing any issues or concerns they have. This written report will be read at and become part of the record at the public hearing.

Section 6: Notice of Public Hearing Costs

A. Legal notice of any public hearing held pursuant to this section shall be given by:

- (1) Posting legal notice in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing.
- (2) Sending notification to all abutters, within three hundred (300) feet of any part of the storage property, via certified letter with a return receipt at least seven (7) days prior to the date of the public hearing. Said return receipts to be provided to the Town Administrator or his/her designee at the time of the public hearing. Failure to provide return receipts may be grounds for disapproval of the application for storage.

B. Any and all costs associated with giving notice of the public hearing shall be borne by the applicant.

C. The applicant is responsible for actually publishing the notice and sending it to all abutters as outlined in Section 6A (1) and 6A (2).

Section 7: Exemptions

A. This chapter shall not apply to:

- (1) Motor vehicles or trailers in operating condition, registered pursuant to M.G.L. c 90, Section 2;
- (2) Farm vehicles in operating condition;
- (3) A single recreational vehicle or a single camping, boat or utility trailer in operating condition.

B. Limited variances to public hearing requirements may be granted at the discretion of the Appeal Authority.

Section 8: Enforcing Authority.

A. This chapter may be enforced by the Police Department, the Zoning Enforcement Officer, or the Town Administrator or his/her designee.

Section 9: Violations and penalties.

A. Criminal Complaint - Whoever violates any of the provisions of this chapter may be penalized by indictment or on complaint brought in the district court. Except as may otherwise be provided by law, and as the district court may see fit to impose, the maximum penalty for any violation of these provisions shall

be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense; or

- B. Non-Criminal Disposition - Whoever violates any provision of this by-law may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D and may be punished by a non-criminal fine of fifty dollars (\$50) for the 1st offense, one hundred dollars (\$100) for the 2nd offense, and two hundred dollars (\$200) for the 3rd and subsequent offenses. Each day a violation continues shall constitute a separate offense.

Section 10: Existing unregistered vehicles

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

Section 11: Severability.

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

or to pass any vote or votes in relation thereto.

ARTICLE 30. To see if the Town will vote to adopt the following resolution:

Resolution to Seek Lower Electric Rates in a Competitive Market

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens of the Town of Montague in Franklin County have substantial economic, environmental, and social interests at stake; and

Whereas, Montague's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Montague grant the Board of Selectmen authority to develop and participate in a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen will appoint a representative for a committee to oversee such joint action, or pass any vote or votes in relation thereto.

Given under our hands this 11th day of April in the Year of Our Lord Two Thousand and Eleven.

Patricia A. Allen

Mark Fairbrother

Christopher Boutwell, Sr.
Selectmen, Town of Montague

Franklin, ss Montague, MA April 11, 2011

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