**5/25/21 Final**

**TOWN WARRANT**

**FOR THE ANNUAL TOWN MEETING**

**2022**

**THE COMMONWEALTH OF MASSACHUSETTS**

**OFFICIAL RECORD OF THE TOWN CLERK FOR VOTES RECORDED, AND PROCEEDINGS OF THE SHELBURNE ANNUAL TOWN MEETING HELD ON 06/12/2021**

**TOWN MODERATOR ROLAND GIGUERE CALLED MEETING TO ORDER AT 1:04PM. MEMBERS PRESENT AT BEGINNING OF THE MEETING – 66**

**Town Report was dedicated to Marion Taylor for her many years of service to the Town of Shelburne.**

**Special recognition was given to Maureen Pike who is retiring this year after serving the town for 45 years as Town Collector**

**FRANKLIN SS.**

**To either of the Constables of the Town of Shelburne in the County of Franklin**

**IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS,** you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Buckland-Shelburne Elementary School, 75 Mechanic Street** in said **Shelburne on Saturday, June 12, 2021, at 1:00 o’clock in the afternoon**, then and there to act on the following articles;

**ARTICLE 1**. To hear the annual reports of the officers of the Town and to act thereon.

**Andrew Baker** **moved, Robert Manners seconded -** **UNANIMOUS**

**ARTICLE 2**. To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL. Chapter 41, Section 108 as follows, or take any other action relative thereto.

Moderator $180 Town Clerk $23,858

Chairman, Selectboard $3,135 Tree Warden $975

Selectboard Member $2,824 School Committee $396

Selectboard Member $2,824 School Committee $396

Chairman, Board of Assessors $1,600

Assessor $1,350

Assessor $1,350

**Andrew Baker moved, Margaret Baker – VOTED UNANIMOUS**

**ARTICLE 3**. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to enter into compensating balance agreements for Fiscal Year 2022, pursuant to M.G.L. c.44, section 53F, or take any other action relative thereto.

**Andrew Baker moved, Robert Manners moved –** **VOTED** **UNANIMOUS**

**ARTICLE 4**. To see if the Town will vote to authorize the Selectboard to apply for, execute contracts and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

**Andrew Baker Moved, Margaret Payne seconded -** **VOTED UNANIMOUS**

**ARTICLE 5**. To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Selectboard to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

**Andrew Baker moved, Robert Manners seconded – VOTED UNANIMOUS**

**ARTICLE 6**. To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

Margaret Payne moved, Robert Manners seconded to approve all line items with the exceptions of:

161 5100 – Town Clerks Salary

161 5400 – Town Clerks Expense

294 5415 – Shade Tree Maintenance

310 5400 - Mohawk Trail Regional School

4225400 - Highway Maintenance

4915400 – Care of Hill Cemetery

**Motions a moved to approve all remaining line items was -VOTED UNANIMOUS (see attached Article 6 Omnibus Budget) Moderator then commenced with discussion on all line items individually held out. After discussion on each individual item, all line items were - VOTED UNANIMOUS**

**ARTICLE 7**. To see if the Town will vote to appropriate **the sum of $91,540** to be used to **fund the Mohawk Trail Regional School District capital budget for fiscal year 2022**; to meet this obligation **transfer $500** from the **Quintus Allen Trust Fund** and **raise and appropriate the balance of $91,040** *(debt exclusion applies)*or take any other action relative thereto.

**Moved by Julie Dubreuil, seconded by Leiha Maldonado** – **VOTED UNANIMOUS**

**ARTICLE 8**. To see if the Town will vote to **transfer the sum** **$35** from the **Ozro Miller Trust Fund Account**, said sum to be placed in **the Memorial Day Expense Account # 001-692-5432**, or take any other action relative thereto.

**Moved by Robert Manners, seconded by Andrew Baker -** **VOTED UNANIMOUS**

**ARTICLE 9.** To see if the Town will vote to **transfer** **the sum of $1,292 from the Cowell Gym User Fee Account #245-630-5400;** said **sum to be added to the Recreation Account #001-630-5428 and shall be used to supplement the Cowell Gym Director’s Salary**, or take any other action relative thereto.

**Moved by Margaret Payne, seconded by Andrew Baker –** **VOTED UNANIMOUS**

**ARTICLE 10.** To see if the Town will vote to **approve the following Revolving Fund Accounts in accordance with the Town of Shelburne Town By-laws Section 8 entitled: Departmental Revolving Funds** or take any other action relative thereto.

Police Department $6,000 Recreation Committee $2,000

Town Clerk $2,500 Open Space Committee $2,000

Board of Health $2,000 Agricultural Commission $4,000

Zoning Board $1,000 Conservation Commission $1,000

**Moved by Andrew Baker, seconded by Margaret Payne -** **VOTED UNANIMOUS**

**ARTICLE 11**. To see if the Town will vote to **transfer** **the sum of $262,420 from the Stabilization Account #830-919-5400** to **fund the following capital expenditures,** or take any other action relative thereto.

* **Franklin County Technical School Capital Budget $ 6,649.00**

*Second Year Payment on Capital Improvement Projects*

* **Roof Replacement/Repair Stabilization Account #831-919-4540 $ 5,000.00**

*For future repair of replacement of town-owned roofs*

* **Municipal Vehicle Stabilization Account #832-919-4540 $35,000.00**

*For replacement of town-owned vehicles.*

* **Highway Equipment Stabilization Account #833-919-4540 $35,000.00**

*For purchase of Highway Equipment in subsequent years.*

* **Police Station/Municipal Building $46,813.00**

*Payment 3 of 9 for purchase of building.*

* **QDS Core Billing & Collection Software**  **$21,558.00**

*Software package to improve interface & efficiency among Treasurer, Collector,*

*Accountant, & Assessing functions.*

* **Roadside Boom Mower – Highway Department** **$60,000.00**

*To replace 2007 roadside mower*.

* **2018 Western Star Highway Department Truck** **$32,400.00**

*Borrowed $120,000 - Payment 1 of 4*

* **Memorial Hall Renovation of 2nd Floor $20,000.00**

*Offset costs of proposed Memorial Hall Theater Renovation*

***Moved by Robert Manners, seconded by Margaret Payne - VOTED UNANIMOUS***

**ARTICLE 12**. To see if the Town will vote to **transfer $31,670** from the **Highway Equipment Stabilization Account #833-919-4540** to cover **payment 3 of 5 on the Highway Departments JCB Backhoe,** or take any other action relative thereto.

**Moved by Robert Manners, seconded by Andrew Baker – VOTED UNANIMOUS**

**ARTICLE 13**. To see if the Town will vote to **transfer** the sum of **$65,000** from the **Vehicle Stabilization Account #832-919-4540** for the **purchase of a new ¾ Ton Pickup with Plow and Sander for the Highway Department** (replaces 2008 pickup)**,** or take any other action relative thereto.

**Moved by Robert Manners, seconded by Andrew Baker – VOTED UNANIMOUS**

**ARTICLE 14**. To see if the Town will vote to **transfer** the sum of **$51,000** from the **Vehicle Stabilization Account #832-919-4540** for the **purchase of a 2021 Police Interceptor Cruiser for the Police Department** (replaces 2013 cruiser), or take any other action relative thereto.

**Moved by Andrew Baker, seconded by Robert Manners – VOTED UNANIMOUS**

**ARTICLE 15**. To see if the Town will **vote to authorize $60,000 in Chapter 90 funds** for the **purchase of a new Brush Chipper for the Highway Department** (replaces a 1988 chipper – parts are obsolete), or take any other action relative thereto.

**Moved by Robert, seconded by Margaret Payne – VOTED UNANIMOUS**

**ARTICLE 16**. To see if the Town will **vote to transfer $20,000 in from Free Cash** (film production permit fees) and place said sum in the **Village Beautification Account # 001 182 5442**. Said sum to be earmarked for a future project Village Improvement Project, or take any other action relative thereto.

**Moved by Margaret Payne, seconded by Andrew Baker – VOTED UNANIMOUS (in the first sentence, by consensus of the Town Meeting, the word “in was removed the word and recognized as a typo)**

**ARTICLE 17**. To see if the Town will **vote to appropriate** the sum of **$55,000 for the purchase and installation of a new boiler at the Cowell Gymnasium** and to meet this obligation, **transfer $35,000** from the **Stabilization Account # 830-919-5400** and **$20,000** from the **Cowell Gym User Fee Reserve Account # 245-630-5400 ,** or take any other action relative thereto.

**Moved by Andrew Baker, seconded by Robert Manners – VOTED UNANIMOUS**

**ARTICLE 18**. To see if the Town will vote to **transfer $225,565 in Free Cash** to the **Unrestricted Stabilization Account # 830-919-5400,** or take any other action relative thereto.

**Moved by Margaret Payne, seconded by Andrew Baker – VOTED UNANIMOUS**

**ARTICLE 19**. To see if the Town will **vote to raise, appropriate, or otherwise provide, the sum of $135,000**, said sum is the **Town of Shelburne’s share of the cost of Operation & Maintenance of the Shelburne Falls Wastewater Treatment Facility** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto. (*Reflects* *0% increase over FY’21 budget)*

***Moved by Andrew Baker, seconded by Robert Manners – VOTED UNANIMOUS***

**ARTICLE 20.** To see if the Town will **vote to raise, appropriate, or otherwise provide the sum of $15,000**, said sum is the **Town of Shelburne’s share of Operation & Maintenance of the Shelburne Pumping Station** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto. (*Reflects* *0% increase over FY’21 budget)*

***Moved by Andrew Baker, seconded by Margaret Payne –* VOTED UNANIMOUS**

**ARTICLE 21**. To see if the Town will **vote to transfer the sum of $37,800 from the Sewer Enterprise Account #610-001-3550**; said sum **to be added to the Wastewater Treatment Expense Account #610 440 5850 to pay the Town’s share of the repair of the Sewer Trunk Line for the Shelburne Falls Wastewater Treatment Facility**, or take any other action relative thereto.

**Moved by Andrew Baker, seconded by Robert Manners – VOTED UNANIMOUS**

**ARTICLE 22.** To see if the Town will **vote to transfer the sum of $20,000, from the Sewer Enterprise Fund account # 610-001-3550, said sum to be added to the Inflow & Infiltration Expense Account # 610-440-5836, for Shelburne’s share of remediation of portions of the sewer lines and manholes,** or take any other action relative thereto.

**Moved by Andrew Baker, seconded by Robert Manners – VOTED UNANIMOUS**

**ARTICLE 23.** To see if the Town **will vote to become a member in the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A** and other applicable sections of said law; and to meet this obligation**, raise and appropriate the sum of $5,000 from taxation** to fund the **annual membership** **fee** or, take any other action relative thereto

**Moved by Andrew Baker, seconded by Roberts Manners** – **APPROVED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 24**. To see if the town will vote to **allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed $382,850** **for work at Buckland Shelburne Elementary** in Shelburne, Massachusetts, to include rebuilding or resurfacing of parking lots and certain walkways; replacement of the fire alarm control panel and related sensors; replacement of a pneumatic heating control system; replacement of a heating system boiler and domestic hot water tanks; and replacement of restroom exhaust fans; and including costs incidental or related thereto, which purpose of the projects swill materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee’s Building Subcommittee, and to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority.

**Moved by Leiha Maldonado, seconded by Julie Dubreuil – VOTED UNANIMOUS**

**ARTICLE 25**. To see if the town will vote **to allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed $665,000 for work at Mohawk Trail Regional School in Buckland**, Massachusetts, to include replacement of the heating boiler control system; resealing of parking lots; replacement of the fire alarm control panel and related sensors; replacement of/upgrades to certain domestic hot water heaters, condenser units, heating system hot water control valves, and freeze prevention system; construction of a second means of egress from the main electrical switchgear room; installation of additional safety railings to sections of the outside bleachers; replacement of the movable gymnasium partition; and replacement of floor covering in the library; and including costs incidental or related thereto, which purpose of the projects swill materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee’s Building Subcommittee, and to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority.

**Moved by Leiha Maldonado, seconded by Julie Dubreuil – VOTED UNANIMOUS**

**ARTICLE 26.** To see if the Town will vote to adopt the following changes to the Town of Shelburne, Massachusetts, Zoning Bylaws that include revisions to: Section 16 Shelburne, Massachusetts Telecommunications Bylaw, relative to 5G Small Cell Installations, as described below or take any other action relative thereto:

**[Note: *Proposed revision in red and/or italic and bold typeface*. Requires a two-thirds majority vote.]**

**SECTION16.0 Shelburne, Massachusetts Telecommunications By-law**

**16.2 DEFINITIONS:**

**“Commercial Radio Service (CRS) facility: a facility consisting of one or more of the following: a radio frequency configuration, wireless antenna (regardless of size), support structures (including telephone/electricity/cable poles as well as Commercial Radio Service (CRS) towers), equipment storage shelters, and accessory equipment required for the reception, switching, and/or transmission of wireless telecommunications including, but not limited to, paging, enhanced specialized mobile radio, personal communications services,** cellular telephones, ***so called “small cell installations”*** – and similar technologies, but excluding personal and/or small business cell phone systems***. For the purposes of this by-law, “CRS Facility” includes “Small Cell Installation, except for those sections of this Section 16 listed below in subsection 16.3.25.”***

***“Small Cell Installation” means all equipment required for the operation and maintenance of so-called “small cell” wireless communications systems that transmit and/or receive signals – designed to provide network coverage to small areas as opposed to tall, high-power, “macro” towers which serve a wide area”.***

**16.3 GENERAL REQUIREMENTS:**

***“16.3.25 Notwithstanding any other provision of this Section 16, the following subsections of this Section 16 shall not apply to Small Cell Installations: 16.3.8; 16.3.0; 16.3.16; 16.7.”***

***“16.3.26. Small Cell Installations may not be co-located with other CRS facilities.”***

***“16.3.27. All CRS facilities shall comply with applicable FCC rules regarding acceptable limits on radio frequency radiation exposure to the general public as determined by a qualified radio frequency engineer.”***

16.5 FACILITIES OUTSIDE THE *CRSOD*:

16.5. B. FACILITIES PERMITTED OUTSIDE THE *CRSOD:*

“c. The installation of building, roof or wall-mounted CRS facilities, ***other than Small Cell Installations, which are*** subject to Subsection 16.3 and Subsection 4.1 of this bylaw provided that: No equipment, antennae, or structures associated with the CRS facility shall exceed 10 feet above the height of the building or 100 feet above the ground, whichever is less; AND all antennas and accessory equipment shall be fully screened to be harmonious and architecturally compatible with the building, including but not limited to painting equipment to match the building.”

16.5. C. FACILITIES REQUIRING A SPECIAL PERMIT OUTSIDE THE CRSOD:

“Outside the CRSOD, a special permit shall be required for all new CRS facilities, except as set forth in Subsections 16.5.B and 16.6 of this bylaw. ***However, because each individual Small Cell Installation will have unique impacts on the Town depending on its specific location, each such installation shall require a separate special permit.”***

**16.12.C. PERFORMANCE GUARANTEES AND FEES:**

C. Prior to issuance of a Building Permit for a *CRS facility*, the applicant is required to post with the Town Treasurer a bond or other form of financial security for an amount up to $50,000.00, as set forth by the ZBA. The bond will be to cover demolition in the event that the Building Inspector condemns the tower or parts thereof or accessory facilities and structures or deems it unused continuously for more than a year. The Building Inspector shall give the applicant 90 days written notice in advance of any demolition action. ***In addition, a separate $10,000.00 bond shall be required for each Small Cell Installation. This bond(s) will be held as a guarantee that no such installation exceeds or will exceed the allowable FCC limits for radio frequency radiation exposure to the general public as determined by a qualified radio frequency engineer.”***

**MOTION was made by John Wheeler, and seconded by Will Flanders, to Amend Article 26 as follows:**

**Amendment #1: “For the purpose of this bylaw, each individual antenna with its supporting equipment will be considered a single installation”.**

**The Full definition will read: “Small Cell Installation” means all equipment required for the operation and maintenance of so-called “small cell” wireless communication systems that transmit and/or receive signals - designed to provide network coverage to small areas as opposed to tall, high-power, “macro” towers which serve a wide area. For the purposes of this by-law, each individual antenna with its supporting equipment will be considered a single installation. After further discussion, and then the vote, Moderator declared that Amendment #2 passed by a two thirds majority vote of: 34 YES 3 NO 0 ABSTAIN**

**MOTION was made by John Wheeler, and seconded by Will Flanders as follows for a 2nd amendment to Article 26 as follows:**

**Amendment #2: For this purpose of this bylaw, delete proposed Section 16.3.26 and change the number 16.3.27 to 16.3.26 to now read as follows:**

**“16.3.26”. All CRS facilities shall comply with applicable FCC rules regarding acceptable limits on radio frequency radiation exposure to the general public as determined by a qualified radio frequency engineer.” After further discussion the AMENDED MOTION was passed by a majority vote of: 33 YES 4 NO 0 ABSTAIN**

**After more discussion ARTICLE 26 was passed, AS AMENDED, by a majority vote of:**

**38 YES 1 NO 0 ABSTAIN**

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**ARTICLE** **27**: To see if the Town will vote to adopt the following change to the Town of Shelburne, Massachusetts, Zoning Bylaws, that includes a revision to SECTION 6.2 SPECIAL PERMITS-Rules and Regulations, as described below or take any other action relative thereto:

**[Note: *Proposed revision in red and/or italic and bold typeface*. Requires a two-thirds majority vote.]**

**6.2 Rules and Regulations:** Pursuant to Section 9 of Chapter 40A of the Massachusetts General Laws, the SPGA shall adopt rules relative to the issuance of Special Permits. The SPGA’s Rules and Regulations may relate to the size, form, content and style of the plans, fees, and procedures for submission and approval of such Special Permits, and shall not be inconsistent with the General Laws and provisions of this Bylaw. The SPGA shall from time to time amend these rules. Copies of the rules shall be on file and available for review at the office of the Town Clerk. Copies of Special Permit Applications and related documents shall be submitted to the Board of Health, the Planning Board, *~~and~~* the Conservation Commission, ***and the Select Board*** who shall have 35 days within which to comment.

**Motion made by Will Flanders, seconded by John Wheeler –** **VOTED YES BY MAJORITY OF 38 YES 0 NO 1 ABSTENTION**

**ARTICLE 28**. PETITION ARTICLE

**HAPS: Human and Pollinator Sanctuary Resolution**

***a Hilltown Health Initiative***

**To see if the town will vote to declare itself a human and pollinator sanctuary (HAPS) free of microwave radiation from low-altitude satellites and additional wireless infrastructure until a panel of independent MD's and scientists familiar with long term patterns of disease in populations completes a risk and environmental assessment for these additional layers of microwave radiation exposure.**

- Whereas the Federal Communication Commission (FCC), a "captured agency"[[1]](#footnote-1) has approved more than 13,000 low altitude 5G satellites and appears ready to approve many more.

- Whereas corporations like SpaceX and OneWeb have already launched more than 1,400 such satellites and along with Telesat, AST and Science, Lynk, Amazon, Omnispace and Facebook are planning to launch approximately 100,000 in total.

- Whereas the majority of independent studies on this type of radiation indicate significant biological harm to humans, pollinators and other flora and fauna.[[2]](#footnote-2)

- Whereas the increased number of rocket launches required for this deployment will likely increase air pollution, deplete the ozone layer and accelerate global warming according to researchers.[[3]](#footnote-3)

- Whereas we have not consented to be part of any biological experiment conducted by any corporation or government entity.

- Whereas our taxpayer dollars are currently being given to Big Wireless by the FCC to build cell towers in rural areas which require pollinators to continue farming and which are already served by broadband internet, often at additional taxpayer expense.

- Whereas rural areas are the last and final refuge for millions of people around the world suffering from electrical sensitivity, aka electro-hypersensitivity (EHS) aka microwave sickness, a debilitating condition recognized under the Americans with Disabilities Act (ADA).

- Whereas fiber to the home is a secure, safe, energy-efficient and future-proof way of insuring everyone has access to the digital economy.

- Whereas the FCC and Big Wireless are currently facing multiple lawsuits for failure to protect public health and/or willfully obscuring relevant scientific studies.[[4]](#footnote-4)

***If adopted, the town clerk is directed to communicate the results of this resolution to local, state and national elected officials.***

<https://ehtrust.org/key-issues/harvard-press-book-telecom-industry-influence-us-fcc-captured-agency/>

[bioinitiative.org](https://bioinitiative.org/), [ehtrust.org](https://ehtrust.org/), [mdsafetech.org](https://mdsafetech.org/), etc.

<https://www.nature.com/news/2010/101022/full/news.2010.558.html>

<https://www.theverge.com/2018/5/31/17287062/rocket-emissions-black-carbon-alumina-particles-ozone-layer-stratosphere>

<https://eos.org/features/the-coming-surge-of-rocket-emissions>

[https://www.activistpost.com/2021/04/new-federal-court-lawsuit-family-of-pastor-sues-telecoms-for-hiding-known-health-risks-of-cell-phone-radiation.html](# https://www.activistpost.com/2021/04/new-federal-court-lawsuit-family-of-pastor-sues-telecoms-for-hiding-known-health-risks-of-cell-phone-radiation.html)

**Will Flanders made a motion for discussion to commence on Article 28, seconded by Andrew Baker - AFTER DISCUSSION, THE MOTION WAS DEFEATED BY A MAJORITY VOTE OF - 11 YES 20 NO ABTENTIONS 5**

**Motion was made to dissolve meeting at 4:29pm by Robert Manners. Seconded by Andrew Baker. Moderator, Roland Giguere then declare the meeting dissolved.**

CERTIFIED TRUE COPY ATTEST

06/21/2021 2:08pm

TOWN CLERK: JOSEPH J. JUDD

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. [↑](#footnote-ref-4)