

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

**MOTIONS**

**ARTICLE 1 MOVED:** That the Town 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.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 2 MOVED:** That the Town 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.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 3 MOVED:** That the Town 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 from the Revolving Fund in the fiscal year beginning July 1, 2011 for the purpose of cleaning up oil and hazardous material spills.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 4 MOVED:** That the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2011.

<b>SCHEDULE I Elected Officials</b>				
<b><u>TITLE</u></b>	<b><u>FY10 ACTUAL</u></b>	<b><u>FY11 BUDGET</u></b>	<b><u>FY12 REQUEST</u></b>	<b><u>FY12 RECOMMEND</u></b>
<b>MODERATOR</b>	327	327	327	327
<b>BOARD OF SELECTMEN</b>				
All Members	1,000	1,000	1,000	1,000
<b>BOARD OF ASSESSOR</b>				
All Members	1,000	1,000	1,000	1,000
<b>TREASURER/COLLECTOR</b>	59,786.23	60,942.82*	61,848.80**	61,848.80
		*59,590.82 (8-16) plus Treasurer/WPCF stipend of 1,352		
		**60,496.80 (8-17) plus Treasurer/WPCF stipend of 1,352		
<b>TOWN CLERK</b>	56,165.65	57,286.91*	58,130.80**	58,130.80
		*(8-14)		
		**(8-15)		
<b>BOARD OF REGISTRARS</b>				
Town Clerk	772	772	772	772
<b>TREE WARDEN</b>	1,267	1,267	1,267	1,267
<b>BOARD OF HEALTH</b>				

All Members 1,000 1,000 1,000 1,000

**PASSED/UNANIMOUS VOTE**

**ARTICLE 5 MOVED:** That the Town vote to fix the salaries of all appointed officials as required by law for the fiscal year beginning July 1, 2011.

**SCHEDULE II  
Appointed Officials**

<u>TITLE</u>	<u>FY10 ACTUAL</u>	<u>FY11 BUDGET</u>	<u>FY12 REQUEST</u>	<u>FY12 RECOMMEND</u>
<b><u>ANNUAL STIPENDS</u></b>				
<b>BOARD OF REGISTRARS (3)</b>	338	338	338	338
<b>EMERGENCY MGMT DIRECTOR</b>	5,490	5,490	5,490	5,490
<b>BURIAL AGENT</b>	670	670	670	670
<b>ANIMAL INSPECTOR</b>	1,339	1,339	1,014	1,014
<b>BARN INSPECTOR*</b>			325	325
*Previously included in Animal Inspector				
<b>FOREST WARDEN</b>	1,584	1,584	1,584	1,584
<b><u>HOURLY RATES</u></b>				
<b>ASST. BLDING INSPECTOR/Inspect</b>	27.06	27.06	27.06	27.06
<b>GAS INSPECTOR/Inspection</b>	27.06	27.06	27.06	27.06
<b>PLUMBING INSPECTOR/Inspection</b>	27.06	27.06	27.06	27.06
<b>ELECTRICAL INSPECTOR/Inspection</b>	27.06	27.06	27.06	27.06
<b>EXTRA CLERICAL</b>		<b><u>Ranges/hr.</u></b>	<b><u>Ranges/hr.</u></b>	<b><u>Ranges/hr.</u></b>
All Departments & Election Workers/hr.	8.00	8.00-10.00	8.00-10.00	8.00-10.00
<b>SUMMER HIGHWAY</b>	8.00	8.00-12.00	8.00-12.00	8.00-12.00
<b>SNOW PLOW DRIVERS</b>	25.00	15.00-25.00	15.00-25.00	15.00-25.00
<b>PART TIME POLICE OFFICER</b>	14.62	14.62-16.00	14.62-16.00	14.62-16.00
<b>PARKS &amp; RECREATION</b>	<b><u>Ranges/hr.</u></b>			
	8.00-25.63	8.00-25.63	8.00-25.63	8.00-25.63

**NON-UNION EMPLOYEES NOT SHOWN ABOVE**

<u>SALARIED</u>	<u>Grade</u>	<u>Range FY2011</u>		<u>Range FY2012</u>	
		<u>Start</u>	<u>End</u>	<u>Start</u>	<u>End</u>
TOWN ADMINISTRATOR	11	64,856.90	90,785.03	64,555.40	90,363.00
TOWN ACCOUNTANT	8	44,286.27	62,004.44	44,080.40	61,716.20
CHIEF OF POLICE	10	61,661.25	86,362.29	61,661.25	86,362.29
DPW SUPERINTENDENT	10	61,661.25	86,362.29	61,661.25	86,362.29
DIRECTOR OF HEALTH	8	44,286.27	62,004.44	44,080.40	61,716.20
LIBRARY DIRECTOR	9	44,651.88	62,483.40	44,651.88	62,483.40
WPCF SUPERINTENDENT	10	61,661.25	86,362.29	61,661.25	86,362.29
<b><u>HOURLY</u></b>					
SELECTMEN'S SECRETARY	5	16.35	22.86	16.35	22.86

(The change in some ranges for FY2012 is due to fewer hours in the fiscal year for Town Hall employees.)

**PASSED/UNANIMOUS VOTE**

**ARTICLE 6 MOVED:** That the Town vote to appropriate the sum of \$7,311,792 for the maintenance of the several departments of the Town and for any other necessary changes, with \$125,000 to be raised from Free Cash and \$7,186,792 to be raised from Taxation.

DEPT NO.		EXPENDED FY10	BUDGET FY11	REQUESTED FY12	RECOMMENDED FY12
GENERAL GOVERNMENT					
113	TOWN MEETING	1,333	1,707	1,707	1,707
122	SELECTMEN	125,056	128,071	129,174	129,174
131	FINANCE COMMITTEE	432	900	820	820
132	RESERVE FUND	72,195	50,000	50,000	50,000
135	TOWN ACCOUNTANT	67,649	67,900	67,900	67,900
141	ASSESSORS	132,196	139,118	142,657	142,657
145	TREASURER/COLLECTOR	187,869	183,430	184,980	184,980
151	TOWN COUNSEL	52,991	41,600	41,600	41,600
159	SHARED COSTS	54,187	66,920	57,015	57,015
159	SHARED COMPUTER CAPITAL	8,063	-	-	-
161	TOWN CLERK	113,696	118,807	116,094	116,094
175	PLANNING	46,157	74,680	61,906	61,906
176	ZONING BOARD OF APPEALS	1,560	2,080	2,080	2,080
190	PUBLIC BLDG UTILITIES	87,631	110,305	123,185	123,185
	TOTAL GENERAL GOVERNMENT	951,015	985,518	979,118	979,118
	PERCENT INCREASE FROM FY11			-0.65%	
PUBLIC SAFETY					
211	POLICE	1,118,814	1,160,301	1,163,742	1,163,742
211	POLICE CRUISER	-	-	37,000	37,000
212	DISPATCH	167,894	173,589	198,596	198,596
241	BUILDING INSPECTOR	109,856	114,068	114,779	114,779
244	SEALER OF WEIGHTS	2,750	2,750	2,750	2,750
291	EMERGENCY MANAGEMENT	5,490	5,640	5,640	5,640

292	ANIMAL CONTROL	4,443	6,500	6,350	6,350
294	FOREST WARDEN	1,584	1,584	1,584	1,584
DEPT NO.		EXPENDED FY10	BUDGET FY11	REQUESTED FY12	RECOMMENDED FY12
299	TREE WARDEN	7,776	7,867	7,867	7,867
	TOTAL PUBLIC SAFETY PERCENT INCREASE FROM FY11	1,418,607	1,472,299	1,538,308 4.48%	1,538,308
	PUBLIC WORKS				
420	DEPT OF PUBLIC WORKS	856,204	918,060	926,222	926,222
420	DPW CAPITAL OUTLAY	-	-	8,000	8,000
423	SNOW & ICE	185,135	194,037	198,900	198,900
433	SOLID WASTE	400,430	393,540	406,075	406,075
491	CEMETERIES	5,000	5,000	6,000	6,000
	TOTAL PUBLIC WORKS PERCENT INCREASE FROM FY11	1,446,769	1,510,637	1,545,197 2.29%	1,545,197
	HUMAN SERVICES				
511	BOARD OF HEALTH	87,193	96,864	95,745	95,745
541	COUNCIL ON AGING	25,651	28,384	28,174	28,174
543	VETERANS' SERVICES	101,938	127,500	127,500	127,500
	TOTAL HUMAN SERVICES PERCENT INCREASE FROM FY11	214,782	252,748	251,419 -0.53%	251,419
	CULTURE & RECREATION				
610	LIBRARIES	293,355	296,040	298,813	298,813
630	PARKS & RECREATION	92,678	94,994	96,408	96,408
693	WAR MEMORIALS	1,199	1,200	1,200	1,200
	TOTAL CULTURE & RECREATION PERCENT INCREASE FROM FY11	387,232	392,234	396,421 1.07%	396,421
	DEBT SERVICE				
700	DEBT SERVICE PERCENT INCREASE FROM FY11	506,141	675,128	663,079 -1.78%	663,079

INTERGOVERNMENTAL

DEPT NO.		EXPENDED FY10	BUDGET FY11	REQUESTED FY12	RECOMMENDED FY12
840	INTERGOVERNMENTAL	82,516	83,440	85,050	85,050
	PERCENT INCREASE FROM FY11			1.93%	
MISCELLANEOUS					
910	EMPLOYEE BENEFITS	1,638,872	1,719,606	1,773,079	1,773,079
946	GENERAL INSURANCE	81,543	72,837	80,121	80,121
	TOTAL MISCELLANEOUS	1,720,415	1,792,443	1,853,200	1,853,200
	PERCENT INCREASE FROM FY11			3.39%	
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	GRAND TOTAL GENERAL FUND	6,727,478	7,164,447	7,311,792	7,311,792
	PERCENT INCREASE FROM FY11			2.06%	

**PASSED/UNANIMOUS VOTE**

**ARTICLE 7 MOVED:** That the Town vote to appropriate the sum of \$1,760,758 for the purpose of operating the Water Pollution Control Facility and associated pumping stations with \$191,519 to be raised from Taxation and \$1,569,239 to be raised from sewer user fees.

DEPT NO.		EXPENDED FY10	BUDGET FY11	REQUESTED FY12	RECOMMENDED FY12
	WATER POLLUTION CONTROL				
440	Wages & Expenses	1,029,980	1,236,173	1,147,135	1,147,135
440	Capital Outlay	-	-	-	-
700	Debt Service	352,310	401,633	397,214	397,214
910	Employee Benefits	134,630	152,889	161,450	161,450
	SUBTOTAL WPCF	1,516,920	1,790,695	1,705,799	1,705,799
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449	DPW SUBSIDIARY				
	Wages & Expenses	16,362	46,959	46,959	46,959
	Capital Outlay	4,867	8,000	8,000	8,000
	SUBTOTAL DPW SUBSIDIARY	21,229	54,959	54,959	54,959

TOTAL WPCF

1,538,149

1,845,654

1,760,758

1,760,758

**PASSED/UNANIMOUS VOTE**

**ARTICLE 8 MOVED:** That the Town vote to appropriate the sum of \$90,600 for the purpose of funding the operations, maintenance, and debt service of the Colle Building, said sum to be raised from Colle Receipts Reserved for Appropriation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 9 MOVED:** That the Town vote to appropriate the sum of \$36,427 for the purpose of operating the Turners Falls Airport, with \$6,164 to be raised from Taxation and \$30,263 to be raised from Airport User Fees.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 10 MOVED:** That the Town vote to appropriate the sum of \$678,302 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 said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 11 MOVED:** That the Town vote to appropriate the sum of \$7,576,183 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, with \$125,000 to be raised from Free Cash, \$106,503 to be raised from Town Stabilization and \$7,344,680 to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 12 MOVED:** That the Town vote to appropriate the sum of \$9,000 for the purpose of repairing the Sheffield Entrance Ramp, said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 13 MOVED:** That the Town vote to appropriate the sum of \$7,000 for the purpose of repairing the Sheffield Auditorium Steps, said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 14 MOVED:** That the Town vote to appropriate the sum of \$3,000 for the purpose of repairing the Sheffield Employee Parking Lot, said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 15 MOVED:** That the Town vote to appropriate the sum of \$50,000 for the purpose of reroofing the operations building at the Water Pollution Control Facility, said sum to be raised from Sewer Retained Earnings.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 16 MOVED:** That the Town vote to appropriate the sum of \$20,000 for the purpose of surveying the sanitary sewage pump stations, said sum to be raised from Sewer Retained Earnings.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 17 MOVED:** That the Town vote to appropriate the sum of \$8,000 for the purpose of negotiating the cable television contract, said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 18 MOVED:** That the Town vote to appropriate the sum of \$8,200 for the purpose of funding information technology equipment, parts, accessories, software and installations, said sum to be raised from Taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 19 MOVED:** That the Town vote to appropriate the sum of \$50,000 for the purpose of funding purchases and major repairs of DPW vehicles and equipment, said sum to be raised from Town Stabilization.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 20 MOVED:** That the Town vote to appropriate the sum of \$54,055 for the purpose of funding lease payments for 2 Six Wheel Dump Trucks, said sum to be raised from Town Stabilization.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 21 MOVED:** That the Town vote to appropriate the sum of \$222,951 for the purpose of buying a Street Sweeper, said sum to be raised from Town Stabilization.

**PASSED/DECLARED 2/3 MAJORITY VOTE**

**ARTICLE 22 MOVED:** That the Town 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 surviving spouses of retirees.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 23 MOVED:** That the Town 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.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 24 MOVED:** That the Town vote to appropriate the sum of \$58,000 for the purpose of pre-development work and site engineering for solar energy generation and industrial development on municipal land off Turnpike Road, said sum to be raised from Article #10 of the April 30, 2009 Town Meeting (Develop Millers Falls Industrial Park).

**PASSED/UNANIMOUS VOTE**

**ARTICLE 25 MOVED:** That the Town vote to appropriate the sum of \$20,000 for the purpose of funding purchases of Police equipment such as bullet-proof vests, tasers, computers, firearms, radios or similar items, said sum to be raised from taxation.

**PASSED/UNANIMOUS VOTE**

**ARTICLE 26** Moved that the Town 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.

**DEFEATED/DECLARED MAJORITY VOTE**

**ARTICLE 27** That the Town 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 therefrom 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 reprecincting that may be required under Section 2 of chapter 398 as amended herein.

Section 8. This act shall take effect upon passage.

**DEFEATED/MAJORITY VOTE**  
**YES – 31**  
**NO -- 34**

**ARTICLE 28** Moved that 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.

**AMENDED ARTICLE: That the Town Clerk 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.**

**The committee will be formed from the group of people who notify the Town Clerk of their wish to serve on this committee.**

**The composition of the committee shall be six (6) town meeting members, one from each current precinct and (3) three at large (non town meeting members) for a total of nine (9) members.**

**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.**

**PASSES/ DECLARED MAJORITY VOTE AS AMENDED**

**ARTICLE 29** Moved that the Town 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 sent 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 1<sup>st</sup> offense, one hundred dollars (\$100) for the 2<sup>nd</sup> offense, and two hundred dollars (\$200) for the 3<sup>rd</sup> 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.

**DEFEATED/MAJORITY VOTE**

**ARTICLE 30** Moved that the Town will 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.

**PASSED/DECLARED MAJORITY VOTE**