

ANNUAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
May 2, 2015
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. (Board of Selectmen Request)

PASSED/MAJORITY 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 for the fiscal year beginning July 1, 2015 from the Revolving Fund 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, 2015, as set forth in Schedule I, Elected Officials.

SCHEDULE I
Elected Officials

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
MODERATOR	340	340	340	340
BOARD OF SELECTMEN				
All Members	1,500	1,500	1,500	1,500
BOARD OF ASSESSORS				
All Members	1,500	1,500	1,500	1,500
TREASURER/COLLECTOR	64,379.93	66,270	68,271*	68,271
*Step increase from G-9 to G-10 with 1% COLA				
TOWN CLERK	61,879.56	63,697	65,620*	65,620
*Step increase from G-7 to G-8 with 1% COLA				
BOARD OF REGISTRARS				
Town Clerk	800	800	800	800
TREE WARDEN	1,300	1,300	1,500	1,300
BOARD OF HEALTH				
All Members	1,500	1,500	1,500	1,5

AMENDED ARTICLE: That the Town vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2015, as set forth in Schedule I, Elected Officials.

**SCHEDULE I
Elected Officials**

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
MODERATOR	340	340	340	340
BOARD OF SELECTMEN All Members	1,500	1,500	1,500	1,500
BOARD OF ASSESSORS All Members	1,500	1,500	1,500	1,500
TREASURER/COLLECTOR *Step increase from G-9 to G-10 with 1% COLA	64,379.93	66,270	68,271*	68,271
TOWN CLERK *Step increase from G-7 to G-8 with 1% COLA	61,879.56	63,697	65,620*	65,620
BOARD OF REGISTRARS Town Clerk	800	800	800	800
TREE WARDEN	1,300	1,300	1,500	1,500
BOARD OF HEALTH All Members	1,500	1,500	1,500	1,500

PASSED/UNANIMOUS VOTE AS AMENDED

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, 2015, as set forth in Schedule II, Appointed Officials.

**SCHEDULE II
Appointed Officials**

<u>TITLE</u>	<u>FY14 ACTUAL</u>	<u>FY15 BUDGET</u>	<u>FY16 REQUEST</u>	<u>FY16 RECOMMEND</u>
<u>ANNUAL STIPENDS</u>				
BOARD OF REGISTRARS (3)	500	500	500	500
EMERGENCY MGMT DIRECTOR	5,490	5,490	5,490	5,490
BURIAL AGENT	670	670	zero	zero
ANIMAL INSPECTOR	1,500	1,500	1,500	1,500
BARN INSPECTOR	500	500	1,000	1,000
IT ADMINISTRATOR	2,000	2,000	3,500	2,000

FOREST WARDEN	1,631	1,631	1,631	1,631
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RATES PER INSPECTION

ASST. BUILDING INSPECTOR	27.06	27.06	27.50	27.50
GAS INSPECTOR	27.06	27.06	27.50	27.50
PLUMBING INSPECTOR	27.06	27.06	27.50	27.50
ELECTRICAL INSPECTOR	27.06	27.06	27.50	27.50

HOURLY RATES

	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>	<u>Ranges/hr.</u>
EXTRA CLERICAL	8.00-10.00	8.00-10.00	9.00-10.00	9.00-10.00
ELECTION WORKERS	8.00-10.00	8.00-10.00	9.00-10.00	9.00-10.00
SUMMER HIGHWAY	8.00-12.00	8.00-12.00	9.00-12.00	9.00-12.00
SNOW PLOW DRIVERS	15.00-25.00	15.00-25.00	15.00-25.00	15.00-25.00
PART TIME POLICE OFFICERS	14.50-17.00	14.50-17.00	14.50-17.00	14.50-17.00
PART TIME DISPATCHERS	13.00-15.00	17.00-19.00	17.00-19.00	17.00-19.00
PARKS & RECREATION	8.00-25.63	8.00-25.63	9.00-25.63	9.00-25.63

NON-UNION EMPLOYEES NOT SHOWN ABOVE

	<u>Grade</u>	<u>Range FY2015</u>		<u>With 1% COLA Range FY2016</u>	
		Start	End	Start	End
<u>SALARIED</u>					
TOWN ADMINISTRATOR	J	84,888	104,470	85,737	105,515
TOWN ACCOUNTANT	G	55,194	67,595	55,746	68,271
CHIEF OF POLICE	I	77,171	94,972	77,943	95,922
DPW SUPERINTENDENT	H	70,156	86,339	70,858	87,202
DIRECTOR OF HEALTH	G	55,194	67,595	55,746	68,271
LIBRARY DIRECTOR	G	55,194	67,595	55,746	68,271
WPCF SUPERINTENDENT	H	70,156	86,339	70,858	87,202

HOURLY

SELECTMEN'S SECRETARY	E	20.51	25.25	20.72	25.50
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Informational Only: Fiscal Year 2016 budgeted wages with 1% COLA

TOWN ADMINISTRATOR	101,417	DIRECTOR OF HEALTH	66,933
TOWN ACCOUNTANT	66,933	LIBRARY DIRECTOR	60,033
CHIEF OF POLICE*	98,267	WPCF SUPERINTENDENT	87,202
DPW SUPERINTENDENT	82,173	SELECTMEN'S SECRETARY	25.01

*includes additional 20% educational incentive pay

PASSED/UNANIMOUS VOTE

ARTICLE 6. MOVED: That the Town vote to appropriate the sum of \$8,373,806 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 \$8,303,454 to be raised from Taxation said sums to be allocated in accordance Schedule III, Budget.

**SCHEDULE III
BUDGET**

DEPT NO.	ADJUSTED BUDGET FY15	REQUESTED FY16	TOWN ADMIN RECOMMEND FY16	SELECTMEN FIN COMM RECOMMEND FY16
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GENERAL GOVERNMENT					
DEPT NO.		ADJUSTED BUDGET FY15	REQUESTED FY16	TOWN ADMIN RECOMMEND FY16	SELECTMEN FIN COMM RECOMMEND FY16
113	TOWN MEETING	1,720	1,720	1,720	1,720
122	SELECTMEN	155,102	166,035	166,035	162,535
131	FINANCE COMMITTEE	840	840	840	840
132	RESERVE FUND	50,000	50,000	50,000	50,000
135	TOWN ACCOUNTANT	75,360	76,100	76,100	76,100
141	ASSESSORS	149,978	156,533	156,533	156,533
141	ASSESSORS SOFTWARE		3,860	3,860	3,860
145	TREASURER/COLLECTOR	207,707	212,387	212,387	212,387
151	TOWN COUNSEL	92,500	70,000	70,000	70,000
159	SHARED COSTS	71,506	79,656	79,656	79,656
161	TOWN CLERK	131,099	130,320	130,320	130,320
175	PLANNING	76,610	79,226	79,226	79,226
176	ZONING BOARD OF APPEALS	2,710	2,710	2,710	2,710
182	MEDIC	1,500	1,500	1,500	1,500
190	PUBLIC BLDG UTILITIES	107,010	111,215	111,215	111,215
	TOTAL GENERAL GOVERNMENT	1,125,642	1,142,102	1,142,102	1,138,602
PUBLIC SAFETY					
211	POLICE	1,385,561	1,470,962	1,440,962	1,440,962
211	POLICE CRUISER	39,500	39,500	39,500	39,500
212	DISPATCH	272,703	275,691	270,691	270,691
241	BUILDING INSPECTOR	122,238	125,384	125,384	125,384
244	SEALER OF WEIGHTS	2,750	2,750	2,750	2,750
291	EMERGENCY MANAGEMENT	5,740	5,740	5,740	5,740
292	ANIMAL CONTROL	17,850	17,800	17,800	17,800
294	FOREST WARDEN	1,631	1,631	1,631	1,631
299	TREE WARDEN	13,670	13,710	13,510	13,510
511	BOARD OF HEALTH	127,905	136,908	136,908	136,908
	TOTAL PUBLIC SAFETY	1,989,548	2,090,076	2,054,876	2,054,876
PUBLIC WORKS					
420	DEPT OF PUBLIC WORKS	1,133,471	1,148,529	1,148,529	1,148,529
423	SNOW & ICE	212,000	226,500	226,500	216,500
433	SOLID WASTE	433,800	447,000	447,000	447,000
491	CEMETERIES	6,000	6,000	6,000	6,000
	TOTAL PUBLIC WORKS	1,785,271	1,828,029	1,828,029	1,818,029
HUMAN SERVICES					
541	COUNCIL ON AGING	38,288	39,669	39,669	39,669
543	VETERANS' SERVICES	172,500	157,500	157,500	157,500
	TOTAL HUMAN SERVICES	210,788	197,169	197,169	197,169
CULTURE & RECREATION					

610	LIBRARIES	337,643	357,096	351,149	351,149
630	PARKS & RECREATION	104,784	116,179	116,179	116,179
691	HISTORICAL COMMISSION	500	500	500	500
693	WAR MEMORIALS	1,200	1,200	1,200	1,200
	TOTAL CULTURE & RECREATION	444,127	474,975	469,028	469,028
	DEBT SERVICE				
700	DEBT SERVICE	662,036	661,201	661,201	661,201
	INTERGOVERNMENTAL				
840	INTERGOVERNMENTAL	94,169	94,259	94,259	94,259
	MISCELLANEOUS				
910	EMPLOYEE BENEFITS	1,882,335	1,851,271	1,851,271	1,851,271
946	GENERAL INSURANCE	87,619	89,371	89,371	89,371
	TOTAL MISCELLANEOUS	1,969,954	1,940,642	1,940,642	1,940,642
	GRAND TOTAL GENERAL FUND	8,281,535	8,428,454	8,387,306	8,373,806

PASSED/UNANIMOUS VOTE

ARTICLE 7. MOVED: That the Town vote to appropriate the sum of \$2,244,913 for the purpose of operating the Water Pollution Control Facility and associated pumping stations, with \$200,000 to be raised from Taxation and \$2,044,913 to be raised from Sewer User Fees, said sums to be allocated in accordance Schedule IV, WPCF Budget.

**SCHEDULE IV
WPCF Budget**

DEPT NO.	WATER POLLUTION CONTROL FACILITY	BUDGET 2015	REQUEST 2016	TOWN ADMIN RECOMMEND 2016	FIN COMM SELECTMEN RECOMMEND 2016
440	Wages & Expenses	1,457,325	1,525,575	1,457,463	1,525,575
700	Debt Service	461,198	437,052	437,052	437,052
910	Employee Benefits	202,806	227,327	215,327	227,327
	SUBTOTAL WPCF	2,122,327	2,189,954	2,109,842	2,189,954
449	DPW SUBSIDIARY				
	Wages & Expenses	46,959	46,959	46,959	46,959
	Capital Outlay	8,000	8,000	8,000	8,000
	SUBTOTAL DPW SUBSIDIARY	54,959	54,959	54,959	54,959
	TOTAL WPCF	2,177,286	2,244,913	2,164,801	2,244,913

PASSED/UNANIMOUS VOTE

ARTICLE 8. MOVED: That the Town vote to appropriate the sum of \$80,350 for the purpose of funding the operations, maintenance, and debt service of the Colle Building, said sum to be raised by Colle Receipts Reserved for Appropriations.

PASSED/UNANIMOUS VOTE

ARTICLE 9. MOVED: That the Town vote to appropriate the sum of \$46,278 for the purpose of operating the Turners Falls Airport with \$15,431 to be raised from Taxation and \$30,847 from Airport User Fees.

PASSED/MAJORITY VOTE

ARTICLE 10. MOVED: That the Town vote to appropriate the sum of \$760,615 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 \$8,498,343 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 and \$8,373,343 to be raised from Taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 12. MOVED: That the Town vote to appropriate the sum of \$385,000 for the purpose of documenting and improving various sewer and storm water lines and drains, including any related costs, said sum to be raised from Sewer Borrowing and as funding therefore, that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum and issue bonds and notes therefore pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority

PASSED/UNANIMOUS VOTE

ARTICLE 13. MOVED: That the Town hereby approves the **\$1,116,764.00** borrowing authorized by the **Gill-Montague Regional School District**, for the purpose of paying costs of **GMRSD Window Project at the Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, MA 01376 replacing windows in the auditorium/gymnasium wing**, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of **GMRSD the School Building Committee**; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1) **seventy six percent (76%)** of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

PASSED/UNANIMOUS VOTE

ARTICLE 14. MOVED: That the Town hereby approves the \$145,000 borrowing authorized by the Gill-Montague Regional School District, for the purpose of paying costs of the GMRSD Boiler Burner Project at Sheffield Elementary School, 35 Crocker Avenue, Turners Falls, Ma 01376 replacing the boiler and two burners, including the payment of all costs incidental or related thereto. To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d), of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority.

DEFEATED/MAJORITY VOTE

ARTICLE 15. MOVED: That the Town vote to appropriate the sum of \$75,000 for the purpose of purchasing and equipping and making major repairs to DPW vehicles and equipment, including any and all incidental and related costs, said sum to be raised from the Town Capital Stabilization Fund.

PASSED/UNANIMOUS VOTE

ARTICLE 16. MOVED: That the Town vote to appropriate the sum of \$43,325 for the purpose of funding FY 2016 principal and interest payments due on the Six Wheel Dump Truck authorized for lease at the May 5, 2012 Annual Town Meeting, said sum to be raised from Taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 17. MOVED: That the Town vote to appropriate the sum of \$20,000 for the purpose of repairing the Shea Theater roof, including all costs incidental or related thereto, said sum to be raised from Taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 18. MOVED: That the Town vote to appropriate the sum of \$15,000 for the purpose of funding purchases of Police equipment such as firearms and accessories, computers and accessories, police cruiser equipment, department furniture, bullet-proof vests, tasers, radios or any similar items as well as extraordinary repairs to same, said sum to be raised from Taxation.

PASSED/MAJORITY VOTE

ARTICLE 19. MOVED: That the Town vote to appropriate the sum of \$46,000 for the purpose of funding and supporting the retention and storage of Town records through a storage management system, said sum to be raised from the Town Capital Stabilization Fund.

PASSED/UNANIMOUS VOTE

ARTICLE 20. MOVED: That the Town vote to appropriate the sum of \$32,632 for the purpose of increasing the Town Capital Stabilization Fund, said sum to be raised from Taxation.

PASSED/UNANIMOUS VOTE

ARTICLE 21. MOVED: That the Town vote to appropriate the sum of \$15,000 for the purpose of maintaining the Montague Center School building, said sum to be raised from the Town Capital Stabilization Fund.

PASSED/TWO-THIRDS MAJORITY VOTE

ARTICLE 22. MOVED: That the Town vote to amend Article 1, Section 1 of the by-laws of the Town of Montague (amended 3/12/92) by replacing the words “in some conspicuous place in each of the post offices of the Town and in each of the public libraries of the Town, and the Town office building,” with “on the Town’s website and on the official Town Hall Bulletin Board”.

AMENDED ARTICLE: That the Town vote to amend Article 1, Section 1 of the by-laws of the Town of Montague (amended 3/12/92) by adding the words “in some conspicuous place in each of the post offices of the Town and in each of the public libraries of the Town, and the Town office building, and on the Town’s website”.

PASSED/MAJORITY VOTE AS AMENDED

Yes – 44

No -- 24

ARTICLE 23. MOVED: That the Town vote to appropriate, the sum of \$8,200 for the purpose of funding the purchase of information technology equipment, parts, accessories, and software and for the installation thereof, said sum to be raised from Taxation.

PASSED/DECLARED MAJORITY VOTE

ARTICLE 24. MOVED: That the Town vote to appropriate the sum of \$400,000 for costs associated with the design, construction, and installation, including any costs associated with or incidental thereto, of a broadband fiber-to-the-home network to provide cable service to sections of the Town that do not have access to such service, to also include installation of a fiber backbone to enable future expansion of cable service throughout the Town, the expenditure therefore to be reduced by the amount of any gift, grant, or other funding source obtained for this purpose; and further to authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds to defray the cost of said project, and to enter into such agreements and execute any and all instruments as may be necessary to accomplish the foregoing; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow said amount pursuant to Massachusetts General Laws, Chapter 44, section 7, or any other enabling authority.

DEFEATED/UNANIMOUS VOTE

ARTICLE 25. MOVED: That the Town vote to amend Article IV of the By-Laws of the Town of Montague, by adding the following new section to be consecutively numbered at the end thereof.

GRAFFITI AND SPRAY PAINT BY-LAW

A. Graffiti Abatement

1. Definition of "Graffiti". Any word, figure or painted design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, unless the same was authorized in advance by the owner thereof.
2. The existence of Graffiti on any surface within the town is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. No person shall apply or allow Graffiti to remain on any surface within the Town.
4. No owner of any surface within the town shall allow any Graffiti to remain thereon when the Graffiti is visible from the street or from other public or private property.
5. Whenever the Building Inspector, the Board of Health or its designee or a member of the Police Department determines that Graffiti on any surface within the town is visible from the street or from other public or private property, the owner thereof shall abate the Graffiti within 10 days of service of an order to abate or in such other time as the enforcement official shall order.
6. A property owner shall be deemed to have complied with an order to abate the Graffiti if it is obliterated by a matching building paint or by such other means as shall obliterate the Graffiti and remove the nuisance.
7. This by-law may be enforced by the Building Inspector, Board of Health or its designee or any police officer of the Town of Montague.
8. A property owner who violates any provision of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of twenty-dollars (\$20) for each offense. Each day that Graffiti remains on the owner's property after expiration of an order to abate shall constitute a separate offense.

9. Any person who applies Graffiti to any surface in the Town may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense. Each day that Graffiti remains shall constitute a separate offense.
10. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.
11. Nothing in this by-law shall be construed to limit in any way the Town's authority to order the abatement of a nuisance as set forth in any applicable law, including but not limited to the authority of the Board of Health as set forth in Massachusetts General Laws, Chapter 111, Sections 122-125. The Town may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

B. Sale or Delivery of Spray Paint to Minors

1. Definition of "Spray Paint". Any aerosol container that is adapted or made for the purpose of applying paint or any other substance capable of defacing the surface to which it is applied.
2. No person shall sell or deliver Spray Paint to any person under seventeen (17) years of age.
3. No employee of any establishment offering Spray Paint for sale to the public shall be penalized under this by-law if they reasonably rely on a facially valid form of identification issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act (50 App. U.S.C. *451 et seq.), identification card issued to a member of the Armed Forces or a birth certificate.
4. This by-law may be enforced by any member of the Town of Montague Police Department. Any person who violates this bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of three hundred dollars (\$300) for each offense.
5. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense.
6. Any person who owns, manages or operates a place of business wherein Spray Paint is offered for sale to the public shall conspicuously post notice of this law in such place of business in letters of at least one inch (1") high stating: "The sale and possession of Spray Paint to persons under age 17 is prohibited by law and subject to penalties; valid identification may be required."

C. Possession of Spray Paint by Minors

1. No person under seventeen (17) years of age shall possess Spray Paint, unless accompanied by a parent or legal guardian or in the course of employment involving the manufacture, distribution, sale or use of Spray Paint.
2. This by-law may be enforced by any member of the Montague Police Department. Any person under the age of seventeen (17) found violating the provisions of this by-law may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal Disposition By-Law, and may be punished by a non-criminal fine of two hundred dollars (\$200) for each offense.

3. Whoever violates any provision of this by-law may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for violation of this by-law shall be three hundred dollars (\$300) for each offense. Each day on which a violation exists shall be deemed to be a separate offense.

DEFEATED/DECLARED MAJORITY VOTE

ARTICLE 26. MOVED: That the Town vote to authorize the Board of Selectmen to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

PASSED/UNANIMOUS VOTE

ARTICLE 27. MOVED: That the Town vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 37 Third Street, in the Turners Falls Village of the Town, by the Five Eyed Fox, 37 Third Street, Turners Falls, or its successors or assigns, said license not to be transferred to any other location; provided, however, that the General Court may 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 which are within the scope of the general public objectives of the petition.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR
LICENSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of Chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 to Five Eyed Fox, or its successors or assigns, to be exercised at and located at 37 Third Street, in the Turners Falls Village in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

PASSED/UNANIMOUS VOTE

ARTICLE 28. MOVED: That the Town vote to act on the following petition:

The undersigned direct the selectboard to solicit written proposals (for time task and money) for legal services for the upcoming fiscal year (2016-2017; all said proposals shall be presented to town meeting at the next special or annual town meeting for their vote.

(Petitioned Article)

DEFEATED/ DECLARED MAJORITY VOTE

ARTICLE 29. MOVED: That the Town vote to act on the following petition:

RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts to be used for electricity generation; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline would require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Energy Partners, L.P.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts:

1. Hereby call on our Selectboard to stand in opposition to TGPs high pressured pipeline and not allow it within our town borders;
2. Oppose said pipeline, and any pipeline carrying natural gas obtained through hydraulic fracturing, within the borders of our Commonwealth or our Nation; and
3. Hereby instruct our state and federal legislators and executive branch officials to enact legislation and take such other actions as are necessary to disallow such projects that go against our commitments to life, the environment, our economic well being and our bodily safety, and, instead, to legislate more stringent energy efficiency and further exploration of and subsidies for renewable energy sources.

(Petitioned Article)

AMENDED ARTICLE: That the Town vote to act on the following petition:

RESOLUTION TO BAN “FRACKED GAS” PIPELINES AND TO CHAMPION SUSTAINABLE ENERGY

Whereas a proposed High-Pressure Pipeline carrying natural gas obtained through hydraulic fracturing may come through Montague, or neighboring communities, bringing said fuel en route to Dracut, Massachusetts and beyond to be used for electricity generation and heating; and

Whereas said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

Whereas said pipeline would destroy unknowable amounts of forest, conservation land, and farmland; and Native American Burials and Artifacts, and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

Whereas the cost of said pipeline could require Massachusetts citizens to pay a utility bill tariff as well as environmental costs not required by law for Tennessee Gas Pipeline Company, L.L.C (“TGP“, a subsidiary of Kinder Morgan Inc.), making ratepayers bear financial risk for the endeavors of a private corporation; and

Whereas, we the citizens of Montague, Massachusetts choose not to participate in such encumbrances to the life, vibrancy, economic stability, and general well-being to our neighbors in New York and elsewhere, wherever hydraulic fracturing is occurring and the pressurized pipeline is running now, therefore, be it

Resolved, that the people of Montague, Massachusetts as represented by this meeting, oppose TGP’s high-pressured pipeline and its construction within our borders:

1. Hereby call on our Selectboard to reiterate it’s opposition to TGP’s high pressured pipeline and not allow it within our town borders;

(Petitioned Article)

PASSED/MAJORITY VOTE AS AMENDED

ARTICLE 30. MOVED: That the Town vote to act on the following petition:

To see if the Montague Annual Town Meeting will vote to approve a contract between the town of Montague and its PEG access provider, Montague Community Cable Incorporated, or take any other action relative thereto. The contract shall not be for more than three years and shall be accompanied by a plan, submitted by MCCI, to expand local content and community involvement in the station (MCTV).

(Petitioned Article)

AMENDED ARTICLE: That the Town vote to act on the following petition:

To see if the Montague Annual Town Meeting will authorize the Selectboard to approve a contract between the town of Montague and its PEG access provider, Montague Community Cable Incorporated. The contract shall not be for more than three years and shall be accompanied by a plan, submitted by MCCI, prior to approval of the contract, to expand local content and community involvement in the station . If MCCI fails to submit a plan or if the Selectboard disapproves of the plan, the Selectboard shall issue an RFP to determine the local access provider.

(Petitioned Article)

PASSED/MAJORITY VOTE AS AMENDED