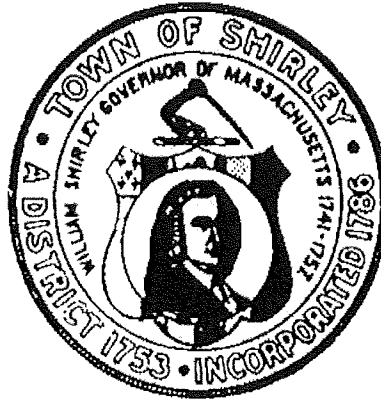


Town of Shirley Massachusetts



WARRANT

For the

2022 SPECIAL TOWN MEETING

Ayer-Shirley Regional Middle School
Auditorium, 1 Hospital Road
Beginning Monday, November 28, 2022 at 7:15 PM

**Town of Shirley Warrant, Special Town Meeting
Monday, November 28, 2022**

ORDER OF ARTICLES

ART. #TITLE	PAGE
1. Article 1 Prior Year Bill.....	3
2. Article 2 Community Preservation Act.....	3
3. Article 3 Revolving Tax Title Account	4
4. Article 4 Re-Accept Provisions of M.G.L. Chap 32B Sec 20 For OPEB Trust Fund, and Appropriate Monies to the OPEB Trust Fund.....	4
5. Article 5 PEG Access Receipt Reserved for Appropriation	5
6. Article 6 Council on Aging	6
7. Article 7 Shirley Fire Union Contract	7
8. Article 8 Fire Department Staffing Additional One Employee	8

NOTICE

If the business of this Warrant for the Special Town Meeting is not concluded on Monday, November 28, 2022, it is proposed to adjourn as follows, provided that the Meeting so votes: to Tuesday, November 29, 2022.

**Town of Shirley
Special Town Meeting
November 28, 2022
Warrant**

Middlesex, ss.
Commonwealth of Massachusetts
To any of the Constables of the Town of Shirley in said County,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley on Monday, the twenty-eighth of November, 2022 at 7:15 p.m., to consider the following:

ARTICLE 1: Prior Year Bill

To see if the Town will vote to transfer from available funds the total sum of \$6,850 to pay an invoice incurred in a prior fiscal year, to be funded from Sewer Enterprise Fund Retained Earnings:

1. Weston & Sampson - \$6,850 (pump station sewer control panel on Hospital Road);

or take any action in relation thereto.

Summary: *In general, invoices must be paid in the same fiscal year the service/commodity is provided. The Fiscal Year runs from July 1 through June 30. Invoices received after the close of the fiscal year cannot be paid without the authorization of Town Meeting.*

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

**Sponsored by:
Sewer Commission**

**Recommendations
Select Board: Favorable Action
Finance Committee:**

ARTICLE 2: Community Preservation Act

To see if the Town will vote to accept Sections 3 through 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, restoration and rehabilitation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; *[to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act;]* or to take any other action relative thereto.

Summary: *The Community Preservation Act (CPA) allows participating cities and towns to reserve dedicated funds to preserve open space and historic sites, create community housing, and develop open space and recreational facilities. The acquisition, creation and preservation of these community assets is financed through the Community Preservation Fund, comprised of local revenues collected from a property tax surcharge of 1% of the net tax levy, plus annual distributions from the Massachusetts Community Preservation Trust Fund.*

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

Sponsored by:

CPA Implementation Committee

Recommendations

Select Board: Favorable Action

Finance Committee:

ARTICLE 3: Revolving Tax Title Account

To see if the Town will vote to accept the provisions of G.L. c. 60, § 15B and to establish a Tax Title Collection Revolving Fund to begin in the fiscal year commencing on July 1, 2023, into which fees, charges and costs incurred by such officer in relation to tax collections, and those collected upon the redemption of tax titles and sales of real property acquired through foreclosures of tax titles, shall be credited to the fund for expenditure by the Tax Collector only for related purposes, all as provided by said § 15B; and, in connection therewith, to authorize the Tax Collector to expend such funds as are in said account and available for expenditure; and/or take any other action relative thereto.

Summary: *The Town expends funds on registry of deeds instruments of taking and redemption. Acceptance of this local option statute would create a revolving account that would*

allow payments the Town receives for the recordings to be deposited into a separate fund to pay the registry of deeds.

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

Sponsored by:
SELECT BOARD

Recommendations
Select Board: Favorable Action
Finance Committee:

ARTICLE 4: Re-Accept Provisions of G.L. c. 32B, § 20 For OPEB Trust Fund, and Appropriate Monies to the OPEB Trust Fund

To see if the Town will vote to:

- re-accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 218, Section 15 of the Acts of 2016 (the “Act”), under which the Town has established an Other Post-Employment Benefits Liability Trust Fund (the “OPEB Fund”), for which the Treasurer serves as Custodian (“Custodian”);
- to authorize the Select Board and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund;
- designate the Treasurer/Custodian as the Trustee of the OPEB Fund, with all the powers and responsibilities identified under the Act and this vote;
- authorize the Treasurer/Custodian, as Trustee, to employ investment consultant(s), as well as outside custodial service(s) to hold the monies in the Fund, and to pay for those services from the OPEB Fund;
- authorize the investment of the OPEB Fund under the prudent investor rule established under Chapter 203C of the General Laws;
- authorize the Custodian, as Trustee, to execute any and all documents necessary to utilize outside custodial service(s) and/or investment consultant(s), including but not limited to trust agreements, participation agreements, investment agreements, and administrative services agreements; and
- designate the Custodian as the “Plan Administrator”, as may be necessary to utilize outside custodial service(s) and authorize the Custodian acting as Plan Administrator to take any other actions permitted or required by law; and

or take any other action in relation thereto.

Summary: Although the Town has an established OPEB Fund, the fund does not presently comply with the requirements established by the Governmental Accounting Standards Board and the IRS. To remedy this issue (which was present in many municipalities across the state), the legislature

enacted "An Act to Modernize Municipal Finance and Government", Chapter 218 of the Acts of 2016, to create a local acceptance OPEB Fund that complies with requirements established by the Governmental Accounting Standards Board and the IRS. By reaccepting this local option statute and designating a trustee, the Town will be in compliance with the requirements.

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

Sponsored by:
SELECT BOARD

Recommendations
Select Board: Favorable Action
Finance Committee:

ARTICLE 5: PEG Access Receipt Reserved for Appropriation

To see if the Town will vote to appropriate a sum of money from the PEG Access and Cable Related Fund for the purposes of funding its FY23 cable-related expenses; or take any other action relative thereto.

***Summary:** A vote taken at the 2019 Annual Town Meeting established a Receipt Reserved for Appropriation fund for the cable access agreement pertaining to the SPACO contract. This account was created in accordance with DOR guidelines. Monies have to be appropriated to fund SPACO operations. The Town receives a quarterly franchise fee from Comcast to subsidize the programming.*

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

Sponsored by:
SELECT BOARD

Recommendations
Select Board: Favorable Action
Finance Committee:

ARTICLE 6: Amend the General By-Law, Article V, Records and Reports, Section 7.2

To see if the Town will vote to amend the Town General By-law, a copy of which is on file and available for viewing in the office of the Town Clerk and on the Town's municipal website, for the purpose of revising the first sentence of Section 7.2 of Article V, Records and Reports, by deleting the text shown in strikethrough and by adding the text shown in bold underline, as follows:

SECTION 7.2: "The Council shall consist of ~~nine (9)~~ **five (5)** members appointed by the Select Board to serve a three year term";

or take any action in relation thereto.

Summary: *Representatives from the Council of Aging requested the change due to the fact that they had to repeatedly cancel meetings over the past two years based on a lack of quorum. As a result of the cancellations, regular operational matters could not be addressed. Reducing the number of Board members to five (5) will increase the likelihood of reaching a quorum.*

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

Sponsored by:
SELECT BOARD

Recommendations
Select Board: Favorable Action
Finance Committee:

ARTICLE 7: Shirley Fire Union Contract

To see if the Town will vote to fund the cost items of the first fiscal year of a collective bargaining agreement between the Town and Shirley Fire IAFF Local 4358 Union for the period of July 1, 2022 through June 30, 2023, and as funding therefor, to transfer a sum of money from the FY23 Operating Budget, Line 2022-01 and Ambulance Enterprise Fund, Line 2022-74, approved under Article 4 of the May 9, 2022 Annual Town Meeting, and to authorize the accountant to allocate such amounts accordingly, or to take any other action relative thereto.

Summary: *The first-year salary impact of the IAFF Local 4358 agreement for year one (FY23) of the one-year contract is \$22,461.00. Town Meeting approved funding at the May 2022 Annual Town Meeting.*

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

Sponsored by:
SELECT BOARD

Recommendations
Select Board: At Town Meeting
Finance Committee:

ARTICLE 8: Fire Department Staffing Additional One Employee

To see if the Town will amend the vote taken under Article 4 at Annual Town Meeting of June 28, 2021, by increasing Line 2022-33 (Fire Department) in the amount of \$39,000, to allow for the hiring of an additional firefighter; to be funded by transferring said amount from available American Rescue Plan Act (ARPA) funds, or to take any other action relative thereto.

Summary: *The addition of one fire fighter allows the staff to reduce their work week from a 48-hour week to a 42-hour week. This change eases financial burdens and staffing issues. The basic function of an ambulance responding to an emergency has become a major challenge. A majority vote is required for the passage of this article.*

Sponsored by:
SELECT BOARD

Recommendations
Select Board: Favorable Action
Finance Committee:

* * *

And you will serve this Warrant by posting true and attested copies of same at the Town Offices and the Hazen Memorial Library in Shirley Village, at the Shirley Senior Center in Shirley Center, and a like copy at the United States Post Office in Shirley Village, fourteen days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Select Board members, on or before the date of the Meeting. Given under our hands at Shirley, this 7th Day of November, 2022.

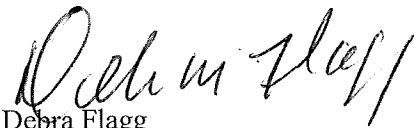
SELECT BOARD



Bryan Sawyer
Chair



Andree Jean Jacques
Vice Chair



Debra Flagg
Clerk

A true copy. Attest:



William Oelfke, Town Clerk

* * * *

RETURN OF SERVICE

CONSTABLE

7 KEADY WAY

SHIRLEY, MA 01464

I certify that on November 10, 2022 I duly posted true and attested copies of the foregoing Warrant for the November 28, 2022 Special Town Meeting at the Shirley Town Offices, Hazen Memorial Library, U.S. Post Office, and the Shirley Senior Center.

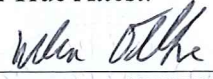


KEITH KEADY

Constable

Keith J. Keady Constable
P.O. Box 818
Shirley, MA 01464-0818

A True Attest:



WILLIAM OELFKE
Town Clerk

* * * *