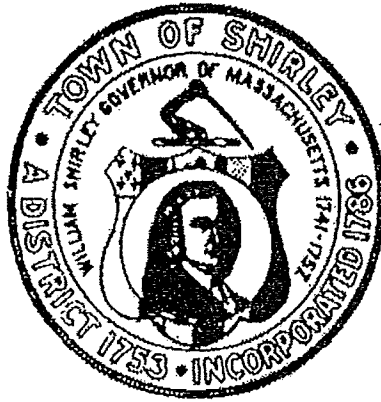


Town of Shirley Massachusetts



WARRANT

For the

2021 ANNUAL TOWN MEETING

Ayer-Shirley Regional Middle School
Gymnasium, 1 Hospital Road
Beginning Monday, May 10, 2021 at 7:15 PM

**Town of Shirley Warrant, Annual Town Meeting,
Monday, May 10, 2021**

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NOTICE

If the business of this Warrant for the Special Town Meeting is not concluded on Monday, May 10, 2021, it is proposed to adjourn as follows, provided that the Meeting so votes: to Tuesday, May 11, 2021.

Town of Shirley Annual Town Meeting
May 10, 2021
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/Gymnasium of the Ayer-Shirley Regional Middle School at 1 Hospital Road in Shirley on Monday, the tenth of May, 2021 at 7:15 p.m., to consider the following:

ARTICLE 1: Accept Annual Town Report

To see if the Town will vote to accept the Reports of the Board of Selectmen and other Town Officers for the Fiscal Year July 1, 2019 through June 30, 2020; or take any other action relative thereto.

Summary: Massachusetts General Laws Chapter 40, Section 49 requires the Board of Selectmen to publish the Annual Town Report of all Town Offices, including Schools. Reports have been made available prior to the Annual Town Meeting.

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

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 2: Bylaw Amendment to Change Board of Selectmen to Select Board

To see if the Town will vote to amend the General and Zoning Bylaws of the Town by deleting, in each instance in which they appear, all references to "Board of Selectmen," "Selectmen" and "Selectman" and inserting in their place the words, "Select Board" or "Select Board member" or "Select Board members", as appropriate, and further to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in related text are revised to properly reflect such change in title; and further, to amend Article IV of the General Bylaws by inserting the following underlined text, and renumbering the existing sections in Article IV accordingly, as follows:

ARTICLE IV

SELECT BOARD AND LEGAL AFFAIRS

Section 1 Select Board. For the purposes of this Bylaw and otherwise, the chief executive of the Town of Shirley shall be referred to as the "Select Board" and members of the Board shall be referred to as "Select Board Members." The Select Board shall have all the powers and duties of a "board of selectmen", as defined under clauses Third A and Fifth B of section 4 of Chapter 7 of the General Laws, and in any other general, special or local law or regulation.

Section 2 Legal Affairs. The Selectmen may appoint a member of the bar in good standing...

Or take any other action relative thereto.

Summary: *The article requests that the Town approve the change of name from "Board of Selectmen" to "Select Board", as has been the trend throughout the state.*

A 2/3 vote is required for amendments to the Town's Zoning Bylaw.

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 3: Accept Salary Classification Plan & FY 2022 Wage Scale (See Appendices A & B)

To see if the Town will vote to accept the Salary Classification Plan, as set forth in Appendix A and amend the FY22 Wage Scale to include a 1% COLA effective July 1, 2022, as set forth in Appendix B; or take other action relative thereto.

Summary: *The Compensation Wage Plan and Scale is revised from time to time by the Personnel Board and presented to Town Meeting for approval. The purpose of the article is to approve nonunion employee salary increases.*

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

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 4: Appropriate Omnibus Operating Budget for FY 2022

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be required to defray Town charges for the fiscal period July 1, 2021 to June 30, 2022; or take any other action relative thereto.

TOWN OF SHIRLEY GENERAL FUND BUDGET FY2022

Summary: *This article presents the proposed omnibus operating budget of the Town for FY2022, together with prior year appropriations and actual expenditures for comparison.*

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

Sponsored by:
BOARD OF SELECTMEN

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

			FY2021	FY2022	FY2022
Line Number	Department	Description	Approved	Appropriation Request	Total Per Dept
2022-01	Board of Selectmen	Personnel Services	187,575	93,670	
2022-02	Board of Selectmen	Ordinary Expenses	39,000	41,000	134,670.00
2022-03	Town Moderator	Ordinary Expenses	150	150	150.00
2022-04	Town Clerk	Personal Services	68,417	70,641	
2022-05	Town Clerk	Ordinary Expenses	6,613	4,495	75,136.00
2022-06	Elections	Personal Services	8,700	2,000	
2022-07	Elections	Ordinary Expenses	12,500	9,000	11,000.00
2022-08	Town Administrator	Personal Services	130,000	140,000	
2022-09	Town Administrator	Ordinary Expenses	700	700	

2022-10	Town Administrator - Legal Budget	Ordinary Expenses	40,000	45,000	
2022-11	Town Administrator - Computer Operations	Ordinary Expenses	136,149	148,500	
2022-12	Town Administrator - Office Machines	Ordinary Expenses	7,000	7,000	
2022-13	Town Administrator - Energy / Street Lights	Ordinary Expenses	100,500	100,500	
2022-14	Town Administrator - Repairs & Maint.	Ordinary Expenses	43,000	43,000	484,700.00
2022-15	Town Accountant	Personal Services	123,795	132,694	
2022-16	Town Accountant	Ordinary Expenses	3,100	3,100	135,794.00
2022-17	Finance Committee	Ordinary Expenses	85,081	52,500	52,500.00
2022-18	Town Assessor	Personal Services	63,300	76,130	
2022-19	Town Assessor	Ordinary Expenses	37,610	48,310	124,440.00
2022-20	Treasurer/Collector	Personal Services	113,789	121,321	
2022-21	Treasurer/Collector	Ordinary Expenses	43,600	47,600	168,921.00
2022-22	Conservation Commission	Personal Services	30,353	32,166	
2022-23	Conservation Commission	Ordinary Expenses	3,450	3,450	35,616.00
2022-24	Land Use - Planning & Zoning	Personal Services	-	-	
2022-25	Land Use - Planning & Zoning	Ordinary Expenses	3,600	3,600	3,600.00
2022-26	Inspectional Services	Personal Services	80,642	85,106	
2022-27	Inspectional Services	Ordinary Expenses	1,500	1,500	86,606.00
2022-28	Police	Personal Services	934,035	954,974	
2022-29	Police	Ordinary Expenses	106,516	106,821	1,061,795.00
2022-30	Communications Center	Ordinary Expenses	145,000	145,000	145,000.00
2022-31	Animal Control	Personal Services	7,355	7,594	
2022-32	Animal Control	Ordinary Expenses	3,250	3,250	10,844.00
2022-33	Fire	Personal Services	271,527	303,856	
2022-34	Fire	Ordinary Expenses	40,927	46,515	350,371.00
2022-35	Public Buildings	Personal Services	16,387	15,763	

2022-36	Public Buildings	Ordinary Expenses	85,775	78,619	94,381.00
2022-37	DPW General	Personal Services	339,364	366,917	
2022-38	DPW General	Ordinary Expenses	97,170	115,600	482,517.00
2022-39	Snow & Ice	Ordinary Expenses	82,860	82,860	82,860.00
2022-40	Roads & Grounds Maintenance	Ordinary Expenses	72,500	77,500	77,500.00
2022-41	Cemetery	Personal Services	-	-	
2022-42	Cemetery	Ordinary Expenses	6,714	6,714	6,714.00
2022-43	Board of Health	Personal Services	20,940	21,914	
2022-44	Board of Health	Ordinary Expenses	300	300	22,214.30
2022-45	Board of Health Recycling	Personal Services	5,641	5,810	
2022-46	Board of Health Recycling	Ordinary Expenses	44,530	44,530	50,340.00
2022-47	Health Services	Ordinary Expenses	23,406	24,576	24,576.00
2022-48	Landfill	Ordinary Expenses	14,460	14,460	14,460.00
2022-49	Council on Aging	Personal Services	43,284	50,289	
2022-50	Council on Aging	Ordinary Expenses	9,088	9,088	59,377.00
2022-51	Recreation	Personal Services	6,075	6,348	6,348.00
2022-52	Veterans	Personal Services	6,936	7,161	
2022-53	Veterans	Ordinary Expenses	94,300	94,300	101,461.00
2022-54	Library	Personal Services	200,694	208,043	
2022-55	Library	Ordinary Expenses	67,562	68,137	276,180.00
2022-56	Memorial Day	Ordinary Expenses	2,800	2,800	2,800.00
2022-57	Nashoba Valley Technical HS	Single Line Appropriation	724,345	745,724	745,724.00
2022-58	Ayer-Shirley Regional School Assessment	Single Line Appropriation	7,778,785	7,963,087	
2022-59	Ayer-Shirley Regional School Debt Assessment	Single Line Appropriation	450,697	468,637	8,431,724.00
2022-60	Health Insurance	Health Insurance	620,738	600,000	600,000.00

2022-61	Retirement	Retirement	818,964	812,736	812,736.00
2022-62	Medicare	Medicare	41,000	41,820	41,820.00
2022-63	Medicare Tax	Medicare Tax	-	-	-
2022-64	Unemployment Compensation	Unemployment Compensation	10,000	20,000	20,000.00
2022-65	Other Insurance	Other Insurance	195,700	201,571	201,571.00
2022-66	Montachusett Regional Planning	Montachusett Regional Planning	2,067	5,000	5,000.00
2022-67	Actuary Study - OPEB	Actuary Study - OPEB	3,500	-	-
2022-68	Debt Service	Debt Service	800,167	663,852	663,852.00
Subtotal	General Fund		15,565,485	15,705,300	15,705,300.00

The Town transfer the following sums to meet, in part, appropriations made at this Town Meeting

Indirect costs of the Sewer enterprise fund	40,429	40,429
Indirect costs of the Ambulance enterprise fund	9,703	25,703
Indirect costs of the SW&R enterprise fund		<u>19,300</u>
Total		85,432

Furthermore, the following projected needs are costs to the Town, but according to accounting rules established by the Department of Revenue, are not to be included in the appropriation order.

Overlay - Abatement & Exemptions	85,000	125,000
General Fund - Cherry Sheet Assessments	60,375	61,583
General Fund - Prior Years' Snow & Ice deficit	-	-

ARTICLE 5: Approve Five-Year Capital Improvement Plan (See Appendix C)

To see if the Town will vote to approve and accept the FY2022 Capital Budget, together with the capital budget for the ensuing four years, said five-year plan known as the Capital Improvement Plan, as set forth in Appendix C; or take any other action relative thereto.

Summary: *This article presents the proposed five (5) year Capital Plan.*

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

Sponsored by:
BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 6: Appropriate Capital Items for FY 2022

To see if the Town will vote to raise and appropriate, transfer from available funds, and/ or borrow a sum or sums of money for the purpose of purchasing and equipping items or undertaking projects, including all related and incidental expenses, as set forth in the FY22 CIP, and, as may be necessary in connection therewith, to authorize the Town to enter into lease/purchase agreements for such items for terms of up to or exceeding three years, all as set forth below; to the extent borrowing is identified as the funding source for any item or project, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said funds pursuant to G.L. c.44, §§7 or 8 or any other enabling authority, and to issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; provided, however, that the appropriation authorized hereunder shall be expressly contingent upon approval by the voters of the Town at an election of a so-called Proposition 2 1/2 debt exclusion question; and, further, that the Board of Selectmen be authorized to enter into such contracts and agreements as shall in its judgment be necessary to effectuate the intent of this article, or take any other action relative thereto.

Department	Requested Project/Equipment	Estimated Cost	Funding Source
DPW	2022 Freightliner Truck Plow (Replacing 2001 7400 Basin Truck)	\$239,782	Bond
Fire	Headquarters Façade Repair	\$20,660	Bond
Police	Interceptor w/2021 Hybrid Cruiser (Replace 2014 cruiser)	\$56,615	Bond
Police	Radar Trailer	\$11,287	Bond

Total Cost FY22 CIP

\$328,344.00

Summary:

This article proposes to fund the acquisition and equipping of certain capital items for the Town in FY2022 as part of the five-year capital plan.

A 2/3rds vote is required for passage of this article totaling \$328,344.00 Capital Projects for FY22.

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 7: Council on Aging Revolving Fund

To see if the Town will vote, pursuant to GL c.44, s.53E1/2 to create a new revolving fund to be known as the Council on Aging Revolving Fund, and for such purposes to revise Section XXXIII of the General Bylaws, subsection 6, by inserting, at the end of the chart set forth therein, a new row as follows, and with the expenditure limit set forth therein to be applicable from fiscal year to fiscal year unless sooner revised by Town Meeting prior to the start of the then-upcoming fiscal year:

Revolving Fund Program/Purpose and Name	Department Receipts To Be Credited To Fund	Entity Authorized To Spend	Fiscal Year Expenditure Limit
Name: Council on Aging Purpose: Providing Council on Aging programming.	All monies, gifts, and fees received and charged for programming to be credited to fund	Council on Aging Director	\$20,000

Summary: *The revolving fund statute was amended by the Municipal Modernization Act, and in particular Section 86 of Chapter 218 of the Acts of 2016. The amendment required that Town Meeting establish revolving funds by bylaw, which occurred at the November 13, 2017 Special Town Meeting.*

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

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 8: Appropriate Sewer Enterprise Fund Budget for FY 2022

To see if the Town will vote to appropriate the total sum of \$823,212 to defray Sewer Enterprise direct and indirect costs, and, to transfer the sum of \$148,000 from Retained Earnings and \$122,288 from Sewer Betterments and to raise the sum of \$552,924 from FY2022 Wastewater receipts to fund the total costs of the Sewer Enterprise Fund for FY2022 as follows, or take any action relative thereto.

Line Number	Department	Description	FY2021	FY2022	FY2022
			Approved	Budget Request	Fin Com Recommended Balance Budget
2020-69	Sewer Enterprise	Personnel Services	21,528	21,918	
2020-70	Sewer Enterprise	Ordinary Expenses	600,736	606,006	
2020-71	Sewer Enterprise	Debt Service/Capital	850,903	195,288	
Subtotal	Sewer Enterprise		1,473,167	823,212	FinCom Approval

Summary: *This article presents the proposed Sewer operating budget of the Town for FY2022.*

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

Sponsored by:

SEWER COMMISSION

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 9: Appropriate Ambulance Department Enterprise Fund Budget for FY 2022

To see if the Town will vote to appropriate the sum of \$384,585 to defray Ambulance Enterprise direct costs and indirect costs, and, to transfer the sum of \$40,000 from Retained Earnings and to raise the sum of \$344,585 from FY2022 Ambulance Enterprise receipts to fund the total costs of the Ambulance Enterprise Fund for FY2022 as follows; or to take any other action relative thereto.

Line Number	Department	Description	FY2021	FY2022	FY2022
			Approved	Budget Request	Fin Com Recommended Balance Budget
2020-72	Ambulance Enterprise	Personnel Services	213,617	294,572	
2020-73	Ambulance Enterprise	Ordinary Expenses	46,195	62,698	

2020-74	Ambulance Enterprise	Debt Service	10,000	27,315	
Subtotal	Ambulance Enterprise		269,812	384,585	FinCom Approval

Summary: *This article presents the proposed Ambulance Enterprise Fund operating budget for FY 2022.*

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

Sponsored by:
BOARD OF SELECTMEN

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 10: Appropriate for the Curbside Solid Waste/Recycling Enterprise FY2022 Budget

To see if the Town will vote to appropriate the sum of \$430,500 to defray Curbside Solid Waste/Recycling Enterprise direct costs, and to raise the sum of \$387,650 from FY2022 Curbside Solid Waste/Recycling Enterprise receipts, transfer the sum of \$4,320 from the DEP Recovery Program account and raise and appropriate the sum of \$38,530 for the total costs of the Solid Waste Enterprise Fund for FY2022, as follows; or take any other action relative thereto.

Line Number	Department	Description	FY2021 Approved	FY2022 Budget Request	FY2022 Fin Com Recommended Balance Budget
2020-75	Trash Enterprise	Personnel Services	-	-	
2020-76	Trash Enterprise	Ordinary Expenses	412,500	430,500	
2020-77	Trash Enterprise	Debt Service	-	-	
Subtotal	Trash Enterprise		412,500	430,500	FinCom Approval

Summary: *This article presents the proposed Solid Waste operating budget of the Town for FY2022.*

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

Sponsored by:
BOARD OF HEALTH

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 11: Solid Waste & Recycling Outstanding

To see if the Town will vote to transfer from available funds, including but not limited to a transfer from the Solid Waste & Recycling Revolving Fund, a sum of \$14, 836 to cover a FY2021 deficit in the Solid Waste & Recycling account, or take any other action relative thereto.

Summary: *This article would cover a FY2021 deficit in the Solid Waste and Recycling Revolving Fund.*

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

Sponsored by:
BOARD OF HEALTH

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 12: To fund the Other Post Benefits Trust (OPEB)

To see if the Town will vote to transfer from Free Cash a sum of \$10,000 to be added to the Post-Employment Benefits Trust Fund; or take any other action relative thereto.

Summary: *Municipal employees earn benefits during their years of service that are not received until after their employment ends. The most common type of post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health and health care benefits to eligible retirees. These non-pension benefits are referred to as "Other Post-employment Benefits." This fund was established to fund this unfunded liability. The balance of the OPEB is \$90,887.03 as of April 2021.*

A majority vote is required for passage of this article.

Sponsored by:
FINANCE COMMITTEE

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 13: Accept Chapter 90 Funds

To see if the Town will vote to authorize the Town to accept and expend any funds allotted or to be allotted to the Town by the Commonwealth of Massachusetts under the so-called Chapter 90 program for the construction, reconstruction, and improvement of Town roads; or take any other action relative thereto.

Summary: *This article allows the Town to accept the so-called Chapter 90 funds provided by the state and to expend those funds in accordance with the requirements of the Mass Department of Transportation guidelines.*

A majority vote is required to approve this article.

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 14: 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 FY22 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:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 15: Amend the General By-Law, Article VI, Health and Sanitation, Sections 9.0 and 9.7

To see if the Town will vote to amend the Town General By-law as set forth below for the purpose of revising Article VI, Health and Sanitation, Section 9.0 and Section 9.7, as follows:

SECTION 9.0: By changing the 3rd sentence of Section 9.0 FROM: "Any owner or keeper of an unlicensed dog who fails to obtain this annual dog license by the end of January of each year shall be

charged a delinquency or late fee in addition to the normal license fee" TO: "Any owner or keeper of an unlicensed dog who fails to obtain this annual dog license by the end of March of each year shall be charged a delinquency or late fee in addition to the normal license fee", or take any action thereon or in relation thereto.

SECTION 9.7: By changing the term from "Public Nuisance" to "Nuisance Dog" along with the following definition changes. FROM: "Public Nuisance - Any dog shall be deemed a public nuisance when attacking, barking at, chasing, or frightening a person or a domestic animal while such dog is on property other than that of such dog's owner or keeper; when destroying property; when on a public school ground and not under the full control of its owner or keeper, whether the dog is leashed or unleashed; if it shall persistently chase moving vehicles; or if it shall persistently or recurrently bark or howl between the hours of 10:00 p.m. and 7:00 a.m. on more than two occasions within a seven-day period. Such barking or howling in a subsequent seven day period shall constitute a separate instance of nuisance. Further, any unsprayed female dog in season, shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinary hospital or registered kennel. TO: "Nuisance dog", a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances."

Summary: *Approval of this article will amend the Town General By-Laws regarding dog licenses to allow dog owners to pay their dog license(s) no later than March 30 of each year instead of January 31 of each year prior to being charged a late fee, as well as changing the definition of "Public Nuisance" to meet the definition as stated in Mass General Law Chapter 140, Section 136A.*

A majority vote is required to approve this article.

Sponsored by:
TOWN CLERK

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 16: Village Cemetery at Shaker Meadows Survey

To see if the Town will vote to transfer from Free Cash the sum of \$5,700 to survey the property, including all incidental and related expenses, or take any other action relative thereto.

Summary: *The purpose of the survey is determine the exact boundaries of the property to ascertain the feasibility of future use. The following tasks will be completed.*

Task 1 Staking of Specific Lot-Line

Task 2 Wetland Delineation
Task 3 "Trails" & Wetland Locations
Task 4 Limited Topographic "Gulley-Fill" Area
Task 5 Update Existing Survey

A majority vote is required to approve this article.

Sponsored by:
BOARD OF SELECTMEN

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 17: Amend Article XXXIV, Illicit Discharge to the Municipal Storm Drain Systems, of the General Town Bylaws

To see if the Town will vote to amend various sections of Article XXXIV of the General Town Bylaws, Illicit Discharge to the Municipal Storm Drain Systems, by inserting the underlined language and deleting the strikethrough language, as follows, and making no additional amendments to the Bylaw as approved by the Attorney General, or take any action relative thereto:

Section 1.D. Authority.

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34. ~~The Planning Board shall administer, implement and enforce or delegate authority to enforce this bylaw. Any powers granted to or duties imposed upon the designee may be delegated in writing to other qualified employees or agents of the Town of Shirley.~~

Section 2. Definitions

Enforcement Authority: The Director of Public Works and respective employees or agents, designated to administer, implement, enforce this Bylaw.

Stormwater Committee: A committee comprised of the Director of Public Works, a representative from the Planning Board, and a resident, with the authority to promulgate rules, regulations and a permitting process to effectuate the purposes of this Bylaw.

Section 5. Prohibited Activities

- A. Illegal Discharges.** No person shall dump, discharge, cause or allow to be dumped or discharged any pollutant or non-stormwater-stormwater discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.

Section 9. Enforcement

A. The Enforcement Authority, ~~designated by the Planning Board, shall will~~ enforce this ~~b~~Bylaw, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for ~~such~~ violation.

D. **Timeline.** If the designated Enforcement Authority determines that abatement or remediation of contamination is required, the order ~~shall will~~ set forth a deadline for completion of the abatement or remediation. Said order ~~shall will~~ further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Shirley may, at its option, undertake such work, and all costs incurred by the Town ~~shall will~~ be charged to the violator, to be recouped through all available means, including the placement of a lien on the property.

Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the designated Enforcement Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the designated Enforcement Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, ~~the costs may constitute a lien on the owner's property for the Town of Shirley may impose a municipal-~~ charges lien on the property, pursuant to General Laws Chapter 40, Section 58, for the total amount of said costs not paid by the violator or property owner. Interest ~~shall~~ will begin to accrue on any unpaid costs at the statutory rate after the 31st day at which the costs first become due.

Summary: *This article modifies the Stormwater Illicit Discharge Bylaw, which was adopted at Town Meeting in Spring 2020. These modifications address comments provided by the Attorney General following their review of the adopted 2020 bylaw.*

This version was produced through the cooperation of our town counsel (KP Law) and the Stormwater Committee and was reviewed and endorsed by the Planning Board.

The Town Illicit Discharge, Detection, and Elimination Bylaw (IDDE) is an essential part of a Town's MS4 Storm water Permit and is used to manage any connections or discharges to the Town of Shirley's Municipal storm drain system and the waters of the Commonwealth.. The reasoning behind the bylaw is because illicit discharges typically contain bacteria and other pollutants that can be harmful to the environment. This bylaw will give the Town of Shirley a legally enforceable mechanism prohibiting illicit discharges from occurring and causing negative impacts to our environment. The Bylaw is designed to prevent are things such as impairment of water quality and reduced flow in lakes, ponds, streams, rivers, wetlands, and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat, and flooding. Regulation of illicit connections and discharges to the municipal storm drain system are necessary to safeguard the public health, safety, and welfare and the natural resources of the Town.

A majority vote is needed for passage of this article.

Sponsored by:
BOARD OF SELECTMEN

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 18: Conservation Land Acquisition Fund

To see if the Town will raise and appropriate or transfer from available funds the sum of \$15,000 to be added to the Conservation Land Acquisition Fund or take action relative thereto.

Summary: *The Conservation Commission seeks to replenish said fund for the purposes said fund was established for the purposes listed under the authority of G.L. Chapter 40, Section 8C as accepted by a vote at Town Meeting on March 21, 1966. Funds are to be used for the all purposes authorized under the authority of G.L. Chapter 40, Section 8C (Conservation commission; establishment; powers and duties) including, but not limited to the acquisition of land for conservation purposes and any associated expenses (i. e. – title, appraisal, surveys, baseline documentation, environmental site analysis, monitoring, closing costs, recording fees, etc.) as may be necessary to secure protection of the interests in the land.*

A majority vote is needed for passage of this article.

Sponsored by:
CONSERVATION COMMISSION

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Unfavorable Action

ARTICLE 19: Amendment to current Shirley Bylaw, Article II (See Appendix D)

To see if the Town will vote to amend Article II, Section 4 of the General Bylaws by inserting a new section 4.1 to clarify the jurisdiction of the Finance Committee, as follows, or to take any other action relative thereto:

“In addition, and pursuant to Mass General Laws, Part I, Title VII, Chapter 39, Section 16, the Finance Committee shall consider any or all municipal questions for the purpose of making reports or recommendations to the town.”

Summary: *The Finance Committee seeks to amend the General Bylaws to formalize the authority of the Committee to consider and provide recommendations with respect to all articles on the warrant, rather than just financial articles. The Finance Committee believes that such a change,*

which is consistent with G.L. c.39, §16, codifies the existing practice of the Finance Committee to research and make recommendations on a range of issues that impact the residents, taxpayers, and Town Meeting members of the Town of Shirley.

A majority vote is needed for passage of this article.

Sponsored by:
FINANCE COMMITTEE

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 20: Nuisance Bylaw

To see if the Town will vote to amend the General Bylaws to insert a new bylaw entitled, “Nuisance Bylaw” which will impose minimum maintenance requirements for properties in all business districts, but will exclude single-family homes, as set forth in more detail Appendix E, and to authorize or take any other action relative thereto.

Summary: *The intent is to protect the health, safety, and welfare of the people of Shirley by preventing blight, protecting property values and neighborhood integrity, protecting the Town’s resources, and ensuring the safety and sanitary maintenance of all buildings and structures.*

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

Sponsored by:
BOARD OF SELECTMEN

Recommendations
Board of Selectmen: Favorable Action
Finance Committee: Favorable Action

ARTICLE 21: Ayer Shirley Regional School District Agreement Amendment

We the petitioners wish to amend the “Agreement between the Towns of Ayer and Shirley with respect to the formation of a regional school district which was approved in March of 2010 and amended in September/October of 2012. This amendment request will follow the procedure outlined in Section XV of the agreement, specifically amendment by petition of 10 percent of the registered voters.

Striking the entirety of Section X: Incurring of Debt, and replacing it with:

“The School Committee is empowered to incur debt consistent with the terms and conditions of M.G.L. Chapter 71, Section 16. Except for the incurring of temporary debt in anticipation of revenue, the process that appears in subsection (d) of Chapter 71, Section 16 will be followed.”

A majority vote is needed for passage of this article.

Sponsored by:

Mr. James Quinty, et al

Recommendations

Board of Selectmen: Take No Action

Finance Committee: Favorable Action

ARTICLE 22: Transfer to the General Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the General Stabilization Fund; or take any other action relative thereto.

Summary: *The Stabilization Fund is a special reserve account that has a balance of \$ 1,429,859.03 as of April 2021. Only the legislative body (Town Meeting) may move funds into or out of this account. A majority vote is required to transfer funds into this account. A 2/3rds vote is required to move funds out of the stabilization account for any legally authorized purpose.*

A majority vote is required for the passage of this article

Sponsored by:

BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action

Finance Committee: Favorable Action

ARTICLE 23: Transfer to the Capital Stabilization Fund

To see if the Town will vote to transfer from available funds a sum of money to the Capital Stabilization Fund; or take any other action relative thereto.

Summary: *This article transfers to the Capital Stabilization Fund surplus funds realized as a result of any other actions taken in the previous articles of this warrant. Additionally, should additional revenues be recognized or state aid increase after the signing of this warrant, the Town has the means to "capture" those revenues with this article, and deposit those receipts into the Capital Stabilization Fund. The Capital Stabilization account has a balance of \$ 599,252.04 as of April 2021.*

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

Sponsored by the Board of Selectmen

Sponsored by:
BOARD OF SELECTMEN

Recommendations

Board of Selectmen: Favorable Action


Finance Committee: Favorable Action

* * *


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 Selectmen, on or before the date of the Meeting. Given under our hands at Shirley, this 26th Day of April, 2021.

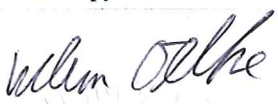
BOARD OF SELECTMEN

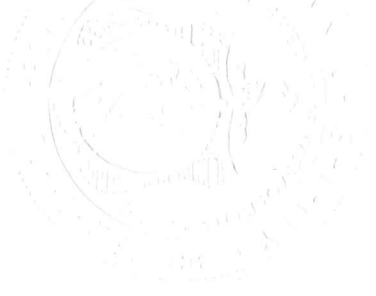

Andree Jean Jacques
Chair


Debra Flagg
Vice Chair


Bryan Sawyer
Clerk

A true copy. Attest:


William Oelfke, Town Clerk



* * * *

RETURN OF SERVICE

CONSTABLE

7 KEADY WAY

SHIRLEY, MA 01464

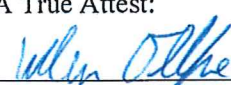
I certify that on April 27, 2021 I duly posted true and attested copies of the foregoing Warrant for the May 10, 2021 Annual Town Meeting at the Shirley Town Offices, Hazen Memorial Library, U.S. Post Office, and the Shirley Senior Center,



KEITH KEADY
Constable

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

A True Attest:



WILLIAM OELFKE
Town Clerk

* * * *

Appendix A

Salary

Classification

Appendix A
Town of Shirley
Salary Classification Schedule
FY2022

Grade	Position
16	None
15	Town Administrator
14	Police Chief
13	Fire Chief Public Works Director
12	None
11	Accountant/Budget Officer Information Technology Administrator Town Treasurer Town Collector Town Assessor Police Lieutenant
10	Library Director
9	None
8	COA Director Assistant Town Administrator
7	None
6	Reserve Police Officer DPW Reserve
5	Conservation Secretary
4	Finance Committee Administrative Secretary Police Matron
3	Dispatcher – Part-time
2	None
1	None

Appendix B

Wage Scale

Appendix B

Town of Shirley
Proposed FY22 Wage Scale - 1% cost of living adjustment

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1.01															
1 Hourly	12.53	12.81	13.10	13.40	13.69	14.00	14.32	14.64	14.97	15.32	15.66	16.01	16.37	16.74	17.12
1 weekly	501.26	512.35	523.87	535.82	547.76	560.13	572.93	585.73	598.95	612.61	626.26	640.34	654.84	669.77	684.70
1 yearly	26,165.87	26,744.86	27,346.12	27,969.64	28,593.17	29,238.97	29,907.03	30,575.10	31,265.43	31,978.03	32,690.63	33,425.50	34,182.64	34,962.05	35,741.46
2 Hourly	13.79	14.10	14.42	14.74	15.07	15.41	15.76	16.12	16.48	16.85	17.23	17.62	18.01	18.42	18.83
2 weekly	551.60	563.97	576.77	589.57	602.79	616.45	630.52	644.60	659.11	674.04	689.40	704.75	720.54	736.75	753.39
2 yearly	28,793.59	29,439.39	30,107.45	30,775.51	31,465.85	32,178.45	32,913.32	33,648.19	34,405.33	35,184.74	35,986.42	36,788.10	37,612.04	38,458.26	39,326.74
3 Hourly	15.17	15.51	15.86	16.21	16.57	16.95	17.33	17.73	18.12	18.53	18.94	19.37	19.81	20.25	20.71
3 weekly	606.63	620.28	634.36	648.44	662.95	677.88	693.23	709.02	724.80	741.01	757.85	774.72	792.21	810.12	828.47
3 yearly	31,666.27	32,378.87	33,113.74	33,848.61	34,605.75	35,385.16	36,186.84	37,010.79	37,894.73	38,680.95	39,549.43	40,440.18	41,353.21	42,288.50	43,246.06
4 Hourly	16.68	17.05	17.44	17.83	18.24	18.64	19.06	19.49	19.92	20.37	20.83	21.30	21.78	22.27	22.77
4 weekly	667.21	682.14	697.50	713.28	729.50	745.71	762.34	779.41	796.90	814.82	833.16	851.93	871.13	890.75	910.80
4 yearly	34,828.44	35,607.85	36,409.53	37,233.47	38,079.69	38,925.90	39,794.39	40,685.14	41,598.16	42,533.45	43,491.01	44,470.84	45,472.94	46,497.30	47,543.94
5 Hourly	18.34	18.76	19.19	19.61	20.05	20.50	20.96	21.43	21.91	22.40	22.90	23.41	23.93	24.47	25.02
5 weekly	733.76	750.40	767.46	784.53	802.02	819.94	838.28	857.05	876.25	895.87	915.92	936.40	957.30	978.63	1,000.82
5 yearly	38,302.38	39,170.86	40,061.61	40,952.37	41,865.39	42,800.68	43,758.24	44,738.07	45,740.16	46,764.53	47,811.16	48,880.07	49,971.24	51,084.68	52,242.66
6 Hourly	20.18	20.64	21.11	21.59	22.08	22.58	23.09	23.61	24.15	24.69	25.24	25.81	26.39	26.98	27.59
6 weekly	807.14	825.48	844.25	863.45	883.07	903.12	923.60	944.51	965.84	987.59	1,009.78	1,032.39	1,055.42	1,079.31	1,103.63
6 yearly	42,132.61	43,090.17	44,070.00	45,072.10	46,096.47	47,143.10	48,212.00	49,303.18	50,416.62	51,552.33	52,710.31	53,890.55	55,093.07	56,340.12	57,609.45
7 Hourly	22.19	22.70	23.21	23.73	24.25	24.81	25.36	25.94	26.52	27.12	27.73	28.36	29.00	29.65	30.32
7 weekly	887.77	907.82	928.29	949.20	970.53	992.28	1,014.47	1,037.51	1,060.97	1,084.86	1,109.18	1,134.34	1,159.94	1,185.96	1,212.84
7 yearly	46,341.42	47,388.06	48,456.96	49,548.13	50,661.57	51,797.28	52,955.26	54,137.78	55,382.56	56,629.62	57,898.94	59,212.80	60,548.93	61,907.33	63,310.27
8 Hourly	24.41	24.97	25.53	26.11	26.69	27.29	27.91	28.54	29.18	29.84	30.51	31.20	31.90	32.61	33.35
8 weekly	976.50	998.68	1,021.29	1,044.33	1,067.79	1,091.68	1,116.43	1,141.60	1,167.19	1,193.64	1,220.52	1,247.82	1,275.98	1,304.56	1,334.00
8 yearly	50,973.34	52,131.32	53,311.56	54,514.08	55,738.87	56,985.92	58,277.51	59,591.37	60,927.50	62,308.17	63,711.10	65,136.31	66,606.05	68,098.06	69,634.61
9 Hourly	26.85	27.46	28.08	28.71	29.36	30.02	30.69	31.39	32.09	32.82	33.55	34.31	35.08	35.87	36.68
9 weekly	1,074.19	1,098.51	1,123.25	1,148.42	1,174.45	1,200.90	1,227.77	1,255.50	1,283.66	1,312.67	1,342.10	1,372.39	1,403.11	1,434.68	1,467.10
9 yearly	56,072.90	57,342.22	58,633.81	59,947.67	61,306.07	62,686.74	64,089.67	65,537.15	67,006.89	68,521.17	70,057.72	71,638.81	73,242.16	74,890.05	76,582.49
10 Hourly	29.54	30.20	30.89	31.58	32.29	33.02	33.77	34.52	35.30	36.09	36.90	37.73	38.59	39.45	40.34
10 weekly	1,181.70	1,208.15	1,235.45	1,263.18	1,291.76	1,320.77	1,350.63	1,380.92	1,412.07	1,443.63	1,476.06	1,509.33	1,543.46	1,578.01	1,613.42
10 yearly	61,684.64	63,065.31	64,490.51	65,937.99	67,430.00	68,944.28	70,503.10	72,084.18	73,709.81	75,357.70	77,050.13	78,787.10	80,568.60	82,372.38	84,220.69
11 Hourly	32.50	33.23	33.98	34.75	35.53	36.33	37.15	37.98	38.83	39.71	40.60	41.52	42.46	43.42	44.40
11 weekly	1,299.87	1,329.30	1,359.17	1,389.88	1,421.02	1,453.02	1,485.87	1,519.14	1,553.27	1,588.25	1,624.09	1,660.78	1,698.32	1,736.71	1,775.96
11 yearly	67,853.11	69,389.65	70,948.47	72,551.83	74,177.45	75,847.61	77,562.31	79,299.28	81,080.79	82,906.83	84,777.41	86,692.53	88,652.19	90,656.38	92,705.11
12 Hourly	35.75	36.55	37.37	38.21	39.08	39.95	40.85	41.76	42.70	43.66	44.64	45.65	46.67	47.72	48.79
12 weekly	1,429.98	1,461.98	1,494.83	1,528.53	1,563.08	1,598.07	1,633.90	1,670.59	1,708.13	1,746.52	1,785.77	1,825.87	1,866.83	1,908.63	1,951.72
12 yearly	74,645.10	76,315.26	78,029.96	79,789.20	81,592.97	83,419.01	85,289.60	87,204.71	89,164.37	91,168.56	93,217.30	95,310.57	97,448.37	99,630.72	101,879.87
13 Hourly	39.32	40.21	41.11	42.04	42.99	43.96	44.95	45.97	47.00	48.06	49.13	50.24	51.37	52.53	53.71
13 weekly	1,572.90	1,608.30	1,644.57	1,681.68	1,719.65	1,758.47	1,798.14	1,838.67	1,880.05	1,922.29	1,965.37	2,009.74	2,054.96	2,101.03	2,148.39
13 yearly	82,105.15	83,953.47	85,846.32	87,783.70	89,765.63	91,792.09	93,863.09	95,978.63	98,138.71	100,343.32	102,592.47	104,908.43	107,288.92	109,737.96	112,145.80
14 Hourly	43.26	44.23	45.22	46.23	47.28	48.35	49.43	50.54	51.68	52.85	54.03	55.25	56.49	57.76	59.06
14 weekly	1,790.31	1,769.13	1,808.81	1,849.34	1,891.14	1,933.80	1,977.32	2,021.68	2,067.33	2,113.83	2,161.19	2,209.82	2,259.73	2,310.50	2,362.54
14 yearly	90,322.35	92,348.81	94,415.81	96,535.35	98,717.70	100,944.58	103,216.00	105,531.96	107,914.72	110,342.02	112,813.86	115,332.51	117,957.96	120,607.95	123,324.75
15 Hourly	47.59	48.65	49.75	50.87	52.01	53.19	54.38	55.61	56.86	58.14	59.45	60.78	62.15	63.54	64.97
15 weekly	1,909.52	1,945.18	1,990.12	2,034.91	2,080.56	2,127.48	2,175.26	2,224.32	2,274.24	2,325.43	2,377.90	2,431.23	2,485.83	2,541.72	2,598.88
15 yearly	99,563.49	101,590.37	103,884.06	106,222.29	108,605.05	111,054.62	113,548.73	116,109.65	118,715.10	121,387.36	124,126.42	126,940.03	129,760.44	132,677.65	

Appendix C

5-Year Capital

Plan

Five Year Capital Improvement Plan

Department	Requested Project/Equipment	FY22	FY23	FY24	FY25	FY26
DPW	2022 Freightliner 108 Truck replacing 2001 7400 Dump Truck	239,782				
Fire	Headquarters Façade Repair	20,660				
Police	Replace 2014 Interceptor w/2021 Hybrid Cruiser	56,615				
Police	Radar Trailer	11,287				
	Capital Projects FY2022	328,344				
Fire	Chief's Car		65,000			
Fire	Pavement/Concrete Improvements at Fire House		77,051			
DPW	Catch Basin Attachment/Clam Shell		117,000			
Police	New Roof		48,000			
Town Hall	New Roof		48,000			
	Capital Projects FY2023		355,051			
DPW	GMC Sierra 1-Ton Pick-up w/Plow (2013)			75,000		
Police	Cruiser (2013 Interceptor)			51,143		
DPW	CDL Dump Truck			250,000		
	Capital Projects FY2024			376,143		
Library	New Roof			60,000		
Ambulance	Ambulance: E450 Ford Class I (1999)			328,300		
	Capital Projects FY2025			388,300		
Police	Cruiser (2011 Crown Victoria)				51,143	
Fire	Replacement of Fire Engine 5				650,000	
	Capital Projects FY2026				701,143	
TOTAL FY2022- FY2026 CAPITAL PLAN		328,344	355,051	376,143	388,300	701,143
Total 5 Yr CIP Plan:						2,148,981

Appendix D
Finance
Committee Bylaw
Amendment

APPENDIX D

ARTICLE II FINANCE COMMITTEE

Section 1 There shall be a Finance Committee consisting of seven members appointed by the Moderator. All of the members shall be registered voters of the Town of Shirley. The members shall each serve for a three-year term, so arranged by the Moderator that two or three terms shall expire at the end of each year.

In addition, the Town Accountant, as Budget Officer of the Town, shall be an ex-officio non-voting member of the Finance Committee.

Except as approved by the Selectmen, no one holding an elective office, no employee of the Town, and no appointed officer receiving a salary, other than the Town Accountant, shall be eligible to be appointed to said Committee.

[Amended March 22, 1993 STM; Sept 26, 1994 STM; Dec 1, 1998 STM; May 23, 2001 ATM; and March 10, 2003 STM]

Section 2 The Board of Selectmen shall issue to comply with the Commonwealth of Massachusetts State Building Code, a prescribed fee schedule. All fees collected within the Town of Shirley, shall be paid into the Treasury of the Town. [Revised June 5, 1975 ATM]

Section 3 The Moderator shall fill any vacancy which may occur in the membership of the committee. Notice of the appointment shall be sent by the Moderator to the Town Clerk for the records. If any appointed member is absent from three consecutive meetings of the committee except in case of illness, his or her position shall be deemed vacant by the chairman and upon written notification to the Moderator a successor shall be appointed to fill the vacancy.

Section 4 All articles relating to financial matters in the warrant for a town meeting shall be referred to the Finance Committee for its consideration. Said committee shall after due consideration of the subject matter of all articles, make a report to the meeting of its findings with recommendations relative to financial matters and the conduct of town business. The Committee's annual report shall contain expenditures in previous years and estimated requirements for the ensuing year of the several boards, officers and committees of the town, and prepared by them in such a form and detail as may be prescribed by said committee. The committee shall add to such statement of expenditures and estimates, another column giving the amounts which in its opinion should be appropriated for the ensuing year and add explanations where necessary. The entire report may be contained in the Annual Town Report following the warrant for the ensuing year or may be published separately, but in either case, the Board of Selectmen shall make copies of the Warrant containing the recommendations of the Finance Committee available at the Municipal Building and Hazen Memorial Library in Shirley Village and at the Center Town Hall in Shirley

Proposed Amendment

4.1 *In addition, and pursuant to Mass General Laws, Part I, Title VII, Chapter 39, Section 16, the Finance Committee shall consider any or all municipal questions for the purpose of making reports or recommendations to the town.*

5 The Finance Committee has full control of the Reserve Fund and how it is to be disbursed. To aid the committee in the discharge of their duty, there shall be made available to them, books of record and accounts, bills and vouchers on which money has been or may be paid from the Town Treasury.

[Adopted at October 10, 1970 STM, Article 1; Revisions as noted above.]

Appendix E

Nuisance Bylaw

Appendix E

ARTICLE XXXI NUISANCE BY-LAW

Section 1. Authority and Purpose. To help protect the health, safety, and welfare of the people of Shirley by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, and ensuring the safety and sanitary maintenance of all buildings and structures. Inadequately maintained buildings are at an increased risk for fire, unlawful entry, or other public health and safety hazards. This bylaw will help secure the welfare of the Town's residents and neighborhoods by requiring owners of commercial, industrial, and multi-family residence properties in business districts in the Town to properly maintain their respective properties.

Section 2. Definitions

Building - A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. See "structure" below.

Business District – referring, collectively, to all business districts in the Town of Shirley as defined in the Shirley Zoning By-laws, including the Shirley Village Business District, North Shirley Village District, Great Road-West Mixed-Use District, Mixed Use District, Lancaster Road Commercial District, and Industrial District, and any other business, mixed use, commercial or industrial district that may be created from time to time by amendment of the Zoning By-law.

Dilapidated - A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- a. Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;
- b. Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering.
- c. Personal property that is broken, rusted, worn, partially or wholly dismantled or that, due to deterioration, is unsuitable for the purpose for which designed.

Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise.

Owner - Every person who alone or jointly or severally with others:

- a. has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- b. has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- c. is a mortgagee in possession of any such property; or
- d. is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- e. is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house.

Person - Any individual, corporation and any voluntary association of individuals, business entity, or organization whether incorporated or not.

Structure - A combination of materials, whether wholly or partially level with, above or below, the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

Section 3. Nuisances Prohibited . All properties, whether occupied or vacant, located in a Business District in the Town of Shirley, excluding occupied single family homes, shall be maintained in good repair and in a safe and sanitary condition hazardous or blighted area or to adversely affect the public health and safety or property value of adjacent or surrounding property.

No owner or occupant of any real property in the Business District in the Town of Shirley, whether occupied or vacant, and excluding occupied single family homes, shall create, permit or maintain a condition or activity on their property which constitutes a nuisance by causing substantial or unreasonable interference with the common interest of the general public in the maintenance of decent, safe and sanitary conditions so as to prevent hazardous and blighted conditions. The following is a non-exhaustive list of examples of conditions which may be considered nuisances for purposes of this bylaw:

- a. burned structures not otherwise lawfully habitable or usable;
- b. dilapidated real or personal property;
- c. dangerous or unsafe structures or personal property;

- d. overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property;
- e. dead, decayed, diseased or hazardous trees, debris or trash that creates a hazard to life or safety;
- f. vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.
- g. personal property which has been placed for collection as rubbish or refuse in violation of any rule or regulation of the Board of Health, or left in public view for more than three (3) days. The exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish, or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other cast off material of any kind whether or not the same could be put to any reasonable use.
- h. the storage of building materials upon residential properties unless there is in force a valid building permit issued by the building official for construction upon said property and said materials are intended for use in connection with said construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure.

Section 4. Vacant Buildings. The owner of any real property in the Town of Shirley which contains buildings or structures that are or will be unoccupied for a period of one hundred eighty (180) consecutive days or more shall take the following measures to prevent the creation of nuisance conditions:

- a. comply with all applicable sanitary, building, and fire codes and orders issued pursuant thereto;
- b. secure the premises to prevent unauthorized entry and exposure to the elements;
- c. maintain the premises in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features;
- d. repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days;
- e. for properties vacant for six months or more, the utilities for which have been shut off, remove or cut and cap such utilities to prevent accidents;

- f. compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

Section 5. Enforcement. If the Building Inspector is informed of or has reason to believe that nuisance conditions exist on any real property in the Town, the Building Inspector may make or cause to be made an investigation of the facts, including an inspection of the property where the condition may exist. In making such inspection, the Building Inspector shall have such right of access to premises that may be lawfully exercised under the laws and constitution of the Commonwealth and/or of the United States.

If, after inspection, the Building Inspector confirms the existence of nuisance conditions, the Building Inspector may make such orders deemed necessary to abate the nuisance. Said orders shall be in writing and shall be served upon all owners and occupants as can be determined after reasonable inquiry.

Any person aggrieved by an order of the Building Inspector, may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of issuance of the Building Inspector's order. A copy of the hearing request shall also be delivered to the Building Inspector, the complainant, if any, and the owners and occupants of any abutting property within three hundred (300) feet of the property line of the subject property. It shall be the responsibility of the person requesting the hearing to show that all interested parties have been notified in writing of the request. If no such request is received within the time specified herein, the order of the Building Inspector shall be final.

A request for hearing shall not constitute a stay of the Building Inspector's order unless the Building Inspector so orders.

Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the any complainant, if any, under oath, to determine whether nuisance conditions exist. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Building Inspector's order, reverse and nullify the order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance. The determination of the Board of Selectmen after a hearing shall be final.

Section 6. Enforcement. This Bylaw may be enforced, or violations enjoined, by any means available in law or in equity, including non-criminal disposition pursuant to G.L. c.40, §21D and Chapter XX, Section 3 of the General Bylaws. If enforced through indictment or on complaint to a court of competent jurisdiction, except as may be otherwise provided by law and as the court may see fit to impose, the

maximum penalty for each violation or offense shall be three hundred dollars (\$300).

The Building Inspector, the Board of Health or its designee and members of the Shirley Police Department shall be authorized, for purposes of non-criminal disposition, to enforce this bylaw. If enforced pursuant to non-criminal disposition, the following penalties shall apply:

First Offense – twenty five dollars (\$25.00)

Second Offense – fifty dollars (\$50.00)

Third Offense – one hundred dollars (\$100.00)

Fourth and Further Offenses – three hundred dollars (\$300.00)

Regardless of the method of enforcement, each day or portion thereof that a violation exists shall constitute a separate offense. If more than one violation exists, each condition violated shall constitute a separate offense.

Section 7. Interaction with Other Laws. This bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the abatement of nuisances. Nothing in this bylaw is intended to limit or restrict the authority of the Board of Selectmen, the Board of Health, the Building Inspector, Conservation Commission, the Fire Chief, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to:

- a. The authority of the Board of Selectmen to abate nuisances in accordance with Massachusetts General Laws, Chapter 139, Section 1;
- b. The authority of the Board of Health to abate nuisances in accordance with Massachusetts General Laws, Chapter 111, Sections 122-125, to enact and enforce local regulations enacted in accordance with Massachusetts General Laws, Chapter 111, Section 31, or to enforce the State Sanitary Code; and
- c. The authority of the Building Inspector to abate nuisances caused by dangerous buildings as set forth in Massachusetts General Laws, Chapter 143, Section 6, or the State Building Code.

Section 8. Administration. The Building Inspector shall file with the Board of Selectmen each month a report that shall include all complaints of nuisance made during the prior month; all proceedings begun under this Bylaw; all pending complaints and all investigations and enforcement actions taken or referred to the Board of Health or any other enforcement agency. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the responsible party (ies), and the disposition or the status of the matter.

Section 9. Severability. The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any determination that previously has been issued.