

RESULTS OF BUCKLAND ANNUAL TOWN MEETING

June 5, 2021

There were ninety-six (96) Town of Buckland registered voters in attendance (quorum being 7) at the Annual Town Meeting held in the parking lot of the Mohawk Trail Regional School. Phoebe Walker served in her capacity as Moderator working from a warrant dated May 20, 2021 and posted by Constable, Arthur Henry Phillips.

The meeting was called to order at 10:06am.

REPORT OF THE TOWN CLERK

TOWN CLERK TO REPORT ON THE RESULTS OF THE [ANNUAL TOWN ELECTION](#)

Town Clerk, Karen Blom read the Annual Election results from May 4, 2021. No vote was taken to accept the report.

Moderator (1), Phoebe Walker	for one year
Select Board (1), Clinton Phillips	for three years
Town Clerk (1), Karen Blom	for two years
Board of Assessors (1), Elizabeth Cerone	for three years
Board of Health (1), Dean Singer	for three years
Board of Health (1), Margaret Louise Hart	for two years
Buckland Library Trustee (1), Catherine Russillo	for three years
Finance Committee (2), Bruce Lessels & vacant	for three years
Finance Committee (1), Dena Willmore	for one year
Constable (1), Floyd Scott	for three years

ARTICLE 1: REPORTS OF TOWN OFFICERS

The Town **voted** to accept the reports of the Town Officers as printed in the **2020 Annual Town Report**.

ARTICLE 2: SALARIES OF ELECTED OFFICIALS

The Town **voted and passed unanimously** to raise and appropriate from available funds the sum of **\$42,715** for elected officials' salaries for Fiscal Year 2022, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Operating Budget Report.

ARTICLE 3: TOWN OPERATING BUDGET

The Town **voted and passed** to raise and appropriate from available funds the sum of **\$1,856,499** for the Town Operating budget for Fiscal Year 2022, as line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal Year 2022 Operation Budget Report.

ARTICLE 4: SPECIAL LINE ITEMS

The Town **voted and passed** to raise and appropriate from available funds the sum of **\$59,350** for the purpose of funding Special Line Items in the Town Operating Budget for Fiscal Year 2022, as line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal Year 2022 Operating Budget

Report, and, further to authorize that unspent amounts in said line items may be carried forward for use in following fiscal years without further appropriation.

ARTICLE 5: MOHAWK TRAIL SCHOOL DISTRICT ASSESSMENT

The Town **voted and passed** to raise and appropriate the sum of **\$2,673,693** for the Mohawk Trail Regional School District Operating Assessment for Fiscal Year 2022.

ARTICLE 6: MOHAWK TRAIL SCHOOL DISTRICT CAPITAL ASSESSMENT

The Town **voted and passed** to raise and appropriate from available funds the sum of **\$99,739** for the Mohawk Trail Regional School District Capital Assessment for Fiscal Year 2022.

ARTICLE 7: MOHAWK TRAIL SCHOOL DISTRICT NEW DEBT – BUCKLAND SHELburne ELEMENTARY SCHOOL

The town **voted and passed** 94 to 2 to allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed **\$382,850** for work at Buckland Shelburne Elementary School in Shelburne, Massachusetts, to include rebuilding or resurfacing of parking lots and certain walkways; replacement of the fire alarm control panel and related sensors; replacement of a pneumatic heating control system; replacement of a heating system boiler and domestic hot water tanks; and replacement of restroom exhaust fans; and including costs incidental or related thereto, which purpose of the projects will materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee's Building Subcommittee, and to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority. This borrowing shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½),

ARTICLE 8: MOHAWK TRAIL SCHOOL DISTRICT NEW DEBT – MOHAWK TRAIL REGIONAL HIGH SCHOOL

The Town **voted and passed** 94 to 2 to allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed **\$665,000** for work at Mohawk Trail Regional School in Buckland, Massachusetts, to include replacement of the heating boiler control system; resealing of parking lots; replacement of the fire alarm control panel and related sensors; replacement of/upgrades to certain domestic hot water heaters, condenser units, heating system hot water control valves, and freeze prevention system; construction of a second means of egress from the main electrical switchgear room; installation of additional safety railings to sections of the outside bleachers; replacement of the movable gymnasium

partition; and replacement of floor covering in the library; and including costs incidental or related thereto, which purpose of the projects will materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee's Building Subcommittee, and to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority. This borrowing shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C

ARTICLE 9: TUITION AND TRANSPORTATION FOR SMITH VOCATIONAL SCHOOL

The Town **voted and passed unanimously** to raise and appropriate from available funds the sum of **\$30,000** for the tuition and transportation of students to the Smith Vocational School for Fiscal Year 2022, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Operating Budget Report.

ARTICLE 10: FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT

The Town **voted and passed** to raise and appropriate from available funds the sum of **\$111,754** for the Franklin County Technical School Operating Budget, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Operating Budget Report.

ARTICLE 11: FRANKLIN COUNTY TECHNICAL SCHOOL CAPITAL ASSESSMENT

The Town **voted and passed unanimously** to raise and appropriate the sum of **\$5,789** for the Franklin County Technical School Capital Budget, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Operating Budget Report.

ARTICLE 12: SHELBURNE FALLS WASTEWATER TREATMENT FACILITY BUDGET

The Town **voted and passed unanimously** to raise and appropriate a sum of **\$333,743** to fund fund the operation and maintenance of the Shelburne Falls Wastewater Treatment Facility, an Enterprise Fund, for which a sum of money will be raised from anticipated receipts from the Buckland user assessment as a line item appropriation, and for which a sum of money will be raised from anticipated receipts from the Town of Shelburne (pursuant to the operation agreement), as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Budget Report.

ARTICLE 13: CAPITAL AND/OR DEBT EXPENSES FOR THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY ENTERPRISE FUND

The Town **voted and passed unanimously** to appropriate a sum of **\$80,000** to fund the cost of capital expenses for the Shelburne Falls Wastewater Treatment Facility, an Enterprise Fund, as a line item appropriation, from the Buckland Enterprise Fund Retained Earnings as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2022 Operating Budget Report.

ARTICLE 14: SPECIAL LINE ITEMS - WASTEWATER TREATMENT FACILITY

The Town **voted and passed unanimously** to raise and appropriate a sum of **\$800** to Special Line Items in the Wastewater Treatment Facility Enterprise Fund budget for Fiscal Year 2022, as line item appropriations, as recommended by the Finance Committee, in the Fiscal Year 2022 Wastewater Treatment Facility Budget Report, and, further to authorize that unspent amounts in said line items may be carried forward for use in following fiscal years without further appropriation..

ARTICLE 15: TOWN DEBT SERVICE

The Town **voted and passed unanimously** to raise and appropriate from available funds a sum of **\$118,767** to pay the interest and principle on Town Debt, as shown in the chart above (below) and as recommended by the Finance Committee Fiscal Year 2022 Capital and Debt Service Report.

Project	Amount	Source of Funds	Excluded Debt
Town Hall Renovation	\$25,800	Raise & Appropriate	Yes
Highway Garage	\$92,967	Raise & Appropriate	Yes
TOTAL	\$118,767		

ARTICLE 16: TOWN CAPITAL EXPENSES

The Town **voted and passed** to appropriate from Free Cash a sum of **\$115,000** to be placed in departmental Capital Accounts, as shown in the chart above (below) and as recommended by the Finance Committee Year 2022 Capital and Debt Service Report.

Account	Purpose	Amount	Source of Funds
General Administration	Grant Match	\$30,000	Free Cash
Highway Expenses	Engineering for new Salt & Sand Shed	\$35,000	Free Cash
Highway Expenses	Road Repairs & Paving	\$50,000	Free Cash
TOTAL		\$115,000	

ARTICLE 17: FUNDING FOR STABILIZATION ACCOUNTS

The Town **voted and passed** to appropriate from Free Cash a sum of **\$25,000** to fund Town Stabilization Accounts, as shown in the chart above (below) and as recommended by the Finance Committee Year 2022 Capital and Debt Service Report.

Stabilization Account	Amount	Source of Funds
Highway Stabilization	\$25,000	Free Cash
TOTAL	\$25,000	

ARTICLE 18: FUNDING FOR FY21 WINTER ROAD DEFICIT

The Town **voted and passed** to appropriate from Free Cash the sum of **\$10,762** to provide funding for the FY21 Winter Roads Budget line as shown in the chart above (below) and as recommended by the Finance Committee.

Operating Budget FY21	Amount	Source of Funds
Winter Roads	\$10,762	Free Cash
TOTAL	\$10,762	

ARTICLE 19: FUNDING SWIMMING POOL AT RECREATION AREA – requires 2/3 vote

The Town **voted and passed** 93 to 1 to appropriate **\$150,000** to fund the design and construction of a new swimming pool at the Buckland Recreation Area, including all costs incidental and related thereto and to meet said appropriation the Town shall transfer \$150,000 from the General Stabilization Fund; and further to authorize the Select Board to take all actions and enter into any agreements, including contracts in excess of three years, necessary to effectuate the purposes of this article.

ARTICLE 20: OTHER POST EMPLOYMENT BENEFITS

The Town **voted and passed unanimously** to appropriate from Free Cash the sum of **\$20,000** to be deposited into the Other Post Employment Benefits Liability Trust Fund in order to offset future health insurance costs for retirees

ARTICLE 21: AMENDMENT TO SHORT TERM RENTAL TAX

The Town **voted and passed** to amend its acceptance of Section 3A of chapter 64G of the Massachusetts General Laws permitting the regulation of short term rental properties and established local excise tax of the occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within the Town of Buckland from a **rate of 5 percent to a rate of 6 percent** of the total amount of rent for each such occupancy.

ARTICLE 22: BYLAW AMENDMENT -- REVOLVING ACCOUNTS

The Town **voted and passed** pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and fiscal year spending limits as set forth below, and further (2) to amend the General By-laws by inserting a new subsection within Chapter V, Financial Affairs, to be titled “Revolving Funds”, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund as written in the warrant above (below).

Revolving Funds

Sec. 6 A. There are hereby established in the Town of Buckland pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

B. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

C. No liability shall be incurred in excess of the available balance of the fund.

D. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Select Board and Finance Committee in accordance with G.L. c.44, §53E½.

E. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

F. Authorized Revolving Funds

ACCOUNT NAME	PURPOSE	SOURCE OF FUND	AUTHORITY
Board of Health	Paying costs associated with Board of Health Inspections	Board of Health Fees	Board of Health
Animal Control / Dog Fund	Paying costs associated with Animal Control expenses	Fines Collected	Town Clerk and/or Animal Control Officer
Town Hall Maintenance	Paying costs associated with Town Hall Maintenance	Town Hall Rental & Janitorial Fees	Select Board
Parking Tickets	Paying costs associated with payment and collection of Parking Tickets and Fees	Parking Ticket Fees	Parking Clerk

Recreation Summer Camp	Paying the costs to run the Recreation Summer Camp	Camper Fees	Recreation Committee
Recreation Area Repairs and Maintenance	Paying costs associated the Recreation Area	Rental Fees	Recreation Committee
Zoning Board of Appeals	Paying costs associated with ZBA Hearings	Fees for postage and advertising	Chair, Zoning Board of Appeals
Conservation Commission	Paying costs associated with Conservation Commission Hearings	Fees for postage and advertising	Chair, Conservation Commission
Planning Board	Paying costs associated with Planning Board Hearings	Fees for postage and advertising	Chair, Planning Board
Filming & Media Location Maintenance	Paying for repairs and maintenance of Town Media or Filming License Locations	Fees received from the licensing and use of Town property and facilities for media or film locations	Select Board

G. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Board of Health	\$20,000
Animal Control / Dog Fund	\$15,000
Town Hall Maintenance	\$ 2,000
Parking Tickets	\$ 1,000
Recreation Summer Camp	\$20,000
Recreation Area Maintenance	\$20,000
Zoning Board of Appeals	\$ 2,000
Planning Board	\$ 2,000
Filming & Media Location Maintenance	\$20,000

ARTICLE 23: TOWN CLERK'S POSITION: APPOINTED VS. ELECTED

The Town **voted and did not pass**, in accordance with the provisions of MGL Chapter 41, sec.1B, to change the position of elected Town Clerk to an appointed position, provided further, however, that such change must also be approved by the Town at the next annual or special Town election.

ARTICLE 24: TOWN CLERK – COLLECTION OF RECEIPTS

The Town **voted and passed** to amend the Town's General Bylaws, Chapter V, Financial Affairs, Disposition of Departmental Receipts, Sec. 4, as follows, with the struck through language deleted and the bolded and underlined language inserted:

Sec. 4. ~~Every officer shall pay into the treasury of the town all amounts received by him on~~
~~behalf of the town, except as otherwise provided by law, and shall make a~~
~~true return thereof~~
~~to the Town Treasurer, stating the accounts upon which such amounts were~~
~~received.~~ **Notwithstanding any General Law to the contrary, every town**
officer shall pay all fees received by them by virtue of their office into
the treasury of the town and shall make a true return thereof to the
Town Treasurer, stating the accounts upon which such amounts were
received.

ARTICLE 25: BYLAW CHANGE – ANIMAL CONTROL

The Town **voted and passed with amendment** to amend the Town's General Bylaws, Chapter XI, Dog Bylaws by deleting Sections 1 through 6, in their entirety and creating a new Chapter XI, Animal Control Bylaws to read as written in [Attachment A](#) of this warrant.

Janice Sorenson made an amendment and moved that under - "Dogs Running-At-Large; Unrestrained", 2a be struck from the proposed bylaws, Bob Dean seconded.
Yeas – 42, Nays – 26, amendment passed.

Dena Willmore moved the amended article, Barry Del Castillo seconded, voted and passed **not** unanimously. Yeas – 42, Nays - 15

ARTICLE 26: PIONEER VALLEY MOSQUITO CONTROL DISTRICT

The Town **voted and passed** to become a member of the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A and other applicable sections of said law; and to meet this obligation, raise and appropriate the sum of **\$5,000** from taxation to fund the annual membership fee.

ARTICLE 27: PETITION ARTICLE – STREET LIGHTING

The Town **voted and did not pass** to amend the Town's Bylaw by adding a new section, Chapter XVI Public Street Light Standards"

- a) Purpose. This change would be consistent with proposed 2021 Massachusetts bill "An Act to improve outdoor lighting, conserve energy, and increase dark-sky visibility". Research shows that excessive night lighting harms the environment in many ways. It has been estimated that Massachusetts wastes 1½ billion kilowatt-hours of electricity and \$180,000,000 annually from wasted light that is needlessly shown upward into the sky or beyond the intended purpose. Visual impairment

occurs when poorly designed lighting causes harsh glare that blinds and distracts drivers, especially in bad weather and for elderly drivers with poor visibility. Environmental consequences occur when over lit buildings and streets disorient many birds, especially during their seasonal migrations, causing death due to impact or predation. Loss of the starry sky occurs when sky glow from light pollution reduces enjoyment of the night sky. Lighting professionals recognize that the most straightforward means to create a glare-free nighttime environment is to utilize fully- shielded lighting fixtures, which emit all of their light down (below horizontal) and none of it directly up into the sky. White LEDs are strong sources of blue-rich light, which has several negative side effects including more disruption to the circadian activity of nocturnal wildlife, as well as for humans. Lower K lights are warmer and less disruptive. Our current lights are 3,000K. the maximum considered by the legislation.

2200K is similar to the lights we had before. (Information obtained from the authors of the bill).

- b) Chapter XVI Public Street Light Standards - As of the date of the vote by the town on this article, the town will provide all existing public LED street lights with house-side shields. The town will dim all lights to 50% at all times. All future public LED street lights installed or replaced in the town will be 2200K and will be fully shielded fixtures. "Fully shielded fixture", is a fixture that in its mounted position has an uplight value of UO as defined by the Illuminating Engineering Society's standards publication TM-15-20 (Luminaire Classification System for Outdoor Luminaires);

or take any other action relating thereto.

ARTICLE 28: PETITION ARTICLE – FILMING PERMISSIONS

The Town voted and did not pass the amended article to amend the Town's Bylaw by adding a new section, "Chapter XVII Allowing Filming in Buckland"

- a) Purpose: Residents are concerned about how decisions are made related to major television and motion picture filming that takes place in Buckland. The average resident is not a business owner, and business owners may or may not benefit from filming. Rather residents are generally not compensated for inconveniences including not being able to walk or drive through the town and neighborhoods at uncertain times, lighting that effects large areas of town, generators running, loss of parking, loss of access to stores and other businesses that serve important needs, and film production contents that are offensive to the values of many residents. This action would require the Select Board to consult with residents in a formal setting and with public notice. It would allow the residents to decide whether or not a film can take place in the town.
- b) Chapter XVII-Allowing filming in Buckland - Before the Select Board or its designee(s) agrees to allow television or motion picture filming, and other comparable activity, or enter into a contract with any such

filmmaking, the Select Board shall present the project at the town at Annual Town Meeting or at a Special Town Meeting. Registered voters will vote on whether to allow the filming to occur in the Town;

or take any other action relating thereto.

Dena Willmore moved to dissolve the meeting, Zachary Turner seconded, voted and passed unanimously. Town meeting dissolved at 1:27 pm