

# **TOWN OF BUCKLAND**

## **ANNUAL TOWN MEETING**

**SATURDAY, JUNE 5, 2021**

**10:00 A.M.**

**MOHAWK TRAIL REGIONAL SCHOOL PARKING LOT**

**26 ASHFIELD ROAD**

**BUCKLAND, MASSACHUSETTS**

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(TBD)**

**ANNUAL TOWN MEETING WARRANT  
Town of Buckland  
Commonwealth of Massachusetts**

**Franklin, ss.**

To either of the Constables of the Town of Buckland in the Commonwealth of Massachusetts,

**Greetings:**

You are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Mohawk Trail Regional School Parking Lot, 26 Ashfield Road, at 10:00 AM on Saturday, June 5, 2021**, then and there to act on the following articles:

Note- SB to choose rain date or indoor option

**REPORT OF THE TOWN CLERK**

To see if the Town will instruct the Town Clerk to report on the election of officers as follows:

Moderator (1)	for one year
Select Board (1)	for three years
Town Clerk (1)	for two years
Board of Assessors (1)	for three years
Board of Health (1)	for three years
Board of Health (1)	for two years
Buckland Library Trustee (1)	for three years
Finance Committee (2)	for three years
Finance Committee (1)	for one year
Constable (1)	for three years

**ARTICLE 1: REPORTS OF TOWN OFFICERS**

To see if the Town will vote to accept the **Reports of Town Officers**; or take any action relating thereto.

**ARTICLE 2: SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for **Elected Officials' Salaries** for Fiscal 2022, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2022 Operating Budget Report; or take any action relating thereto.

**ARTICLE 3: TOWN OPERATING BUDGET**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money to fund the **Town Operating Budget** for Fiscal 2022, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2022 Operating Budget Report; or take any action relating thereto.

**ARTICLE 4: SPECIAL LINE ITEMS**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the purpose of funding **Special Line Items** in the Town Operating Budget for Fiscal 2022, as line item appropriations, as recommended by the Finance Committee, in the Town of Buckland Fiscal 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; or take any action relating thereto.

**ARTICLE 5: MOHAWK TRAIL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **Mohawk Trail Regional School District Operating Assessment** for Fiscal 2022; or take any action relating thereto.

**ARTICLE 6: MOHAWK TRAIL SCHOOL DISTRICT CAPITAL ASSESSMENT**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **Mohawk Trail Regional School District Capital Assessment** for Fiscal 2022; or take any action relating thereto.

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

To see if the town will vote 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), or take any action relating thereto.

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

To see if the town will vote 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**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for **tuition and transportation of students to Smith Vocational and Agricultural High School**; or take any action relating thereto.

**ARTICLE 10: FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **Franklin County Technical School Operating Assessment** for Fiscal 2022; or take any action relating thereto.

**ARTICLE 11: FRANKLIN COUNTY TECHNICAL SCHOOL CAPITAL ASSESSMENT**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **Franklin County Technical School Capital Assessment** for Fiscal 2022; or take any action relating thereto.

**ARTICLE 12: SHELBURNE FALLS WASTEWATER TREATMENT FACILITY BUDGET**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money to 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 2022 Budget Report; or take any action relating thereto.

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

To see if the Town will vote to raise and appropriate, borrow, or otherwise provide a sum of money, which is the estimated cost of **capital and/or debt expenses for the Shelburne Falls Wastewater Treatment Facility**, an Enterprise Fund, for which a sum of money will be raised from anticipated receipts from the Town of Buckland user assessment, as a line item appropriation, and/or the Buckland Enterprise Fund Retained Earnings as recommended by the Finance Committee in the Town of Buckland Fiscal 2022 Operating Budget Report; or take any action relating thereto.

**ARTICLE 14: SPECIAL WASTEWATER TREATMENT FACILITY LINE ITEMS**

To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the purpose of funding **Special Line Items in the Wastewater Treatment Facility Enterprise Fund** budget for Fiscal 2021, as line item appropriations, as recommended by the Finance Committee, in the Fiscal 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; or take any action relating thereto.

**ARTICLE 15: TOWN DEBT SERVICE**

To see if the Town will vote to raise and appropriate, borrow, or otherwise provide a sum of money to pay **long-term interest and interest and principle on Town debt**, as shown in the chart below; or take any action relating thereto.

<b>Project</b>	<b>Amount</b>	<b>Source of Funds</b>	<b>Excluded Debt</b>
Town Hall Renovation	\$25,800	Raise & Appropriate	Yes
Long Term Interest – Highway Garage	\$92,967	Raise & Appropriate	Yes
<b>TOTAL</b>	<b>\$118,767</b>		

**ARTICLE 16: TOWN CAPITAL EXPENSES**

To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money to be placed in departmental **Capital Accounts**, as shown in the chart below; or take any other action relating thereto.

<b>Account</b>	<b>Purpose</b>	<b>Amount</b>	<b>Source of Funds</b>
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
<b>TOTAL</b>		<b>\$115,000</b>	

**ARTICLE 17: FUNDING FOR STABILIZATION ACCOUNTS**

To see if the Town will vote to raise and appropriate, or otherwise provide funding for **Stabilization Accounts**, as shown in the chart below; or take any other action relating thereto.

<b>Stabilization Account</b>	<b>Amount</b>	<b>Source of Funds</b>
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Highway Stabilization	\$25,000	Free Cash
<b>TOTAL</b>	<b>\$25,000</b>	

**ARTICLE 19: FUNDING FOR FY21 WINTER ROAD DEFICIT**

To see if the Town will vote to raise and appropriate, or otherwise provide funding for **FY21 Winter Roads Budget Line**, as shown in the chart below; or take any other action relating thereto.

Stabilization Account	Amount	Source of Funds
Highway Stabilization	\$11,462 <b>HB Verify</b>	Free Cash
<b>TOTAL</b>	<b>\$11,462</b>	

**ARTICLE 20: OTHER POST EMPLOYMENT BENEFITS**

To see if the town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited in the **OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND** in order to offset future health insurance costs for retirees, or take any action relating thereto.

**ARTICLE 21: AMENDMENT TO SHORT TERM RENTAL TAX**

To see if the Town will vote 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; or take any other action relating thereto.

**ARTICLE 22: BYLAW AMENDMENT -- REVOLVING ACCOUNTS**

To see if the Town will vote 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, such bylaw to provide as follows:

**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 Board of Selectmen 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
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 Commission
Recreation Area Repairs and Maintenance &	Paying costs associated the Recreation Area	Rental Fees	Recreation Commission
Zoning Board of Appeals	Paying costs associated with ZBA Hearings	Fees for postage and advertising	Chair, Zoning Board of Appeals
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
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

Filming & Media Location Maintenance	\$20,000
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or take any other action relating thereto.

### **ARTICLE 23: TOWN CLERK APPOINTED VS. ELECTED**

To see if the Town will vote, 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 2022 Annual Town Election; or take any other action relating thereto.

### **ARTICLE 24: TOWN CLERK – COLLECTION OF FEES**

To see if the Town will vote 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.**

Or take any other action relating thereto.

### **ARTICLE 25: BYLAW CHANGE – ANIMAL CONTROL**

To see if the Town will vote 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; or take any other action relating thereto.

### **ARTICLE 26: MOHAWK PARTNERSHIP**

To see if the Town will vote to participate in the activities of the Mohawk Trail Woodland Partnership as provided for in Section 91 of Chapter 209 of the Acts of 2018; (a copy of said Act is available for review in the Town Clerk's Office, 17 State Street, Shelburne Falls, 01370); or take any other action relating thereto.

### **ARTICLE 27: PETITION ARTICLE – STREET LIGHTING**

To see if the Town will vote 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 upright 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**

To see if the Town will vote 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.

You are directed to serve this warrant by posting attested copies thereof at the Post Office, the Public Library in Buckland Center and Buckland Town Hall, 17 State Street, in said Town, seven days at least, before the time of holding said election and meeting.

A copy of this warrant is also available on the Town website <https://www.town.buckland.ma.us/>

Thereof fail not, and make due return of this warrant, with your doings, thereon, to the Town Clerk, at the time and place of the meeting as aforesaid.

Given under our hands this 11<sup>th</sup> day of May, in the year Two Thousand Twenty-One.

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DENA G. WILLMORE - Chair

\_\_\_\_\_  
ZACHARY TURNER - Member

\_\_\_\_\_  
BARRY L. DEL CASTILHO - Member

CONSTABLE'S RETURN

FRANKLIN, SS

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Buckland by posting attested copies of same at three public places and at least seven days before the day hereof, as within directed.

CONSTABLE: \_\_\_\_\_ DATE: \_\_\_\_\_