

90 registered voters checked in., Moderator, Phoebe Walker called the meeting to order at 10:04 am and stated a quorum was met and that the warrant had been properly served. She explained the instructions for how town meeting operates. The town report dedication of Rick Bardwell was read by Select Board member, Clinton Phillips. Finance Committee chair, Larry Langford read a financial position statement

ARTICLE 1: REPORT OF THE TOWN CLERK

| | |
|---------------------------------|----------------------------------|
| Moderator | for one year |
| Selectboard | for three years |
| Selectboard | for one year (unexpired) |
| Board of Assessors | for three years |
| Board of Health | for three years |
| Buckland Library Trustee | for three years |
| Finance Committee | for three years |
| Finance Committee | for three years |
| Finance Committee | for two years (unexpired) |
| Finance Committee | for one year (unexpired) |
| Constable | for three years |
| Tree Warden | for three years |
| School Committee | for three years |

TOWN CLERK TO REPORT ON THE RESULTS OF THE ANNUAL TOWN ELECTION

Motion moved by Barry Del Castilho, seconded by Clint Phillips, passed unanimously

CONSENT MOTION: Motion moved by Barry Del Castilho, seconded by Clint Phillips, passed unanimously

The Town voted to take Articles 2, 3, 5, 10, 11, 12, 13, 14, 16, 17 & 18 out of order in this warrant and to approve all of them as one vote without debate on any such articles, and further that the motions for each article be incorporated into this consent motion as printed below:

Article 2 -- The Town voted to accept the reports of the Town Officers.

Article 3 – The Town voted to raise and appropriate from available funds the sum of \$43,766 for Elected Officials' Salaries for Fiscal Year 2023, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2023 Operating Budget Report.

Article 5 – The Town voted to raise and appropriate from available funds the sum of \$49,350 for the purpose of funding Special Line Items in the Town Operating Budget for Fiscal Year 2023, as line item appropriations, as recommended by the Finance Committee, in the Town of Buckland Fiscal Year 2023 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 10 – The Town voted to raise and appropriate from available funds the sum of \$6,035 for the Franklin County Technical School Capital Assessment for Fiscal Year 2023.

Article 11 – The Town voted to raise and appropriate from available funds the sum of \$324,458 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 for Fiscal Year 2023, 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 2023 Budget Report.

Article 12 – The Town voted to appropriate from available funds the sum of \$80,000, which is the estimated cost of capital and/or debt expenses associated with the Conway Road Transportation Improvement Project for the Shelburne Falls Wastewater Treatment Facility, an Enterprise Fund. To meet said appropriation \$80,000 will be transferred from Buckland Enterprise Fund Retained Earnings as recommended by the Finance Committee.

Article 13 – The Town voted to raise and appropriate from available funds the sum of \$12,000 for the purpose of funding Special Line Items in the Wastewater Treatment Facility Enterprise Fund budget for Fiscal Year 2023, as line item appropriations, as recommended by the Finance Committee, and to further authorize that unspent amounts in said line items may be carried forward for use in following fiscal years without further appropriation.

Article 14 – The Town voted to raise and appropriate from available funds the sum of \$159,326 to pay the interest and principal on Town debt:

| Project | Amount | Source of Funds | Excluded Debt |
|----------------------|------------------|---------------------|---------------|
| Town Hall Renovation | \$ 22,500 | Raise & Appropriate | Yes |
| Highway Garage | \$136,825 | Raise & Appropriate | Yes |
| TOTAL | \$159,326 | | |

Article 16 – The Town voted to appropriate from FY22 Free Cash the sum of \$20,000 to be deposited in the OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND in order to offset future health insurance costs for retirees.

Article 17 – The Town voted to transfer the sum of \$75,000 from the CDBG Grant Account fund the ADMINISTRATION AND MANAGEMENT OF GRANTS to include application preparation, matching funds, engineering, and any other expenses associated with grants applied for and/or awarded to the Town of Buckland.

Article 18 – The Town voted to amend the General By-laws, Chapter V, Financial Affairs, sec. 6, Revolving Funds, subsection F, Authorized Revolving Funds, by inserting a new row therein establishing a new revolving fund entitled “Recycling Program” as written above. And further to allow the revenues collected from the proceeds of recycled materials in Fiscal Year 2022 be transferred into this account.

| ACCOUNT NAME | PURPOSE | SOURCE OF FUND | AUTHORITY |
|-----------------------------------|--|--------------------------------|--------------|
| Solid Waste and Recycling Program | Operation of the Town's solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products | Solid waste and recycling Fees | Select Board |

And, further, to establish the fiscal year spending limit for this fund of \$50,000.

ARTICLE 4: TOWN OPERATING BUDGET

Motion moved by Larry Langford, seconded by Dena Willmore, passed unanimously

The Town voted to raise and appropriate from available funds the sum of \$1,927,429 to fund the **Town Operating Budget** for Fiscal Year 2023, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2023 Operating Budget Report

ARTICLE 6: MOHAWK TRAIL REGIONAL SCHOOL DISTRICT ASSESSMENT

Motion made by Martha Thurber, seconded by Paula Consolo, passed not unanimously (1nay)

The Town voted to raise and appropriate from available funds the sum of \$2,686,885 for the **Mohawk Trail Regional School District Operating Assessment** for Fiscal Year 2023.

ARTICLE 7: MOHAWK TRAIL REGIONAL SCHOOL DISTRICT CAPITAL ASSESSMENT

Motion made by Martha Thurber, seconded by Dena Willmore, passed unanimously

The Town voted to raise and appropriate from available funds the sum of \$61,240 for the **Mohawk Trail Regional School District Capital Assessment** for Fiscal Year 2023.

ARTICLE 8: TUITION AND TRANSPORTATION FOR SMITH VOCATIONAL SCHOOL

Motion made by Larry Wells, seconded by Clint Phillips, passed unanimously

The Town voted to raise and appropriate from available funds the sum of \$55,000 for the **tuition and transportation of students to Smith Vocational and Agricultural High School** for Fiscal Year 2023.

ARTICLE 9: FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT

Motion made by Larry Wells, seconded by Clint Phillips, passed unanimously

The Town voted to raise and appropriate from available funds the sum of \$225,345 for the **Franklin County Technical School Operating Assessment** for Fiscal Year 2023.

ARTICLE 15: TOWN CAPITAL EXPENSES

Motion made by Clint Phillips, seconded by Barry Del Castilho, passed unanimously

The Town voted to appropriate the sum of \$605,000 to be placed in departmental **Capital Accounts** as shown below. Said expenditures to be funded by transferring \$75,000 from the Highway Stabilization account, \$200,000 from General Stabilization and appropriating \$330,000 from the available **FY22 Free Cash**.

| Project | Amount | Source of Funds |
|-------------------------------|------------------|-----------------------------------|
| Town Clerk - Data Imaging | \$10,000 | Free Cash |
| Museum Bldg. Repairs | \$10,000 | Free Cash |
| Bldg & Grounds - Truck Repair | \$10,000 | Free Cash |
| Highway - Road Repaving | \$50,000 | Free Cash |
| Highway - Equipment | \$175,000 | Highway Stabilization & Free Cash |
| Highway - Salt & Sand Shed | \$350,000 | General Stabilization & Free Cash |
| TOTAL | \$605,000 | |

ARTICLE 19: WILLIAM STREET EASEMENT

Motion made by Larry Wells, seconded by Clint Phillips, discussion ensued.

MOTION: that the Town vote to authorize the Select Board to convey, upon such terms and conditions and for such consideration as the Select Board may determine, the fee or lesser interest in all or a portion of the property owned by the Town located at **5 William Street, Assessors' Parcel 6-1 0 35**, and further to authorize the Select Board to enter into such agreements and execute such instruments as are necessary to effectuate the purpose of this article.

11:15 am Amendment made by Susan Shauger, seconded by Paula Consolo to say the easement will inure to the benefit of the current owner but will not run with the land. Amendment motion passed, not unanimous (2 nays)

Amended article passed, not unanimous (3 nays)

ARTICLE 20: GENERAL BYLAW AMENDMENT – DATE OF TOWN ELECTION

Motion made by Barry Del Castilho, seconded by Clint Phillips, passed unanimously

The Town voted to amend the General Bylaws, Chapter II Town Meeting; Date of Meetings, Section 4 by inserting the underlined text and deleting the strikethrough text:

The annual town ~~meeting for the~~ election of town officers shall be held on the first Tuesday after the first Monday of May~~June~~ of each year.

ARTICLE 21: GENERAL BYLAW AMENDMENT – TOWN MEETING POSTING REQUIREMENTS

Motion made by Barry Del Castilho, seconded by Clint Phillips, passed not unanimously (1nay)

The Town voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 110A, treating Saturdays as legal holidays for purposes of the General Laws, and, in connection therewith, amend the General Bylaws, Chapter II Town Meeting; Date of Meetings by inserting new Section 6A:

Consistent with the Town's acceptance of the provisions of Massachusetts General Laws Chapter 44, Section 110A. Saturdays shall be treated as legal holidays for purposes of calculation of election-related dates

ARTICLE 22: GENERAL BYLAW AMENDMENT – TOWN MEETING, SECRET BALLOT

Motion made by Barry Del Castilho, seconded by Clint Phillips, passed not unanimously (2 nays)

The Town voted to amend the General Bylaws, Chapter II Town Meeting; Manner of Voting, Section 17 by deleting the language of that section in its entirety and inserting in its place the language:

No secret ballot shall be used unless use of such vote counting process has first been approved by majority vote of the Town Meeting.

ARTICLE 23: GENERAL BYLAW AMENDMENT – TOWN OFFICERS, APPOINTED

Motion made by Clint Phillips, Barry Del Castilho seconded, passed unanimously

The Town voted to amend, Chapter III, Town Officers, by inserting therein a new Section 1, identifying the Town officers who are elected and appointed, and as appropriate setting forth their terms of office:

Section 1.

- A. The following offices shall be elected by the voters of the Town, each for a term of three year terms. Members of multiple member bodies shall be elected on a staggered basis, with no more than one third of the members being elected in any one year. Any vacancy shall be filled in accordance with law.

| Office | Number of positions |
|-------------------|---------------------|
| Clerk | 1 |
| Select Board | 3 |
| Assessors | 3 |
| Board of Health | 3 |
| Moderator | 1 |
| School Committee | 2 |
| Finance Committee | 5 |
| Library Trustee | 3 |

- B. The following offices shall be appointed by the Select Board and the appointees thereto shall serve at the discretion of the Board. Members of multiple member bodies shall be appointed on a staggered basis, with no more than one third of the members being appointed in any one year.

| Office | Number of positions |
|------------------------|---------------------|
| Treasurer | 1 |
| Collector of Taxes | 1 |
| Auditor | 1 |
| Constables | 3 |
| Highway Superintendent | 1 |
| Sewer Commissioners | 3 |
| Tree Warden | 1 |

ARTICLE 24: GENERAL BYLAW AMENDMENT – TOWN OFFICERS, ELECTED

Motion made by Clint Phillips, Barry Del Castilho seconded, passed unanimously

The Town voted to amend the General Bylaws, Chapter III, Town Officers; Select Board, Section 3, consistent with the provisions of Massachusetts General Laws Chapter 41, Section 1 by inserting therein a new section establishing the date for taking office and, as may be appropriate, to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that number issues in related text is revised to properly reflect such change:

Each elected official may be sworn following the election in the manner set forth in Massachusetts General Laws Chapter 41, Section 107, and shall take office on the date following such election or such later time as they may be sworn, and shall hold office until their successors are elected and

sworn; provided, however, that the term of the Town Clerk shall not begin until seven days after the date of the election.

ARTICLE 25: GENERAL BYLAW AMENDMENT – FINANCE COMMITTEE

Motion made by Clint Phillips, Barry Del Castilho seconded, passed unanimously

The Town voted to amend the General Bylaws, Chapter IV, Advisory Committee, to revise the title of said Chapter, rename the Advisory Committee as the Finance Committee, and change the number of members from six (6) to five (5) by inserting the underlined text and deleting the strikethrough text as follows; and further to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title:

CHAPTER IV ~~ADVISORY~~ TOWN COMMITTEES**Finance Committee**

Sec. 1. There shall be ~~an Advisory~~ a Finance Committee consisting of ~~six~~ five ~~legal~~ registered voters of the town. No elective or appointive town officer or town employee shall be eligible to serve on said committee.

ARTICLE 26: GENERAL BYLAW AMENDMENT – RECYCLING

Motion made by Clint Phillips, seconded by Barry Del Castilho, passed unanimously

The Town voted to amend the General Bylaws, Article IX, Recycling, Section 2, Definitions, by deleting the language in that section in its entirety and inserting in place thereof the following so as to reference those definitions included in the Franklin County Solid Waste Management District agreement, and further to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that number issues in related text is revised to properly reflect such change:

Recyclables are the discarded materials which may be reclaimed and are considered saleable by the Town of Buckland. For the purpose of this ordinance, such materials are defined in the categories established by the Franklin County Solid Waste Management District, and may from time to time be amended, and shall be separated as specified by the District.

ARTICLE 27: REDUCTION OF SPEED LIMITS TO 25 MPH

Motion made by Clint Phillips, seconded by Barry Del Castilho passed not unanimously (2 nays)

The Town voted to accept the of provisions of Massachusetts General Laws Chapter 90, Section 17C authorizing the Select Board to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the Town that is not a state highway.

ARTICLE 28: ESTABLISHMENT OF DESIGNATED SAFETY ZONES

Motion made by Clint Phillips, seconded by Amy Love, passed not unanimously (2 nays)

The Town voted to accept the provisions of Massachusetts General Laws Chapter 90, Section 18B, authorizing the Select Board to establish designated “safety zones” with a posted speed limit of 20 miles per hour on, at or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the Department of Transportation.

ARTICLE 30: APPROVE PRIOR FISCAL YEAR INVOICES

Motion made by Barry Del Castilho, seconded by Amy Love, passed unanimously

The town voted to pay from funds the sum of \$304.75 from the existing FY22 budget to pay **three invoices** as written below:

\$234.75 - USA Blue Book

\$ 35.00 - Cooley Dickinson Hospital

\$ 35.00 - Cooley Dickinson Hospital

ARTICLE 31: MOHAWK TRAIL REGIONAL SCHOOL DISTRICT AGREEMENT AMENDMENT – PUPILS ENTITLED TO ATTEND REGIONAL ELEMENTARY SCHOOLS

10:36 am Motion made by Martha Thurber, seconded by Paula Consolo, passed unanimously

The town voted to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section III (B) – Pupils Entitled to Attend Regional Elementary Schools**:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School. Elementary students residing in Heath will receive their education in the Hawlemont Regional School District pursuant to a tuition agreement between the Mohawk Trail Regional School District and the Hawlemont Regional School District through no longer than June 30, 2023. During the period of such tuition agreement, the Town of Heath shall seek in good faith to negotiate with the Hawlemont Regional School District regarding joinder of the Town of Heath into the Hawlemont Regional School District for elementary education. The tuition agreement shall constitute a binding financial obligation of the District. Heath may withdraw from the Mohawk Trail Regional School District for grades PK-6 in accordance with the “Withdrawal” section of this Agreement. Heath shall remain responsible for its outstanding indebtedness, if any, including but not limited to OPEB, to the Mohawk Trail Regional School District despite such withdrawal in accordance with the terms of the Regional Agreement.

If, upon the expiration of such tuition agreement, as may be extended, Heath and the Hawlemont Regional School District have failed to reach agreement as to the joinder of Heath into the Hawlemont Regional School District, elementary students residing in Heath will receive their education in facilities located in the Mohawk Trail Regional School District, the specific location(s) to be decided as provided herein. The Mohawk Trail Regional School Committee will offer at least two (2) facilities located in the District as options for educating the elementary students of Heath and the Heath members of the Committee will determine which one (1) facility to recommend to the Committee for the placement of all Heath resident elementary students. No facility will be approved by the Committee without the affirmative votes of both Heath Committee representatives, provided however that in the event of a tie vote between such Heath representatives, or in the event that there are vacancies in the positions of Heath representatives, a majority vote of the Committee will prevail. The determination must occur no later than November 1st of the school year prior to the change.

and replacing said language with the following:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Heath, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain and Heath residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School.

ARTICLE 32: MOHAWK TRAIL REGIONAL SCHOOL DISTRICT AGREEMENT AMENDMENT – APPORTIONMENT OF CAPITAL COSTS

Motion made by Martha Thurber, seconded by Larry Langford, passed unanimously

The town voted to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section IV (E) – Apportionment of Capital Costs Grades pre-K-6**:

(3) The Heath Elementary School Building shall be returned to the Town of Heath on July 1, 2017, and the Lease between the parties shall terminate as of said date. In exchange for termination of the lease, the District shall pay to the Town of Heath a total sum of \$240,000.00, such payment to be made in no fewer than three (3) annual installments. The amounts and timing of such installments shall be as agreed upon in writing by the School Committee and the Town of Heath, provided however that the final installment shall be due no later than June 30, 2020. Any outstanding debt payments associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.

(4) Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Colrain Central School or upon any premises as may be leased to the Mohawk Trail Regional School District by the Town of Colrain, shall be borne by the Town of Colrain.

(5) Nothing in this section shall be construed to prevent the member towns from amending this Agreement and modifying and/or altering the above designated schedules of apportionment of capital costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

and replacing said language with the following:

(3) Colrain, Heath

Effective commencing with Fiscal Year 2023, new capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Colrain Center School, resident in the Town of Colrain as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Heath and Colrain, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); and by (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee on or after July 1, 2022 consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing ratio which the sum of the enrollments of pupils at the Colrain Central School, resident in the Town of Heath, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at the said district school, resident in the Towns of Colrain and Heath, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); and by (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

(4) The Heath Elementary School Building was returned to the Town of Heath on July 1, 2017, and the Lease between the parties terminated as of said date. In exchange for termination of the lease, the District paid to the Town of Heath a total sum of \$240,000.00. Any outstanding debt payments

associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.

(5) Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Colrain Central School or upon any premises as may be leased to the Mohawk Trail Regional School District by the Town of Colrain, shall be borne by the Towns of Colrain and Heath, as provided in Section E. (3), above.

(6) Nothing in this section shall be construed to prevent the member towns from amending this Agreement and modifying and/or altering the above designated schedules of apportionment of capital costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

ARTICLE 33 MOHAWK TRAIL REGIONAL SCHOOL DISTRICT AGREEMENT AMENDMENT – EFFECTIVE DATE

Motion made by Martha Thurber, seconded by Larry Langford, passed unanimously

The town voted to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section XV Effective Date**:

This amended Agreement shall take full effect in accordance with its terms on July 1, 2018 and shall supersede the prior District Agreement, including any prior amendments.

and replacing said language with the following:

This amended Agreement shall take full effect in accordance with its terms on July 1, 2022 and shall supersede the prior District Agreement, including any prior amendments.

ARTICLE 34: MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – COLRAIN CAPITAL IMPROVEMENTS

Moderator passed over this article

To see if the town will vote to allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed \$278,400, for work at the Colrain Central School in Colrain, Massachusetts, to include rebuilding or resurfacing of parking lots and certain walkways, and brick masonry repairs and repointing, and including costs incidental 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, or take any action related thereto.

ARTICLE 29: PETITION FOR SPECIAL ACT FOR WEST COUNTY SENIOR CENTER DISTRICT

Motion made by Barry Del Castilho, seconded by Clint Phillips, passed 72 yeas to 5 nays.

The Town voted to authorize the Select Board to petition the General Court to enact a special act authorizing the Towns of Ashfield, Buckland and Shelburne to create a West County Senior Services District as written in the 2022 Annual Town Meeting warrant, and to authorize the General Court to make clerical or editorial changes of form only to any bill so filed unless approved in advance by the Select Board, and to authorize the Select Board to approve such revisions as fall within the public purpose of this article.

AN ACT ESTABLISHING THE "WEST COUNTY SENIOR SERVICES DISTRICT".

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

SECTION 1. The terms hereof having been duly approved by the respective town meetings of the towns of Ashfield, Buckland and Shelburne, it is hereby declared essential for the benefit of the people of the towns of Ashfield, Buckland and Shelburne, in order to sustain and protect the welfare, prosperity and the living conditions of their senior populations, that the towns establish a Senior Services District upon the acceptance hereof by their select boards; that accurate, appropriate, and sustaining assessments, fees and charges for said services be established; that said supplementary services for said towns be operated in an efficient and financially sustaining manner to further encourage the availability and soundness of senior programming and resources all to the public benefit and good, and to the extent and in the manner provided herein.

SECTION 2. For the purposes specified in section 1, Ashfield, Buckland and Shelburne may create a Senior Services District to be known as the “West County Senior Services District”, hereinafter referred to as “the district”, which upon its creation shall be a body politic and corporate and a public instrumentality. Except as set forth in Section 2A hereof, the district shall be created when: (a) this act has been accepted by the select board of each of the aforementioned Towns, which in their capacities as members of the district shall be referred to herein separately as a “member town” and collectively as the “member towns;” and (b) the member towns’ execution of an agreement terminating the agreement known as and entitled “The Senior Center Consortium Agreement Among the Towns of Ashfield, Buckland and Shelburne,” as amended as of January 8, 2019 (the “Consortium Agreement”). Upon its creation, the district shall have, any general or special law notwithstanding, as hereinafter provided and in accordance with this act, the authority to provide senior services and programs, construct, operate, and maintain a shared senior center within the geographical boundaries of a member town.

If any member town, once having accepted this act in accordance with the provisions of this section, desires, upon town meeting vote, to withdraw from the district, it may do so with prior written notice to the board of managers, as herein defined, which withdrawal shall become effective one year from the July 1 next following the delivery of such timely written notice, and in the same manner provided for acceptance of this act; provided, however, that such withdrawing town shall be obligated to pay as follows its annual shares of operational costs and debt costs, respectively and as defined in sections six and seven hereof: (1) the withdrawing town shall continue to accrue and be obligated to pay its assessed share of operational costs through the conclusion of the fiscal year next commencing following the withdrawing town’s delivery of timely written notice as set forth above; and (2) in addition, the withdrawing town shall continue to accrue and be obligated to pay its assessed share of principal and interest costs that such town had approved to be incurred by or on behalf of the district, for so long as said debt costs are due and owing. Upon the effective date of its withdrawal the membership of the board of managers shall be reduced to reflect the termination of such withdrawing town’s seats.

The board of managers may, in its discretion, establish requirements in the By-Laws relating to the admission into the district of any additional municipality, including without limitation with respect to the allocation of charges to be assessed to such municipalities. Addition of member towns shall be by select board approval of all member towns.

SECTION 2A. For purposes of providing for the transition from the terms of the Consortium Agreement to the terms of this act, the board of managers shall be deemed created and authorized to act upon acceptance of this Section 2A by the Select Board of each of the aforementioned Towns. Prior to the termination of the Consortium Agreement the board of managers shall present a transition plan to the select boards of the aforementioned towns for each select board’s approval.

SECTION 3. The management and control of all property acquired by, and the exercise of all powers, privileges and duties conferred upon, the district pursuant to the provisions of this act shall be vested in and exercised by a board of managers, which shall consist of two members each from Ashfield, Buckland and Shelburne and any future member municipalities appointed by their respective select boards. The board of managers shall annually elect from its members a chairperson, vice chairperson and secretary, provided that

no member town may have more than one representative serving as an officer contemporaneously. The district shall be deemed a governmental body pursuant to chapter 30B of the General Laws. Notwithstanding any general or special law to the contrary, the administrators of the district who are procurement officers for said district shall participate in the Massachusetts public purchasing official certification program conducted by the office of the inspector general in order to earn a Massachusetts public purchasing official certificate or shall hire a certified procurement officer for purchases subject to chapter 30B. Of the two representatives of each member town on the board of managers, one member shall serve for a term of two years, and the other shall serve for a term of three years; at least one member shall be appointed from the town's Council on Aging or such Council's designee duly appointed by the select board. Members of the board of managers may be removed for cause by their appointing authority. Members of the board of managers, together with the board's agents, employees, and professional staff shall be indemnified against personal liability by the district in accordance with, and subject to the limitations set forth in, chapter 258 of the General Laws. The district shall be deemed a public employer pursuant to chapter 258 of the General Laws. The district acting through its initial board of managers shall promptly adopt by-laws describing by whom and how meetings of the board may be called, notified and conducted; establish rules and regulations for the management of its affairs not inconsistent with this act or any other provision of law; shall appoint for such term as it may determine, a treasurer of the district, and such other officers and employees not specifically provided for in this act as it may deem necessary and proper, and shall fix their compensation and benefits. The treasurer shall not be a member of the board of managers, and shall give bond to the district in such an amount as may be approved by said board with a surety company authorized to transact business in the commonwealth as a surety. The district may contract with any of its member towns or other qualified entities for treasurer services. A majority of appointed managers shall constitute a quorum of the board of managers. Unless otherwise specified herein, the board of managers may act by a majority vote, provided that no vote pertaining to the district's budget or debt issuances may be deemed approved unless at least one representative from each member town has voted affirmatively thereon. Vacancies occurring in the membership of the board of managers from any cause may be filled for the remainder of the unexpired term by the appointing authority. No vacancy occurring in the membership of the board of managers shall disqualify the board of managers from taking any action authorized by this act.

The Board of Managers shall annually prepare and provide to the select boards of the member towns, a written report of the operations and programming, the actions of the board of managers, and receipts and expenditures of the district for the preceding fiscal year.

SECTION 4. The district, acting by and through its board of managers, shall have all the rights and powers necessary or convenient to carry out and effectuate the purposes of this act including, but without limiting the generality of the foregoing, the following rights and powers:

- (a) to adopt the by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce, and collect penalties for the violations thereof;
- (b) to adopt an official seal and alter the same at its pleasure;
- (c) to maintain an office at such place or places as it may determine;
- (d) to apply for, receive, accept, administer, expend, and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state, and federal governments, donation or appropriation of any property or money in aid of the purposes of the district, and to accept contributions of money, property, labor, or other things of value;
- (e) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to and equipping buildings or for the purpose of remodeling and making extraordinary repairs to buildings and for the construction or reconstruction of any and all facilities incidental or related thereto, and for the purpose of purchasing district equipment; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however, that such debt is incurred in accordance with Section 7. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a

period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the director of accounts pursuant to section 38 of chapter 44;

(f) To incur temporary debt in anticipation of revenue to be received from any source;

(g) to acquire by purchase, lease, lease purchase, sale and lease back, gift, or devise, or to obtain options for the acquisition of, any property, real or personal, easements, or any interest therein, in the exercise of its powers and the performance of its duties in compliance with the District Bylaws and this Act;

(h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein in compliance with the District Bylaws and this Act, and, with regard to real property, subject to approval by the town meetings of each of the member towns;

(i) to fix, revise, charge, collect and abate fees, rates, rents, and other charges for services, facilities, and commodities furnished or supplied by it;

(j) to construct, improve, extend, enlarge, maintain, and repair the senior facilities located within the geographical jurisdiction of the district;

(k) to make contracts of every name and nature, and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(l) to sue and be sued and to prosecute and defend actions relating to its properties and affairs, provided that only property of the district other than revenues pledged to the payment of bonds or notes shall be subject to attachment or levied upon execution or otherwise;

(m) to engage architectural, engineering, accounting, management, legal, financial, and environmental consulting and other professional services;

(n) to employ an Executive Director and personnel

(o) to charge a programming and use fee to senior clients who are or are not residents of the member towns, and seek to use the services and resources of the district in a manner as the Board of Managers may determine; and

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act for the purposes expressly granted or necessarily implied in this act;

(q) and all other powers expressly conferred upon the district under this act

SECTION 5. Notwithstanding any general or special law to the contrary, and subject to the terms set forth in this act, fees, rates, rents, assessments, and other charges for resources and services, facilities, and commodities furnished or supplied by the district shall be fixed and adjusted by the board of managers so as to provide funds at least sufficient in each fiscal year, together with other revenues and funds of the district, if any, available therefor, to pay the full cost of operation of the district for that fiscal year, including all current expenses; all debt service on bonds or notes of the district; all costs of maintenance, repair and replacement, including the establishment of reasonable stabilization funds, replacement reserves, and other similar funds in accordance with generally accepted accounting principles, as determined by the board of managers to be necessary or desirable; and all other amounts which the district may be obligated to pay or provide for by law or by contract.

SECTION 6. The District, for the purpose of paying annual operating expenses (the “operational costs,” which shall include all costs not requiring the issuance of debt) shall prepare a preliminary proposed annual budget for each fiscal year by November 30, of the preceding year. The board of managers shall determine what assessment is necessary to pay for that portion of the operational costs not covered by fees or other receipts in accordance with section 5, and shall apportion such amount in accordance with the proportional five-year average usage formula by each member town of the services being supplied by the district, as follows: each member town shall be assessed that portion of the operational costs that represents the same percentage of the total operational costs (the “Operations Assessment Percentage”) that such member town’s residents’ total usage over the immediately preceding five year period bears relative to the total usage during such span (each as reported to the Massachusetts Executive Office of Elder Affairs annually).

The board of managers shall hold a public hearing on the draft proposed annual budget after notice to the member towns and such notice to the public as it shall determine and shall adopt such proposed annual

budget, with or without amendment, after the public hearing but not later than the fifteenth (15th) day of December.

Within one week of its adoption, the board of managers shall cause the proposed annual budget and proposed assessment to be delivered to the select board and finance committee in each member town.

The board of managers shall receive comments from the member towns until the next following January 31st. After the final day for the towns' comment and prior to the March 1st next following, the board of managers shall, by majority vote, adopt an annual budget, with or without amendment to the proposed annual budget, and shall notify the member towns of the same by mail in the same manner and within the same time frame as is required above with respect to a proposed annual budget and assessment.

The annual budget shall include all revenue receipts, expenses, capital costs and other financial information to sufficiently inform the towns of the costs of operating the District.

The budget shall not be deemed effective and binding unless the annual assessment has been approved by each member town by a majority vote of its town meeting held prior to the commencement of the fiscal year to which the budget pertains. The annual budget and annual assessment shall then become final and effective for the next following fiscal year upon the adoption of each member town's assessment.

If the annual assessment is not approved, the board of managers may from time to time resubmit it or may submit a revised budget and assessment for consideration in the manner described above, but without need for an additional public hearing, and if no annual budget has been adopted prior to the commencement of the fiscal year to which it pertains, the District shall, on a month to month basis until a new annual budget and assessment become effective, operate with the budget and assessment used for the previous fiscal year. Any sums assessed by the district and raised and appropriated by a municipality in accordance with this section shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

SECTION 7. Each member town's share of debt costs (the "Debt Cost Share") shall be calculated as follows with respect to each debt issuance, with each component calculated for the most recent fully completed fiscal year immediately preceding the date of notice of such proposed debt issuance: (1) 50% shall be divided among the members in the amounts of their respective Operations Assessment Percentages; (2) 25% shall be divided among the member towns based upon their equalized property values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized property value amounts to 50% of the total sum of the member towns' collective equalized property value, such member town would be responsible for at least 12.5% of the debt costs); and (3) 25% shall be divided among the member towns based upon their equalized income values relative to one another, as reported by the Massachusetts Department of Revenue (such that if a member town's equalized income value amounts to 50% of the total sum of the member towns' collective equalized income value, such member town would be responsible for at least 12.5% of the debt costs). Upon determining each member town's debt cost share, which shall remain static and binding upon each of the member towns until the District has fully paid the underlying debt, the board of managers shall certify, to the select board in each member town, that the board of managers shall propose the issuance of such bonds or notes, either in the name of the district or one or more of the member towns, and the amount to be assessed against each member unit therefor, provided that the decision as to whether the district or one or more member towns shall incur the underlying debt shall be subject to a majority approval by the select board of each member town. Upon such approval by each such select board, the select board of each member town, shall cause to be placed in the warrant for the next available annual town meeting, an article in the form specified by the board of managers, seeking authorization from each member town meeting for the district to issue such bonds or notes, and the amount to be assessed therefor against each member town. Upon approval by each member town's town meeting by a two-thirds vote at an annual town meeting, the district may issue such bonds or notes as have been so approved. The indebtedness on bonds or notes issued by the district and the member towns pursuant to this act shall not be subject to section 10 of chapter 44, and sums assessed by the district to repay such bonds or notes shall not be subject to sections 20A, 20B and 21C of chapter 59 of the General Laws.

The fiscal year of the district shall commence July 1 and end June 30.

SECTION 8. In the event that the board of managers desires to terminate the district and dispose of its assets, a majority of the board of managers then existing shall first vote to do so, and give notice of such vote, in writing, to the select board of each member town. Each member town shall thereafter provide, at its next regular or special town meeting a warrant article to dissolve in the same manner in which the district was created, the warrant article shall contain the question "Shall the West County Senior Services District be dissolved, and its assets disposed of in accordance with the vote of its board of managers?" If all member towns vote in the affirmative, the district shall be dissolved, but not otherwise. In the event of such affirmative vote, the board of managers shall be empowered to dispose of the assets of the district in accordance with the General Laws.

SECTION 9. If the district authorized by section 2 is not created in the manner described in said section 2 within ten years from the effective date of this act, then this act shall be without further legal effect.

SECTION 10. This act shall take effect upon its passage.

12:07 pm Motion made by Barry Del Castilho to dissolve town meeting, seconded by Clint Phillips, passed unanimously.