

MINUTES OF THE ANNUAL TOWN MEETING

Town of Charlemont

May 24, 2016

7:30 P.M.

Hawlemont Regional Elementary School

The Annual Town Meeting was called to order at 7:30 P.M. by Moderator Charlotte Dewey. The meeting was held in the gymnasium of the Hawlemont Elementary School. The Moderator declared that the warrant had been properly signed and posted within the legal time limit. A quorum was then declared by the Moderator. Hand and ballot counters present were Linda Wagner, Patricia Stafford and Tracy Hall.

Article 1: Voted to accept the Report of the Town Officers.

Passed unanimously

Article 2: Voted to authorize the Board of Selectmen to apply for and accept any and all Federal and State grants or gifts from individuals or non-profit organizations which may become available during the fiscal year 2017.

Passed unanimously

Article 3: Voted to authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2017, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.

Passed unanimously

Article 4: Voted pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to authorize the establishment of a Dog Fund revolving account for the fiscal year beginning July 1, 2016. Revenue sources for this fund will come from dog license fees and other charges as provided by Chapter 140, S. 136A-174D. The funds may be expended by the Town Clerk and the Animal Control Officer to offset expenses related to administration of licenses and other animal control matters. The maximum amounts that may be spent from the fund for fiscal year 2017 is limited to \$2,500.

Passed by a majority

Article 5: Voted pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to establish a revolving fund for the receipts related to the Town's recycling program; the receipts may be expended by or under authority of the Board of Selectmen for the 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. The maximum amount that may be spent from the fund for fiscal year 2017 is limited to \$1,500.

Passed by a majority

The omnibus budget was read by Finance Committee member Richard Filoramo. Holds were placed upon budget line items #2, 9, 16, 21, 30, 57, Total Police, 70, 77, 84, 90, 92, 94, 97, 100 and 101. All budget line items not held for discussion was approved by a unanimously vote.

After discussion, line items #2 and #9 were approved by a unanimous vote. Line item #16 passed with a majority vote, #21, 30, 57 and Total Police passed unanimously.

Line item # 70, Ambulance Director, was discussed. It was moved to amend the amount to \$8,000, which was passed by a majority. After additional discussion the question was moved and a paper ballot was called by the Moderator. The results of the paper ballot were 51 votes yes, 35 votes no, with one blank. Line item #70, Ambulance Director in the amount of \$8,000 passed by a majority.

Budget line item #77 passed with a majority vote and line item #84 passed unanimously.

Budget line item #90, Hawlemont Regional Operating, was discussed. Superintendent Buoniconti was allowed to speak. Superintendent Buoniconti stated that the amount for this line is incorrect and should be \$799,850. It was passed unanimously to amend line item #90 to \$799,850. After additional discussion, a paper ballot was called. The results of the paper ballot were 45 votes yes, 33 votes no. Line item #90, Hawlemont Regional Operating in the amount of \$799, 850 passed by a majority.

Budget line item #92, Mohawk Trail Regional Operating, \$829,034 was discussed. After much discussion a paper ballot was requested. The results of the paper ballot were 42 votes yes, 24 votes not. Line item # 92, Mohawk Trail Regional Operating in the amount of \$829,034 passed by a majority.

Line item # 94 passed by a majority. Line item #97 passed unanimously. A hand vote was requested for line item #100 which passed by a majority. Line item #101 passed by a majority.

Voted FY 2017 budget is as follows:

Vote #		FY 2017
General Government		
	Miscellaneous Annual Expense	
1	Moderator	35.00
2	Grant Writer	0.00
3	School Committee Stipends	750.00
4	Accounting Services	22,000.00
5	Accountant Supplies	350.00
6	Bonding Town Officials	750.00

7	Town Counsel	18,000.00
8	Total Town Insurance	40,316.00
9	Town Electricity	15,000.00
10	Town Reports	750.00
11	Reserve Fund	15,000.00
	Total Misc. Annual Exp:	112,951.00
	Boards, Commissions and Programs	
12	Finance Committee Expense	150.00
13	Historical Commission	500.00
14	Conservation Commission Expense	237.50
15	Planning Board Expense	1,200.00
16	Earth Removal Committee	500.00
17	Zoning Board of Appeals	200.00
18	Flag Committee Expense	350.00
19	Secretary to the Boards Salary	38,497.35
20	Total Town Boards Expense	750.00
21	Care of Cemeteries	500.00
22	Council on Aging Expense	3,500.00
	Total Bds,Comm,Programs:	46,384.85
	Veterans	
23	Memorial Day	500.00
24	Veterans Services District Assessment	1,787.96
25	Veterans Benefits	30,900.00
26	Veteran's Markers and Flags	375.00
	Total Veterans:	33,562.96
	Library	
27	Librarian Salary	14,065.87
28	Asst Librarian Salary	625.84
29	Net Library Books	4,929.85
30	Library Automation	1,500.00
31	Library Supplies	300.00
	Total Library:	21,421.56

	Parks and Recreation		
32	Memorial Park Maintenance		3,500.00
33	Memorial Park Mowing		3,500.00
	Total Parks & Recreation:		7,000.00
	Town Building (Town Hall)		
34	Total Town Hall Expense:		15,773.35
	Franklin Regional Council of Governments Programs		
35	FRCOG Core Assessment		8,581.00
36	FRCOG Procurement Services		2,310.00
37	FRCOG Coop. Fuel Purchasing		450.00
38	FRCOG Emergency Communications System		5,075.07
39	FRCOG Regional Health Inspection		15,500.00
40	FRCOG Coop Building Inspection Program		7,500.00
	Total FRCOG:		39,416.07
	Pensions and Insurance		
41	Franklin Regional Retirement		59,894.00
42	Group Health & Life Insurance		80,686.00
43	Line of Duty Ins.		18,000.00
44	Unemployment Insurance		1,000.00
45	Medicare & Social Security		20,000.00
	Total Pensions/Insurance		179,580.00
Total General Government:			456,089.79
Town Administration Departments:			
46	Selectmen's Salaries		7,992.00
47	Exec. Sec./Town Clerk Salary		38,090.85
48	Town Administrator Salary		56,000.00
49	Town Administration Meeting & Travel		670.00

50	Total BOS/Town Clerk Expense	6,100.00
51	Technology Expenses	2,700.00
52	Total Selectmen Expense	2,000.00
	Total Selectmen:	113,552.85
	Assessors	
53	Assessor's Salaries	4,384.00
54	Total Assessor's Expense	18,850.00
	Total Assessors:	23,234.00
	Treasurer	
55	Treasurer's Salary	17,271.74
56	Total Treasurer's Expense	8,237.00
57	Tax Title Taking	10,000.00
	Total Treasurer:	35,508.74
	Tax Collector	
58	Tax Collector's Salary	16,596.34
59	Total Tax Coll. Expense	14,169.00
	Total Tax Collector:	30,765.34
	Town Clerk	
60	Total Town Clerk Expense	350.00
61	Election Expense	2,800.00
	Total Town Clerk:	3,150.00
Total Town Administration Departments:		206,210.93
Town Safety Departments:		
	Police	
62	Police Salaries	66,867.75
63	River Patrols	2,309.57
64	Crossing Guard Salary	2,362.16
65	Total Police Expense	31,500.00

	Total Police:		103,039.48
	Fire		
66	Fire Chief Salary		8,440.65
67	Fire Chief Asst Salary		5,352.82
68	Fire Dept Other Salary		11,867.90
69	Total Fire Expense:		54,876.00
	Total Fire:		80,537.37
	Ambulance		
70	Ambulance Director		8,000.00
71	Ambulance Billing Clerk		839.84
72	Total EMT Salaries		25,732.99
73	Total Ambulance Expense		18,695.00
	Total Ambulance:		53,267.83
Total Town Safety Departments:			236,844.68
Town Health and Human Service Departments:			
74	Animal Inspector Salary		944.82
75	Animal Inspector Expense		900.00
76	Tree Warden Expense		250.00
77	Tree Removal		10,000.00
78	Emergency Management Salary		1,312.26
79	Emergency Reverse 911		1,700.00
80	Emergency Management Expense		1,500.00
81	FRCOG REPC Assessment		150.00
82	Animal Control Expense		400.00
83	Animal Control Salary		1,574.70
	Transfer Station Waste Program		
84	Total Transfer Station Expense		48,409.79
85	Transfer Station Capital		1,000.00
86	3-Town Landfill Assessment		3,400.00

87	Net Solid Waste District	4,549.00
	Total Waste Program:	57,358.79
	Board of Health	
88	Board of Health Salaries	3,150.00
89	Board of Health Expense	1,250.00
	Total Board of Health:	4,400.00
Total Health and Human Service Departments:		80,490.57
Education - Schools:		
90	Hawlemont Regional Operating	799,850.00
91	Hawlemont Regional Capital	2,032.00
92	Mohawk Trail Regional Operating	829,034.00
93	Mohawk Trail Regional Capital	14,272.00
94	Franklin Tech/Smith Voc. Tuition	220,000.00
95	Franklin Tech/Smith Voc. Transportation	30,000.00
96	East Charlemont School	850.00
Total Schools:		1,896,038.00
Town Highway Departments:		
	General Highway Maintenance	
97	Total Highway Salaries	109,984.94
98	Total General Highway Expense	38,686.00
99	Emergency Road Maintenance	8,000.00
	Total Gen'l Highway:	156,670.94
	Winter Road Maintenance (Snow & Ice)	
100	Total Winter Salaries	100,106.39
101	Total Winter Expense:	110,529.33
	Total Winter Maintenance:	210,635.72
	Vehicle Maintenance (Machinery Maintenance)	
102	Total Machinery Maintenance	33,254.00

	Town Garage Expense		
103	Total Town Garage:		8,800.00
Total Highway Department:			409,360.66
Debt Exclusions			
	HRSD Capital DE		0.00
	MTRSD Capital DE		0.00
	Total Debt Exclusions		0.00
Total All Debt and Interest:			\$0.00
Total Town Budget			\$3,285,034.63

Article 6: Voted to raise and appropriate \$3,285,034.63 to defray the fiscal 2017 operation and capital budgets of the Town.

Passed by a majority vote

At 11:15 P.M., Town floor unanimously voted to adjourn the meeting and to continue on Tuesday, May 21, 2016 at 7:00 P.M. at the Hawlemont Regional School.

CONTINUED ANNUAL TOWN MEETING

May 31, 2016

7:00 P.M.

Hawlemont Regional Elementary School

The Annual Town Meeting was called to order at 7:10 P.M. by Moderator Charlotte Dewey. The meeting was held in the gymnasium of the Hawlemont Elementary School. A quorum was then declared present by the Moderator. Hand and ballot counters present were Linda Wagner, Patricia Stafford and Tracy Hall.

A motion was made, seconded and passed by a majority to move forward article #14, 24, 25, and 26.

Article 14: Voted to raise and appropriate \$14,000 for the purpose of paying certain costs associated with the Hawlemont preschool program.

Passed by a majority

Article 24: Town floor voted to allow Superintendent Buoniconti speak to this article. The Superintendent stated that the article applies only the Mohawk District Schools and does not affect the Hawlemont School District.

An amendment to add the following was voted:

"Clarify Pre-School and "Clean-Up" language (effective 7/1/16)

* Clearly establishes the Mohawk School Committee's authority to operate preschools and assess the Member Towns PK-12

*All references to K-12 in the regional agreement would be changed to PK-12

* For purposes of calculating each Member Town's operating and capital assessments (which are based on a 5-year rolling average of the number of each Town's students enrolled in District schools), pre-K students would be included beginning with the 2015-2016 school year.

* The balance of the changes included in this Amendment would add/alter language in the Agreement to:

- Reflect existing (rather than past) practices
- Eliminate existing language that is outdated, no longer necessary, or inconsistent with current state law or regulations

Amendment passed with a majority vote

Final article language:

Voted to accept the amended Mohawk Trail Regional Agreement regarding Pre-School clean -up language, to be effective July 1, 2016.

An amendment to add "Clarify Pre-School and "Clean-Up" language (effective 7/1/16)

* Clearly establishes the Mohawk School Committee's authority to operate preschools and assess the Member Towns PK-12

*All references to K-12 in the regional agreement would be changed to PK-12

* For purposes of calculating each Member Town's operating and capital assessments (which are based on a 5-year rolling average of the number of each Town's students enrolled in District schools), pre-K students would be included beginning with the 2015-2016 school year.

* The balance of the changes included in this Amendment would add/alter language in the Agreement to:

- Reflect existing (rather than past) practices
- Eliminate existing language that is outdated, no longer necessary, or inconsistent with current state law or regulations

Passed with a majority vote

Article 25: Voted to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT effective July 1, 2016, to revise procedure for amending the regional agreement.

Town floor voted to allow Superintendent Buoniconti speak to this article. The Superintendent stated that this article has already been defeated, but the School is asking all Towns in the District to weigh in.

A paper ballot was called to vote this article as read. 44 yes votes, 39 no votes

Passed with a majority vote

Article 26: Voted to accept the addition of the Town of Rowe as a 7-12 member of the District effective July 1, 2017 by making amendments to the Mohawk Trail Regional Agreement.

Passed by a majority vote

Article 7: Voted to rescind the vote taken on Article 11 of the May 26, 2015 Annual Town Meeting, to raise and appropriate the sum of \$5,000 to purchase and transport equipment associated with participating in the Federal Surplus Property program, and further to vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$5,000 to be used for the acquisition of surplus equipment from any surplus equipment provider.

Passed by a majority vote

Article 8: Voted to transfer from Free Cash \$84,096.00 to fund FY 2016 deficits in the Franklin County Tech School Tech/Voke tuition and transportation accounts.

Passed unanimously

Article 9: Voted to raise and appropriate the sum of \$20,000 for capital transportation infrastructure improvements.

After lengthy discussion, the vote to move the question was passed unanimously.

Passed as read with a majority vote

At 8:45 P.M. the Moderator called a short break in order to receive opinion from Town Counsel regarding reconsidering 2 articles that were voted on during the May 24th session.

At 9:00 P.M., the Moderator reconvened the meeting and explained that on May 24th, the final budget figure (Article 6) had a clerical error by omitting the Hawlemont debt from the total. The total budget amount, with the Hawlemont debt is \$3,285,034.63 and because it is a clerical error, the amount does not need to be re-voted.

Also, the Ambulance budget cannot be reconsidered as more than 15 minutes had elapsed from the time it was voted until Town Meeting was adjourned.

Article 10: Voted to borrow the sum of \$ 376,150 to purchase the following capital items:

Highway Dept.

2016 truck replacing the 2000 Mack with snow fight equipment \$170,000

Police Dept.

New police cruiser replacing the 2005 Crown Victoria \$35,750

Fire Depart.

Used Rescue Truck replacing the D30 Rescue Truck \$100,000

New fire hoses \$5,000

Scott Air Packs and Scott Air Bottes (6 each) \$65,400

Total \$376,150

And that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws or any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters to exclude the amounts to pay for the bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called.

This article had lengthy discussion. The motion to move article 10 passed with a majority vote. A paper ballot was called to vote this article as written: 58 yes votes, 15 no votes

Passed with an 80% vote

Article 11: Voted to raise and appropriate the sum of \$6,000 to repair, insulate and replace windows in the Fire and Ambulance Station building.

Passed unanimously

Article 12: Voted not to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$2,000 to finish the building of an office in the exhibit hall for use in emergencies and during events.

The Parks and Recreation Commission requested this article be passed over.

Unanimously voted to pass over

Article 13: Voted to transfer from Stabilization the sum of \$54,000 to fund 25% of the cost for design, engineering and construction of the Mountain Road bridge that was damaged by Tropical Storm Irene.

Passed by a unanimous vote

Article 15: Voted not to transfer from its Surplus Revenue (Free Cash) a sum to the Town Stabilization Account.

The Finance Committee recommended to pass over this article.

Unanimously voted to pass over

Article 16: Voted to transfer from its Surplus Revenue (Free Cash) \$113,431 for the purpose of reducing the tax levy for FY 2017.

Passed with a unanimous vote

At 11:100 P.M., Town floor unanimously voted to adjourn and to continue the Town Meeting on Wednesday, June 8, 2016 at 7:00 P.M. at the Hawlemont Regional School.

CONTINUED ANNUAL TOWN MEETING

June 8, 2016

7:00 P.M.

Hawlemont Regional Elementary School

The Annual Town Meeting was called to order at 7:00 P.M. by Moderator Charlotte Dewey. The meeting was held in the gymnasium of the Hawlemont Elementary School. A quorum was then declared by the Moderator. Hand and ballot counters present were Linda Wagner, Patricia Stafford and Tracy Hall.

Article 17: Voted not to accept the provisions of General Laws Chapter 60A, §1 (paragraph 8), which allows a city or town accepting the provisions of this paragraph, to exempt from the motor vehicle excise tax, a motor vehicle owned and registered by a resident who is in active and full time military service and has been deployed or stationed outside Massachusetts for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, the 45 day limitation does not apply.

The exemption shall apply only to a motor vehicle owned and registered by a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only one (1) motor vehicle for each calendar year.

If accepted, the charge added by the Collector to a delinquent excise when a warrant to collect is issued to a deputy collector is increased by \$3. The exemption shall take effect the January 1 after the calendar year the acceptance is voted.

A person who qualifies for exemption from the excise imposed by this section shall be entitled to the exemption upon application to the assessors for that year. An application for exemption may be made by such person; his spouse, if the motor vehicle is jointly owned and registered or leased in the names of the person and spouse; or, if the person is deceased, a surviving spouse, administrator, executor or trustee of the estate.

Town Counsel was contacted to see if amendments to this article can occur. No changes are allowed to this article.

Defeated by a majority vote

Article 18: Tree Warden

Voted pursuant to G.L. c.41, §1 to establish the elected position of Tree Warden in the Town of Charlemont to serve a three-year elected term, such three-year term to commence on the 2017 Annual Town Election ballot and said Tree Warden to have such powers and duties as set forth in the General Laws, including but not limited to the Massachusetts Shade Tree Act, G.L. c.87, Sections 1 through 14.

Passed with a unanimous vote

Article 19: Voted to direct the Board of Selectmen to research and report back to the 2017 Town Meeting changing the Annual Town Election to occur 1 week after the Annual Town Meeting, and that such report may include an article to amend Chapter II, Section 1 of the Town's General By-laws.

Passed unanimously as written

Article 20: Voted to adopt the following Capital Planning Bylaw.

Capital Planning Bylaw

1. In accordance with Massachusetts General Laws Chapter 41, §106B, there is hereby established a Capital Planning Committee ("Committee") comprised of five (5) members: three (3) to be appointed by the Town Moderator; one (1) by the Select Board; and one (1) by the Finance Committee. The initial appointments to the Committee shall be as follows: two members shall be appointed by the Moderator for a three-year term, the members appointed by the Select Board and Finance Committee shall be for two-year terms, and one appointment by the Moderator shall be for a one-year term. All subsequent appointments shall be for a three-year term, such terms to commence on July 1. In the case of a mid-term vacancy, the appointing authority for the respective seat shall select a new member for the remainder of the unexpired term. The Moderator shall notify the Town Clerk of all Committee appointments and re-appointments in a timely fashion. No Committee member may simultaneously serve as a member of the Select Board or the Board of Assessors.

2. A capital expenditure is any proposed purchase of goods or services with a cost greater than \$5,000 and an estimated useful life greater than three (3) years. With the exception of a capital expenditure article originating through the citizen petition process, town meeting shall not consider or approve any capital appropriation unless it has been formally presented to and reviewed by the Committee.

3. The Committee shall annually issue a notification letter soliciting capital expenditure requests to all town departments, boards, committees and commissions. The notification letter shall be issued and capital expenditure requests shall be returned to the Committee on dates concurrent with the annual operating budget process. All departments, boards,

committees and commissions shall submit capital expenditure requests on forms provided by the Committee indicating requests for the next fiscal year and for four years thereafter. Each proposed expenditure must meet both criteria that define a capital expenditure, which may not be waived. The Committee may, in its sole discretion, accept a capital expenditure request for the next fiscal year after the established submission deadline.

4. The Committee shall review, evaluate and prioritize all capital expenditure requests for the next fiscal year. The Committee may meet with any town officer, department manager, or board, committee and commission representative and may request additional information it determines is needed in order to evaluate and prioritize submitted items. The Committee shall establish criteria for evaluating the relative need and timing for a proposed expenditure which shall address, but need not be limited to, the following:

Emergency circumstances

Protection of public health and safety

Court ordered

Requirement of state or federal law or regulation

Risk of losing grants or matching funds

Operating budget impact (positive or negative)

Preservation of asset at risk

Continuation of previously funded projects

Status of projects previously funded

Deferrals from prior years

5. The Committee shall report its capital expenditure recommendations for the next fiscal year simultaneously to the Board of Selectmen and Finance Committee no later than (8) eight weeks before Annual Town Meeting. The report shall include capital expenditures recommended for funding and proposed expenditures not recommended. If so requested, the Committee shall meet with the Selectmen or Finance Committee, who shall complete their review within 30 days of receiving the report with a vote to accept or reject the Committee's recommendation in its entirety. If the Board of Selectmen or Finance Committee objects to a Committee decision, it may elect to resolve the issue with the Committee. Otherwise, amendments to the Committee's recommendation may only occur at Town Meeting.

6. The Committee shall prepare and submit a capital expenditure article or articles for the Town Meeting warrant to the Board of Selectmen within the customary deadline. Subject to town counsel review, the Committee shall determine the format of an article, provided however that each individual expenditure must at least specify the amount to be expended, the purpose of the expenditure and its financing source. The Committee shall present a report either orally to Town Meeting or in writing in advance explaining

its process and decisions. In either event, Committee members shall be prepared to respond to comments and questions at Town Meeting concerning its capital expenditure recommendations and omissions.

7. The Committee shall develop a five-year capital plan based on information submitted by town departments, boards, committees and commissions referenced herein above. In a chart format determined by the Committee, the plan which is intended as a guide shall display anticipated capital expenditures with estimated costs in four subsequent years. The Committee shall revisit and update the plan annually to account for new information provided and resulting changes in priorities and/or in estimated costs. The five-year plan shall be included as supplemental information in the annual Town Meeting warrant and, as such, it is not subject to a Town Meeting vote.

This article was moved, which passed by a large majority

Passed by a majority vote as written

Article 21: Charlemont rec tax law

Voted to authorize the Board of Selectmen to petition the General Court for a special act in the form below, providing that the Town may assess a tax on commercial recreational activities; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

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. (a) Notwithstanding any general or special law to the contrary, the town of Charlemont may impose a recreation tax on the fee for service for guided and unguided commercial recreational activities within the town in the amount of three percent of the ticket price. Such tax shall be in addition to the amount of any sales tax imposed pursuant to chapter 64H of the General Laws. Upon each sale of a commercial recreational service under this act, the amount of tax collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor. The vendor shall pay the recreation tax imposed under this section to the commissioner of revenue at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received pursuant to this act shall be paid quarterly to the treasurer of the town of Charlemont by the state treasurer, upon certification of the commissioner of revenue.

SECTION 2. This act shall be submitted for acceptance to the qualified voters of the town of Charlemont at the next regular municipal election in substantially the form of

the following question:

“Shall an act passed by the general court in the year 2016, authorizing the town of Charlemont to establish a tax on commercial recreation services, be accepted?”

Town counsel shall prepare a fair and concise summary of the act, which shall appear below the ballot question. If a majority of the votes cast in answer to the question is in the affirmative, section 1 shall take effect, but not otherwise.

Passed by a majority vote

Article 22: Meals Tax adoption

Voted to adopt Chapter 64L, Section 2, of the Massachusetts General Laws, to impose a local sales tax upon restaurant meals.

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4* may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64h. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this chapter.

*Chapter 4 Section 4. Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities on districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting.

After several suggestions for amendments to this article, Moderator Dewey consulted with Town Counsel who advised that the Town cannot change the language as it is a State Statute.

Passed unanimously as written

Article 23: Zoning revisions

Voted to revise its Land Use Performance Standards (Zoning Bylaw) to clarify and simplify the Site Plan Review Process, by:

1. Amending Article II, Administration, Section 28, Site Plan Review, to clarify the applicability of the section, simplify the procedures and shorten the time frames for Site Plan Review, and establish a local appeal process to the Charlemont Zoning Board of Appeals;
2. Amending Article III, General Regulations, Section 32, Use Regulations and Zoning Districts, to clarify what uses in the Village Center Zoning District are subject to Site Plan Review, to provide for solar installations of various sizes and purposes, and to make other housekeeping changes to the list of Zoning Districts and to the Use Table;
3. Amending Article IV, Special Regulations, Section 42, Mobile Home Parks and Campgrounds, to correct an internal reference; and
4. Amending Article V, Definitions, to revise and/or add six definitions related to the above proposals as well as to address zoning enforcement issues.

Passed unanimously as written

It was announced that a special election for the Debt Exclusion vote has been scheduled for August 23, 2016. Moderator Dewey announced that Lynn Hathaway will continue on the Finance committee for a 3 year term.

The Annual Town Meeting as adjourned at 9:25 P.M.

Respectfully submitted:

Kathy A. Reynolds
Town Clerk