



# **Minutes for the 2025 ANNUAL TOWN MEETING TOWN OF CHARLEMONT COMMONWEALTH OF MASSACHUSETTS**

Tuesday, the Twenty-seventh day of May, AD 2025 at 6:00 p.m.

in the **Hawlemont School gym** at 10 School Street in said Charlemont

The Town Clerk opened the meeting at 6:00

The Town Clerk reported that we had reached a quorum.

The Town Clerk reported that the warrant for the May 27<sup>th</sup>, 2025 annual town meeting had been duly posted as required by law.

The Town Clerk called for the election of a temporary Moderator to facilitate the 2025 Town Meeting. Moved and seconded. Called for volunteers – Ron Smith alone stepped forward.

Ron Smith was **Elected Unanimously**.

Dana Johnson immediately made a motion that that Article 23 be moved earlier in the agenda.

Rich Filoramo suggested moving Article 23 before Article 21. **Motion Passed Unanimously**

Ron Smith proceeded to facilitate action on the following articles:

**Article 1:** To act on the Report of the Town Officers.

Article requires a majority vote. **Passed Unanimously**

**Article 2:** To see if the Town will vote to authorize the Select Board 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 2026.

Article requires a majority vote. **Passed Unanimously**

**Article 3:** To see if the Town will authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2025, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.

There was a motion to fix the typo, the year in this article should be 2026. The motion Passed Unanimously.

Article requires a majority vote. **Passed Unanimously as Amended**

**Article 4:** To see if the Town will vote to establish the spending limits for the following revolving funds for fiscal year 2026:

1. Dog Fund = \$2,500.00
2. Recycling = \$6,000.00
3. Flags and Banners = \$1,200.00
4. Fire Inspection = \$1,200.00

- 5. Planning Board = \$950.00
  - 6. Parks & Recreation Commission - \$6,000.00
- Or take any other action relative thereto.

Article requires a majority vote. **Passed Unanimously**

**Article 5:** To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums to defray the fiscal 2026 operation and capital budgets of the Town, and to establish the salaries for its elected Town Officers or take any other action relative thereto.

Article requires a majority vote.

There were holds places on items 18, 34, 38, 67, 70, 72, 73, 76, and 80. All of them were to request clarification.

**Passed Unanimously**

	ANNUAL TOWN MEETING MAY 27, 2025	ATM/STM FY 2026
General Government		
Miscellaneous Annual Expense		
1	Moderator	\$35.00
2	School Committee Stipends	\$750.00
3	East Charlemont School (Little Red Schoolhouse)	\$850.00
	Accounting Services	\$36,300.00
	Accounting Software	\$4,389.00
	Accounting Supplies	\$150.00
4	Total Accounting Expense:	\$40,839.00
5	Town Counsel	\$20,000.00
6	Town Electricity	\$22,000.00
7	Townwide Fuel	\$62,000.00
8	Annual Town Report	\$1,200.00
9	Reserve Fund	\$15,000.00
	<b>Total Misc. Annual Exp:</b>	<b>\$162,674.00</b>
Boards, Commissions and Programs		
10	Secretary to the Boards Salary	\$18,330.77
	Town Boards Postage	\$250.00
	Town Boards Supplies	\$50.00
11	Total Town Boards Expense:	\$300.00
	Finance Committee Expense	\$150.00
	Conservation Commission Expense	\$200.00
	Earth Removal Committee Expense	\$100.00
	Agricultural Commission Expense	\$500.00

	Planning Board Expense	\$700.00
	Zoning Board of Appeals Expense	\$200.00
	Care of Cemeteries	\$0.00
	Flag Committee Expense	\$350.00
	Historical Commission Expense	\$500.00
12	Council on Aging Expense	\$3,500.00
13	Memorial Day	\$500.00
14	<b>Total Bds,Comm,Programs:</b>	<b>\$25,330.77</b>
<b>Veterans</b>		
	Veterans Services District Assessment	\$3,288.91
	Veteran's Markers and Flags	\$450.00
	Veterans Benefits	\$2,000.00
15	<b>Total Veterans:</b>	<b>\$5,738.91</b>
<b>Library</b>		
16	Librarian Salary	\$21,799.18
17	Asst Librarian Stipend	\$796.63
	Library Automation	\$2,000.00
	Library Supplies	\$450.00
	Net Library Books	\$7,500.00
	Total Library Expense:	\$9,950.00
18	<b>Total Library:</b>	<b>\$32,545.81</b>
<b>Parks and Recreation</b>		
	Memorial Park Maintenance	\$1,200.00
	Memorial Park Mowing	\$3,800.00
19	<b>Total Parks &amp; Recreation:</b>	<b>\$5,000.00</b>
<b>Town Building (Town Hall)</b>		
20	Town Hall Custodial Salary	\$3,521.22
	Town Hall Heating Oil	\$7,000.00
	Town Hall Sewer Expense	\$848.00
	Town Hall Building Maint	\$3,600.00
	Town Hall Contracted Svc	\$3,000.00
	Town Hall Telephone/Internet	\$13,500.00
21	Total Town Hall Expense:	\$27,948.00
	<b>Total Town Building (Town Hall)</b>	<b>\$31,469.22</b>
<b>Franklin Regional Council of Governments Programs</b>		
	FRCOG Core Assessment	\$7,608.00

	FRCOG Procurement Services	\$2,990.00
	FRCOG Coop. Fuel Purchasing	\$450.00
	FRCOG Emergency Communications Systems	\$7,101.18
	FRCOG Regional Health Inspection	\$15,950.00
	FRCOG Coop Building Inspection Program	\$7,873.00
<b>22</b>	<b>Total FRCOG:</b>	<b>\$41,972.18</b>
<b>Pensions and Insurance</b>		
	Franklin Regional Retirement System	\$100,343.00
	Line of Duty Insurance	\$16,500.00
	Workers Comp. Insurance	\$14,500.00
	Unemployment Insurance	\$1,710.84
	Group Health & Life Insurance	\$123,892.80
	Medicare & Social Security	\$33,000.00
	Property & Causaulty Insurance	\$36,500.00
	Bonding Town Officials	\$750.00
<b>23</b>	<b>Total Pensions and Insurance</b>	<b>\$327,196.64</b>
<b>Total General Government:</b>		<b>\$631,927.53</b>
<b>Town Administration Departments:</b>		
<b>Select Board/Town Administration</b>		
<b>24</b>	Select Board Salaries	\$6,000.00
<b>25</b>	Executive Secretary /Town Clerk Salary	\$46,269.63
<b>26</b>	Town Administrator Salary	\$71,281.33
	Select Board Advertising	\$750.00
	Select Board Recognition	\$250.00
	Select Board License/Dues	\$775.00
<b>27</b>	Total Select Board Expense	\$1,775.00
	Town Administrator Meeting & Travel	\$200.00
	Town Administration Postage	\$1,500.00
	Town Administration Supplies	\$1,500.00
	Technology Expenses	\$2,500.00
	Website Hosting Fees	\$1,100.00
<b>28</b>	Total Town Administration Expense	\$6,800.00
	<b>Total Select Board/Town Administration:</b>	<b>\$132,125.96</b>
<b>Board of Assessors</b>		
<b>29</b>	Assessor's Salaries	\$4,386.00
<b>30</b>	Assessor/Finance Committee Clerk Salary	\$49,002.54

	Assessor's Appraiser	\$29,820.00
	Assessor's Postage/Advertising	\$900.00
	Assessor's Mapping	\$5,300.00
	Assessor's Training	\$300.00
	Assessor's Supplies/Bookbinding	\$700.00
	Assessor's Registry of Deeds	\$20.00
	Assessor's License/Dues	\$226.00
31	Total Assessor's Expense	\$37,266.00
	<b>Total Board of Assessors:</b>	<b>\$90,654.54</b>
<b>Treasurer</b>		
32	Treasurer's Salary	\$21,984.86
	Treasurer's Contracted Services	\$3,500.00
	Treasurer's Postage	\$2,000.00
	Treasurer's Banking Fees	\$1,800.00
	Treasurer's Supplies	\$800.00
	Treasurer's Payroll Service	\$7,500.00
	Treasurer's Licenses/Dues	\$60.00
33	Total Treasurer's Expense	\$15,660.00
34	Tax Title Taking	\$23,000.00
	<b>Total Treasurer:</b>	<b>\$60,644.86</b>
<b>Tax Collector</b>		
35	Tax Collector's Salary	\$26,404.66
36	Tax Collector Stipends; Sewer District	\$1,644.50
	Tax Collector Contracted Svc.	\$7,500.00
	Tax Collector Postage	\$3,200.00
	Tax Collector Telephone/Comp.	\$1,000.00
	Tax Collector Training	\$100.00
	Tax Collector Supplies	\$2,200.00
	Tax Collector Business Travel	\$1,050.00
	Tax Collector License/Dues	\$60.00
37	Total Tax Collector Expense	\$15,110.00
	<b>Total Tax Collector:</b>	<b>\$43,159.16</b>
<b>Town Clerk</b>		
	Town Clerk Contracted Svc	\$100.00
	Town Clerk Licenses/Dues	\$100.00
	Election Expense	\$2,000.00

38	Total Town Clerk	\$2,200.00
Total Town Administration Departments:		\$328,784.52
Town Safety Departments:		
Police		
39	Police Chief Salary	\$10,743.97
40	Police Salaries	\$85,003.38
-	Crossing Guard Salary	\$0.00
41	Police/Highway Custodial Salary	\$3,045.78
42	River Patrols	\$2,939.82
	Police Building Maint	\$500.00
	Police Vehicle Maint	\$8,000.00
	Police Contracted Services	\$4,800.00
	Police Training	\$3,500.00
	Police Supplies	\$3,000.00
	Police Uniforms	\$2,500.00
	Police New Equipment	\$4,500.00
43	Total Police Expense	\$26,800.00
	Total Police:	\$128,532.95
Fire		
44	Fire Chief Salary	\$10,743.97
45	Fire Officer Salaries	\$7,465.14
46	Fire Other Salaries	\$28,520.63
47	Fire Custodian Salary	\$1,940.93
	Fire Building Heat	\$3,000.00
	Fire Building Maint	\$7,000.00
	Fire Vehicle Maint	\$25,000.00
	Fire Contracted Service	\$4,600.00
	Fire Radio Maint	\$3,000.00
	Fire Training	\$4,500.00
	Fire Supplies	\$3,000.00
	Fire Fuel	\$0.00
	Fire License/Dues	\$2,500.00
	Fire Breathing Aparatus R&M	\$4,000.00
	Fire Protective Gear	\$10,000.00
	Fire Equipment/Replacement	\$15,000.00
	Fire Hoses, Nozzles, Appliances R&M	\$3,000.00
48	Total Fire Expenses:	\$84,600.00
	Total Fire:	\$133,270.67

<b>Ambulance</b>		
<b>49</b>	Ambulance Director Salary	\$10,743.97
<b>50</b>	EMT Salaries	\$34,941.53
<b>51</b>	EMT Longevity	\$1,000.00
	Ambulance Vehicle Maintenance	\$2,000.00
	Ambulance Contracted Svc	\$4,000.00
	Ambulance Billing Service	\$7,500.00
	Ambulance Radio Maintenance	\$800.00
	Ambulance Training	\$3,500.00
	Ambulance Supplies	\$6,000.00
	Ambulance Equipment Inspection	\$3,000.00
	Ambulance Business Travel	\$500.00
	Ambulance License/Dues	\$3,000.00
<b>52</b>	Total Ambulance Expense	\$30,300.00
	<b>Total Ambulance:</b>	<b>\$76,985.50</b>
<b>Emergency Management</b>		
<b>53</b>	Emergency Management Director Salary	\$2,281.65
	Emergency Reverse 911	\$1,755.00
	Emergency Management Expense	\$2,000.00
	Emergency Generator Service & Fuel	\$500.00
	FRCOG REPC Assessment	\$150.00
<b>54</b>	Total Emergency Management Expense	\$4,405.00
	<b>Total Emergency Management</b>	<b>\$6,686.65</b>
<b>Total Town Safety Departments:</b>		<b>\$345,475.77</b>
<b>Town Highway Departments:</b>		
<b>General Highway</b>		
<b>55</b>	Highway Salaries	\$127,778.05
<b>56</b>	Highway Seasonal Labor	\$15,169.62
	Highway Contracted Svcs	\$19,500.00
	Highway Supplies	\$19,151.38
	Highway Fuel	\$0.00
	Highway Emergency Road Maintenance	\$8,721.61
	Highway Uniforms	\$5,720.00
	Highway Licences/Dues	\$750.00
<b>57</b>	Total General Highway Expense	\$53,842.99

<b>Vehicle Maintenance (Machinery Maintenance)</b>		
	Highway Vehicle Maintenance	\$20,310.28
	Highway Vehicle Contracted Svcs	\$19,655.31
<b>58</b>	Total Vehicle Maintenance	\$39,965.59
	<b>Total Highway &amp; Vehicle Maintenance:</b>	<b>\$236,756.25</b>
<b>Winter Roads Maintenance (Snow &amp; Ice)</b>		
<b>59</b>	Winter Roads Salaries	\$91,805.07
<b>60</b>	Winter Roads Seasonal Plowers	\$14,121.14
<b>61</b>	Winter Roads Overtime	\$26,264.47
	Winter Equipment Maintenance	\$51,660.02
	Winter Contracted Svcs	\$13,258.11
	Winter Fuel	\$0.00
	Winter Salt	\$26,276.09
	Winter Sand	\$55,424.13
	Winter Supplies	\$12,804.86
<b>62</b>	Total Winter Roads Expense:	\$159,423.21
	<b>Total Winter Roads Maintenance:</b>	<b>\$291,613.89</b>
<b>Town Garage</b>		
	Town Garage Heat	\$5,224.10
	Town Garage Sewer	\$0.00
	Town Garage Maintenance	\$1,599.36
	Town Garage Supplies	\$300.00
<b>63</b>	<b>Total Town Garage:</b>	<b>\$7,123.46</b>
<b>Total Town Highway Department:</b>		<b>\$535,493.60</b>
<b>Health and Human Service Departments:</b>		
<b>Board of Health</b>		
<b>64</b>	Board of Health Salaries	\$1,890.00
<b>65</b>	Board of Health Expense	\$700.00
	<b>Total Board of Health:</b>	<b>\$2,590.00</b>
<b>Animal Inspector</b>		
<b>66</b>	Animal Inspector Salary	\$1,202.62
<b>67</b>	Animal Inspector Expense	\$900.00
	<b>Total Animal Inspector</b>	<b>\$2,102.62</b>
<b>Animal Control</b>		



68	Regional Animal Control Officer	\$4,090.00
69	Regional Dog Kennel	\$385.00
	<b>Total Animal Control</b>	<b>\$4,475.00</b>
<b>Tree Warden</b>		
70	Tree Warden Tree Removal	\$11,000.00
71	Tree Warden Expense	\$200.00
	<b>Total Tree Warden</b>	<b>\$11,200.00</b>
<b>Transfer Station &amp; Franklin County Solid Waste Management District</b>		
72	Transfer Station Salaries	\$22,721.36
	Transfer Station Maintenance	\$3,000.00
	Transfer Station Contracted Snow Removal	\$4,000.00
	Transfer Station Hauling	\$33,500.00
	Transfer Station Telephone	\$500.00
	Transfer Station Sanitary	\$2,500.00
	Transfer Station Trash Bags	\$1,500.00
	MRF Recycling Processing Fee	\$4,310.00
	Transfer Station Roll-off Containters	\$2,200.00
	Transfer Station Capital	\$0.00
73	3-Town Landfill Assessment	\$7,000.00
74	Total Transfer Station Expense	\$58,510.00
	Total Transfer Station	\$81,231.36
	F. C. Solid Waste Management District Assessment	\$5,359.00
	Household Waste Assessment	\$500.00
75	Total Franklin County Solid Waste Management District	\$5,859.00
	<b>Total Transfer Station &amp; FCSWMD:</b>	<b>\$87,090.36</b>
<b>Total Health and Human Service Departments:</b>		<b>\$107,457.98</b>
<b>Education - Schools:</b>		
	Hawlemont Regional School District Operating Assessment	\$1,329,282.00
	HRSD Transportation Assessment	\$81,094.00
76	Total HRSD Operating Assessment	\$1,410,376.00
77	HRSD Capital Assessment	\$0.00
	Override Vote to Supplement Hawlemont Operating Assessment	\$0.00
	<b>Total HRSD Assessment</b>	<b>\$1,410,376.00</b>

	Mohawk Trail Regional School District Operating Assessment	\$701,024.00
	MTRSD Transportation Assessment	\$87,718.00
78	Total MTRSD Operating Assessment	\$788,742.00
79	MTRSD Capital Assessment	\$18,700.00
	<b>Total MTRSD Assessment</b>	<b>\$807,442.00</b>
80	Franklin Tech/Smith Voc. Tuition	\$272,000.00
81	Franklin Tech/Smith Voc. Transportation	\$91,000.00
	<b>Total Franklin Tech/Smith Voc.</b>	<b>\$363,000.00</b>
<b>Total Education-Schools:</b>		<b>\$2,580,818.00</b>
		<b>\$4,529,957.40</b>
<b>Debt and Interest</b>		
	FY19 Hwy Loader Principal	\$0.00
	FY19 Hwy Loader Interest Long-Term Debt	\$0.00
	FY20 Fire Rescue Truck Principal	\$0.00
	FY20 Fire Rescue Truck Interest	\$0.00
	FY 21 Hwy 1-Ton Principal	\$0.00
	FY 21 Hwy 1-Ton Interest Long-Term Debt	\$0.00
82	Broadband Principal	\$22,690.83
83	Broadband Interest Short Term Debt	\$59,957.20
	Total Broadband Debt	\$82,648.03
	<b>Total Debt &amp; Interest:</b>	<b>\$82,648.03</b>
<b>Total All Debt and Interest:</b>		<b>\$82,648.03</b>
<b>TOTAL TOWN BUDGET:</b>		<b>\$4,612,605.43</b>

A motion was made to move Article 18 after Article 5. **Motion Passed Unanimously**

**Article 18:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide \$5,433.89 for Charlemont’s share of the Mohawk Trail Regional High School water heater repair.

Recommended by the Finance Committee

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 6:** To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any and all Town expenses and purposes, including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town’s Broadband

Enterprise and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2025 through June 30, 2026, inclusive; or take any other action relative thereto.

Article requires a majority vote.

A motion was made to amend the wording to read:

“To see if the town will vote to raise and appropriate \$431,082 for the FY 2026 operation of the Town’s Broadband Enterprise, including \$422,676 expenses, \$8,406 extra/unforeseen, and \$20,972 budgeted surplus, and that \$539,724 be raised from Broadband Enterprise Fund Departmental Receipts. In Addition, \$87,670 to be raised and appropriated in the General Fund Operation Budget and allocated to the Enterprise Fund for funding.”

**Amendment Passed Unanimously and Article 6 Passed Unanimously as Amended**

**Article 7:** To see if the Town will vote to raise and appropriate, transfer from available funds, otherwise provide, the sum of \$6,667.00 for Charlemont’s share of the Mohawk late bus, shared with Rowe and Heath.

Article requires a majority vote.

Information: This article was asked for by the Town of Rowe which currently funds the whole expense, the bus ridership is split evenly 1/3 of the riders are from Charlemont, 1/3 from the Town of Heath and 1/3 from the Town of Rowe.

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 8:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$1,000 to be used to maintain cemeteries in the Town of Charlemont, or take any other action relative thereto.

Recommended by the Finance Committee  
.Article requires a majority vote.

Information: This article funds cemetery mowing and care in Town owned Cemeteries.

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$20,000 for bridge repairs, or take any other action relative thereto.

Recommended by the Finance Committee.  
Article requires a majority vote.

Information: This article helps with engineering, easement, and other expenses related to town bridge projects.

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 10:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$40,000 for infrastructure repairs, or take any other action relative thereto.

Recommended by the Finance Committee.  
Article requires a majority vote.

Information: This article is used for roadway projects such as mud road upgrades and general road improvements.

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 11:** To see if the Town will vote to raise and appropriate transfer from available funds, or otherwise provide \$17,000 for a yearly financial audit, or take any other action relative thereto.

Recommended by the Finance Committee.

Article requires a majority vote.

Information: This article will fund a yearly Town Audit, allowing Charlemont to apply for federal grants, and create a better position for financing when needed.

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 12:** To see if the Town will vote to raise and appropriate transfer from available funds, or otherwise provide \$ 26,740.19 for the purchase of a Lucas Machine for the Ambulance Department

Information: The Lund University Cardiopulmonary Assist System (LUCAS) device provides mechanical chest compressions to patients in [cardiac arrest](#). It is mostly used in emergency medicine as an alternative to manual [CPR](#) because it provides consistent compressions at a fixed rate through difficult transport conditions and eliminates the physical strain on the person performing CPR

Recommended by the Finance Committee

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article13:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide\$10,846.93 to install heat pumps in the town hall.

Information: The town hall's current heating system is oil with steam radiators. It is inefficient and is at the end of its life. The town has a green communities grant to assist with the installation of heat pumps, improving the cost of heating the town hall.

Recommended by the Finance Committee

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 14:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide \$70,000.00 For the purchase of a used over the rail tractor and mower.

Recommended by the Finance Committee

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 15:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide \$150,000.00 to replace a 1999 Freightliner Dump Truck.

**A Motion was Made to Pass Over, the Motion Passed Unanimously**

**Article 16:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide \$150,000 to purchase a used fire engine if the current earmark request does not pass.

Recommended by the Finance Committee

Dennis spoke and recommended raising \$250,000 instead of \$150,000. Legal counsel said it was acceptable to change the amount on the floor with an amendment. The amendment reads as follows:

“To see if the Town will vote to borrow \$250,000 plus \$200,000 from last year to purchase a used fire engine.”

**Passed Unanimously as Amended**

**Article 17:** To see if the Town will vote to raise and appropriate transfer from available funds or otherwise provide \$8,000.00 to replace the hose on the Fire Tanker.

Recommended by the Finance Committee

A motion was made to fund from Free Cash. **Passed Unanimously**

**Passed Unanimously as Amended**

**Article 19:** To see if the Town will vote to transfer from its Surplus Revenue (Free Cash) (a sum) to the Town Stabilization Account or take any other action relative thereto.

Recommended by the Finance Committee.

Article requires a majority vote.

The article was amended to insert the total \$63,639 in place of the words “a sum” in parentheses. The Amendment Passed Unanimously. Article **Passed Unanimously as Amended**

**Article 20:** To see if the Town will vote to transfer from its Surplus Revenue (Free Cash) a sum for the purpose of reducing the tax levy for FY 2025 or take any other action relative thereto.

Article requires a majority vote.

**Motion to Pass Over, Passed Unanimously**

**Article 23:** To see if the Town will vote to authorize the SelectBoard to petition the General Court for a special act in the form set forth below, establishing a Charlemont – Rowe Fire District; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the *Select Board* vote to approve amendments to the bill before enactment by the General Court; and, provided further that the *Select Board* is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Chap. \_\_\_\_ An Act to establish the Charlemont – Rowe Fire District

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

Sect. 1. The inhabitants of the towns of Charlemont and Rowe in the county of Franklin, residents within the boundaries of said towns and qualified to vote in town affairs in their respective towns, may establish a fire department for said territory or district, the officers of which shall have charge of, and be responsible for, all the engines, apparatus and buildings for the extinguishment of fires within said district, in the same manner as the fire departments and the employees or volunteers of said departments are responsible.

Section 2. The first meeting of said district after the effective date of this act shall be called by a joint notice from the select boards of Charlemont and Rowe, stating the date, time and place for said district meeting. At the first meeting, the voters of said district shall elect by ballot a moderator, assessors, treasurer, collector, and a fire chief. At said meeting, the voters shall further elect by ballot a prudential committee to consist of three persons hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners, and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said prudential committee, who shall be subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. Officers of the district shall be sworn into office by the moderator or a justice of the peace.

Sect. 3. Said district shall raise by taxation annually a sum sufficient to pay the current annual expenses of operating the firefighting operations, equipment, buildings and personnel of the district, as well as the interest accruing on any bonds, notes or certificates of debt issued by said district, together with such payments on the principal as may be required under the provisions of this act. The assessors chosen as aforesaid shall assess and apportion all and singular such sums of money voted to be raised by said district for the maintenance of said fire department, and in making such assessments shall observe and conform to the requirements of law obligatory upon assessors of towns; and they shall have all the power authority conferred upon town assessors. The list of taxes made by the assessors as aforesaid shall be committed to the collector of said district, for collecting the same; and the said collector shall observe all the rules and regulations, and have all the authority conferred by law upon collectors of taxes for towns, and said collector shall pay over all moneys so collected to the treasurer, who shall hold the same subject to the order of the prudential committee. The district shall have the same legal authority for collection of taxes as that held by municipalities, including but not limited to takings pursuant to chapter 60 of the General Laws or other statutory provision.

Sect. 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may, in addition to any other authority to borrow under the General Laws, borrow from time to time such sums as may be necessary, and may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than 30 years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the Massachusetts General Laws pertaining to such districts.

Sect. 5. The district may, by a vote of qualified voter residents of the district at any duly called district meeting, vote to increase the service area of the district into specific areas of any abutting town. Such areas shall be delineated by a sufficient metes and bounds or other description to establish the boundary of the district. Inhabitants of any such new areas of the district, registered to vote in their town of residence, shall be subject to all benefits and responsibilities of this act, including but not limited to liabilities for district taxation and indebtedness as set forth in this act.

Sect. 6. All the provisions of this act and all the provisions of any and every act passed subsequent to the said general act, and relating to the same subject, not inconsistent with the foregoing provisions, shall be binding upon the inhabitants of said district; and the chief engineer and the assistant engineers shall possess the same power and authority as are therein delegated, and they, together with all of the other members of said fire department, shall be entitled to the same privileges and immunities.

Sect. 7. The district shall be subject to all General Laws applicable to districts, unless said statutes are inconsistent with the provisions of this act.

Sect. 8. The inhabitants of said district, so long as they shall maintain a sufficient fire department therein for the reasonable protection of the inhabitants and property within said limits from fire, shall be exempt from taxation in the respective towns to which they belong, for the maintenance and support of other fire departments in said towns.

Sect. 9. This act shall take effect upon its passage.

**This was hotly debated and arguments ensued, yet it Passed Unanimously**

**Article 21:** To See If the Town Will Accept the layout of the subdivision roads as described in accompanying map for Mountain View Drive, Potters Road and Potters Road Extension and add them to the towns accepted and maintained Roads List.

Sarah Reynolds made the point that the roads would never be paved but instead would remain gravel which will require less maintenance.

**Passed Unanimously**

**Article 22:** To see if the Town will discontinue and revert back to owner a Portion of Warfield Road on accompanying layout, portion is at the end of the town roadway.

**Passed Unanimously**

**Article 24:** To see if the Town will vote to accept the provisions of General Laws Chapter 59, Section 5, Clause 22I, which authorizes an annual increase in the amount of the property tax exemption granted to qualifying veterans under General Laws Chapter 59, Section 5, Clauses 22, 22A, 22B, 22C, 22E and 22F by the percentage increase in the Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any Fiscal Year beginning on or after July 1, 2025. Or take any other action relative thereto

Information: Acceptance of the provisions of General Laws Chapter 59, Section 5, Clause 22I would authorize an annual increase in the amount of the property tax exemption granted to qualifying veterans under Clauses 22, 22A, 22B, 22C, 22E & 22F by the percentage increase in the Consumer Price Index (CPI) for the previous year, as determined by the Commissioner of Revenue.

Charlemont currently has (4) Clause 22 (a-f) veterans who receive the \$400.00 statutory exemption and (4) Clause 22E veterans who receive the \$1,000.00 statutory exemption; these exemptions have been at the same amount since their inception.

**FY 2026 CPI is 2.9%**

Current Veterans Receiving Statutory Exemption				
Clause	Statutory Exemption	Exemption *Annual CPI	# Veterans	Total Exemption
22a-f	\$400.00	\$411.60	4	\$1,646.40
22E	\$1,000.00	\$1029.00	4	\$4,116.00
			8	\$5,762.40

*Above article to be effective beginning in fiscal year 2026, if accepted.*

**Article 24 Passed Unanimously**

**Article 25:** Residential Short-Term Rental Property Bylaw

**§ 1 Purpose**

This bylaw is adopted in accordance with the Town of Charlemont Home Rule Authority, in furtherance of the following public purposes:

1. To protect the health, safety, and welfare of tenants and other citizens of the Town of Charlemont by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and licensing of residential short-term rental units.
2. To ensure safe and sanitary conditions in the Town of Charlemont’s rental housing stock.
3. To provide clear and accessible guidelines for the operation of residential short-term rental units for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
4. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.

5. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
6. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within the Town of Charlemont for all residents.

## **§ 2 Registration and license required.**

Except as provided in § 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any short-term rental unit without a license issued by the Select Board.

## **§ 3. Enabling legislation and regulations.**

All short-term rental units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.

## **§ 4. Applicability and exemptions.**

Licenses shall be required of all residential properties containing short-term rental units, or offered for that purpose, except for the following:

1. Lodging facilities. Hotels, motels, inns, hostels, owner occupied bed-and-breakfast facilities, and campgrounds
2. Halfway houses and group homes. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, halfway houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts.

Owner-occupied residential structures or accessory apartments or accessory dwelling units on a shared property with owner occupancy are exempt from licensing but shall comply with this bylaw as written

## **§ 5. Definitions.**

Under these regulations, the following terms have the meanings indicated:

**AFFORDABLE HOUSING UNIT** — Dwelling units restricted to rental or purchase by households with an annual income no greater than 80% of the median income for Town of Charlemont, as calculated by the U.S. Department of Housing and Urban Development or any successor agency, adjusted for family size. Such units must be countable under MGL c. 40B as part of the Town's subsidized housing inventory.

**CODE OFFICIAL** — Any municipal or county employee or elected official with duties to enforce the regulations and bylaws of the Town of Charlemont and the Laws of the Commonwealth of Massachusetts. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation. This includes but isn't limited to Zoning Enforcement Officer, the Board of Health, Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under § 3 of this bylaw.

**DAYS** – Consecutive calendar days.

**DWELLING UNIT** — The room or group of rooms within a dwelling used or intended for use by one family or household for living, sleeping, cooking and eating. "Dwelling unit" shall also mean a condominium unit.

**EMERGENCY** — Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

*(Add Family Definition here)<sup>1</sup>*

**OWNER** — Every person who alone or jointly or severally with others: 1) has legal title to any building, structure, or property subject to this bylaw; or 2) has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or 3) is a lessor under written agreement; or 4) is the mortgagee in

possession; or 5) is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.



**OWNER-OCCUPANT(S)** — One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

**PERSON** — An individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity licensed by law to hold title to real estate shall for the purpose of this bylaw be deemed a person.

**PRINCIPAL RESIDENCE** — The primary residence of an individual, family ~~(as defined in the Zoning Bylaw)~~<sup>2</sup>, or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as their primary dwelling; provided, however, that no person shall hold concurrent rights in more than one principal residence, as set forth under MGL c. 188, § 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

**SHORT-TERM RENTAL** — Any rental of all or part of a dwelling unit for 31 consecutive days or less, including home-sharing and vacation rentals.

## **§ 6. Conditions.**

Licenses for short-term rental use are conditioned upon the following:

1. Only spaces intended for human habitation may be offered for rent as short-term rentals. For example, the applicant cannot offer for rent an accessory structure such as a shed or garage.
2. Only legally established dwelling units may be offered for rent as short-term rentals.
3. Short-term rentals may not be advertised using any exterior signs or displays.
4. All short-term rental advertisements must include the license number issued by the Town.
5. Only owner-occupants may offer all or part of their principal residence as a short-term rental.
  - a. (1) Owner-occupied.
    - i. (a) The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
    - ii. (b) In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
    - iii. (c) In the event the property is owned by a business entity, a designated owner representative must reside on the property in a permanent or ongoing basis to carry out the functions as if they were the owner of the property.
  - b. (2) Non-owner-occupied.
    - i. (a) The owner-occupant must be the license applicant.
    - ii. (b) The owner-occupant does not reside on the property during the rental period; however, they assume all responsibility for the operation and maintenance of the property
6. Licensees shall maintain liability insurance appropriate to cover short-term rental use.
7. Short-term rentals may only be rented to one party or group at a time; individual rooms may not be rented to separate, unrelated parties or groups at the same time.

8. The number of individual bedrooms made available for short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
9. Renting for less than 24 hours is prohibited.
10. Commercial meetings and uses are prohibited.

#### **§ 7. Licensing.**

Application process and requirements. License applications shall be made on forms approved by the Town, and shall provide such information as the Building Commissioner shall deem reasonable and appropriate. Completed applications shall be submitted to the Town Clerk. Complete license applications shall be reviewed, and licenses shall be issued within 14 working days from the date of submission. A license application shall identify the total number of rental units on the property. Information required as part of a license application shall include:

**Contact information.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners, or agent of the owner, and person who can be contacted 24 hours a day/seven days a week in case of emergency.

- i. **A list of each room**, including bedrooms, offices, dens, living rooms, kitchen, sunroom, in the dwelling unit. The list shall include for each room: i) whether or not the room will be rented; ii) the maximum number of overnight guests that will be allowed.
- ii. **An affidavit** certifying that the owner will comply with all of the provisions of the Residential short-term rental Property Bylaw.
- iii. **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an owner's self-inspection and certification checklist provided by the Town.
- iv. **Complete and accurate information required.** No incomplete application will be accepted. It shall be a violation of this bylaw for anyone to knowingly provide false or misleading information on an application and may constitute grounds for fines and other penalties hereunder.
- v. **Certification by the applicant** that the applicant is the owner-occupant of the principal residence which is the subject matter of the application.
- vi. The applicant shall provide certification that there are no deed restrictions on the property and if there are, that short term rentals do not violate said restrictions. The applicant must provide a copy of any restrictions.
- vii. **Renewal.** Licenses shall be valid for a period to begin on January 1 and shall end on December 31, regardless of when a license is applied for or approved and issued. Completed applications for license renewals shall be submitted and received by November 15 of each calendar year.
- viii. **License posted.** A license shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- ix. **Transferability.** Licenses shall not be transferable upon a change of ownership.
- x. **Limits on number of licenses.** Total number. Limits on the total number of licenses issued for the Town shall be **25** total active units or less at any one time.
- xi. **Distribution of Licenses Priority.** In the case where more applications are made than licenses available the Town of Charlemont Select Board shall use the following to determine priority order.
  1. The duration in which the property being applied for has been in use as a short term rental. Properties that have had a license for use as a short term shall have priority over new license applications.
  2. The number of license suspensions a property owner has received in the prior three years. Compliant owners shall have priority.

3. Number of properties owned by the applicant in the Town of Charlemont with existing Short Term Rental Licenses. Owners with fewer licensed properties shall have priority.

#### **§ 8. Inspections and complaints.**

1. Self-Certification Program. Owners of short-term rental property governed by this bylaw shall self- inspect. and certify their properties as required under this section. Nothing in the self-certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth of Massachusetts.
2. Owner self-inspection and certification. Unless inspected by local, state or federal government officials, an owner or local agent shall conduct an annual inspection of the property, using a self- certification checklist provided by the Town. The owner or agent shall sign the checklist indicating that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the checklist and any required materials along with the application for annual renewal of the license for the property in question. Any false statements or information provided on the checklist shall constitute a violation of this bylaw for which the owner shall be responsible.
3. Complaints and response process. Upon receipt of a complaint or notice of a complaint from any person alleging that the condition, operation, or use of a rental unit or property is in violation of any law or state or local requirement, including this bylaw, or constitutes a nuisance, an inspection of a premises shall be undertaken within a reasonable amount of time in accordance with the Code Official's duties and responsibilities. Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a license to an owner does not preclude tenants' right to file a complaint with the Town, to which the Town will respond with an inspection in compliance with the provisions of state law and regulations. The licensee shall make a good faith effort to arrange access by authorized Town personnel to any licensed rental property for the purpose of conducting inspections within 24 hours of receiving a request.

#### **§ 9. Tenant information.**

The owner shall be required to distribute to tenants, or maintain documents on the premises for use by the tenants, the following information:

1. instructions for disposal of trash/waste per the Town's rules and regulations;
2. an emergency-exit diagram;
3. contact information for the owner or agent who is available to respond to all emergencies and problems which may arise during the rental period;
4. A copy of the short- term rental license issued by the Town of Charlemont

#### **§ 10. Records.**

The Licensee shall keep accurate books and records of all rentals, including the name and address of the tenant based on a legal form of identification, the length of stay and the rent charged. Said records must be made available to the Town upon request within 72 hours and shall be retained for a period of three years from the date of the transaction.

#### **§ 11. Occupancy limits.**

The maximum number of adult persons who may occupy a dwelling unit shall be determined by state standards for fitness for habitation, the State Building Code and fire regulations.

#### **§ 12. Parking.**

All new or expanded parking on residential rental properties within the Town of Charlemont shall comply with the Town of Charlemont Zoning Bylaws

#### **§ 13. Fees.**

The Selectboard or its designee may set, and periodically revise, a schedule of fees for license applications, no less than **\$100** dollars a license. A license fee shall not be prorated if issued mid-year.

#### **§ 14. Enforcement.**

1. Enforcement personnel: the Town of Charlemont Select Board and Code Officials.
2. Enforcement options. This bylaw may be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be subject to a fine or issued a citation under the noncriminal disposition process of MGL c. 40, § 21D. Furthermore, in appropriate circumstances, a license may be modified, suspended or revoked, or a civil action may be initiated to compel compliance herewith.
3. Fines. The Selectboard or designee may set, and periodically revise fines for any violation with ***no less than \$300 for each offense***<sup>3</sup>. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the commonwealth.
4. Suspension. The Charlemont Select Board is authorized to suspend a license after a hearing. The Select Board shall provide written notice of a hearing to take place no sooner than 48 hours after notice is sent. The Select Board may suspend a license after the hearing for the following reasons:
  - a. An owner or agent has knowingly allowed or assisted in allowing violations of this Bylaw.
  - b. An owner or agent refuses or neglects to comply with an order of the Code Official. The Code Official must find that the owner or agent has not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the enforcement order. During this time the Code Official shall inform the owner or agent in writing that the license is subject to suspension. Suspensions shall be as follows:
    - i. First offense: 90 days.
    - ii. Second offense in a twelve-month period: 180 days.
    - iii. Third offense in a twelve-month period: three years.
5. Immediate suspension. In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the license shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.
6. Owner responsibility. The owner shall be responsible for any violations of this bylaw, including acts or omissions of his/her agent.

#### **§ 15. Appeals.**

Appeals for any failure to issue a license or suspend in accordance with § 136-14D may be taken to Superior Court.

#### **§ 16. Severability**

1. If any provision of this By-law is declared invalid or unenforceable, the other provisions herein shall not be affected but shall continue in full force and effect.

Valentine Reid made a motion to amend the bylaw as follows (above sections that will change are in bold italics):

1. Add a definition for family:

**“FAMILY – An Individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons not legally related, living together as a single housekeeping unit. Any unrelated over five (5) shall constitute another family.”**

2. Modify **PRINCIPAL RESIDENCE** by removing:

**“(as defined in the Zoning Bylaws)”**

3. In Section 14 Enforcement, Part 3 – add after the word “offence”:

“no less than \$300 for each offense *per MGL c.40 s 40 & 41d*”

#### **The Amendments Passed**

A motion was made to table Article 25 until next meeting. The motion failed.

A motion was made to accept Article 25 as amended. **Article 25 Passed with 2/3 Majority**

#### **Article 26:**

The Charlemont Agricultural Commission, to both help and attract farmers to the town, and to encourage people to apply for permits for safety sake, the Commission is proposing a revision to current Building Permit Fees.

Currently, the Building Permit Fees are posted at \$7/\$1000 evaluation for anything over 200 sq. ft. The Agricultural Commission is proposing that this rate be reduced to \$4/\$1000 evaluation for Agricultural buildings while keeping the minimum square footage required for a permit the same.

Agricultural buildings include, but are not limited to sugarhouses, barns (for stock/poultry/live animals and/or market prep), chicken coops, sawmills, run-in sheds, grain silos, greenhouses, floriculture and aquaculture buildings.

“Farming” in Charlemont is considered as: the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities; the growing and harvesting of forest products upon forest land; the raising of livestock including horses and the keeping of horses as a commercial enterprise; the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes; the raising of bees, the raising of fur-bearing animals.

“A Farmer” is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

The Charlemont Agricultural Commission seeks to both secure as well as enhance and invite Agriculture in our town.

#### **Passed Unanimously**

#### **Article 27: Charlemont Rec tax law**

To authorize the Selectboard 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 Selectboard approve amendments to the bill before enactment by the General Court; and provided further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto;

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 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 are in the affirmative, section 1 shall take effect, but not otherwise.

**Passed Unanimously**

**Article 28: FRCOG Council Changes**

To see if the Town will vote on the following question:

Shall the following Charter amendments which were proposed by a two-thirds majority of the weighted vote of the full membership of the FRCOG Council and a majority vote of the Executive Committee be enacted?

**FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS CHARTER**

Adopted by the following towns: Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Shutesbury, Sunderland, Warwick, Wendell, Whately

Effective July 1, 1997

2025 Proposed Amendment to this Charter appear HIGHLIGHTED or in RED with explanations of the changes noted in FOOTNOTES at the end.

**FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS CHARTER**

*Preamble.* We, the people of Franklin County, in order to serve the interests of the citizens of our region, do hereby affirm that the 26 ~~towns municipalities~~ in Franklin County have vital common concerns that transcend our individual borders and that the ability of our towns to address important public issues often depends on our local governments acting together. We therefore establish for ourselves and for our communities the means to effectively serve our ~~towns municipalities~~ and to deal with regional issues ~~which that~~ transcend the ~~existing boundaries political borders~~ of ~~town local~~ governments, and do hereby adopt this home rule Charter for the Franklin Regional Council of Governments pursuant to its enabling act 151 Acts 1996 sec 567 as amended.

**ARTICLE 1 DEFINITIONS**

The following words as used in this Charter shall have the following meanings:

- (a) Charter - The word "Charter" shall mean this Charter and any amendments to it which may hereafter be adopted.
- (b) County - The word "County" shall mean the geographic boundary of the County of Franklin.
- (c) Council - The representative body of the Franklin Regional Council of Governments
- (d) Council Agency - The words "Council agency" shall mean any board, commission, executive or representative body, committee or any department, division, or office of the Franklin Regional Council of Governments.

- (e) Days - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted, unless the last day is a Sunday or a holiday.
- (f) FRCOG - The acronym "FRCOG" shall mean the Franklin Regional Council of Governments.
- (g) Laws of the Commonwealth/ MGL - The official Laws of the Commonwealth of Massachusetts and the Constitution of the Commonwealth of Massachusetts, including all amendments adopted with respect thereto.
- (h) Majority Vote - The words "majority vote" shall mean a majority of the members present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or bylaw.
- (i) Voters - The word "voters" shall mean persons who are registered to vote in any ~~town~~ **municipality**.
- (j) FRPAB - The acronym "FRPAB" shall mean the Franklin Regional Planning **Advisory** Board.
- (k) Enabling Act - Section 567 of Chapter 151 of the 1996 Acts of the General Court of Massachusetts, as may be amended.
- (l) **Select Board – Select Board shall refer to the body of municipal chief elected officials known interchangeably as Select Board, Board of Selectmen and other iterations.**
- (m) **Chief Administrative Official – Town Administrator, Assistant Town Administrator, Town Coordinator, Town Manager or any other title used to refer to the lead position in a municipality that directly serves a municipality's chief elected official(s).**
- (n) **Municipal Finance Official – municipal financial roles that include Collector, Treasurer, Accountant and/or Finance Committee member.**

## ARTICLE 2 POWERS OF THE **FRANKLIN** REGIONAL COUNCIL OF GOVERNMENTS

### SECTION 2.1 Incorporation

The Franklin Regional Council of Governments (**FRCOG**), within the corporate limits established by law, shall continue to be a body politic and corporate for the purposes of suits, of buying and holding, for FRCOG uses, personal property and real property, and of contracting and doing other necessary acts relative to its property and affairs.

### SECTION 2.2 Powers of the FRCOG

2.2.1 The intent of this Charter ~~is~~ to obtain for the FRCOG all of the powers it is now possible or may be possible for a council of governments to have, and to hold and to exercise such powers and such policies under the

Constitution and Laws of the Commonwealth as fully and as completely as if each such power were specifically and individually enumerated in this Charter.

2.2.2 It also is the intent of this Charter to encourage a continuing review of the functions performed by the ~~Franklin Regional Council of Governments~~ **FRCOG** and enable it to perform any duty mandated to it in the most efficient manner possible, and without regard to the organizational, structural, or personnel provisions contained in any prior laws.

2.2.3 Nothing in this Charter shall be construed to impair, diminish, or infringe on the powers or duties of cities and towns under the Laws of the Commonwealth. The member ~~towns-municipalities~~ of ~~Franklin Regional Council of Governments~~ **FRCOG** are and shall remain the broad repository of local police power in terms of their right and power to legislate for the general health, safety, and welfare of their residents.

2.2.4 The FRCOG shall exercise all prerogatives and responsibilities enumerated for it by 151 Acts 96 section 567 as amended including such other powers as enumerated below without limitation:

- (a) The power to adopt, amend and repeal bylaws related to operations of the FRCOG.



- (b) The power to organize and regulate the internal affairs of the ~~Council of Governments~~ FRCOG: to create, alter, and abolish departments, offices, positions, and employment and to define functions, powers and duties thereof; to establish qualifications for persons holding offices, positions and employment, subject to the requirements of state law and this Charter; and provide for the manner of their appointment and removal and for their term and compensation.
- (c) The power of eminent domain only with respect to ~~former~~ County roadways under MGL Chaps. 81-88.
- (d) The power to construct, acquire, operate and maintain public improvements, capital projects, personal property and real property or other enterprises for any public purpose, subject to Laws of the Commonwealth.
- (e) The power to have a corporate seal; to sue and be sued; to contract and be contracted with; to buy, sell, lease, hold and dispose of real and personal property; to appropriate and expend funds for ~~Council of Governments~~ FRCOG purposes, to retain trust funds of the former County of Franklin.
- (f) The power to contract with or enter into agreements with any other entity or governmental unit and to provide jointly or for the other, or in cooperation with other entities, any service, activity, or undertaking which such entity or governmental unit is authorized by law to perform. Notwithstanding any other provision of law, municipalities entering into joint service agreements with FRCOG may do so upon authorization of the chief elected official or executive officer of the municipality.
- (g) The power to establish membership assessments and service charges independent of the limitations of MGL chapter 59, commonly referred to as Proposition 2 1/2
- (h) ~~The power, notwithstanding any special or general law to the contrary, to assess the Franklin County Retirement System for the services of the director of finance in administering the retirement system—~~<sup>1</sup>
- (~~h~~i) The powers of municipalities with respect to creating special fund accounts for the purpose of providing any service authorized by this charter. Such funds may include, but are not limited to, those authorized by MGL chapter 44, sections 53A (grant and gifts for municipal purposes), 53C (off-duty work details), 53D (recreation and park self-supporting service revolving funds), 53E (offset receipts), 53E ½ (departmental revolving), 53F (compensating balance agreements), 53F ½ (enterprise funds), 53G (special consultants), or any other special funds powers now or later enacted for municipalities. Adoption of such instruments by the Council shall require the same procedures of the executive and representative bodies of the FRCOG as may be required of the executive and legislative bodies of municipalities. The FRCOG shall be subject to any procurement regulations which apply to municipalities.
- (~~i~~j) The powers of regional planning agencies and economic development areas as previously conferred upon the County of Franklin under Chapter 425 Acts 1963 as amended, MGL chapter 40B secs. 5, 5A, 5B ~~and 14~~ and as enumerated by 151 Acts 1996 sec. 567 as amended.
- (~~j~~k) The power, notwithstanding any general or special law to the contrary, to retain all powers and authorities of the former County executive and legislative bodies necessary for the execution of any responsibility transferred to the ~~Council of Governments~~ FRCOG by 151 Acts 96 Sec. 567. Any responsibility of the former County of Franklin for which the Commonwealth has no explicit jurisdiction, shall be retained by the FRCOG and its successor offices, including but not limited to, appointment authority of the executive to other corporate bodies.
- (~~k~~l) The powers of Massachusetts municipalities, special districts and authorities not specifically limited by this charter or its enabling act may be granted to the FRCOG by the bylaw approval process set forth by this charter.
- (~~l~~m) The powers of Select ~~Boards men~~ under MGL chap. 41 sec. 52 and 56 approval of bills and warrants, the powers of the former County of Franklin under MGL chaps. 81-88 (county roads), ~~and~~ 32B (health insurance) ~~and 140 (dogs and other animals).~~<sup>2</sup>
- (~~m~~n) The power to incur operating debt in anticipation of revenue up to one half of the most recent year's audited total revenues.

## ARTICLE 3 LEGISLATIVE BODY: THE COUNCIL

### SECTION 3.1 Structure



3.1.1 Composition ~~and Eligibility~~: The Council shall be comprised of one representative from each member town appointed by the Board of Selectmen or Chief Executive. ~~The representative shall be a Select Board member, the Chief Administrative Official or a Municipal Finance Official from each Member Town, and the Mayor or designee from each Member City. Alternates may be provided for by Bylaw.~~ The Franklin Regional Planning ~~Advisory~~ Board (FRPAB) shall elect or appoint one of its members to the Council. ~~Representatives shall not be an employee of the FRCOG.~~

3.1.2 Term and Vacancies: Appointments shall be for the duration of a fiscal year. Procedures for notice of appointments to the FRCOG shall be outlined by bylaw. ~~For the purpose of forming the initial council, appointments shall be made by the member towns and FRPB within 30 days of the adoption of this charter.~~<sup>3</sup> Vacancies shall be defined by bylaw and filled within 30 days by the appointing authority.

~~3.1.3 Eligibility: Representatives shall be residents and registered voters of the towns from which they are appointed. The FRPB representative shall be a resident of Franklin County or other member town. Representatives shall not be an employee of the Council.~~<sup>4</sup>

3.1.~~3~~ <sup>4</sup> Compensation and Benefits: Representatives shall not be eligible for salary or any personnel benefits.

3.1.~~4~~ <sup>5</sup> Organization: ~~In the month immediately following the approval of this Charter by 14 member towns, but not sooner than July 1, 1997, the first organizational meeting of the Council shall be held.~~<sup>5</sup> The Council shall meet at least quarterly, and shall elect a Chair, Vice-Chair and Secretary at its annual organizational meeting, which shall be its first meeting following July 1 of each year.

3.1.~~5~~ <sup>6</sup> Voting: Each representative shall have one equal vote on all non-appropriations matters. On appropriations questions, each member municipality representative shall cast a weighted vote pursuant to their proportional share of the total member assessment outlined in Article 7 of this charter except that the ~~FRPB representative shall hold a vote of 1% creating a total possible vote of 101%. Regionally Elected members shall have a weighted vote of 1% creating a total possible vote of 102%.~~<sup>6</sup>

3.1.~~6~~ <sup>7</sup> Quorum: ~~All Council meetings require a simple majority. Any meeting that requires a financial vote requires both a simple majority and a financial majority of the Council. Not less than 50 percent of the total weighted or equal vote of the Council as applicable to the actions to be taken.~~

## SECTION 3.2 Powers and Duties

3.2.1 Powers and Duties in General: Except as is otherwise provided by the Laws of the Commonwealth, all legislative powers of the FRCOG shall be vested in the Council which shall exercise its powers consistent with the Laws of the Commonwealth and this Charter.

### 3.2.2 Specific Powers of the Council:

By a simple majority of the weighted or equal vote present as applicable:

- (a) The power to pass whatever measures are deemed necessary and proper for the operation of the Council in accordance with the Laws of the Commonwealth.
- (b) The power to approve the Council annual operating budget and appropriate funds as required by the budget.
- (c) The power to conduct inquiries and investigations.
- (d) The power to pass resolutions and organization bylaws.
- (e) The power to establish internal rules of operation.
- (f) The power to establish standing committees as deemed necessary to carry out its duties.

By a two-thirds majority of the weighted or equal vote present as applicable:

- (a) The power to authorize the Council to enter into indebtedness for capital and real property acquisitions.
- (b) The power to recall a vote of the Executive Committee, procedures to be outlined by bylaw.
- (c) The power to approve acquisition and disposal of real property or significant capital assets, including.
- (d) The power to override Executive Committee rejection of amendments to organizational bylaws.

## ARTICLE 4 EXECUTIVE BODY: THE EXECUTIVE COMMITTEE

### SECTION 4-1 Structure

4.1.1 Composition: The executive powers of the ~~Franklin Regional Council of Governments~~ FRCOG shall be exercised by an Executive Committee which shall consist of five members, ~~no two of which shall be from the same Member town.~~<sup>7</sup> Two nonpartisan members, who may not reside in the same municipality, shall be elected at the state biennial election, two shall be elected or appointed by the Council and one shall be elected or appointed by the Franklin Regional Planning ~~Advisory~~ Board. ~~No more than two members of the Executive Committee may reside in or represent the same town.~~

4.1.2 Term and Vacancies: The terms of Council and FRPAB members on the ~~E~~executive ~~C~~committee shall be for the duration of a fiscal year. Procedures for notice of appointment or election to the ~~E~~executive ~~C~~committee shall be outlined by bylaw. Vacancies shall be defined by bylaw and filled within 30 days by the appropriate board. ~~If a Council-appointed or FRPAB-appointed Executive Committee member has an unexcused absence for three consecutive meetings, the Executive Committee may request that the Council or FRPAB make a different appointment to the Executive Committee.~~ The two members chosen by the voters in the member towns at the biennial election shall serve four-year terms. ~~In the event of a vacancy of a regionally elected member to the Executive Committee, the Executive Committee shall identify and secure concurrence of the Council of an individual that resides in Franklin County to serve for the duration of the term of the vacated member or until the next bi-annual election, whichever comes first. If, at the bi-annual election the vacated position is not due for reelection, the position will be refilled by election only for the duration of the vacated term. (regional or districts by size or subregion). If a person from the same town as another candidate appears to be chosen, the person with the higher number of votes shall be declared elected. If a person residing in the same town as a still sitting member of the committee resides, he shall not be declared elected. In such a case the person with the next highest number of votes, who lives in another town, shall be declared elected. Definition and procedures for filling vacancies shall be outlined by the bylaws.~~

4.1.3 Eligibility: Executive Committee members shall be residents and registered voters of member ~~towns~~ municipalities. The FRPAB member shall be a resident ~~or employee~~ of a Franklin County ~~municipality~~ or other member ~~town-municipality~~. Executive Committee members shall not be employees of the Council.

4.1.4 Compensation and benefits: The Council may establish an annual ~~salary stipend~~ for the ~~members of the~~ Executive Committee. ~~Other personnel benefits shall be granted as required by law. Executive Committee members are ineligible to receive FRCOG employee benefits.~~

4.1.5 Organization: ~~Within 30 days of the first meeting of the Council, the first meeting of the Executive Committee shall be held.~~ The Executive Committee shall meet ~~at least monthly regularly~~ and shall elect a Chair, Vice- Chair and Secretary at its annual organizational meeting, which shall be established by bylaw.

4.1.6 Voting: Each member shall have one equal vote on all matters.

4.1.7 Quorum: The Executive Committee shall conduct ~~all of~~ their official business with at least three members present, ~~provided proper notice has been given to all five members.~~ A ~~majority~~ vote of ~~the three~~ members of the Executive Committee ~~present and voting~~ shall be sufficient to exercise any power residing in the Executive Committee.

### SECTION 4.2 Powers and Duties

4.2.1 Powers and Duties in General: The executive powers of the Council shall be vested solely in the Executive Committee and may be exercised either directly by the Executive Committee, or through the Executive Director as set forth in Article 5 of this Charter. The Executive Committee shall cause this Charter and the bylaws and orders for the administration of the FRCOG to be enforced. The Executive Committee shall exercise general supervision and direction over the FRCOG. Each FRCOG committee, employee, or agent shall furnish any documents or information, or shall appear before the Executive Committee as it may request.

4.2.2 Specific Powers of the Executive Committee:

- (a) The power to supervise the collection, disbursement, and deposit of all FRCOG funds.
- (b) The power to exercise all administrative and executive powers of the FRCOG by majority vote.
- (c) The power to prepare and submit an annual operating and a capital outlay budget to the Council for its consideration and adoption, and supervise and administer the budget adopted by the Council
- (d) The power to supervise the care and custody of all FRCOG property, institutions, and agencies.
- (e) The power to exercise the powers of eminent domain as permitted by law.
- (f) The power to identify emergency situations and call emergency meetings of the Council with 72 hours notice.
- (g) The power to call meetings of the Council with two weeks notice, subject to the bylaws of the Council.
- (h) The power to sign all deeds, contracts, bonds or other instruments ~~requiring the consent of the County Commissioners.~~<sup>8</sup>
- (i) The power to inquire at any time into the conduct of office or performance of duty of any ~~County officer-FRCOG employee, or county town meeting member.~~
- (j) The power to establish internal rules of operation and review FRCOG bylaws submitted by the Council.
- (k) The power to make appointments to others public and private bodies as required by law or request.
- (l) ~~The power to act as governing body and to represent the FRCOG or the region, as required by state and federal grants or programs, and the power to assign this responsibility to another FRCOG Board or Committee.~~ (ml) Such other powers as may be granted by the Laws of the Commonwealth.

#### 4.2.3 Delegation and Appointments by the Executive Committee

- (a) Delegation of Authority - The Executive Committee may delegate to any subordinate officer or employee of the FRCOG the exercise of any power, function or duty assigned it by this Charter. All acts performed under such delegation shall be deemed to be the acts of the Executive Committee.
- (b) Appointments - The Executive Committee ~~shall~~ may appoint and in appropriate circumstances may remove, subject to the provisions of any applicable collective bargaining agreements, contracts, adopted personnel codes and Laws of the Commonwealth, any FRCOG employee.

### ARTICLE 5 ADMINISTRATIVE ORGANIZATION

#### SECTION 5.1 Executive Director

Appointment, Qualification, Term of Office, Duties - The chief administrative officer of the FRCOG shall be an

Executive Director appointed by a majority vote of the Executive Committee to serve at their pleasure. The Executive Director shall be qualified by education, training and experience in public administration to perform the duties of the office, and shall exercise general day-to-day supervision and direction over all FRCOG activities. The Executive Director shall possess and exercise all the powers, rights and duties commonly associated with the office of chief administrative officer of a local governmental unit. Specific powers and duties of the Executive Director shall be further enumerated by bylaw.

#### ~~SECTION 5.2 Director of Finance~~

~~The Director of Finance shall be appointed by the Executive Committee and report to the Executive Director. The Director of Finance shall be qualified by education, training and experience in finance and accounting to perform the duties of the office, and shall be responsible for overseeing financial operations of the FRCOG. The Director of Finance shall have all of the powers and duties enumerated by section 151 Acts 96 sec 567, and such additional powers and duties as may be provided by general law or bylaw.~~

#### ~~SECTION 5.3 Director of Planning and Development~~

~~The Director of Planning and Development shall be appointed by the Executive Committee and report to the Executive Director. The Director of Planning and Development shall be qualified by education, training and experience in planning to perform the duties of office and shall perform services in support of Article 8 of this Charter and such other duties as may be provided by general law or bylaw.~~<sup>9</sup>

ARTICLE 6 SEPARATION OF POWERS

SECTION 6.1 Separation of Powers

It is the intent of this Charter to give the Council general policy-making and investigative powers and to give the Executive Committee control over ~~the~~ administration of regional services provided for in this Charter. Members of the Council shall communicate with ~~Council of Governments~~FRCOG employees through the Executive Director in all matters concerning the administration of the Council of Governments and the provision of services, except as may be otherwise provided in this Charter. However, the Council may inquire into any act or problem of the ~~Council of Government~~ FRCOG’s administration or require a report on any aspect of the organization at any time by written request to the Executive Committee.

ARTICLE 7 FINANCING AND MEMBERSHIP

SECTION 7.1 Membership Eligibility and Responsibilities

7.1.1 Eligibility: Membership in the ~~Franklin Regional Council of Governments~~ FRCOG is open to any ~~Franklin County~~ Massachusetts municipality which has secured an affirmative majority vote by its Legislative body accepting this Charter. ~~Municipalities outside of the geographic boundaries of Franklin County may request membership in the FRCOG provided that they have received a vote of concurrence from a financial majority of the FRCOG Council, withdraw from their designated Regional Planning Agency and join the FRCOG in accordance with the provisions of MGL chapter 40B, and have secured an affirmative majority vote of its Legislative Body accepting this Charter.~~

7.1.2 Members:

- (a) Any municipality that meets the criteria of section 7.1.1 ~~by July 1, 1998~~ will be deemed a Member.
- (b) Members will have representation on the Council in accordance with Article 3 of this Charter.
- (c) Members shall commit to membership in the FRCOG for no less than three years ~~effective July 1, 1998.~~

7.1.3 Other Members: Any other category of Members and related fee structures will be defined pursuant to the bylaws of the ~~Franklin Regional Council of Governments~~ FRCOG.

7.1.4 Former Franklin County ~~Towns Municipalities~~ Responsibilities:

- (a) Franklin County ~~Towns municipalities~~ that decide ~~not~~ to opt ~~in out~~ as Members of the FRCOG as of ~~July 1, 1998~~ shall continue to be responsible for their allocable share of all related retirement system costs, retiree health insurance, and any other ongoing fixed costs of the former County as approved by the Council.
- (b)Payment for items under (a) shall be made pursuant to a schedule approved by the Council and submitted to each town affected by this section.

7.1.5 Member Assessments and Service Charges:

- (a) Members will be assessed pursuant to the formula outlined in (b) below to fund that portion of the FRCOG general operating budget which is not offset by other revenues, including costs of the former County as noted in section 7.1.4(a). Service charges will be established pursuant to the Bylaws of the FRCOG. An annual FRCOG budget assessment shall be transmitted to each member by February 15 indicating the core assessment and service charges which comprise the total.
- (b) Each member’s core assessment shall reflect a 10% weight for its share of the total members’ population and a 90% weight for its share of the total members’ total equalized property valuation (EQV). Total equalized property valuation shall be the latest figure certified by the Massachusetts Department of Revenue and population shall be the latest completed decennial federal census.

Member’s EQV                      X   Total Core Assessment   X   .9   PLUS

Total Members' EQV

Member's Population X Total Core Assessment X .1 = Member Core Assessment  
Total Members' Population

(c) ~~Assessment invoices shall be issued by the FRCOG to Members~~ ~~Assessments shall be paid by Members~~ on a quarterly basis according to the following schedule: July 1, October 1, January 1, and April 1.

(d) If any payment of service charges or assessments is not made when required, the Director of Finance shall cause notice to be sent to the delinquent member. Ninety days delinquency in any such payments to which notice shall have been given to the member shall entitle the Executive Committee to suspend membership until the delinquency is satisfied.

7.1.6 Subscription to Bylaws of the ~~Franklin Regional Council of Governments~~ FRCOG: All members shall agree to be bound by the ~~Franklin Regional Council of Governments~~ FRCOG Charter and Bylaws, and all amendments thereto, as a condition of continued membership in the FRCOG.

7.1.7 Withdrawal from Membership in the ~~Franklin Regional Council of Governments~~ FRCOG:

(a) After three years of membership, any Member may seek to withdraw from the ~~Franklin Regional Council of Governments~~ FRCOG by an affirmative majority vote at the annual meeting of its Legislative Body ~~and have withdrawn from the Regional Planning Agency in accordance with the provisions of MGL chapter 40B.~~

(b) In all cases, the terms of withdrawal will include provisions for payment of the Member's allocable share of planning and development costs related to programs which that municipality had accepted if such costs have been incurred but not financed at the time of withdrawal; and shall provide for payment for all of the municipality's share of the FRCOG budget for the fiscal year following the vote to withdraw. The municipality shall also continue to be responsible for payments under 7.1.4.

(c) Procedures for withdrawal from Membership in the FRCOG shall be pursuant to the Bylaws of the FRCOG, but shall not supersede any provisions of this charter.

## SECTION 7.2 Fiscal Procedures

7.2.1 Submission and Adoption of the Proposed Budget: The fiscal year of the FRCOG shall begin on July 1 and end on June 30. The Executive Director, operating within guidelines issued by the Executive Committee, shall by ~~or about January 15~~ ~~December 1~~ of each year, submit to the Council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Executive Director shall also make available a proposed budget summary for public review. The Council shall adopt a proposed budget for the ensuing fiscal year not later than February 15. ~~Should town meeting actions require revisions in the budget for the ensuing year, the Council shall take final action on a budget not later than June 1.~~ <sup>10</sup>

7.2.2 Actual and Estimated Income and Expenditures - The proposed operating budget shall provide a comprehensive financial plan of all FRCOG funds and activities. The budget shall show actual and estimated income and expenditures for the previous, current, and ensuing fiscal year and shall include proposed expenditures for current operations and proposed revenue sources; proposed capital expenditures and the proposed methods of financing capital expenditures; and estimated surplus revenue and ~~free cash undesignated fund balance~~ at the end of the current fiscal year, including estimated balances in any special accounts. The budget shall include a capital improvement program as appropriate. A cost allocation plan shall identify all costs and appropriations directly or proportionately attributable to each appropriated function. The budget shall in all events be a balanced budget.

## ARTICLE 8 REGIONAL PLANNING AGENCY

### SECTION 8.1 Purpose, Responsibilities and Powers of the Regional Planning Agency

~~As stated by the Franklin Council of Governments enabling act, 151 Acts 96 Section 567, as amended, any and all regional planning activities or functions established pursuant to the provisions of Chapter 425 of~~



the Acts of 1963 (the Act which establishes the Franklin County Commissioners as the Regional Planning Agency for Franklin County), as amended, and Sections 1 through 8 of Chapter 40B of the Laws of the Commonwealth (the Act which defines the actions of the Regional Planning Agency), or any subsequent provisions of the Laws of the

Commonwealth with respect to regional planning, shall be the responsibility of the Franklin Regional Council of Governments under this Charter and subject to its provisions. The FRCOG shall be the Regional Planning Agency for the municipalities within the boundaries of the Franklin County, known as the “regional planning district”, and may change such boundaries pursuant to general law or the provisions of this charter. The FRCOG may assume additional regional planning responsibilities granted by any subsequent provisions of state or federal legislation or regulations.

The purpose and objective of the Regional Planning Agency shall be to understand the resources problems and needs of Franklin County in the areas of climate resiliency, economic development, housing and land use, natural resources, transportation and infrastructure and other related planning disciplines, and to make recommendations for the betterment of the region, its people and its municipalities.

#### SECTION 8.2 Franklin Regional Planning Advisory Board - Purpose, Composition, and Responsibilities

8.2.1 Purpose: The Franklin Regional Planning Advisory Board shall consult with and advise the Council of Governments Executive Committee and Council on issues related to planning, advise and review RPA projects and programming and shall make recommendations as appropriate.

8.2.2 Composition: The Franklin Regional Planning Advisory Board shall include regional and geographic representation of the county and subject matter experts of the Regional Planning Agency focus areas, as enumerated in the Franklin Regional Planning Advisory Board Operating Procedures. Appointments shall be approved by the Executive Committee, generally at the July annual meeting. Changes to the Operating Procedures regarding composition of the FRPAB require FRCOG Executive Committee approval. The Franklin Regional Planning Advisory Board shall have voting representation on the Council and Executive Committee of the Franklin Regional Council of Governments.

8.2.3 Responsibilities: The Franklin Regional Planning Advisory Board shall work with staff, the FRCOG Executive Committee and Council to monitor and advise on planning issues and policies that will impact Franklin County and its municipalities. The Franklin Regional Planning Advisory Board may establish technical advisory subcommittees as may be needed to assist the Executive Committee, Council and/or planning staff of the Franklin Regional Council of Governments in their duties and functions.

#### ~~SECTION 8.1 Purpose, Responsibilities and Powers<sup>11</sup>~~

~~As stated by the Franklin Council of Governments enabling act, 151 Acts 96 Section 567, as amended, any and all regional planning activities or functions established pursuant to the provisions of Chapter 425 of the Acts of 1963 (the Act which establishes the Franklin County Commissioners as the Regional Planning Agency for Franklin County), as amended, and Sections 5, 5A, 5B, and 14 of Chapter 40B of the Laws of the Commonwealth (the Act which defines the actions of the Regional Planning Agency), or any subsequent provisions of the Laws of the Commonwealth with respect to regional planning, shall be the responsibility of the Franklin Regional Council of Governments under this Charter and subject to its provisions. The FRCOG shall be the Regional Planning Agency for the municipalities within the boundaries of the Franklin County, known as the “regional planning district”, and may change such boundaries~~

~~pursuant to general law or the provisions of this charter. The FRCOG may assume additional regional planning responsibilities granted by any subsequent provisions of state or federal legislation or regulations.~~

~~The Franklin Regional Council of Governments shall be comprised of three bodies: The Executive Committee, acting as the executive body, the Council, acting as the representative body, and the Franklin Regional Planning Board, acting as the advisory body on regional planning issues and policies. The Executive Committee, the Council, and the Franklin Regional Planning Board shall jointly have and may exercise any and all authority for regional planning as may be authorized by current and future federal and state laws. The Executive Committee, in consultation with and based upon the recommendations of the Franklin Regional Planning Board, shall be responsible for establishing policies to guide all regional planning and development activities of the region. The Franklin Regional Council of Governments as the Regional Planning Agency shall be staffed with a Director of Planning & Development, with appropriate planning qualifications, and other staff as grant or other funding permits. The purpose and objectives of~~

the FRCOG as the Regional Planning Agency are to balance economic development with the protection of natural and cultural resources which are the foundation of the region's rural character and heritage and to advocate at the state and federal level to ensure that programs, policies and funding are responsive to issues impacting the region.

## SECTION 8.2 Franklin Regional Planning Board—Purpose, Composition, Responsibilities and Powers

8.2.1 Purpose: The purpose and objective of the Franklin Regional Planning Board ("FRPB") shall be to promote, with the greatest efficiency, sustainable economic development in the Franklin Regional Council of Governments region and to protect public health, safety and welfare and the natural and cultural resources of the FRCOG (the "Regional Planning District").

8.2.2 Composition: The Franklin Regional Planning Board shall consist of the following members:

- (a) — the Executive Committee (the Executive Body of the Franklin Regional Council of Governments);
- (b) — the Chair of the Board of Selectmen of each town or the Board of Selectmen's designee, who may be someone other than a member of the Board of Selectmen;
- (c) — the Chair of the Planning Board of each town or a member of that town's Planning Board; and
- (d) — up to eighteen (18) persons residing within the Regional Planning District, as "Members At Large" for the purpose of providing additional advice and guidance to the FRPB, with said persons broadly representative of business, labor, professional and social organizations, or interested in natural, cultural, historic and economic resources and other significant interests within the Regional Planning District. Such Members At Large shall be elected by the Franklin Regional Planning Board in accordance with its by laws.

8.2.3 Term of Office: Each representative shall serve a term of three years. In the case of vacancies, new appointments shall be made in accordance with the provisions of the Franklin Regional Planning Board by laws.

8.2.4 Voting Powers: Each Franklin Regional Planning Board member shall have one equal vote.

8.2.5 Quorum: Not less than 15 percent of the full Franklin Regional Planning Board membership shall constitute a quorum.

8.2.6 Organization: The Franklin Regional Planning Board shall establish by laws for its proceedings and organization. The Franklin Regional Planning Board may establish such technical advisory subcommittees as may be needed to assist the planning staff of the Franklin Regional Council of Governments and the FRPB in their duties and functions. The Franklin Regional Planning Board shall have voting representation on the Council and Executive Committee of the Franklin Council of Governments.

## SECTION 8.3 Responsibilities and Functions

8.3.1 General Powers: The Franklin Regional Planning Board shall consult with and make recommendations to the Franklin Regional Council of Governments executive and legislative bodies concerning the objectives, policies, programs, budget, administration or other items necessary for the preparation and implementation of studies, plans and proposals in furtherance of the purposes set forth above and as provided in the Franklin Council of Governments Legislation, 151 Acts 96 Section 567, as amended, in Chapter 425 of the Acts of 1963, as amended, which establishes the Franklin County Commissioners as the Regional Planning Agency for the County and as provided in Sections 5, 5A, 5B, and 14 of Chapter 40B of the Laws of the Commonwealth, which defines the actions of a Regional Planning Agency, and as may be further provided by amendment or by any other subsequent provisions of state or federal law or regulations.

8.3.2 Specific Powers:

- (a) — Economic Development: As authorized pursuant to Title IV, Part B of the Public Works and Economic Development Act of 1965, enacted by the United States Congress as Public Law 89-136, or current equivalent as amended, the Franklin Regional Planning Board shall oversee the development of and approve the Overall Economic Development Program (OEDP) for the Franklin Regional Council of Governments Regional Planning District and assist with other economic development activities in support of the OEDP.

~~(b) — Transportation: As authorized by the Federal Highway Act of 1962 or current equivalent as amended, and the Massachusetts Executive Office of Transportation and Construction, the Franklin Council of Governments region is considered a metropolitan planning area. As such, its Metropolitan Planning Organization (MPO) is responsible for the planning and programming of financial resources for a multi-modal transportation system for the FRCOG region. The MPO is made up of the Secretary of Transportation, the Commissioner of the Massachusetts Highway Department, the Chairman of the Franklin Regional Transit Authority, the Chairman of the Greenfield-Montague Transportation Area, and the Chair of the Franklin Regional Council of Governments Executive Committee. As authorized by Section 134 of the Federal Highway Act of 1962 or current equivalent as amended, the Franklin County Planning Board and its successor, the Franklin Regional Planning Board is authorized to act as the Joint Transportation Planning Committee (hereinafter referred to as the JTPC). The Executive Committee Chair shall receive recommendations from the Franklin Regional Planning Board in its capacity as Joint Transportation Planning Committee (JTPC). As the JTPC, the Franklin Regional Planning Board shall ensure that the transportation planning process in the FRCOG region is comprehensive, continuing and cooperative (3C) and shall have responsibility for approving the Unified Work Program and Transportation Improvement Program for the region.~~

~~8.3.3 Future Changes in Structure, Responsibilities and Functions: Any recommended changes in the structure, responsibilities or functions of the Franklin Regional Planning Board shall be made pursuant to the amendment or bylaw process outlined by this charter.~~

## ARTICLE 9 GENERAL PROVISIONS

### SECTION 9.1 Specific Provisions to Prevail

To the extent that any specific provision of this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail. The enumeration of specific powers, however, shall not limit the intent of any general powers or responsibilities of the FRCOG or any office or board formed under this charter.

### SECTION 9.2 Charter Amendment Procedures

The Council may, by a two-thirds majority of the weighted vote of its full membership, and a majority vote of the Executive Committee, submit proposed amendments to this Charter to the voters of member ~~towns municipalities~~. Amendments shall be adopted by a ~~two-thirds simple~~ majority vote in a two-thirds majority of member ~~towns municipalities~~. The warrant articles used when voting on a Charter amendment shall contain a question in substantially the following form: "Shall the following Charter amendment which was proposed by a two-thirds majority of the weighted vote of the full membership of the FRCOG Council and a majority vote of the Executive Committee ~~be~~ enacted?"

### SECTION 9.3 Enabling Act Amendment Procedures

The Executive Committee may, by a two-thirds majority vote of the full Council membership, and with the majority vote of the Executive Committee, file a petition with the state legislature to amend the enabling act 151 Acts 96, sec567.

### SECTION 9.4 Bylaw Adoption Procedures

Bylaws adopted by the Council by majority vote shall be presented to the Executive Committee for review. A majority vote of the Executive Committee shall be required for adoption. If the Executive Committee fails to take action on any bylaw within 21 days, the bylaw shall become effective. If the Executive Committee disapprove of any bylaw, they shall return the bylaw to the Secretary Council within 10 days with the specific reasons for the disapproval, in writing. If the Council does not override the disapproval of the Executive Committee by a two-thirds majority within ~~30~~ 60 days, the bylaw shall be rejected and may not be proposed again for one calendar year.

## ARTICLE 10 TRANSITIONAL PROVISIONS

### SECTION 10.1 Effective Date

This Charter shall become fully effective on the first business day following an affirmative vote by 14 towns of the former County of Franklin, but not sooner than July 1, 1997.



## ~~SECTION 10.2 Continuation of Personnel~~<sup>12</sup>

~~All former County personnel not transferred to the Commonwealth shall continue to perform their duties as employees of the Franklin Regional Council of Governments, subject to appropriation.~~

## ~~SECTION 10.3 Transition of Representative Body~~

~~The membership of the County Advisory Board of Franklin County shall remain the representative body through June 30, 1997 and continue as necessary under the enabling act as the Regional Advisory Board until such time as this Charter is adopted pursuant to the provisions above or June 30, 1998.~~

## ~~SECTION 10.4 Transition of Executive Body~~

~~The Franklin County Commissioners shall remain the executive body through June 30, 1997 and continue as necessary under the enabling act as the Franklin Council of Governments Committee until such time as this Charter is adopted or June 30, 1998. If the charter is adopted, the sitting Franklin County Commissioners shall constitute the regionally elected members of the executive committee until their term expires. Once the charter is adopted the three sitting County Commissioners of the former County of Franklin shall elect among themselves two members to fill the regionally elected positions until such positions are filled through the state biennial election or town election process outlined in Article 4.1.2 of this charter. Should the Commissioners fail to elect two of their number, the Council shall, at their first meeting, elect two of the sitting Commissioners. In the event that less than two of the sitting Franklin County Commissioners are ready, willing and able to accept a position on the Executive Committee, or if a vacancy occurs prior to the first election, the Council shall elect a Franklin County resident to fill such position(s), except that such individual shall not already be a member of the Council.~~

## ~~SECTION 10.5 Default in Event of Charter Vote Failure~~

~~In the event this charter is not adopted by a majority of voters in a majority of Franklin County towns by May 31, 1998, the former County Commissioners and County Advisory Board shall by June 15, 1998 adopt a plan for implementation effective July 1, 1998, which shall enumerate 1) any retirement liabilities of the former County, exclusive of those liabilities transferred to the Commonwealth, to be allocated among the towns of the former County; 2) any other fixed costs of the former county to be allocated among the towns of the former Franklin County according to the former county assessment formula; 3) a budget for a Franklin Regional Planning Commission (FRPC) to be assessed upon the towns for fiscal 1999 only, pending acceptance of membership in the FRPC by each municipality of the former Franklin County pursuant to MGL Chapter 40B sec 2A prior to June 30, 1999; 4) the transfer of all powers of the former Franklin County, such as those enumerated in Article 2 of this charter, to specific agencies of the Commonwealth, except those powers of the regional planning commission. The FRPC established by default of this charter shall be overseen by the former Franklin County Planning Board. Votes of acceptance of the FRPC shall be required as under MGL 40B to establish the FRPC as a 40B planning commission, and shall operate pursuant to all 40B requirements after July 1, 1999.~~

## SECTION 10.<sup>26</sup> Legislative Authorization of Certain Provisions

The Council shall immediately seek legislative amendment of the enabling act for any power granted to the Franklin Regional Council of Governments by this Charter but requiring further legislative approval.

### Footnotes:

1 Reason: The Franklin County Retirement System transitioned to a regional retirement system, which eliminated the mandated role of the “county treasurer” as chair of the board.

2 Reason: The FRCOG has never been asked to handle a dog complaint and Dog Owners have recourse in District Court if the issue cannot be resolved locally (MGL Chapter 140, section 157 allows dog owners to appeal a ruling of the Select Board to district court).

3 Reason: Removing references to initial formation of the FRCOG that are no longer necessary.

4 Reason: Combined remaining relevant sections with 3.1.1 Composition.

5 Reason: Removing references to initial formation of the FRCOG that are no longer necessary.

6 Reason: Illogical that the Regionally Elected members have no weighted vote and FRPB has any vote in fiscal matter.

7 Reason: Moved this statement from total composition of the Executive Committee to the composition of the Regionally Elected members. This change ensures the original intent – to ensure no one town has inordinate power – but also allows more flexibility with Council and FRPB appointments.

8 Reason: vestige of initial transition.

9 Reason: The current organizational structure of the FRCOG includes two additional Director positions that do not require Executive Committee appointment. These other two positions should be added or all but Executive Director should be deleted. The decision was to delete this requirement for Directors of Finance and Planning so that any future organizational structure is not hampered by this section. (The FRCOG, as a matter of routine, creates diverse hiring committees for hiring and the requirement of including Ex Com members for upper management positions can be included in FRCOG Bylaws.)

10 Reason: Budget amendment procedures are clearly addressed in Council Bylaws and allow more flexibility than this sentence permits.

11 Reason: Section needed a full rewrite and simplification. Changed composition and structure and moving detail to the Board's Operating Procedure – unnecessary to be part of the Charter.

12 Reason: Removing references to initial formation of the FRCOG that are no longer necessary.

Moved to let Phoebe Walker speak about this Article. Accepted.

Valentine Reid raised concerns about the effects the changes would have on oversight.

**Passed with a 2/3 Majority**

### **Article 29: Petition for an update to the Charlemont Telecom By-Law, Charlemont, MA**

To see if the town will vote to amend line item H. in the Personal Wireless Service Facility (PWSF) By-Law in section 2. "Conditions"

Line item H. currently reads:

Any new tower or mono-pole shall not be erected nearer to a property line than a distance equal to twice the vertical height of the structure, nor shall it be allowed nearer than 800 feet to any existing residential structure;

**The amended line item H. would read:**

H. Any new tower or mono-pole **or so called "small cell" wireless installation** shall not be erected nearer to a property line than a distance equal to twice the vertical height of the structure, nor shall it be allowed nearer than **1500 feet to any residential structure in the Rural Residential districts. No new towers or mono-poles shall be allowed in the Village Center district. "Small Cell" wireless installations in the Village Center District shall be at least 500 feet apart, at least 350 feet from residential structures and at least 800 feet from any school.**

#### **Background:**

Studies have shown that placing wireless infrastructure close to residences decreases property values.<sup>123</sup>

There is a long history of cell tower fires and collapses.<sup>4</sup>

<sup>1</sup> Koech Cheruiyot, Nosipho Mavundla, Mncedisi Siteleki, Ezekiel Lengaram (2024) Impact of proximity to cell phone tower base stations on residential property prices in the City of Johannesburg, South Africa *International Journal of Housing Markets and Analysis*, Volume 17 Issue 6.

<sup>2</sup> Ermanno Affuso & J. Reid Cummings & Huubinh Le, 2018. "[Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis](#)," The Journal of Real Estate Finance and Economics, Springer, vol. 56(4), pages 653-676, May.

<sup>3</sup> Burgoyne Appraisal Company prepared a 2017 report "[Impact of Communication Towers and Equipment on Nearby Property Values](#)" stating that "In 32 years of experience as a Real Estate Appraiser specializing in detrimental conditions, takings, adverse impacts and right-of-way, I have found that aesthetics (or rather the adverse impact on aesthetics) of externalities routinely has the largest impact on property values. As a result, proximity to towers of all types (cell, wind turbine, and

electric transmission) has an impact on property values. The same is true with all sorts of surface installations such as pump stations and communication equipment boxes. This would apply to new small cell and DAS equipment, although again, one would expect that the less intrusive the facility, the less significant the impact. Small cell and DAS installations can be unsightly, bulky, inconsistent, and even noisy.”

<sup>4</sup> <https://ehtrust.org/cell-tower-safety-risks-fires-and-collapse/>

In 2019, Shelburne voters adopted a 1500 foot setback for wireless installations of any kind and prohibited wireless infrastructure of any kind in their downtown commercial district in part in order to preserve the rural, appealing character of their village. They also chose a 3000 foot setback from schools. Given the amount of land available outside our Village Center District, there is plenty of space available for continued wireless deployments without putting the safety and property values of residents at risk. The Village Center District currently has coverage from the Verizon tower on Berkshire East. If the town was to choose to undertake a comprehensive evaluation of current wireless service and identify any gaps in coverage, for example, in the Village Center District, this amended line item H. would still allow for further deployments through carefully chosen placements along the Route 2 corridor that would make it less likely to decrease property values. Amending the by-law as specified above would give the Planning Board an additional tool for evaluating, negotiating and responding to future applications from wireless carriers. If Verizon, AT&T, etc. found any of these setbacks inconvenient, they would simply apply for a variance as they have been doing in most of their Franklin County applications for the last decade. Our current setback for 5G small cells is 0 feet, meaning there is little to stop carriers from placing an antenna just outside your window if your house happens to be close to the street.

Finally, for better or worse, due to satellite deployment the days of dropped calls are winding down. T-Mobile already has phone to satellite technology in place. Carriers continue to be motivated to place towers with the hopes of cutting into the home internet market which, in the case of Charlemont, would place our investment in municipally owned fiber at risk. Thank you for your consideration!

Town Counsel determined that Article 29 was out of order because it needs to go through the Town Zoning Bylaw process.

A motion was made to pass over Article 29. **Passed by Majority**

A motion was made to refer Article 29 to the Select Board for consideration. **Passed by Majority**

**Business was concluded and the meeting was closed at 10:21pm**

Respectfully Submitted

Thorne Palmer  
Town Clerk

