



**WARRANT**

**2024 ANNUAL TOWN MEETING**

**TOWN OF CHARLEMONT**

**COMMONWEALTH OF MASSACHUSETTS**

Tuesday, the Twenty-eighth day of May, AD 2024 at 6:00 p.m.

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

TO ACT ON THE FOLLOWING ARTICLES:

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

Article requires a majority vote.

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 2025.

Article requires a majority vote.

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.

Article requires a majority vote.

Article 4: To see if the Town will vote to establish the spending limits for the following revolving funds for fiscal year 2025:

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.

Article 5 To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums to defray the fiscal 2025 operation and capital budgets of the Town, and to establish the salaries for its Town Officers or take any other action relative thereto. Article requires a majority vote.

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, 2024 through June 30, 2025, inclusive; or take any other action relative thereto. Article requires a majority vote.

Article 7: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$6,667.00 for Charlemont's share of the Mohawk Trail Regional High School 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.

Article 8: To see if the town will vote to appropriate \$3,171 for capital projects at Mohawk Trail Regional School, such funds to be used to upgrade telephone infrastructure to support enhanced 911 emergency communications at such school, including costs incidental or related thereto. Said sum is to be expended under the approval of the School Committee's Building Subcommittee.

Finance Committee Recommends

Article requires a majority vote.

Information: This article requests funding for state-mandated improvements to the 911 emergency calling system at Mohawk Trail Regional School (MTRS). The improvements will allow emergency personnel to trace a 911 call to the specific location within MTRS where the call was made, rather than simply to the MTRS campus.

Article 9: 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.

Finance Committee Recommends.

Article requires a majority vote.

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

Article 10: 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.

Finance Committee Recommends

Article requires a majority vote.

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

Article 11: 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.

Finance Committee

Article requires a majority vote.

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

Article 12: 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.

Finance Committee Recommends

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.

Article 13: To see if the Town will vote to raise and appropriate transfer from available funds, or otherwise provide \$68,000 for the purchase of a new police cruiser or take any other action relative thereto.

Finance Committee Recommends

Article requires a majority vote.

Information: This cruiser would be replacing the 2017 Ford Explorer.

Article 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$800,000 for the purchase of a new fire engine. The expenditure of such appropriation shall be reduced by the amount of any grant or other funding the Town may receive for the purpose or take any other action relative thereto.

Finance Committee Recommends

Article requires a majority vote.

Information: This vehicle would replace the current engine, which is 27 years old and starting to fail. Funding has been sought multiple years through grant programs with no success. Currently funding is being pursued through budget earmarks, but there is no guarantee of a funding award.

Article 15: 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.

Article 16: 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.

Article 17: To see if the Town will no longer require the bulk printing of the Annual Town Report or take any other action relative thereto.

Information: The town report is currently printed each year for distribution and even though the number of reports has been reduced, the minimum amount printed has tripled in cost and many copies end up being recycled. If residents want a printed copy, they would still be able to request one at Town Hall. The report will live electronically on the town website.

**Article 18:**

To see if the Town will vote to accept and confirm the layout as a public town way of a certain portion of the roadway known as West Hawley Road (Route 8A), in the location ordered by the Selectboard and depicted as “Town Layout Relocation” on the plan entitled: “West Hawley Road (Route 8A) Over Deerfield River 2024 Town Layout Relocation Plan, Prepared For The Town Of Charlemont, Massachusetts,” dated April 9, 2024, prepared by GCG Associates, Inc., said plan having been placed on file with the Town Clerk as required by law; and further to authorize the Selectboard to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to allow for the use and maintenance of said way for all purposes for which public ways are used in the Town of Charlemont, or act or do anything in relation thereto.

**Article 19:**

To see if the Town of Charlemont is interested in pursuing the creation of a Fire District with the neighboring Town of Rowe. This is a non-binding resolution vote.

**About this article:**

A Fire District is its own -independent governmental entity and is operated under the Massachusetts General Laws governing Fire Districts. The structure is much like a town. There is a prudential board that oversees the district. The district is established pursuant to a special act of the Legislature and is subject generally to the provisions of G.L. c. 48.<sup>[1]</sup> The District is an independent entity not subject to the authority of the Board of Selectmen or the Town (Town). It conducts its own annual district meeting at which appropriations and other matters are approved. The District elects a three-member Prudential Committee whose responsibilities are to expend the money the district meeting appropriates through a treasurer elected by the district. See, *G.L. c. 48*,

s. 71.<sup>[2]</sup> Section 73 of G.L. c. 48 establishes a limited relationship between the Town and the District. Under s.73, the district clerk will periodically certify to the Town assessors the amount of taxes necessary to be raised, and in turn, the assessors presumably add this total to the Town tax bills. Section 73 provides that: the assessors, treasurer and collector of a town in which such district is organized shall have the same powers and perform the same duties relative to the assessment and collection of the money voted by the Fire District as they have exercised relative to the assessment, collection and abatement of town taxes. In effect, these town officers act as the agent of the district in the collection and assessment of taxes. There are several factors that will influence the development of a fire district, however, typically the main driving factor is to bring smaller communities and unincorporated areas together under one fire service provider. This helps to provide better service to all the area while reducing redundancy in service and costs associated with this redundancy.

The next question you might ask is how can there be a redundancy in fire protection coverage? Every community needs fire trucks right? This is true however, often times small neighboring communities will have stations very close together because of the size of these communities. Each of these communities will have several types of fire apparatus as well to service each community. This close proximity and large number of apparatuses causes an overlap in coverage based on time and distance. Stations staffing and apparatus are a big cost to each community. Having the ability to share these resources while providing better area coverage makes fire districts very effective.

#### **Article 20:**

To see if the Town of Charlemont interested is in pursuing a shared Fire chief with the Town of Rowe, in the absence of a fire district. This position would allow for more hours to make the position more desirable to applicants. This is a non-binding resolution vote.

About this Article:

We currently both employ the same person as the fire chief. This would allow for a formal position with combined hours.

#### **Article 21:**

To see if the Town will vote to authorize the Select Board to petition the General Court for a special act in the form set forth below, providing for recall elections in the Town; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board 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, or take any other action relative thereto:

## **AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF CHARLEMONT.**

*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. Any person who holds an elected office in the Town of Charlemont, with more than six months remaining in the term of that office on the date of the filing of a recall affidavit may be recalled from office by the registered voters of said Town of Charlemont, in the manner herein provided.

SECTION 2. Fifty or more voters of the Town of Charlemont may file with the clerk of said town an affidavit containing the name of the officer whose recall is being sought, along with a statement on the grounds for removal. Upon certification by the clerk, said clerk of said town shall provide to the voters, petition blanks demanding such recall, printed forms of which shall be kept available by said clerk. Such petition blanks may be completed either in writing or typewriting, shall be addressed to the select board, shall contain the names of the voters who filed the affidavit and the grounds for recall as stated in such affidavit; they shall demand the election of a successor to that office; and shall be dated and signed by said clerk. A copy of such petition shall be kept on file in the office of said clerk in a record book maintained for such purpose.

The recall petitions shall be returned and filed in the office of said clerk within fourteen days following the date upon which said clerk issued such petitions; they shall contain the signatures of at least twenty percent of the total number of voters duly recorded on the registration list of said clerk as of the most recent preceding town election.

Said clerk shall, within forty-eight hours following such filing, submit said petitions to the registrars of voters who shall, within five days, certify thereon the number of signatures which in fact are names of voters in said town.

SECTION 3. If the recall petitions shall be certified by the registrars of voters to contain the sufficient number of voter signatures, the clerk of the Town of Charlemont shall forthwith submit such petitions to the select board. Upon its receipt of the certified petitions, said select board shall forthwith give written notice of said recall petitions and the certification thereof to the person whose recall is being sought.

If the officer sought to be recalled does not resign their office within five days following the delivery of said notice, the select board shall order an election to be held not less than sixty-four nor more than ninety days after the date of said certification. However, if any other town election is to occur within 100 days after the date of said certification the select board may, at their discretion, postpone the holding of the recall election to the date of such other election.

If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section; provided, however, that only the ballots for new candidates shall be counted.

SECTION 4. No officer whose recall is sought may be a candidate to succeed themselves at the recall election. The nomination of candidates, the publication of the warrant for the recall of election and the conduct of said election shall be in accordance with the provisions of law relative to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of their office until the recall election is held. If not recalled in such election, the incumbent shall continue in office for the remainder of their unexpired term, subject to recall as before, except as provided within.

If the incumbent officer is recalled they shall be deemed removed upon the qualification of a successor who shall hold office for the remainder of the unexpired term; provided, however, that if the successor fails to qualify within five days after receiving notification of election, the incumbent nevertheless shall thereupon be deemed removed and such office shall remain vacant for the remainder of the unexpired term, unless sooner filled in accordance with the General Laws.

SECTION 6. All ballots used at a recall election shall contain the following propositions in the order indicated:

FOR THE RECALL OF (NAME OF OFFICER)

AGAINST THE RECALL OF (NAME OF OFFICER)

Adjacent to each proposition, there shall be a place to mark a vote.

After the proposition shall appear the word "CANDIDATES" followed by the names of all candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

If a majority of the votes cast upon the question of recall are not in the affirmative, the votes for the candidates need not be counted unless the incumbent officer has previously resigned from office pursuant to section three.

SECTION 7. No recall petition shall be filed against an officer within six months of the assumption of their office. In the case of an officer who has been subjected to a recall election and was not recalled thereby, no subsequent recall petition shall be filed against such officer until at least six months after the date of the election at which such initial recall was voted upon.

SECTION 8. No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall be appointed to any town office within twelve months such recall or resignation.

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

(Article requires a majority vote)



**Article 22:**

To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section IV Apportionment of Expenses among Member Towns, Subsections (A) through (J):**

**(A) Classification of Costs**

For the purpose of apportioning assessments levied by the District upon the member towns, costs shall be divided into two categories: capital costs and operating costs.

**(B) Capital Costs**

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance capital costs. Instructional capital expenditures which qualify under net school spending are not included under capital costs, and instead are included as an operating cost.

**(C) Operating Costs**

Operating costs shall include all costs not included in capital costs as defined in subsection IV(B) but including interest on temporary notes issued by the District in anticipation of revenue.

**(D) Responsibility for Capital and Operating Costs**

(1) Grades 7-12

Operating and capital costs, as defined above, associated with grades seven to twelve (7-12) inclusive of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

(2) Grades pre-K-6

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

(b) All capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed capital costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of section IV(E) of this Agreement.

(c) If any member town or towns should construct an elementary school, the respective member town or towns will assume responsibility for all capital costs.

**(E) Apportionment of Capital Costs Grades pre-K-6**

**(1) Ashfield, Plainfield**

Capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at said school(s), resident in the Town of Ashfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years, bears to the sum of the enrollment of pupils at the Ashfield Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1) + (2)), and dividing such sum by two.

To Plainfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at the Ashfield Plainfield district school(s), resident in the Town of Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years, bears to the sum of enrollment of pupils at the Ashfield and Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1)+(2)), and dividing such sum by two.

**(2) Buckland, Shelburne**

Capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Buckland, as determined by the census of pupils at said district school each October 1 for the five

most recent years, bears to the sum of enrollments of pupils at the said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Shelburne, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

(3) Colrain, Heath

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

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

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

expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

- (4) The Heath Elementary School Building was returned to the Town of Heath on July 1, 2017, and the Lease between the parties terminated as of said date. In exchange for termination of the lease, the District paid to the Town of Heath a total sum of \$240,000.00. Any outstanding debt payments associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.
- (5) Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Colrain Central School or upon any premises as may be leased to the Mohawk Trail Regional School District by the Town of Colrain, shall be borne by the Towns of Colrain and Heath, as provided in Section E. (3), above.
- (6) Nothing in this section shall be construed to prevent the member towns from amending this Agreement and modifying and/or altering the above designated schedules of apportionment of capital costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

**(F) Apportionment of Capital Costs Grades 7-12**

Capital costs represented by debt service shall be apportioned as a capital cost of the year in which the debt service falls due.

Capital costs incurred July 1, 1993 and thereafter shall be apportioned to the member towns annually for the ensuing fiscal year as follow:

- (1) Each member town's share of capital costs associated with the District High School for each capital project shall be apportioned to the member towns on the basis of their respective pupil enrollments at said school. Each member town's share shall be determined by computing the ratio which that town's average pupil enrollment at said school on October 1 of each of the five years next preceding the first year for which the apportionment is determined bears to the total average pupil enrollment from all member towns at said school for the same five year period. In the event that enrollment at the District High School has not been accomplished by October 1, capital costs shall be determined on the basis of enrollment in grades seven through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.
- (2) Each member town's percentage share to the nearest one tenth of one percent will remain in effect for the term of the debt for each capital project.

**(G) Apportionment of Operating Costs**

Operating costs for the first fiscal year next following the effective date of Chapter 371 of the Acts of 1993 (See attachment) and for every fiscal year thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional District schools. Each member town's share for each fiscal year shall be determined by computing the ratio which that town's average pupil enrollment in the District schools on October 1 of each of the five years next preceding the year for which the apportionment is to be determined bears to the total average pupil enrollment from all member towns in the regional District schools for the same five year period (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016), as more fully set forth in Subsection IV(H) below. In the event that enrollment in the regional District schools has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades pre-kindergarten through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.

**(H) The apportionment of operating costs shall be determined in accordance with the following procedure:**

First: The Committee shall determine the proportion of the annual budget representing costs associated with the provisions of services to grades seven through twelve and the proportion representing costs associated with all other services including services to grades pre-kindergarten through six.

Second: The Committee shall determine the average enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, average enrollment share shall equal, for each member town, its five-year average proportionate share of total student enrollment in the district schools for grades seven through twelve, as of October 1 in each of the five years immediately preceding the year for which such allocation is to be made.

Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town's five-year average share of student enrollment in grades seven through twelve, inclusive.

Fourth: The total budget, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District's six remaining member towns on the basis of each member town's five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the pre-K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016).

**(I) Times of Payment of Apportioned Costs**

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as

otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1	16.25%
October 1	36.25%
December 1	50.00%
February 1	67.50%
April 1	87.50%
May 1	100.00%

**(J) Special Funds**

The District School Committee shall not interfere with a town’s or Local Education Council’s use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town’s pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.

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**and replacing said language of Section IV with the following Subsections (A) through (I), as re-lettered so as to combine existing Subsections (G) and (H) and re-letter the following sections as (H) and (I):**

**(A) Classification of Costs**

For the purpose of apportioning assessments to the member towns, costs shall be divided into two categories: capital costs and operating costs.

**(B) Capital Costs**

Capital Costs to be assessed to towns (hereafter “Capital Costs”) shall include all expenses in the nature of capital outlay such as the cost of:

- (1) acquiring land, constructing, reconstructing and adding to or remodeling buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects’ and consultants’ fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition;
- (2) remodeling, or making extraordinary repairs to, an existing school building or buildings;
- (3) purchasing buses and/or other necessary vehicles for District school use.

Capital Costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance Capital Costs. Capital Costs represented by debt service shall be apportioned as a Capital Cost of the year in which the debt service falls due. Each member town’s percentage share of debt service, calculated to the nearest one hundredth of one percent at the time such debt is issued, will remain in effect for the term of the debt for each capital project.

Capital expenditures which qualify under net school spending are not included under Capital Costs, and instead are included as an operating cost.

**(C) Operating Costs**

Operating costs shall include all costs not included in Capital Costs as defined in Section IV(B), above, but including transportation costs (as per Section VIII of this Agreement) and interest on temporary notes issued by the District in anticipation of revenue.

**(D) Responsibility for Capital and Operating Costs**

(1) Grades 7-12

Operating costs and Capital Costs, as defined above, associated with grades seven to twelve (7-12), inclusive, of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Sections IV (F) and (G) of this Agreement.

(2) Grades pre-K-6

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Section IV (G) of this Agreement.

(b) Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed Capital Costs of the District and shall be assessed to member towns based on their respective shares thereof in accordance with the provisions of Section IV (E) of this Agreement.

**(E) Apportionment of Capital Costs Grades pre-K-6**

(1) Capital Costs assessed to member towns prior to July 1, 2025 shall be assessed under Section IV (E) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as the “Prior Capital Assessment Grades pre-K to 6”). Capital Costs assessed to towns after July 1, 2025, shall be assessed to the member towns as described below in paragraphs (a) through (c) of this Section (E) (1), (referred to hereafter as “the New Capital Assessment Calculation – pre-K to 6”), subject to the Transition Period as provided in Paragraph (3) of this Section (E), below. Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment for Grades pre-K to 6. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(a) Ashfield, Plainfield

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1) computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Ashfield for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

To Plainfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1) computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Plainfield for the five most recent years, bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

(b) Buckland, Shelburne

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Buckland for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Shelburne for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.



(c) Colrain, Heath

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Colrain for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Heath for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

The Town of Colrain shall retain sole responsibility for all Capital Costs for which bonds were issued prior to November 2022.

- (2) Nothing in this Paragraph (E) shall be construed to prevent the member towns from amending this Agreement in accordance with Section XI in order to modify and/or alter the above designated schedules of apportionment of Capital Costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

(3) Transition Period

The transition to the New Capital Assessment Calculation – Grades pre-K to 6 shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

- (a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year's enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

- (b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.
- (c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.
- (d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.
- (e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E).

**(F) Apportionment of Capital Costs Grades 7-12**

- (1) Capital Costs assessed to member towns prior to July 1, 2025 shall be assessed under Section IV (F) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as “the Prior Capital Assessment Calculation – Grades 7-12”). Capital Costs assessed to towns after July 1, 2025, shall be assessed to the member towns as described below in paragraph (2) of this Section (F) (referred to hereafter as “the New Capital Assessment Calculation – Grades 7-12”), subject to the Transition Period as provided in Paragraph (3) of this Section (F), below. Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment for Grades 7-12. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.
- (2) Each member town’s share of Capital Costs associated with the District Middle School/High School as well as District-Wide Capital Costs shall be apportioned to the member towns on the basis of said town’s share of the District’s foundation enrollment for Grades 7-12. Each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.

(3) Transition Period

The transition to the New Capital Assessment Calculation – Grades 7-12 shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

- (a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year's enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).
- (b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).
- (c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).
- (d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).
- (e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F).

**(G) Apportionment of Operating Costs**

Each member town will contribute to the District no less than its minimum required local contribution as determined by the Commissioner pursuant to M.G.L. c. 70, Section 6. Any amounts in excess of the minimum required local contribution needed to support the District's budget will be assessed to the member towns in accordance with this Section IV (G.)

- (1) Operating Costs assessed to member towns prior to July 1, 2025 will be assessed under Sections IV (G) and IV (H) of the Mohawk Trail Regional School District Regional Agreement adopted by MTRSD Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as “the Prior Operating Assessment Calculation”).

(2) Operating Costs assessed to member towns after July 1, 2025, shall be assessed as described in paragraphs (a) through (d), below, (referred to hereafter as “the New Operating Assessment Calculation”), subject to the Transition Period as provided in Paragraph (3) of this Section IV (G). Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(a) First, the Committee shall determine the proportion of the annual budget representing costs associated with the provision of services to grades seven through twelve and the proportion representing costs associated with all Central Office and District-Wide services, including such services to grades pre-kindergarten through six.

(b) Second, the Committee shall determine the average District foundation enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.

(c) Third, the Committee shall apportion the costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town’s five-year average share of District foundation enrollment in grades seven through twelve, inclusive.

(d) Fourth, the total amount in excess of the aggregate minimum required local contributions, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District’s six remaining member towns on the basis of each member town’s five-year average District foundation enrollment share. For purposes of this calculation, average District foundation enrollment share for each of the pre-K-12 Member Towns shall be based on its five-year average proportionate share of total District foundation enrollment.

(3) Transition Period

The transition to the New Operating Assessment Calculation shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

(a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year’s enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the four years prior enrollments shall be calculated using the “Prior Operating Assessment Calculation”).

- (b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the three years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.
- (c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the two years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.
- (d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the one year prior enrollment shall be calculated using the Prior Operating Assessment Calculation.
- (e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G).

**(H) Times of Payment of Apportioned Costs**

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1	16.25%
October 1	36.25%
December 1	50.00%
February 1	67.50%
April 1	87.50%
May 1	100.00%

**(I) Special Funds**

The District School Committee shall not interfere with a town’s or Local Education Council’s use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town’s pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.

**Article 23:**

To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section VI – Budget**:

**(A) Tentative Maintenance and Operating Budget**

On or before February 8<sup>th</sup>, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be mailed to the chairperson of the board of selectmen and finance committee of such town.

**(B) Final Maintenance and Operating Budget**

The Committee shall on or before March 1 in each year adopt an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of sub-section IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further

provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within twenty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 10, be certified by the District treasurer to the treasurers of the member towns.

**(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition**

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which the grades 7-12 average pupil enrollment in the regional district on October 1 of each of the five years next preceding the year for which the apportionment is determined bears to the total average pupil enrollment from all member towns in the Regional School District for the same five year period (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016). The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

**(D) Vote on the Annual Budget**

For purposes of voting on the annual budget by the member towns, the approval of the District's annual budget by the town meetings of each pre-K-12 Member Town shall constitute two "units" towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one "unit" each, with a total of ten units needed to approve the annual budget.

\*\*\*\*\*and replacing said language with the following:

**(A) Tentative Maintenance and Operating Budget**

On or before February 15th, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration

2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be delivered via mail or email to the chairperson of the board of selectmen and finance committee of each member town.

**(B) Final Maintenance and Operating Budget**

The Committee shall on or before March 1 in each year adopt by a two-thirds vote of the full Committee an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of subsection IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within thirty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 31, be certified by the District treasurer to the treasurers of the member towns.

**(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition**

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which Grade 7-12 students who reside in member towns and are included in the District's foundation enrollment for each of the most recent five years bears to the District's total foundation enrollment for Grades Pre-K to 12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.



The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

**(D) Vote on the Annual Budget**

Consistent with Chapter 31 of the Acts of 2017, for purposes of voting on the annual budget by the member towns, the approval of the District’s annual budget by the town meetings of each pre-K-12 Member Town shall constitute two “units” towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one “unit” each, with a total of ten units needed to approve the annual budget.

**Article 24:**

To see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section XV**

**Effective Date:**

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

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**and replacing said language with the following:**

This amended Agreement shall take full effect in accordance with its terms, following approval by all member towns and by the Commissioner of Elementary and Secondary Education, on July 1, 2024, and shall supersede the prior District Agreement, including any prior amendments. Nothing in this amended Agreement shall affect the apportionment of assessments to member towns prior to Fiscal Year 2026.

**Article 25:** To see if the Town will vote to accept the revisions to the Cell Tower Bylaw as written in the Cell Tower Handout.

**Article 26:**

**RESOLUTION Supporting a permanent ceasefire and preventing further loss of human life in Gaza. May 2024**

WHEREAS, between October 7, 2023 and March 20, 2024, more than 31 ,000 Palestinians (nearly half of them children) and more than 1,200 Israelis have been killed, and tens of thousands more Palestinians wounded, over 90% of the population of Gaza has been displaced, and approximately 130 Israeli hostages remain in Hamas captivity; and

WHEREAS, hundreds of thousands of Palestinians in Gaza are at imminent risk of death by starvation and disease, and there is an increasing risk of wider regional and global war resulting from the current crisis that would threaten millions of lives, including Americans;

WHEREAS, the targeting of civilians, no matter their faith, nationality, or ethnicity, is a violation of international law; and

WHEREAS, the Massachusetts portion of the \$3.8 billion dollars of aid sent from the US to Israel annually is estimated to be approximately \$130 million;

WHEREAS, the United States Federal government holds immense diplomatic and appropriations power to save Palestinian and Israeli lives;

NOW, THEREFORE, BE IT RESOLVED, That the Town of Charlemont calls on all members of our Congressional delegation to join us •in urging the Biden administration to call for and facilitate an immediate and permanent ceasefire, the provision of lifesaving humanitarian aid in Gaza, and the release of all hostages and political prisoners on all sides;

AND BE IT FURTHER RESOLVED, That the town of Charlemont condemns antisemitic, anti-Palestinian, anti-Arab, Islamophobic, and all xenophobic rhetoric and attacks, locally, nationally, and internationally;

AND BE IT FURTHER RESOLVED, That the town of Charlemont urges cessation of U.S. military funding to Israel paid by U.S. tax dollars until such time as there is a permanent and sustained ceasefire in place in Gaza and all hostages have been released, and further urges the redirection of military spending toward goals that support the lives and livelihoods of the American public.

BE IT FURTHER RESOLVED that the Charlemont town meeting directs the town Clerk to forward copies of this resolution to the offices of President Biden, U.S. Senators Markey and Warren, and Congressman Neal.

## **Article 27: Petition for a One Year Moratorium on the Installation of Smart Meters and Related Infrastructure in Charlemont, MA**

**To see if the town will vote to declare** a one-year moratorium on the rollout of “smart meters” or other wireless utility meters. This moratorium includes the installation of wireless repeaters on phone poles designed to connect utility meters to each other.

The primary purpose of the one-year moratorium is to allow town and state officials as well as concerned citizens the opportunity to explore the possibility of connecting the “smart grid” through the town’s existing fiber to the home network as has been accomplished successfully in Chattanooga, TN.

Using the town’s existing fiber to the home network to transmit data from our electric meters rather than wirelessly connecting smart meters to each other will:

- save electricity
- reduce the likelihood of hacking, surveillance and data interception
- reduce fire risk<sup>1</sup>
- reduce the risk of high voltage surges to residents appliances<sup>2</sup>
- reduce exposure of flora and fauna to microwave radiation, the impacts of which have not been evaluated by the FCC or any other federal agency<sup>3</sup>
- reduce exposure of children to microwave radiation, the impacts of which have not been evaluated by the FCC or any other federal agency<sup>4</sup>

The other purpose of the one year moratorium is to allow National Grid to collaborate with ratepayers who are part of the disability community and specifically those who have been injured by microwave radiation exposure and protected under the Americans with Disabilities Act the opportunity to designate specific sections of roadway to be connected through a wired network using analog, non-emitting meters so that they may continue to enjoy their property without being injured further.<sup>5</sup>

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<sup>1</sup> The Discovery and Science of Smart Meter Fires; Jim Brown, CCAI-CFI, Dr. Robert Armstrong, PhD P.E., Dr. Vytenis Babrauskas, PhD

<sup>2</sup> [https://www.jdfor2024.com/wp-content/uploads/2022/05/Summary-of-Evidence-on-Smart Meter-Fires.pdf](https://www.jdfor2024.com/wp-content/uploads/2022/05/Summary-of-Evidence-on-Smart-Meter-Fires.pdf)

<sup>3</sup> <https://www.wildlifeandwireless.org/>

<sup>4</sup> <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

<sup>5</sup> <https://ehtrust.org/resources-on-electromagnetic-sensitivity-and-accommodations/> **SNAPSHOT OF THE PROBLEM**

- In 2015, hundreds of smart meters exploded after a truck hit a utility pole in Stockton, CA leading to 80 house fires.<sup>6</sup>
- *August, 2021*: The U.S. Court of Appeals, D.C. Circuit determined the FCC failed to provide a reasoned explanation for its determination that its current guidelines adequately protect against harmful effects of exposure to radiofrequency radiation.
- Hundreds of people have been permanently disabled, joining the ranks of those diagnosed with microwave sickness or “electrical sensitivity” following the smart meter rollout in other states with no legal remedy, no accommodations and nowhere safe to live<sup>78</sup>
- Non-industry funded studies of smart meters have shown that they do not save energy given that emitting wireless radiation is energy intensive. They do, however, provide utilities a significant financial return on their investment by selling consumer data to third parties.<sup>9</sup>
- “There is no doubt that smart and digital meters create pulsed RF emissions and these emissions, from the smart meters’ antennas and the RF created by the SMPS, both enter the house’s electric system. The result is that the entire house is transformed into a radiating RF antenna.” - Erik F. Anderson, Professional Engineer, Engineer Report Submitted to the Supreme Court of Pennsylvania, Middle District, RE: No. 34 MAP 2021, Povacz, M, et al. v. PUC

Complete references and background available at [hilltownhealth.org/smartmeter](http://hilltownhealth.org/smartmeter)

***If adopted, the town clerk is directed to communicate this moratorium to local, state and national elected officials.***

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<sup>6</sup> <https://www.cbsnews.com/sacramento/news/stockton-smart-meters-explode-after-truck-causes-power-surge/>

<sup>7</sup> <https://pubmed.ncbi.nlm.nih.gov/21793784/>

<sup>8</sup> <https://ehtrust.org/educate-yourself/health-risks-posed-by-smartmeters/><sup>9</sup> Getting Smarter About the Smart Grid, National Institute for Science, Law and Public Policy,

Timothy Schoechle, PhD ([gettingsmarteraboutthesmartgrid.org](http://gettingsmarteraboutthesmartgrid.org))