

Town of Charlemont Annual Town Meeting Minutes

Tuesday, May 23, 2023

7:30 P.M.

continued to

Tuesday, May 30, 2023

6:00 P.M.

Hawlemont Regional Elementary School

The meeting was convened at 7:30 P.M. by Moderator Robert Handsaker. Introductions of the Town Clerk, Select Board and Finance Committee were made. The names of residents that had passed on since the last Annual Town Meeting was read and a moment of silence was held.

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

Unanimously voted..

Article 2: Voted 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 2024.

Unanimously voted.

Article 3: Voted to authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2024, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.

Unanimously voted.

Article 4: Voted to establish the spending limits for the following revolving funds for fiscal year 2024:

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

Unanimously voted.

Article 5 Fiscal Year 2024 budget. Finance Committee Chair Richard Filoramo read the budget line items. Line items # 9, 13, 22, 45, 62, 77, Total Highway Department, 91, 93, and 99.

Unanimously voted to approve the non-held budget line items.

After discussion and explanation of the held line items, the entire budget totaling \$4,374,961.85, as presented passed by a unanimous vote. See budget below.

	<b>ANNUAL TOWN MEETING MAY 23, 2023</b>	<b>ATM/STM</b>
		<b>FY 2024</b>
<b>General Government</b>		
<b>#</b>	<b>Miscellaneous Annual Expense</b>	
<b>1</b>	Moderator	\$35.00
<b>2</b>	School Committee Stipends	\$750.00

3	East Charlemont School (Little Red Schoolhouse)	\$850.00
4	Accounting Services	\$33,000.00
5	Accounting Software	\$4,389.00
6	Accounting Supplies	\$150.00
7	Town Counsel	\$20,000.00
8	Town Electricity	\$19,000.00
9	Townwide Fuel	\$52,500.00
10	Annual Town Report	\$350.00
11	Annual Audit	\$0.00
12	Reserve Fund	\$15,000.00
	<b>Total Misc. Annual Exp:</b>	<b>\$146,024.00</b>
	<b>Boards, Commissions and Programs</b>	
13	Secretary to the Boards Salary	\$17,032.08
14	Total Town Boards Expense	\$550.00
15	Finance Committee Expense	\$150.00
16	Conservation Commission Expense	\$450.00
17	Earth Removal Committee Expense	\$100.00
18	Planning Board Expense	\$700.00
19	Zoning Board of Appeals Expense	\$200.00
20	Council on Aging Expense	\$3,500.00
21	Flag Committee Expense	\$350.00
22	Historical Commission Expense	\$400.00
	<b>Total Bds,Comm,Programs:</b>	<b>\$23,432.08</b>
	<b>Veterans</b>	
23	Veterans Services District Assessment	\$2,926.76
24	Veteran's Markers and Flags	\$375.00
24	Veterans Benefits	\$5,000.00
25	Memorial Day	\$500.00
	<b>Total Veterans:</b>	<b>\$8,801.76</b>
	<b>Library</b>	
26	Librarian Salary	\$16,635.70
27	Asst Librarian Stipend	\$740.19
28	Library Automation	\$2,000.00
29	Library Supplies	\$400.00
30	Net Library Books	\$7,300.00
	<b>Total Library:</b>	<b>\$27,075.89</b>

	<b>Parks and Recreation</b>	
<b>31</b>	Memorial Park Maintenance	\$1,200.00
<b>32</b>	Memorial Park Mowing	\$3,800.00
	<b>Total Parks &amp; Recreation:</b>	<b>\$5,000.00</b>

	<b>Town Building (Town Hall)</b>	
<b>33</b>	Town Hall Custodial Salaries	\$3,271.75
<b>34</b>	Total Town Hall Expense:	\$28,400.00
	<b>Total Town Building (Town Hall)</b>	<b>\$31,671.75</b>
	<b>Franklin Regional Council of Governments Programs</b>	
<b>35</b>	FRCOG Core Assessment	\$7,881.00
<b>36</b>	FRCOG Procurement Services	\$2,850.00
<b>37</b>	FRCOG Coop. Fuel Purchasing	\$450.00
<b>38</b>	FRCOG Emergency Communications System	\$8,646.90
<b>39</b>	FRCOG Regional Health Inspection	\$15,541.00
<b>40</b>	FRCOG Coop Building Inspection Program	\$7,600.00
	<b>Total FRCOG:</b>	<b>\$42,968.90</b>
	<b>Pensions and Insurance</b>	
<b>41</b>	<b>Total Pensions and Insurance</b>	<b>\$299,461.10</b>
<b>Total General Government:</b>		<b>\$584,435.48</b>
<b>Town Administration Departments:</b>		
<b>Select Board</b>		
<b>42</b>	Select Board Salaries	\$6,000.00
<b>43</b>	Executive Secretary/Town Clerk Salary	\$56,324.86
<b>44</b>	Town Administrator Salary	\$66,231.20
<b>45</b>	Total Town Administration Expense	\$4,450.00
<b>46</b>	Technology Expenses	\$3,000.00
<b>47</b>	Website Hosting Fees	\$960.00
<b>48</b>	Total Select Board Expense	\$1,775.00
	<b>Total Select Board:</b>	<b>\$138,741.06</b>
	<b>Board of Assessors</b>	
<b>49</b>	Assessor's Salaries	\$4,386.00
<b>50</b>	Assessor/Finance Committee Clerk Salary	\$45,530.82

51	Total Assessor's Expense	\$36,630.00
	<b>Total Board of Assessors:</b>	<b>\$86,546.82</b>
	<b>Treasurer</b>	
52	Treasurer's Salary	\$20,427.28
53	Total Treasurer's Expense	\$14,260.00
54	Tax Title Taking	\$23,000.00
	<b>Total Treasurer:</b>	<b>\$57,687.28</b>
	<b>Tax Collector</b>	
55	Tax Collector's Salary	\$24,533.94
56	Tax Collector Stipends; Sewer District	\$1,644.50
57	Total Tax Collector Expense	\$18,610.00
	<b>Total Tax Collector:</b>	<b>\$44,788.44</b>
	<b>Town Clerk</b>	
58	Total Town Clerk Expense	\$200.00
59	Election Expense	\$2,000.00
	<b>Total Town Clerk:</b>	<b>\$2,200.00</b>
<b>Total Town Administration Departments:</b>		<b>\$329,963.60</b>

<b>Town Safety Departments:</b>		
<b>Police</b>		
60	Police Chief Salary	\$9,982.78
61	Police Salaries	\$78,981.08
62	Crossing Guard Salary	\$0.00
63	Police/Highway Custodial Salary	\$2,829.99
64	River Patrols	\$2,731.54
65	Total Police Expense	\$26,500.00
	<b>Total Police:</b>	<b>\$121,025.39</b>
	<b>Fire</b>	
66	Fire Chief Salary	\$9,982.78
67	Fire Officer Salaries	\$6,936.25
68	Fire Dept Other Salary	\$26,500.00
69	Fire Custodian Salary	\$1,803.42
70	Total Fire Expenses:	\$64,600.00
	<b>Total Fire:</b>	<b>\$109,822.45</b>

	<b>Ambulance</b>	
71	Ambulance Director Salary	\$9,982.78
72	EMT Salaries	\$32,466.00
73	EMT Longevity	\$1,000.00
74	Total Ambulance Expense	\$30,400.00
	<b>Total Ambulance:</b>	<b>\$73,848.78</b>
<b>Total Town Safety Departments:</b>		<b>\$304,696.62</b>
<b>Town</b>	<b>n Highway Departments:</b>	
	<b>General Highway Maintenance</b>	
75	Highway Salaries	\$118,725.24
76	Highway Seasonal Labor	\$14,094.89
77	Total General Highway Maintenance	\$53,458.71
	<b>Vehicle Maintenance (Machinery Maintenance)</b>	
78	Total Vehicle Maintenance	\$33,530.21
	<b>Total Highway Maintenance:</b>	<b>\$219,809.05</b>
	<b>Winter Roads Maintenance (Snow &amp; Ice)</b>	
79	Winter Roads Salaries	\$85,300.88
80	Winter Roads Seasonal Plowers	\$13,120.69
81	Winter Roads Overtime	\$24,403.69
82	Total Winter Expense:	\$154,017.44
	<b>Total Winter Maintenance:</b>	<b>\$276,842.70</b>
	<b>Town Garage</b>	
83	<b>Total Town Garage Expense:</b>	<b>\$7,665.36</b>
<b>Total Highway Department:</b>		<b>\$504,317.11</b>

<b>Town Health and Human Service Departments:</b>		
84	Animal Inspector Salary	\$1,117.42
85	Animal Inspector Expense	\$925.00
	Animal Control Salary	\$0.00
86	Regional Animal Control Officer	\$3,994.00
87	Animal Control Expense	\$400.00
88	Tree Removal	\$10,000.00

89	Tree Warden Expense	\$350.00
	<b>Emergency Management</b>	
90	Emergency Management Director Salary	\$2,120.00
91	Total Emergency Management Expense	\$4,350.00
	<b>Total Emergency Management</b>	<b>\$6,470.00</b>
	<b>Transfer Station Waste Program</b>	
92	Transfer Station Salaries	\$15,978.04
93	Total Transfer Station Expense	\$49,390.00
	<b>Total Transfer Station</b>	<b>\$65,368.04</b>
94	Transfer Station Capital	\$0.00
95	3-Town Landfill Assessment	\$4,500.00
96	Total Solid Waste District	\$5,343.00
	<b>Total Transfer Station Waste Program:</b>	<b>\$75,211.04</b>
	<b>Board of Health</b>	
97	Board of Health Salaries	\$1,890.00
98	Board of Health Expense	\$700.00
	<b>Total Board of Health:</b>	<b>\$2,590.00</b>
	<b>Total Health and Human Service Departments:</b>	<b>\$101,057.46</b>
	<b>Education - Schools:</b>	
99	Hawlemont Regional Operating Assessment	1,324,870.00
100	Hawlemont Regional Capital Assessment	0.00
	Override Vote to Supplement Hawlemont Operating Assessment	0.00
	<b>Total HRS Actual Operating Assessment</b>	<b>1,324,870.00</b>
101	Mohawk Trail Regional Operating Assessment	\$780,485.00
102	Mohawk Trail Regional Capital Assessment	\$19,350.00
	<b>Total Assessment MTRS</b>	<b>\$799,835.00</b>
103	Franklin Tech/Smith Voc. Tuition	\$210,000.00
104	Franklin Tech/Smith Voc. Transportation	\$70,000.00
	<b>Total Franklin Tech/Smith Voc.</b>	<b>\$280,000.00</b>
	<b>Total Schools:</b>	<b>\$2,404,705.00</b>
	<b>SUBTOTAL TOWN BUDGET</b>	<b>\$4,229,175.27</b>

<b>Debt and Interest</b>		
<b>105</b>	Interest Short-Term Debt	\$0.00
<b>106</b>	FY19 Hwy Loader Principal	\$0.00
<b>107</b>	FY19 Hwy Loader Interest Long-Term Debt	\$0.00
<b>108</b>	FY20 Fire Rescue Truck Principal	\$0.00
<b>109</b>	FY20 Fire Rescue Truck Interest	\$0.00
<b>110</b>	FY 21 Hwy 1-Ton Principal	\$25,000.00
<b>111</b>	FY 21 Hwy 1-Ton Interest Long-Term Debt	\$325.00
<b>112</b>	Broadband Principal	\$83,334.00
<b>113</b>	Broadband Interest	\$37,127.58
	<b>Total Debt &amp; Interest:</b>	<b>\$145,786.58</b>
<b>Debt Exclusions</b>		
	FY18 Hwy Truck/Fire Air Packs Principal	\$0.00
	FY18 Hwy Truck/Fire Equip Interest Long-Term Debt	\$0.00
	<b>Total Debt Exclusions</b>	<b>\$0.00</b>
	<b>Total All Debt and Interest:</b>	<b>\$145,786.58</b>
	<b>TOTAL TOWN BUDGET</b>	<b>\$4,374,961.85</b>

Article 6: Voted that the following sums be appropriated for the Broadband Enterprise Fund: \$409,514.92 Expenses, \$9,058.00 extra/unforeseen; and that \$543,003.78 be raised as follows: Enterprise receipts \$524,681.52 and Retained Earnings \$18,322.26.

The following amounts are to be raised and appropriated in the General Fund: \$3,969.28 accounting and treasurer expenses, and allocated to the Enterprise Fund for funding; and \$120,461.58 debt expense and the actual expense allocated to the Broadband Fund for funding. Unanimously voted.

Article 7: Voted to transfer from available funds (Free Cash) \$231,958 for an FY2023 Hawlemont Regional School Operating assessment.

Unanimously voted.

Article 8: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$500 to be used to maintain cemeteries in the Town of Charlemont, or take any other action relative thereto.

After a discussion regarding the need to maintain Town cemeteries, a motion was made to amend the amount to \$1,000. Amendment passed unanimously.

Amended article: Voted to transfer from available funds (Free Cash), the sum of \$1,000 to be used to maintain cemeteries in the Town of Charlemont.

Unanimously voted.

- Article 9: Voted to transfer from available funds, (Free Cash), \$20,000 for bridge repairs.  
Unanimously voted.
- Article 10: Voted to transfer from available funds (Free Cash), \$40,000 for infrastructure repairs.  
Unanimously voted.
- Article 11: Voted to transfer from available funds (Free Cash), \$30,000 to repair the roof on the Fire Station building  
Unanimously voted.
- Article 12: Voted to raise and appropriate the Town's share of \$37,500 to purchase a Fire Truck, replacing Engine #2, pending approval of a grant application.  
Unanimously voted.
- Article 13: Voted to transfer from available funds (Stabilization) \$58,210, to purchase a new police cruiser, replacing the 2008 Chevrolet Tahoe.  
Unanimously voted.
- Article 14: Voted to transfer from available funds (Free Cash), \$17,000 for a yearly financial audit.  
Unanimously voted.
- Article 15: Voted to transfer from its Surplus Revenue (Free Cash) \$36,243 to the Town Stabilization Account.  
Unanimously voted.
- 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 2024 or take any other action relative thereto.  
Unanimously voted to pass over.

At 10:10 P.M. a motion was made to adjourn the meeting and to continue the Annual Town Meeting on Tuesday, May 20, 2023 at 6:00 P.M. at the Hawlemont Regional Elementary School. The motion was seconded and voted by a majority.

Continued Annual Town Meeting

Tuesday May 30, 2023

6:00 P.M.

Hawlemont Regional Elementary School

Moderator Robert Handsaker called the meeting to order at 6:00 P.M. It was announced that a quorum of more than 10 voters was present.

Town Meeting floor unanimously voted to move forward articles 29, 30, and 31.

Town Meeting floor unanimously voted to allow Martha Thurber, Mohawk Regional School Committee Chair to speak to articles 29, 30 and 31. Ms Thurber informed the meeting that the changes in the Mohawk Regional Agreement is to keep the agreement in line with the State formulas.

Article 29:

Voted 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) maintaining, or making substantial 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, 2024 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, 2024, 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, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.

(a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), 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 2026 (commencing July 1, 2025 and ending on June 30, 2026), 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 2027 (commencing July 1, 2026 and ending June 30, 2027), 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 2028 (commencing July 1, 2027 and ending June 30, 2028), 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 2029 (commencing July 1, 2028) 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, 2024 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, 2024, 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, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.
  - (a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), 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 2026 (commencing July 1, 2025 and ending on June 30, 2026), 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 2027 (commencing July 1, 2026 and ending June 30, 2027), 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 2028 (commencing July 1, 2027 and ending June 30, 2028), 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 2029 (commencing July 1, 2028) 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, 2024 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, 2024, 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, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.

- (a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), 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 2026 (commencing July 1, 2025 and ending on June 30, 2026), 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 2027 (commencing July 1, 2026 and ending June 30, 2027), 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 2028 (commencing July 1, 2027 and ending June 30, 2028), 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 2029 (commencing July 1, 2028) 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.

Passed unanimously.

Article 30:

Voted 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.

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

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

On or before February 15<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 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 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 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.

Passed unanimously.

Article 31:

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

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

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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, 2023, 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 2025.

Passed unanimously.

Article 17: Voted to appropriate \$6,300 from the FY23 General Fund when certified as free cash to be expended in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement funds; funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery.

Passed unanimously.

Article 18: Voted to accept the provisions of General Laws Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17C ½, by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at 100% of the CPI. To be effective beginning in fiscal year 2024. .

Passed unanimously.

Article 19: Voted to accept the provisions of General Laws Chapter 59, Section 5, Clause 54, and modify the minimum personal property value from \$2,500 to \$1,000, and to exempt personal property valued at less than \$1,000 from taxation. To be effective beginning in fiscal year 2024. Passed unanimously.

Article 20: Voted to adjust the provisions of General Laws Chapter 59, Section 5, Clause 41C by increasing the income and asset requirements elderly persons must meet to qualify for the senior real estate exemption, to increase the gross receipts limit from \$16,000 to \$20,000, if single and from \$18,000 to \$30,000, if married and to increase the whole estate limit from \$31,000 to \$40,000, if single and from \$33,000 to \$55,000, if married. To be effective beginning in fiscal year 2024. Passed unanimously.

Article 21: Voted to authorize the Board of Selectmen to petition the General Court for special legislation to allow an on call firefighter, notwithstanding the provisions of any general or special law to the contrary, to serve in such position until the age of 68, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition. Town floor unanimously voted to allow Fire Chief Dennis Annear to speak on this article. Passed unanimously.

Article 22: Voted to petition to transfer the ownership of **TOWN OF CHARLEMONT BRIDGE NO. C-05-010, ROUTE 8A-W. HAWLEY ROAD OVER DEERFIELD RIVER** (also referred to as “The Long Bridge”) to the Massachusetts Department of Transportation. Passed unanimously.

Article 23: Voted to Accept Massachusetts General Laws Chapter 41 Section 97A to legally establish the Police Department in the Town. This vote will negate any and all previous votes in regard to the establishment of the Police Department. Town floor unanimously voted to allow Police Chief Jason Pelletier to speak on this article. Passed unanimously.

Article 24: **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 ten 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.

Or take any other action relative thereto.

After discussion, a motion to table Article 24 was passed by a majority hand count. 34 votes to table, 4 votes not to table.

Article 25: Vote to amend Chapter II, Section 1 of the General By-laws by deleting the current text which reads as follows:

The Annual Town Meeting and Election shall be held on the fourth Tuesday in May each year, at a time and place set forth in a warrant issued by the Board of Selection.

And inserting in its place the following text:

The Annual Town Meeting shall be held on the fourth Tuesday in May each year, at a time and place set for in a warrant issued by the Select Board. The Annual Town Election shall be held on the Tuesday following the Annual Town Meeting, at a time and place set forth in a warrant issued by the Select Board.

Passed unanimously.

Article 26: Voted to support the acceptance as public ways the private roads known as Mountain View Drive and Potter Road Extension, once they have been brought up to Town Road standards. This is a nonbinding resolution vote.

Passed unanimously.

Article 27: Voted to authorize the Select Board to clear snow and vegetation on the north and south sidewalks along Main Street (Route 2) owned by MassDOT.

Passed unanimously.

Article 28: Voted to amend its existing Protective Zoning Bylaws by amending Section 32.3 Use Table that address: Agriculture, Forestry and Solar Installations as shown in the handout.

Hand count: 36 yes votes, 1 no vote

2/3 majority declared.

Business being concluded, the meeting was adjourned at 8:05 P.M.

Respectfully submitted.

Kathy A. Reynolds

Charlemont Town Clerk