

TOWN OF COLRAIN
Commonwealth of Massachusetts
Annual Town Meeting Warrant
Fiscal Year 2025

FRANKLIN SS:

To either of the Constables of the Town of Colrain in the County of Franklin.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote on town affairs, **to meet at the Colrain Central School, located at 22 Jacksonville Road at 7:00 PM in said town on Tuesday the fourth day in June 2024, there and then to act on the following articles:**

Moderator Joseph Kurland opened the meeting at 7:07 pm and acknowledged the warrant had been served correctly.

ARTICLE #1. To see if the Town will instruct the Town Clerk to report on the election of officers and ballot questions as follows:

Select Board Member	Katie Korby	3 years
Assessor	Jim Slowinski	3 years
Library Trustees	Betty Johnson	3 years
Library Trustees	Nancy Turkle	3 years
Constable	Melinda Herzig	3 years
Moderator	Joe Kurland	3 years

The Selectboard makes no recommendation regarding this article.
The Finance Committee makes no recommendation regarding this article.

**Katie Korby moved “as read”,
seconded by Joe Slowinski.
Passed unanimously in the affirmative.**

ARTICLE #2. To hear reports of various Town Officers and act thereon or pass any vote or votes thereto.

The Selectboard makes no recommendation regarding this article.

The Finance Committee makes no recommendation regarding this article.

**Katie Korby moved “as read”,
seconded by Ben Eastman.
Passed unanimously in the affirmative.**

ARTICLE #3. To see if the Town will vote to fix the salaries of **Compensation of Elected Officers of the Town**, as provided by MGL Chapter 41, section 108 as amended; the salaries or compensations for the period of July 1, 2024 – June 30, 2025, are as follows, or pass any vote or votes in relation thereto:

	Voted	Proposed
	FY 2024	FY 2025
Select Board, Chair	\$3,600	\$3,708
Select Board, Clerk	\$3,600	\$3,708
Select Board, Member	\$3,600	\$3,708
Moderator	\$114	\$118
Town Clerk	\$25,116	\$25,869
Board of Assessors, Chair	\$3,585	\$3,692
Board of Assessors, Member	\$3,585	\$3,692
Board of Assessors, Member	\$3,585	\$3,692

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

**Katie Korby moved “as read”,
seconded by Emily Thurber.
Passed unanimously in the affirmative.**

ARTICLE #4. To see if the Town will vote to make the following appropriations to fund the **Town Operating Budget** and raise by taxation, or otherwise provide, the required amounts, or pass any vote or votes in relation thereto:

	VOTED	PROPOSED
	FY 2024	FY 2025
General Government:		
Selectboard Wages	10,800	\$11,124
Selectboard Expenses	\$1,000	\$1,000
Town Administrator Wages	\$95,000	\$95,000
Town Counsel	\$10,000	\$10,000
Town Administrator Expenses	\$500	\$500
Administrative Assistant Wages	31,150	\$32,085
Town Office Maintenance Expenses	\$17,900	\$18,000
Professional Development	\$500	\$500

Office Expense	\$40,770	\$41,860
Town Telephone	\$4,500	\$4,600
Custodian Wages	\$6,491	\$6,686
Town Reports and Ballots	\$800	\$800
Advertising Expense	\$1,000	\$1,000
Annual Independent Audit	\$16,000	\$16,500
Town Accountant Fee	\$25,200	\$28,800
Accounting Software Expense	\$3,970	\$4,170
Total General Government:	\$265,581	\$272,625
Town Clerk:		
Town Clerk Wages	\$25,116	\$25,869
Town Clerk Expenses	\$5,615	\$3,115
Election Expenses	\$4,466	\$6,229
Total Town Clerk:	\$35,197	\$35,213
Police Department:		
Police Chief Wages	\$34,136	\$35,161
Full-time Officer Wages	\$51,116	\$52,852
Part-Time Officer Wages	\$25,648	\$26,416
Police Office Expenses	\$1,800	\$2,000
Police Training Expenses	\$6,000	\$6,000
Police Equipment Expenses	\$16,835	\$18,235
Police Cruiser Expenses	\$11,500	\$12,500
Total Police Department:	\$147,035	\$153,164
Fire Department:		
Fire Other Wages	\$23,080	\$26,050
Fire Chief Wages	\$6,850	\$7,056
Fire Officers Wages	\$2,946	\$3,036
Firefighters Wages	\$41,791	\$45,000
Fire Department Clerical Wages	\$2,483	\$2,558
Fire Pumper Maintenance and Equipment Expenses	\$45,150	\$45,150
Fire House Maintenance	\$21,000	\$22,700
Total Fire Department:	\$143,330	\$151,549
Emergency Management:		
Emergency Management Wages	\$1,997	\$2,057
Emergency Management Expenses	\$2,700	\$2,700
Total Emergency Management:	\$4,697	\$4,757
Building Inspector Department:		
Building Inspector Wages	\$9,746	\$10,038
Building Inspector Expenses	\$200	\$200
Inspection Software	\$3,445	\$3,445
Inspector Certification	\$870	\$870

Total Building Inspector Department:	\$14,261	\$14,553
Highway Department:		
Highway Superintendent Wages	\$74,880	\$77,127
Highway Laborer/ Equipment Operator/Mechanic Wages	\$71,775	\$74,213
Highway Laborer/Equipment Operator Wages	\$73,568	\$58,712
Highway Temporary/Seasonal Wages	\$4,193	\$4,319
Highway Overtime Wages	\$22,277	\$22,945
Contracted Services-Snow and Ice Removal	\$40,000	\$20,000
General Highway Maintenance	\$121,300	\$121,300
Machinery Maintenance	\$43,000	\$43,000
Bridges	\$2,000	\$2,000
Gasoline, Diesel, and Oil	\$65,800	\$65,800
CDL Drug Testing	\$2,000	\$2,000
Winter Roads	\$86,401	\$94,300
Streetlights	\$5,500	\$7,000
Highway Garage Maintenance	\$20,900	\$20,900
Total Highway Department:	\$633,593	\$613,616
Assessors Department:		
Assessor's Wages	\$10,755	\$11,077
Director of Assessing Wages	\$44,287	\$44,376
Assessor's Expenses	\$19,080	\$17,580
Total Assessor's Department:	\$74,122	\$73,033
Treasurer/Collector:		
Treasurer/Collector Wages	\$65,520	\$66,950
Treasurer/Collector Expenses	\$23,110	\$25,810
Tax Title Expense	\$10,000	\$15,000
Tax Foreclosure Custodian Expense	\$5,000	\$5,000
Interest and Fees on Short-term Indebtedness	\$0	\$9,150
Total Treasurer/Collector:	\$103,630	\$121,910
Board of Health:		
Board of Health Clerical Wages	\$2,600	\$1,500
Board of Health Expenses	\$500	\$2,000
Code Violation Enforcement	0	\$5,000
Total Board of Health:	\$3,100	\$8,500
Animal Inspector Department:		
Inspector Of Animals Wages	\$1,500	\$1,545
Inspector of Animals Expense	\$200	\$200
Total Animal Inspector Department:	\$1,700	\$1,745

Library Department:		
Library Director Wages	\$40,537	\$41,758
Library Assistant Director Wages	0	\$14,188
Library Assistant Librarian Wages	\$13,435	\$5,669
Library Expenses	\$43,099	\$46,080
Total Library Department:	\$97,071	\$107,695
Council on Aging Expenses	\$20,000	\$20,000
Transfer Station Department:		
Transfer Station Wages	\$22,486	23,161
Transfer Station Expenses	\$79,112	\$71,974
Total Transfer Station Department:	\$101,598	\$95,135
Unclassified Expenses:		
Moderator	\$114	\$118
Moderator Expenses	\$60	\$60
Memorial Day	\$1,000	\$1,000
Cemetery Maintenance	\$1,100	\$1,200
Property/Liability Insurance	\$61,000	\$61,000
Board/Committee Clerical Wages	\$2,483	\$2,557
Group Ins/Medi/SUI - Town Share	\$163,240	\$171,570
Personnel Committee Expenses	\$100	\$100
Planning Board Expenses	\$1,000	\$1,000
Finance Committee Expenses	\$330	\$330
School Committee Stipends	\$900	\$900
Reserve Fund	\$2,000	\$2,000
Conservation Commission Expenses	\$100	\$500
Historic Commission Expenses	\$100	\$100
Total Unclassified Expenses:	\$233,527	\$242,434
Total	\$1,878,412	\$1,915,930

The Selectboard makes no recommendation regarding this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved Article 4 "as read", seconded by Ben Eastman.

Joe Slowinski made a motion to amend Article 4, seconded by Elaine Stanley. Motion did not pass. (see attached amendment worksheet).

Article 4 passed in the affirmative.

ARTICLE #5. To see if the Town will vote pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to **authorize the establishment of revolving funds for certain town departments** for the fiscal year beginning July 1, 2024 with specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum that may be spent from each fund for the fiscal year as follows:

<u>Revolving Fund Title</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY25 Spending Limit</u>	<u>Disposition of FY24 Fund Balance</u>
Plumbing Inspector	Plumbing Inspector	Plumbing Permit Fees and Applications	Reimburse Inspector for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2025
Electrical Inspector	Electrical Inspector	Electrical Permit Fees and Applications	Reimburse Inspector for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2025
Fire Inspector	Fire Department Inspectors	Fire Permit Fees and Applications	Reimburse Inspectors for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2025
Dog Fund	Town Clerk, Dog Officer, and Select Board	Dog License Fees and Other Charges as Provided by Chapter 40, S 147A.	Offset Expenses Related to Administration of licenses and other Animal Control Matters	\$15,000.00	Balance Available for Expenditure in 2025
Demolition Fund	Board of Health and Building Inspector	Receipts from demolition liens, municipal abatement liens and related insurance reimbursements including court orders.	For purposes associated with demolition, boarding and securing, and abating public health nuisances related to abandoned properties as determined by the Board of Health or Building Inspector.	\$20,000.00	Balance Available for Expenditure in 2025

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

**Katie Korby moved “as read”,
seconded by Emily Thurber.
Passed unanimously in the affirmative.**

ARTICLE #6. To see if the town will vote to authorize the Select Board to apply for, accept, and expend any state or federal grants that may become available, or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #7. To see if the Town will vote to raise and appropriate, the sum of \$310,042 and transfer from the Quintus Allen Fund the sum of \$2,291 for a total sum of \$312,333 to be used for the Franklin County Technical School District's annual operating assessment or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #8. To see if the Town will vote to raise and appropriate, the sum of \$4,916 to be used for the Franklin County Technical School District's annual capital assessment or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #9. To see if the Town will vote to raise and appropriate, the sum of \$2,425,001 to be used for the Mohawk Trail Regional School District's annual operating assessment or pass any vote or votes in relation thereto.

The Selectboard did not arrive at a consensus recommendation regarding this article (1 in favor, 1 opposed, 1 abstention).
The Finance Committee unanimously recommends not approving this article.

John Chivers moved "as read",
seconded by Kate Barrows.
Passed in the affirmative.

ARTICLE #10. To see if the Town will vote to raise and appropriate, the sum of \$62,133 to be used for the Mohawk Trail Regional School District's annual capital assessment or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

John Chivers moved "as read",
seconded by Kate Barrows.
Passed unanimously in the affirmative.

ARTICLE #11. To see if the town will vote to raise and appropriate \$8,628 for capital projects at Colrain Central 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 or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

John Chivers moved "as read",
seconded by Kate Barrows.
Passed unanimously in the affirmative.

ARTICLE #12. To see if the town will vote to raise and appropriate \$3,637 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 or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

John Chivers moved "as read",
seconded by Kate Barrows.
Passed in the affirmative.

ARTICLE #13. To see if the Town will vote to raise and appropriate, the sum of \$10,043 for its share of the Statutory Charges and Core Service Assessment of the Franklin Regional Council of Governments or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #14. To see if the Town will vote to raise and appropriate, the sum of \$2,850 for its share of the Cooperative Purchasing Program Service Assessment of the Franklin Regional Council of Governments or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #15. To see if the Town will vote to raise and appropriate, the sum of \$150 for its share of the Emergency Planning Committee Service Assessment of the Franklin Regional Council of Governments or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #16. To see if the Town will vote to raise and appropriate, the sum of \$12,408 for its share of the cost of the Franklin Regional Council of Government's Cooperative Public Health Service or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed in the affirmative.

ARTICLE #17. To see if the Town will vote to raise and appropriate, the sum of \$5,021 for its share of the cost to pay for a Regional Animal Control Officer or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #18. To see if the Town will vote to raise and appropriate, the sum of \$133,657 for its share of the cost to maintain the **Franklin Regional Retirement System** or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #19. To see if the Town will vote to raise and appropriate, the sum of \$6,792 to pay the town's allocated share of the cost of the **Franklin County Solid Waste Management District** or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #20. To see if the Town will vote to raise and appropriate the sum of \$4,267 to pay the town's allocated share of the cost of membership in the **Upper Pioneer Valley Veteran's Service District** or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #21. To see if the Town will vote to raise and appropriate, the sum of \$350 to pay for its share of the **Operating and Capital Costs of the Franklin County Regional Dog Control and Adoption Center** or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #22. To see if the Town will vote to raise and appropriate, or otherwise provide the sum of \$783,732 to pay for the operation and maintenance of the **Colrain Broadband Network** (an enterprise fund) or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved “as read”,
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #23. To see if the Town will vote to raise and appropriate, the sum of \$2,000 to be used for the **Police Administration account** (any amount expended will be 100% reimbursed) or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved “as read”,
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #24. To see if the Town will vote to raise and appropriate, the sum of \$2,000 toward the cost of **restoration and preservation of town records** or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

Katie Korby moved “as read”,
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #25. To see if the Town will vote to transfer from free cash the sum of \$57,000 to pay for the purchase of a new **Highway Department Snow Removal Equipment and Trailer** or take any other action in relation thereto.

The Selectboard unanimously recommends not approving this article.
The Finance Committee unanimously recommends not approving this article.

Katie Korby moved “as read”,
seconded by Ben Eastman.
Passed in the affirmative.

ARTICLE #26. To see if the Town will vote to transfer from free cash the sum of \$13,000 to pay for accrued compensated absences (vacation) due or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #27. To see if the Town will vote to transfer from free cash the sum of \$15,000 to pay for renovations to create a new office space at the Town Office or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #28. To see if the Town will vote to transfer from free cash the sum of \$25,749 to pay for the purchase of a new police cruiser or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #29. To see if the Town will vote to transfer from free cash the sum of \$5,500 to pay for the purchase of a Town Clerk poll place scanner and tabulator or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee makes no recommendation regarding this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Vote called – Yes 60; No 54
Passed in the affirmative.

ARTICLE #30. To see if the Town will vote to transfer from free cash the sum of \$7,000 to pay for the cost of engaging a consultant to assist with the development of an Employee Performance Evaluation Tool or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Vote called – Yes 43; No 54
Article did not pass.

ARTICLE #31. To see if the Town will vote to transfer from the Police Department Stabilization Fund the sum of \$54,251 to pay for the purchase of a new police cruiser (the total cost of the cruiser being \$80,000 of which the balance to purchase of \$ 25,749 is raised in Article # 28) or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Ben Eastman.
Passed in the affirmative.

ARTICLE #32. To see if the Town will vote to transfer from the Technology Stabilization Fund the sum of \$24,000 to pay for the following I/T related items; firewall upgrades, new server room door and locking mechanism, desktop, and laptop computer stations to support Windows 11 upgrade or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved "as read",
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #33

To see if the town will vote to appropriate a sum or sums of money for the stabilization funds as shown in the chart below or take any other action relative thereto.

<u>Purpose</u>	<u>Fund</u>	<u>Amount</u>	<u>Source of Funds</u>
General Purpose	General Stabilization	\$2,860	Free Cash
Transfer Station	Transfer Station Stabilization	\$10,000	Free Cash
Technology	Technology Stabilization	\$10,000	Free Cash
Highway	Highway Stabilization	\$150,000	Free Cash
Fire	Fire Dept. Stabilization	\$35,000	Free Cash
Police	Police Dept. Stabilization	\$15,000	Free Cash
Library	Griswold Library Capital Stabilization	\$50,000	Free Cash
Total	Total	\$272,860	

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Katie Korby moved “as read”,
seconded by Emily Thurber.
Passed unanimously in the affirmative.

ARTICLE #34. To see if the Town will authorize the Select Board to accept and expend, as an available fund, any of the bond issue or operating budget monies (also called “Chapter” monies) from the Commonwealth of Massachusetts through the Massachusetts Department of Transportation or pass any vote or votes in relation thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

Emily Thurber moved “as read”,
seconded by Ben Eastman.
Passed unanimously in the affirmative.

ARTICLE #35. 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.

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.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends disapproval of this article.

**John Chivers moved "as read",
seconded by Kate Barrows.
Passed in the affirmative.**

ARTICLE #36.

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 8th, 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 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.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends disapproval of this article.

**Kate Barrows moved “as read”,
seconded by John Chivers.
Passed unanimously in the affirmative.**

ARTICLE #37. 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.

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.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends disapproval of this article.

**John Chivers moved “as read”,
seconded by Kate Barrows.
Passed unanimously in the affirmative.**

ARTICLE #38. To see if the Town will vote to accept the provisions of G.L. c.44, Sec. 54(b) to allow Town trust funds to be invested in accordance with G.L. c.203, the so-called “Prudent Investment Rule”, or take any other action relative thereto.

The Selectboard unanimously recommends approval of this article.

The Finance Committee unanimously recommends approval of this article.

**Katie Korby moved “as read”,
seconded by Ben Eastman.
Passed unanimously in the affirmative.**

ARTICLE #39. To see if the Town will vote to participate in the activities of the Mohawk Trail Partnership (also known as the “Woodlands Partnership of Northwest Massachusetts” per the Board’s October 2022 vote to recommend a name change*) as provided for in Section 91 of Chapter 209 of the Acts of 2018, an act Promoting Climate Change Adaption, Environmental and Natural Resource Protection, and Investment in Recreation Assets and Opportunity (the “Environmental Bond Bill”) or take any other action related thereto.

**The Mohawk Trail Woodlands Partnership (MTWP) voted at its 11 October 2022 Board Meeting to change its operational name to the “Woodlands Partnership of Northwest Massachusetts,” and to request State Legislators, the Massachusetts Executive Office of Energy and Environmental Affairs, and the USDA Forest Service to take necessary actions to make the new name the official, legal name of the Woodlands Partnership. Until state law is amended to recognize the Board’s recommended new name, the official name remains Mohawk Trail Woodlands Partnership for purposes of municipal action to join the Partnership and gain a voting seat on the Board.*

The Selectboard unanimously recommends approval of this article.
The Finance Committee makes no recommendation regarding this article.

**Katie Korby moved “as read”,
seconded by Emily Thurber.
Vote called – Yes 55; No 53
Passed in the affirmative.**

ARTICLE #40. To see if the Town will accept a deed in lieu of foreclosure with an outstanding principal balance of \$ 3,936.29 regarding property on Heath Road described in a deed recorded in Book 863, Page 30 and as Parcel 4030-0044-00000. Said parcel was Taken by the Town for unpaid FY 2003 taxes in the amount of \$545.79, and the assessed value of the subject property is \$6,500.

The Selectboard unanimously recommends approval of this article.
The Finance Committee unanimously recommends approval of this article.

**Katie Korby moved “as read”,
seconded by Ben Eastman.
Passed unanimously in the affirmative.**

ARTICLE #41. To see if the Town will vote to amend the Protective Zoning Bylaw to update the Section 4: Use Regulations - Use Table and add a new Section 17, as follows:

SECTION 17: SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

17.1 Purpose

Short-Term Rentals (STRs) as defined in this section are allowed for residential properties in conformance with the following regulations. These regulations aim to balance private, neighborhood, and public interests by establishing middle-ground intensity limits that will:

- 17.1.1 Protect and maintain the residential character of existing neighborhoods.
- 17.1.2 Preserve housing options by deterring commercial interests from buying housing to use primarily as short-term rental businesses.

- 17.1.3 Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.

17.2 Applicability

This section applies to any property owner who rents out one or more rooms on a single property, including rooms in a single-family home or an entire dwelling and/or outbuildings:

- 17.2.1 For a total of more than 14 days in a calendar year;
 17.2.2 With any one rental period being no more than 31 days, and;
 17.2.3 Where meals are *not* included in the rent.

17.3 General requirements for all Short-Term Rentals

- 17.3.1 The owner of the property to be used for STR must obtain a signed permit (“STRP”) from the Planning Board. There shall be a fee of \$100 to obtain an initial calendar-year permit for the purpose of notifying abutters. Extra funds, if any, will be returned after costs are determined. Subsequent annual permits will be at no cost.
 17.3.2 An owner of more than one property in Colrain may use only one property at a time as a short-term rental. For purposes of this Bylaw, a person having a beneficial interest in a property shall be considered an “owner”.

Proposed Section 4: Use Regulations - Use Table Modifications/Additions

Use	Village Districts	Rural District	Commercial-Industrial Districts
Hotels	SPR	N	SPR
Motels	SP	N	N
Inns	SPR	SP	SP
BnB Establishment (4 or more rooms) ⁵	SPR/SPP (DOR Reg. req'd)	SPR/SPP (DOR Reg. req'd)	SPR/SPP (DOR Reg. req'd)
BnB Home (3 or fewer rooms) ⁶	SPR/SPP	SPP	SPP
STR (< 14 days/yr) ⁷	Y	Y	Y
STR (>= 14 days/yr.) ⁸	STRP (DOR Reg. req'd)	STRP (DOR Reg. req'd)	STRP (DOR Reg. req'd)

4.2.5 See Section 4.2.2

4.2.6 See Section 4.2.2

4.2.7 No meals are provided.

4.2.8 No meals are provided. Short Term Rental Permit Required.

The Selectboard makes no recommendation regarding this article.

The Finance Committee unanimously makes no recommendation regarding this article.

**Greg Olchowski moved “as read”,
seconded by Joe Slowinski.
Passed in the affirmative.**

ARTICLE #42. To see if the Town will vote to amend the Protective Zoning Bylaw to update Section 3.4 and 8.6 and add a new Section 18, as follows:

SECTION 18: FLOODPLAIN OVERLAY DISTRICT

18.1 Purpose

The purposes of the Floodplain Overlay District are to:

- 18.1.1 Ensure public safety through reducing flood threats to life and personal injury;
- 18.1.2 Eliminate new hazards to emergency response officials;
- 18.1.3 Prevent the contamination and pollution of water resources resulting from flooding, so as to protect public safety and avoid damage to wildlife habitat;
- 18.1.4 Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 18.1.5 Eliminate costs associated with the response and cleanup of flooding conditions; and
- 18.1.6 Reduce damage to public and private property resulting from flood waters.

18.2 Floodplain District

The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Colrain’s Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated July 2, 1980 and on the Flood Boundary & Floodway Map (FBFM) dated July 2, 1980. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated January 1980 prepared by the U.S. Department of Housing & Urban Development Federal Insurance Administration and any amendments thereto. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector.
(<https://msc.fema.gov/portal/advanceSearch>)

18.3 General Information

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, bylaws or codes. The degree of flood protection required by this bylaw is considered reasonable by the Town but does not imply total flood protection.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

18.4 Designation of a Community Floodplain Administrator

The Town of Colrain hereby designates the position of Building Inspector to be the official Floodplain Administrator for the Town. The duties of the Floodplain Administrator include:

- 18.4.1 Applying the regulations for development in the Floodplain Overlay District;
- 18.4.2 Ensuring that permits are applied for when development of any kind is proposed in the Floodplain Overlay District;
- 18.4.3 Oversight of the application and review process for development in the Floodplain Overlay District;
- 18.4.4 Coordination with other local departments and municipal officials including the Building Inspector, Highway Department, Planning Board, Zoning Board of Appeals, and Conservation Commission;
- 18.4.5 Notifying adjacent communities prior to any alteration of a watercourse;
- 18.4.6 Coordinating compliance issues and enforcement actions with the Building Inspector such as activities to correct violations of the zoning bylaw, and working with the appropriate local staff to coordinate such efforts;
- 18.4.7 Maintaining records of floodplain development, and keeping current and historic FEMA maps available for public inspection; and
- 18.4.8 Notifying FEMA if the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, within 6 months of such changes by submitting the technical or scientific data that supports the changes to:

FEMA Region I Risk Analysis Branch Chief 99
High St., 6th Floor, Boston, MA 02110

and copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation,
251 Causeway Street, Boston, MA 02114

18.5 State Variances to Building Code Floodplain Standards

The Colrain Floodplain Administrator will request from the State Building Code Appeals Board a written and/or audible copy of the portion of any hearing related to a State Building Code variance granted for a property in the Town of Colrain, and will maintain this record in the Town's files.

The Floodplain Administrator shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that

- 18.5.1 the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for each \$100 of insurance coverage and
- 18.5.1 such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain Overlay District.

18.6 Variances from the Colrain Zoning Bylaw related to Community Compliance with the National Flood Insurance Program (NFIP)

An application for a variance from the requirements of the Floodplain Overlay District, requested from the Zoning Board of Appeals, must meet all the requirements set out by State law and the Zoning Bylaw (see Section 11.2). In addition to those requirements, a variance may only be granted if:

- 18.6.1 good and sufficient cause and exceptional non-financial hardship exist;
- 18.6.2 the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- 18.6.3 the variance is the minimum action necessary to afford relief.

18.7 Review by the Conservation Commission

The Town of Colrain, in addition to any Building Permit or other local, state or federal permits needed, requires a review and approval by the Conservation Commission for all proposed construction or other development in the Floodplain Overlay District. This includes new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities (with such review to be consistent with and to the extent permitted by G.L. c. 40A, §3), fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The application for review by the Conservation Commission is available from the Conservation Commission or Floodplain Administrator.

18.8 Other Necessary Permits

The proponent must submit documentation that all necessary local, state and federal permits have been received in order to receive approval for the proposed development in the Floodplain Overlay District. Documentation must be submitted to the Town's Floodplain Administrator for their review and approval.

18.9 Subdivision & Development Proposals

All subdivision proposals and development proposals subject to Site Plan Review or requiring a Special Permit for property in the Floodplain Overlay District shall be reviewed by the Planning Board and/or Zoning Board of Appeals to assure that:

- 18.9.1 Such proposals minimize flood damage potential and, to the maximum extent feasible, locate all structures, roads, utilities and other infrastructure out of the Floodplain Overlay District;
- 18.9.2 Public utilities and facilities are located and constructed so as to minimize flood damage potential; and
- 18.9.3 Adequate drainage is provided.

Where such development is subject to a Special Permit or Development Site Plan Review under Sections 12 and 13 and any other sections of the Colrain Zoning Bylaws, the Planning Board or Zoning Board of Appeals shall incorporate these standards into their review. Where such development is subject to the Subdivision Regulations of the Town of Colrain, the Planning Board shall incorporate these standards into their Subdivision Plan review.

18.10 Base Flood Elevation Data for Subdivision Proposals

When proposing a subdivision or other development greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to establish base flood elevations for each developable parcel shown on the design plans.

18.11 Unnumbered A Zones

In A Zones, in the absence of FEMA base flood elevation data and floodway data, the Building Inspector will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A to comply with one or more of the following: elevating residential structures to or above base flood level; flood proofing or elevating nonresidential structures to or above base flood level; and prohibiting encroachments in floodways.

18.12 Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Colrain's FIRM Maps, encroachments in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited.

18.13 Watercourse Alterations or Relocations or in Riverine Areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

18.13.1 Adjacent Communities, especially upstream and downstream

18.13.2 Bordering States, if affected

18.13.3 NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, 8th floor

Boston, MA 02114

18.13.4 NFIP Program Specialist

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

18.14 AO and AH Zones Drainage Requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

18.15 Recreational Vehicles

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

18.16 Local Enforcement

The Floodplain Administrator and/or Zoning Enforcement Officer will be responsible for issuing a notice of non-compliance to the property owner for any non-compliant floodplain development in the Floodplain Overlay District. Such notice will identify the non-compliant development and will contain instructions regarding the actions that the property owner must take in order to come into compliance. Such actions may include, but are not limited to, removal of the structures or paving that might increase flooding or adversely impact flood risks to other properties. Any person violating the Floodplain Overlay District Bylaw shall be subject to a penalty of \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

18.17 Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps prepared in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) is the official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY means the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code – 2015 International Building Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

18.17.1 Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

18.17.2 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

18.17.3 Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

or

18.17.4 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

18.17.4.1 By an approved state program as determined by the Secretary of the Interior or

18.17.4.2 Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of these provisions of the Colrain Floodplain Overlay District bylaw June 4, 2024. In addition, any subsequent substantial improvements to structures existing on or after June 4, 2024 will also be subject to the provisions of this bylaw. [New construction includes work determined to be substantial improvement. Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

18.17.5 Built on a single chassis;

18.17.6 Four hundred (400) square feet or less when measured at the largest horizontal projection;

18.17.7 Designed to be self-propelled or permanently towable by a light duty truck; and,

18.17.8 Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use but not for use as a permanent dwelling.

[US Code of Federal Regulations, Title 44 Part 59]

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code – 2015 International Building Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance of a building permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the date of the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

For the purposes of establishing the Start of Construction, permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code – 2015 International Building Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by 9th Edition of the State Building Code]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in U.S. Code of Federal Regulations, Title 44, Part 60, §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

18.18 Definitions of Flood Zones

The Town shall use the pertinent definitions for flood zones delineated within the Town. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

ZONE A means an area of special flood hazard without water surface elevations determined.

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined.

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, and X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

18.19 Regulations

The Floodplain Administrator may adopt regulations and standard forms for the purpose of administering and implementing this bylaw.

And amend Section 3.4 to read:

3.4-Flood Plain Overlay District: The Flood Plain Overlay District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the requirements of Section 18 of this Bylaw as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Colrain Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps, dated July 2, 1980, on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Colrain Flood Insurance Study are incorporated herein by reference.

And amend Section 8.6 to read:

8.6 Additional requirements apply in the Flood Plain Overlay District (See Section 18)

And remove 8.6.1 – 8.6.2.2.

The Selectboard makes no recommendation regarding this article.

The Finance Committee unanimously makes no recommendation regarding this article.

Greg Olchowski moved “as read”,
seconded by Nick Anzuoni.
Passed in the affirmative.

ARTICLE #43. To see if the Town will vote to amend the Protective Zoning Bylaw to update Section 15 to reflect changes to the Massachusetts Model Zoning Bylaw for the Regulation of Solar Energy Systems as well as affected items in sections 2, 4, and 13.

Section 2 Definitions – Current State

Large-Scale Ground-Mounted Solar-Photovoltaic System—A Solar-Photovoltaic System which has a footprint greater than 0.10 acres.

Section 2 Definitions – Proposed State

Large-Scale Ground-Mounted Solar-Photovoltaic System—A Solar-Photovoltaic System that is structurally mounted on the ground and is not roof-mounted and occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW or greater).

And add:

Medium-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a nameplate capacity of about 10 – 250kW)

Small-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies 1,750 square feet of surface area or less (equivalent to a nameplate capacity of about 10kW or less).

Section 4: Use Regulations- Current State

Use	Village Districts	Rural District	Commercial-Industrial Districts
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 0.10 acres up to 1.0 acres ^{3,4} (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 1.0 acres ^{3,4} (See Section 15)	N	SP/SPR	SP/SPR

4.2.3-Small-scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar-photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

Section 4: Use Regulations- Proposed State

Use	Village Districts	Rural District	Commercial-Industrial Districts
Small-Scale Ground-Mounted Solar Photovoltaic System - 1750 sqft. or less (See Section 15)	Y	Y	Y
Medium-Scale Ground-Mounted Solar Photovoltaic System – Greater than 1750 sqft. but less than 40,000 sqft. (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System - 40,000 sqft. Or greater. (See Section 15)	N	SP/SPR	SP/SPR

~~4.2.3 Small-scale ground-mounted solar photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.~~

Section 13: Development Site Plan Review – Current State

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems occupying a footprint greater than 0.10 acres.

Section 13: Development Site Plan Review – Proposed State

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1-Purpose – Current State

The purpose of this bylaw is to regulate the creation of Large-Scale Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety; minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

15.1.1-Applicability. This section applies to Large-Scale Ground-Mounted Solar-Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar-Photovoltaic Systems and/or related equipment.

15.1.1.1-The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1.1.2-Smaller scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.1 acres) and building-mounted solar-photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

15.1-Purpose – Proposed State

The purpose of this bylaw is to regulate the creation of Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety, utility interconnection, and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

15.1.1-Applicability. This section applies to Ground-Mounted Solar-Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar-Photovoltaic Systems and/or related equipment.

15.1.1.1-The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large and Medium Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1.1.2-Small scale ground-mounted solar-photovoltaic systems and building-mounted solar-photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

15.3-Site Plan Review Requirements – Current State

All Large-Scale Ground-Mounted Solar-Photovoltaic Systems with a footprint greater than 0.1 acres shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

15.3.1.4-Locations of any Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP) on or near the project site;

15.3.1.5-Locations of floodplains and inundation areas for moderate or high-hazard dams that would impact the project site;

15.3.1.6-Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);

15.3.2.1-Setbacks: All Large-Scale Ground-Mounted Solar-Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet. Acreage thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.

15.3-Site Plan Review Requirements – Proposed State

All Large-Scale and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

15.3.1.4 Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.

15.3.1.5 Locations of floodplains or inundation areas for moderate or high hazard dams.

~~15.3.1.6 Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);~~

15.3.2.1-Setbacks: All Ground-Mounted Solar-Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet. Acreage thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.

15.6-Abandonment or Decommissioning – Current State

15.6.3-Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

15.6-Abandonment or Decommissioning – Proposed State

15.6.3-Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with

removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The Town of Colrain shall be named as secondary insured and shall impose a lien on the property to maintain active status of bond in the event of abandonment.

The Selectboard makes no recommendation regarding this article.

The Finance Committee unanimously makes no recommendation regarding this article.

**Greg Olchowski moved "as read",
seconded by Ben Eastman.
Passed unanimously in the affirmative.**

ARTICLE #44. (by petition) The Town of Colrain owns 8 plaster busts of unknown provenance which have been displayed within the Griswold Memorial Library for many generations.

Discriptions and appraised values of said busts are:

George Washington	\$2,000
Abraham Lincoln	\$2,000
Julius Caesar	\$1,500
Homer	\$1,500
Christopher Columbus	\$1,500
Henry Wadsworth Longfellow	\$1,500
Ludwig Van Beethoven	\$1,500
Dante Alighieri	\$750

The library trustees have considered removing the busts from the Library To do so, would erase part of our Town culture and history.

Therefore, we request you, the voters of Colrain, to vote to instruct the trustees of the Griswold Memorial Library not to erase our town history and continue to display said plaster busts in the Griswold Memorial Library.

The Selectboard makes no recommendation regarding this article.

The Finance Committee unanimously makes no recommendation regarding this article.

Article presentation moved to after Article 2.

Elaine Stanely moved "as read", seconded by Joe Slowinski.

Discussion with Town Counsel.

Motion to cut off discussion moved by Joe Slowinski, seconded by Elaine Stanley. Passed unanimously.

Vote called – Yes 55; No 65

Motion did not pass.

ARTICLE #45. (by petition) To see if the Town will vote to approve the installation of a Stop sign at the bottom of Colrain Mountain which would cause traffic coming from the north on Rt.112 to stop before proceeding to either turn right or go up the mountain, thereby addressing a significant safety issue for vehicles coming down the mountain and then attempting a left turn on to Main Rd. or take any other action relating thereto.

The Selectboard makes no recommendation regarding this article.
The Finance Committee unanimously makes no recommendation regarding this article.

David Greenberg moved Article 45 “as read”, seconded by Jade Kurland.

Joe Kurland made a motion to amend Article 45, seconded by Leslie Fraser. Vote called – Yes 72; No 33. Motion passed in the affirmative. (see attached amendment worksheet)

David Greenberg moved the amended Article 45 “as read”, seconded by Jade Mortimer. Vote called – Yes 81; No 21. Motion passed in the affirmative.

ARTICLE #46. (by petition) To see if the Town will accept sections 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2026; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:(1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate senior housing in the Town, as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential real property; (3) \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in Section 2A of said Chapter 59; or take any other action relative thereto.

The Selectboard makes no recommendation regarding this article.
The Finance Committee recommends not approving this article (4-1).

David Greenberg moved Article 46 “as read”, seconded by Betsy Browning.

Joe Slowinski made a motion to amend Article 46, seconded by Jim Slowinski. Motion did not pass. (see attached amendment worksheet)

**Vote called – Yes 52; No 54
Motion did not pass.**

Motion to dissolve Annual Town Meeting by Michael Slowinski,
seconded by Joe Slowinski.
Passed unanimously in the affirmative.
Annual Town Meeting adjourned at 11:30 pm on Tuesday June 4th, 2024.

And you are directed to serve this Warrant by posting up attested copies thereof at two usual places in said town, seven days at least, before the time of holding said meeting.

Hereof, fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this seventh day of May two thousand twenty-four.

Benjamin Eastman, Chair

W. Thomas Griffin

Emily Thurber

Colrain Select Board

A TRUE COPY.

Attest: _____

Constable

**TOWN OF COLRAIN
TOWN MEETING
Article Amendment Form**

NAME: Joe Slowinski

ADDRESS: 7 Lively Lane

ARTICLE NUMBER: #4

DATE: 6/4/24

AMENDMENT:

I MOVE TO AMEND THE MOTION AS FOLLOWS:

see attached.

SIGNED: [Signature]

RECEIVED BY: [Signature]

Article #4 Amendment:

Change the PROPOSED FY 2025 figures for the Library Department to the following:

Library Director Wages	\$ 30,000
Library Assistant Director Wages	\$ -
Library Assistant Librarian Wages	\$ -
Library Expenses	\$ 46,000
Total Library Department	\$ 76,000

**TOWN OF COLRAIN
TOWN MEETING
Article Amendment Form**

NAME: DAVID GREENBERG

ADDRESS: 227 W LEYDEN

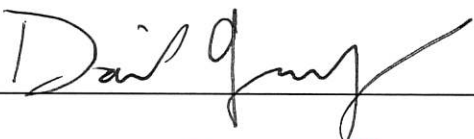
ARTICLE NUMBER: 45

DATE: 6/4/2024

AMENDMENT:

I MOVE TO AMEND THE MOTION AS FOLLOWS:

TO HAVE THE SELECTBOARD AND HIGHWAY DEPT. + Police
WORK TO FIND A SOLUTION TO THIS ISSUE.

SIGNED: 

RECEIVED BY: 

**TOWN OF COLRAIN
TOWN MEETING
Article Amendment Form**

NAME: Joe Slowinski

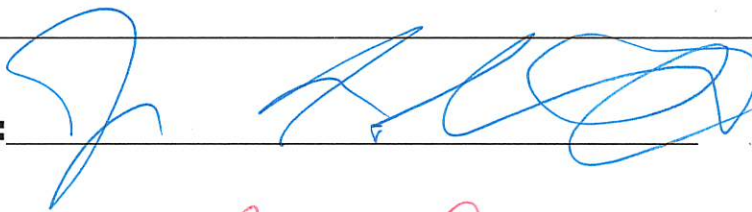
ADDRESS: 7 Lively Lane

ARTICLE NUMBER: 46

DATE: 6/4/24

AMENDMENT:

I MOVE TO AMEND THE MOTION AS FOLLOWS:

SIGNED: 

RECEIVED BY: 

Article #46 Amendment:

Change the wording of Article #46 to the following:

To see if the Town will accept sections 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2026.; and that the Town does **not** accept any exemptions from such surcharge permitted under Section 3(e) of said Act; or take any other action relative thereto.