

TOWN OF COLRAIN
Commonwealth of Massachusetts

Annual Town Meeting Warrant

Fiscal Year 2019

Madam Moderator opened town meeting promptly at 7:00pm with a greeting and announcement of how proceedings will be handled. Announcing that Articles 31, 32, 33 and 36 will be moved up to be voted on after article 11.

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 Colrain Central School, located at 22 Jacksonville Road at 7:00 PM in said town on Tuesday, the eight day in May next, in the year of our Lord two thousand eighteen, there and then to act on the following articles:**

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

Selectman	Mark Thibodeau - 78	3 years
Assessor	James Slowinski - 68	3 years
Library Trustees	Nancy Turkle - 80	3 years
Moderator	Megan McDonough - 43	3 years
Constable	Melinda Herzig - 81	3 years

Jack Cavolick moved to instruct the Town Clerk to report on the election of officers as follows. Seconded by Mark Thibodeau. Passes unanimously in the affirmative

ARTICLE #2. To hear reports of various town officers and act thereon, or pass any vote or votes thereto.

Mark Thibodeau moved seconded by Eileen Sauvageau. Passes 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, 2018 – June 30, 2019 are as follows, or pass any vote or votes in relation thereto:

	Voted FY 2018	Proposed FY 2019
Selectman, Chairman	\$3,232.00	\$3,232.00
Selectman, Clerk	\$3,232.00	\$3,232.00
Selectman, Member	\$3,232.00	\$3,232.00
Moderator	\$85.00	\$85.00
Town Clerk	\$20,558.00	\$20,969.00
Board of Assessors, Chairman	\$3,140.00	\$3,140.00
Board of Assessors, Member	\$3,140.00	\$3,140.00
Board of Assessors, Member	\$3,140.00	\$3,140.00

Eileen Sauvageau moved that town 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, 2018 – June 30, 2019 as read. Passes unanimously in the affirmative.

Recommended By the Finance Committee Unanimously.

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 FY 2018	Proposed FY 2019
Attorney Expense	\$10,000.00	\$10,000.00
Moderator	\$85.00	\$85.00
Moderator's Expenses	\$60.00	\$60.00
Selectmen's Stipend	\$9,696.00	\$9,696.00
Office Clerk Wages	\$23,296.00	\$25,990.00
Selectmen's Expenses	\$900.00	\$900.00
Advertising	\$1,000.00	\$1,000.00
Town Accountant	\$14,000.00	\$19,800.00
Town Accountant Expense	\$0.00 *	\$3,619.00
Assessors' Stipends	\$9,420.00	\$9,420.00
Assistant Assessor Salary	\$30,339.00	\$30,946.00
Assessors' Expenses	\$10,855.00	\$11,230.00
Treasurer's Salary	\$19,110.00	\$19,492.00
Tax Collector's Salary	\$25,480.00	\$25,990.00
Treasurer/Collector Expenses	\$0.00 *	\$17,353.00
Tax Title Costs	\$21,000.00	\$10,000.00
Tax Foreclosure Custodian	\$5,000.00	\$5,000.00
Election Worker's	\$2,950.00	\$3,034.00
Town Clerk Salary	\$20,558.00	\$20,969.00
Town Clerk Expense	\$0.00 *	\$7,634.00
Planning Board Expenses	\$1,300.00	\$1,300.00
Town Coordinator Salary	\$62,240.00	\$67,565.00
Town Coordinator Expenses	\$500.00	\$500.00
General Highway Maintenance	\$92,571.00	\$108,731.00
Highway Department Salaries	\$277,032.00	\$275,841.00
Machinery Maintenance	\$43,000.00	\$43,000.00
Bridges	\$2,000.00	\$2,000.00
Gasoline, Diesel & Oil	\$69,800.00	\$39,800.00
CDL Drug Testing	\$2,000.00	\$2,000.00
Winter Roads	\$86,401.00	\$86,401.00
Street Lights	\$5,300.00	\$5,300.00
Library Expenses	\$32,251.00	\$31,920.00
Library Salaries	\$36,802.00	\$37,538.00
Council on Aging Expenses	\$20,000.00	\$20,000.00
Veterans Benefits	\$5,000.00	\$5,000.00
Memorial Day	\$700.00	\$700.00
Cemeteries	\$475.00	\$475.00
Police Protection Wages	\$57,314.00	\$88,088.00
Police Office Expense	\$1,800.00	\$1,800.00
Traffic Control	\$5,810.00	\$0.00
Police Training	\$7,818.00	\$7,818.00

	Voted FY 2018	Proposed FY 2019
Police Equipment	\$14,612.00	\$14,657.00
Police Cruiser Expense	\$10,220.00	\$10,220.00
Constables Stipends	\$583.00	\$585.00
Fire Protection Wages	\$59,404.00	\$60,099.00
Firehouse Maintenance	\$18,000.00	\$18,200.00
Fire Pumper Maintenance & Equipment	\$44,050.00	\$44,150.00
Emergency Management Expense	\$2,700.00	\$2,700.00
Emergency Manager Stipend	\$1,749.00	\$1,149.00
Building Inspector Salary	\$8,536.00	\$8,536.00
Building Inspector Expenses	\$200.00	\$200.00
Building Inspector Certification	\$870.00	\$870.00
Inspector Of Animals Stipend	\$383.00	\$383.00
Tree Warden Stipend	\$51.00	\$51.00
Transfer Station Expense	\$51,263.00	\$55,378.00
Transfer Station Salaries	\$15,299.00	\$15,311.00
Board of Health Expenses	\$4,100.00	\$3,710.00
Board of Health Wages	\$2,250.00	\$2,500.00
Town Office Maintenance	\$15,100.00	\$11,700.00
Town Garage Maintenance	\$5,000.00	\$19,510.00
Town Building Custodian Wages	\$3,830.00	\$3,905.00
Property/Liability Insurance	\$52,883.00	\$55,700.00
Professional Development	\$5,170.00	\$2,060.00
Office Expense	\$37,214.00	\$16,788.00
Town Telephone	\$4,000.00	\$4,000.00
Board/Committee Clerical Wages	\$2,000.00	\$2,122.00
Town Reports & Ballots Printing	\$800.00	\$800.00
Group Ins/Medi/SUI - Town Share	\$150,223.00	\$159,236.00
Personnel Committee Expenses	\$100.00	\$100.00
Finance Committee Expenses	\$330.00	\$330.00
Reserve Fund	\$2,000.00	\$2,000.00
Conservation Commission Expenses	\$100.00	\$100.00
Open Space Committee Expenses	\$100.00	\$100.00
Historic Commission Expenses	\$100.00	\$100.00
Pitt House Oil/Electricity	\$2,000.00	\$2,000.00
Long Term Debt - Principal	\$24,667.00	\$24,667.00
Long Term Debt - Interest	\$10,022.00	\$9,250.00
	<u>\$1,563,772.00</u>	<u>\$1,611,162.00</u>

Recommended By the Finance Committee Unanimously.

* These costs were previously accounted for in “office expense”. For fiscal year 2019 separate departmental accounts have been established.

Jack Cavolick moved article as read seconded by Mark Thibodeau. Discussion followed. Passes unanimously 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, 2018 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>FY19 Spending Limit</u>	<u>Disposition of FY18 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 2019
Health Inspector	Health Inspectors	Board of Health Permit Fees and Applications	Reimburse Inspectors for Inspection Services	\$5,000.00	Balance Available for Expenditure in 2019
Electrical Inspector	Electrical Inspector	Electrical Permit Fees and Applications	Reimburse Inspector for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2019
Fire Inspector	Fire Department Inspectors	Fire Permit Fees and Applications	Reimburse Inspectors for Inspection Services	\$3,500.00	Balance Available for Expenditure in 2019
Dog Fund	Town Clerk, Dog Officer, and Board of Selectmen	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 2019
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	\$20,000.00	Balance Available for Expenditure in 2019

			Health or Building Inspector.		
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Recommended By the Finance Committee Unanimously.

Mark Thibodeau so moved as read seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

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

Eileen Sauvageau so moved as read seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #7. To see if the town will vote to raise and appropriate the sum of \$7,500 to be used for **Interest on Indebtedness**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Jack moved that the town vote to raise and appropriate the sum of \$7,500 to be used for Interest on Indebtedness. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #8. To see if the town will vote to raise and appropriate, the sum of \$244,845, and transfer from the Quintus Allen Fund the sum of \$1,881 for a total sum of \$246,726 to be used for the **Franklin County Technical School District’s annual operating assessment**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Mark Thibodeau moved that the town vote to raise and appropriate, the sum of \$244,845, and transfer from the Quintus Allen Fund the sum of \$1,881, for a total sum of \$246,726 to be used for the Franklin County Technical School District’s annual capital assessment, or pass any vote or votes in relation thereto. Seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

ARTICLE #9. To see if the town will vote to raise and appropriate, the sum of \$4,800 to be used for the **Franklin County Technical School District’s annual capital assessment**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau moved to see if the town will vote to raise and appropriate, the sum of \$4,800 to be used for the Franklin County Technical School District’s annual capital assessment. Seconded by Mark Thibodeau. Passes in the affirmative.

ARTICLE #10. To see if the town will vote to raise and appropriate, the sum of \$1,991,218 to be used for the **Mohawk Trail Regional School District’s annual operating assessment**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee 3-2.

Jack Cavolick moved to see if the town will vote to raise and appropriate, the sum of \$1,991,218 to be used for the Mohawk Trail Regional School District's annual operating assessment. Seconded by Mark Thibodeau. Passes in the affirmative.

ARTICLE #11. To see if the town will vote to raise and appropriate, the sum of \$60,103 to be used for the Mohawk Trail Regional School District's annual capital assessment, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee 4-1.

Mark Thibodeau moved that the town vote to raise and appropriate, the sum of \$60,103 to be used for the Mohawk Trail Regional School District's annual capital assessment. Seconded by Mark Thibodeau. Passes in the affirmative.

ARTICLE #12. To see if the town will vote to raise and appropriate, the sum of \$11,470 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.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau moved to see if the town vote to raise and appropriate, the sum of \$11,470 for its share of the Statutory Charges and Core Service Assessment of the Franklin Regional Council of Governments. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #13. To see if the town will vote to raise and appropriate, the sum of \$2,798 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.

Recommended By the Finance Committee Unanimously.

Jack Cavolick moved that the town vote to raise and appropriate, the sum of \$2,798 for its share of the Cooperative Purchasing Program Service Assessment of the Franklin Regional Council of Governments. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #14. 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.

Recommended By the Finance Committee Unanimously.

Mark Thibodeau moved to see if the town vote to raise and appropriate, the sum of \$150 for its share of the Emergency Planning Committee Service Assessment of the Franklin Regional Retirement System. Seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

ARTICLE #15. To see if the town will vote to raise and appropriate, the sum of \$87,697 for its share of the cost to maintain the Franklin Regional Retirement System, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau moved to see if the town will vote to raise and appropriate, the sum of \$87,697 for its share of the cost to maintain the Franklin Regional Retirement System. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #16. To see if the town will vote to raise and appropriate, the sum of \$5,394 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.

Recommended By the Finance Committee Unanimously.

Jack Cavolick moved to see if the town will vote to raise and appropriate, the sum of \$5,394 to pay the town's allocated share of cost of the Franklin County Solid Waste Management District. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #17. To see if the town will vote to raise and appropriate the sum of \$2,965 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.

Recommended By the Finance Committee Unanimously.

Mark Thibodeau moved to see if the town will vote to raise and appropriate the sum of \$2,965 to pay the town's allocated share of the cost of membership in the Upper Pioneer Valley Veteran's Service District. Seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

ARTICLE #18. To see if the town will vote to raise and appropriate, the sum of \$700 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.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau moved to see if the town will vote to raise and appropriate, the sum of \$700 to pay for its share of the Operating and Capital Costs of the Franklin County Regional Dog Control and Adoption Center. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #19. 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.

Recommended By the Finance Committee Unanimously.

Jack Cavolick moved 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). Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #20. 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.

Recommended By the Finance Committee Unanimously.

Mark Thibodeau moved 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. Seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

ARTICLE #21. To see if the town will vote to transfer from the free cash account, the sum of \$17,000 to pay for the cost of a **fiscal year end June 30, 2018 financial audit**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau moved to see if the town vote to transfer from the free cash account, the sum of \$17,000 to pay for the cost of a fiscal year end June 30, 2018 financial audit. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #22. To see if the town will vote to transfer from the Dog Fund Revolving account, the sum of \$2,100 toward the **salary of the Animal Control Officer**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Jack Cavolick moved to see if the town will vote to transfer from the Dog Fund Revolving account, the sum of \$2,100 toward the salary of the Animal Control Officer. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE # 23. To see if the town will vote to transfer \$1,225 from the **Assessors Stabilization Fund** for the purpose of up-grading the Assessors mapping, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

2/3 vote required

Mark Thibodeau moved to see if the town will vote to transfer \$1,225 from the Assessors Stabilization Fund for the purpose of up-grading the Assessors mapping. Seconded by Eileen Sauvageau. Passes unanimously in the affirmative.

ARTICLE # 24. To see if the town will vote to transfer \$39,000 from the **Police Stabilization Fund** to purchase a new police cruiser, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

2/3 vote required

Eileen Sauvageau moved to see if the town will vote to transfer \$39,000 from the Police Stabilization Fund to purchase a new police cruiser. Seconded by Mark Thibodeau. Discussion followed. Passes unanimously in the affirmative.

ARTICLE # 25. To see if the town will vote to establish a **Griswold Library Capital Stabilization Fund** account for the future capital improvement needs of the Griswold Library, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

2/3 vote required

Jack Cavolick moved to see if the town will vote to establish a Griswold Library Capital Stabilization Fund account for the future capital improvement needs of the Griswold Library. Seconded by Mark Thibodeau. Discussion followed. Passes unanimously in the affirmative.

ARTICLE #26. 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:

Recommended By the Finance Committee Unanimously.

2/3 vote required

Purpose	Fund	Amount	Source of Funds
Transfer Station	Transfer Station Stabilization	\$1,000	Free Cash
Highway	Highway Stabilization	\$21,541	Free Cash
Police Department	Police Stabilization	\$15,000	Free Cash
Technology	Technology Stabilization	\$1,000	Free Cash
Fire Department	Fire Department Stabilization	\$20,000	Free Cash
Library	Griswold Library Capital Stabilization	\$15,000	Free Cash

Mark Thibodeau moved to see if the town will vote to transfer from the free cash account, the sum of \$73,541 to the Stabilization Accounts as shown in the chart above. Seconded by Eileen Sauvageau. Discussion followed. Passes unanimously in the affirmative.

ARTICLE #27. To see if the town will **authorize the Selectmen 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.

Eileen Sauvageau so moved as read. Seconded by Mark Thibodeau. Discussion as followed. Passes unanimously in the affirmative.

ARTICLE #28. To see if the Town will vote to transfer from the free cash account the sum of Fifty Thousand Dollars \$50,000 for the **Other Post-Employment Benefits Liability Trust Fund** established under Article 36 of the 2016 Annual Town Meeting, and authorized by M.G.L. Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees, or take any other action relative thereto.

Recommended By the Finance Committee Unanimously.

Jack Cavolick so moved as read. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

ARTICLE #29. To see if the town will vote to transfer from the free cash account, the sum of \$50,000 to pay a **portion of the debt incurred due to the effects of Tropical Storm Irene**, or pass any vote or votes in relation thereto.

Recommended By the Finance Committee Unanimously.

Mark Thibodeau moved to see if the town will vote to transfer from the free cash account, the sum of \$50,000 to pay a portion of the debt incurred due to the effects of Tropical Storm Irene. Seconded by Eileen Sauvageau. Discussion followed. Passes unanimously in the affirmative.

ARTICLE #30. To see if the Town will vote to enact a new bylaw of the Town of Colrain General Bylaws, entitled “Stretch Energy Code Bylaw” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2019 a copy of which is on file with the Town Clerk, or take any other action relative thereto.

Eileen Sauvageau so moved as read. Seconded by Mark Thibodeau. Passes in the affirmative.

ARTICLE #31 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 III(E) – Vocational and Trade School Pupils:

Any pupil residing in a member town which is not a member of a vocational regional school district who is desirous of attending a trade or vocational school outside the District shall have all the privileges of attending such a school as are now or may be hereafter provided for by law. The cost of tuition for attending such a school and the cost of transportation, when necessary, shall be assessed by the District upon the town wherein the student resides, providing, however, that the District school does not offer the vocational courses.

and replacing said language with the following:

Any pupil residing in a member town which is not a member of a vocational regional school district who is desirous of attending a trade or vocational school outside the District shall have all the privileges of attending such a school as are now or may be hereafter provided for by law. Such towns shall be responsible for the education of such pupils at such out-of-district schools in accordance with the provisions of Chapter 74 of the General Laws and acts amendatory thereto. The cost of tuition for attending such schools shall be borne by the town wherein the pupil resides.

The Committee, acting on the behalf of these towns, shall furnish transportation services, as needed, for town pupils who attend a trade or vocational school outside the District, and the cost of transportation (when necessary) shall be assessed by the District upon the town wherein the pupil resides. The cost of transportation during a fiscal year shall be assessed to the towns in the same fiscal year at such times and in such manner as the Committee and the towns shall agree. The award of any contract for such transportation services shall be made by the Committee, subject to the advice and consent of the involved towns.

To facilitate these arrangements and promote cooperation between the towns and the Committee, an Advisory Committee shall be appointed each year following annual town elections and the annual reorganization of the Committee. Each town which is not a member of a vocational regional school district shall, by its board of selectmen, appoint one member and one alternate to the Advisory Committee. The Committee, by its chair, shall appoint one member and one or more alternates to the Advisory Committee. The Advisory Committee shall have five voting members, each member to have one vote.

Jack Cavolick so moved as read. Seconded by Mark Thibodeau. Discussion followed. Robin Hartnett moved the article to a vote. Seconded by Doug MacLeay. Passes unanimously in the affirmative. Article voted and Passes unanimously in the affirmative.

ARTICLE #32. To see if the Town will vote to accept the following amendments to the Mohawk Trail Regional Agreement (note: the amendments below are to be effective July 1, 2018):

Strike the following language in Section I(A):

A member appointed by the Rowe School Committee would serve as a non-voting member of the Committee as described in Section IX (G) of this Agreement.

Strike the following language in Section III(F):

The Committee shall accept for enrollment in the District High School, pupils from the Town of Rowe on a tuition basis and upon such terms as are set forth in Section IX of this Agreement. The Committee may accept for enrollment in the regional district schools pupils from towns other than the member towns and the Town of Rowe on a tuition basis and upon such terms as it may determine. In either case, income received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV of this Agreement to the member towns.

and replace said language with the following:

Pursuant to Chapter 371 of the Acts of 1993, the Committee shall accept for enrollment in the District Middle/High School, all pupils from the Town of Rowe in grades seven through twelve on a tuition basis and upon such terms as are set forth in the tuition agreement entered into by the Committee and the Rowe School Committee. Such pupils shall include all Rowe pupils who are entitled to attend the District Middle/High School irrespective of the specific and particular educational needs of any pupil from said Town of Rowe, and irrespective of whether such education for any pupil from said Town of Rowe is provided at the District High School or at any other school as may be approved by said Committee (note: Rowe shall be financially responsible for resident pupils who choose to attend a vocational school). The Committee may accept for enrollment in the regional district schools pupils from towns other than the member towns and the Town of Rowe on a tuition basis and upon such terms as it may determine. In either case, income received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV of this Agreement to the member towns.

Strike the entirety of Section IX as follows, and renumber the remaining Sections:

SECTION IX

EDUCATION OF PUPILS FROM THE TOWN OF ROWE

(A) Special Education Pupils from the Town of Rowe

The Committee shall provide for the education of all pupils from the Town of Rowe in grades seven through twelve who are entitled to attend the District High School irrespective of the specific and particular educational needs of any pupil from said Town of Rowe, and irrespective of whether such education for any pupil from said Town of Rowe is provided at the District High School or at any other school as may be approved by said Committee.

(B) Transportation of Pupils from the Town of Rowe

The Committee shall provide for the transportation of pupils from the Town of Rowe who are entitled to attend the District High School, to and from said District High School to the extent that such transportation is provided for pupils from member towns who are entitled to attend said District High School. The Committee shall provided for the transportation of pupils from the Town of Rowe who are entitled to attend the District High School, to and from any other school as may be approved by said Committee to the extent that such transportation is provided for pupils from member towns who are entitled to attend said District High School, to and from any other school as may be approved by said Committee.

The Town of Rowe shall bear the cost of transportation for elementary pupils attending the Rowe elementary school.

(C) Tuition Basis for Pupils Grades 7-12 from the Town of Rowe

The cost of tuition to the District High School for each pupil in grades seven through twelve who attends the District High School or any other school as may be approved by the Committee, and who resides in the Town of Rowe shall be paid by said Town of Rowe to the District during the fiscal year when each such pupil is actually in attendance. The basis of the cost of tuition to the District High School or any other school as may be approved by said Committee for each fiscal year shall be established as follows: The total Maintenance and Operating Budget for said District High School as defined in Subsection VI(D) of this Agreement, for that fiscal year, reduced by the anticipated amounts of receipts from the Commonwealth of Massachusetts to be used by the Committee to defray such budgeted maintenance and operating charges for that fiscal year, and further reduced by the anticipated amounts of surplus revenue from the District treasury to be used by the Committee to defray such budgeted maintenance and operating charges for that fiscal year, and further reduced by the amounts received from towns paying tuition to the district, consistent with the terms of Subsection III(F) of this Agreement; the balance (viz. the net operating and maintenance budget for said fiscal year) to be divided by the total enrollment of pupils in the District High School from member towns as of October 1 of the previous fiscal year and the resulting balance further divided by one and one-tenth (1.1); the final balance to equal the cost of tuition for one pupil for one complete school year.

(D) Reduction of the Cost of Tuition for Pupils Resident in the Town of Rowe

In the event the Committee reduces the net operating and maintenance costs assessed to the member towns for any fiscal year, by reduction of the Operating and Maintenance Budget for

said fiscal year or by the application of additional amounts of revenue, irrespective of the source thereof, to reduce the net operating and maintenance costs assessed to said member towns for that fiscal year, the cost of tuition to the Town of Rowe for the education of its pupils during said fiscal year shall be likewise reduced in accordance with the provisions of Subsection IX(D).

(E) Schedule of Payment of Tuition Costs by the Town of Rowe

The Town of Rowe shall pay for the tuition of its pupils to the District High School, or any other school as may be approved by the Committee, such amounts as are in accordance with the provisions of Subsection IX (D), and shall make such payments twice each fiscal year at the following time: 1) not later than January 31 of each fiscal year; 2) not later than June 30 of each fiscal year.

(F) Payment of Capital Costs by the Town of Rowe

The Town of Rowe shall have the opportunity to pay a portion of capital costs as defined in Subsection IV (B) for capital projects at District High School. The Committee shall negotiate the rate of a voluntary contribution with the Rowe School Committee at the time of each capital project.

(G) Representation on the Committee

The School Committee of the Town of Rowe may appoint one of its members to represent the Town of Rowe at meetings of the Committee. The Committee shall allow such representative all powers of discussion, debate and deliberation including, but not limited to, participation in such meetings of the Committee while in executive session, but such representative shall not have the power to vote on any matter which comes before the Committee.

(H) Administrative Support Services for Rowe Pupils Grade K-6

The Town of Rowe shall have the opportunity to utilize the services of the Superintendent of Schools and central administration, and Director of Pupil Services who also directs special education, for administration of the Rowe Elementary School and bear the costs thereof.

(I) Distribution of Assets in the Event of Dissolution of the District

In the event of the dissolution of the District, its assets shall be distributed to the member towns and the Town of Rowe on the basis of each town's respective aggregate payment of capital cost to the District.

<p>Nina Martin-Anzuoni moved article as written. Seconded by Kate Barrows. Discussion followed. Passes unanimously in the affirmative.</p>

ARTICLE #33. To see if the Town will vote to accept the following amendments to the Mohawk Trail Regional Agreement:

Strike the following language in Section III(A):

Residents of the member towns and all residents of the Town of Rowe in grades seven through twelve will be eligible to attend school at the Mohawk Trail Regional High School, currently located on Route 112 in Buckland, Massachusetts.

and replace said language with the following:

Residents of the member towns in grades six through twelve and all residents of the Towns of Rowe, Hawley, and Charlemont in grades seven through twelve will be eligible to attend school at the Mohawk Trail Regional High School, currently located on Route 112 in Buckland, Massachusetts.

Strike the following language in Section IV(D):

(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.

and replace said language with the following:

(1) Middle/High School

Operating 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.

Capital costs, as defined above, associated with grades six to twelve (6-12) 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) Elementary Schools

(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

pre-K-12 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 five, inclusive, of the District schools shall be deemed capital costs of the District and the pre-K-12 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.

Strike the following language in Section IV(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.

and replace said language with the following:

Apportionment of Capital Costs Grades pre-K-5

(1) Ashfield, Plainfield

Capital costs incurred by the Committee and associated with grades pre-Kindergarten to **five**, 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 **five**, 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.

Strike the following language in Section IV(F):

(F) Apportionment of Capital Costs Grades 7-12

and replace said language with the following:

(F) Apportionment of Capital Costs Grades 6-12

Strike the following language in Section IV(J):

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 replace said language with the following:

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-5** grades only. The operations budget shall not be reduced by the receipt of such funds.

Kate Barrows moved as written. Seconded by Nina Martin-Anzuoni. Discussion followed.
A standing vote was requested by Madam Moderator. 45 No, 21 Yes, 9 Abstain (Article was voted down)

ARTICLE #34. To see if the Town will vote, pursuant to Chapter 164, Section 134 of the Massachusetts General Laws, to grant the Board of Selectmen/Select Board the authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

Jack Cavolick so moved as read. Seconded by Mark Thibodeau. Discussion followed. Passes in the affirmative.

ARTICLE #35. (by petition) To see if the Town of Colrain will vote to adopt the following resolution:

We call on the United States to lead a global effort to prevent nuclear war by:

- Renouncing the option of using weapons first
- Ending the president’s sole, unchecked authority to launch a nuclear attack
- Taking US nuclear weapons off hair trigger alert
- Cancelling the plan to replace its entire arsenal with enhanced weapons;
- Actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals

The Town Clerk is directed to send copies of this resolution to the two Massachusetts U.S. senators and to the U.S. Representative for this district, and to the President and Secretary of State of the United States.

Randy Kehler so moved as read. Seconded by Eileen Sauvageau. Discussion followed. Joe Kurland motioned to amend wording. First Bullet “Nuclear Weapons” and fourth bullet “Nuclear Arsenal”. Seconded by Eileen Sauvageau. Motion moved.

Second amendment of article moved by Haynes Turkle to amend amendment seconded by Travis Willard. We amend the fourth bullet as follows: “Cancelling the plan to replace its entire arsenal with enhanced nuclear weapons.” Moving amendment failed.

Third and final amendment moved by David Greenberg and seconded by Joe Kurland. Motion moved.

(Add Nuclear after “enhanced” on bullet 4. Passes in the affirmative

ARTICLE #36. To see if the Town will vote to ALLOW THE MOHAWK TRAIL REGIONAL SCHOOL DISTRICT TO BORROW, a sum of money, not to exceed \$230,000 for repair work to Buckland-Shelburne Elementary School located at 75 Mechanic Street, Shelburne, Massachusetts, to include asbestos abatement and floor replacement, including the payment of costs incidental or related thereto, which purpose of the repair project will materially extend the useful life of the school and preserve the asset capable of supporting the required educational program

Kate Barrows moved to pass over article. Seconded by Michael Slowinski. Discussion followed. Passes unanimously in the affirmative.

Article #37. (by the Planning Board) To see if the Town will vote to change its definition of Kennel in Section VIII of the Zoning Bylaws to make the town definition consistent with the state definition as follows: Kennel – A structure or parcel of land used for the harboring or care of four (4) or more dogs that are more than three (3) months old, whether maintained for breeding, boarding, sale, training, hunting or other purposes. There may be retail sales of animals to pet stores or puppy brokers or boarding for a fee. Kennels must be located on a lot five (5) acres or greater. In addition, the location on the parcel where the dogs are harbored or exercised must be set back 150 feet from each lot line to minimize the impacts to neighbors from noise and odors.

2/3 vote required

Sara Wik moved as read. Seconded by Ellen Weeks. Discussion followed. Eileen Sauvageau motion to Passover seconded by Mark Thibodeau. Failed

Motion for original article. Passes unanimously in the affirmative.

Article #38. (by the Planning Board) To see if the Town will vote to make the following changes to Section III-2 Use Regulations Schedule in the Zoning Bylaw as follows: Two Family Dwelling, change all three zoning districts to Site Plan Review required; and Accessory Apartment, change all three zoning districts to Y (allowed).

2/3 vote required

Betsy Corner moved article and seconded by Lynn DiTulio. Discussion followed. Passes unanimously in the affirmative.

Article #39. (by the Planning Board) To see if the Town will vote to replace the wording of the current Section III-4 (Removal of Natural Materials) with the following wording: Removal of earth material for commercial purposes including loam, sand, gravel, or stone may be authorized with a special permit from the Zoning Board of Appeals subject to the following requirements:

Application

An application for a special permit under this section must be accompanied by a plan prepared by a registered land surveyor or professional engineer, which shall show all structure, property lines, vegetative cover, presence of natural waterways, wet areas, flood plains, groundwater, recharge areas, and topographic lines at five (5) foot intervals or less carried one hundred (100) feet beyond the limits of the proposed excavation.

Buffer

No excavation, processing, loading or other operations, structures or facilities shall be closer than fifty (50) feet from any property line, except of otherwise authorized by special permit.

Rehabilitation

No permit shall be issued under this section until a plan for rehabilitation of the land, showing existing and proposed final contours not to exceed 1 ft vertical to 2 ft horizontal has been submitted to and approved by the Zoning Board of Appeals. Such submittal shall include the time schedule for completing the operation and restoring the land for its ultimate reuse.

Exemption

The Zoning Board of Appeals is authorized to exempt earth removal operations consisting of less than one hundred (100) cubic yards within a twelve (12) month period from any or all of the conditions and requirements of this section.

2/3 vote required

Robert Slowinski moved the article seconded by Sara Wik. Discussion followed. Passes unanimously in the affirmative.

Article #40. (by the Planning Board) To see if the Town will vote to add a paragraph to Section VI-6 to assure that no building permits will be permitted which would conflict with any conservation restrictions on lands in the state APR program or in Chapter 61, 61A, or 61B unless the proposed structure is allowed under those programs, using the following language: d. No building permit will be issued for work that would be in conflict with any conservation restrictions, open space covenants, Agricultural Preservation Restrictions or limitations on lands in Chapter 61,61A or 61B. Building permit requests for work on land in the State APR program must be accompanied by a Certificate of Approval from the Massachusetts Department of Agricultural resources for the project.

2/3 vote required

Betty Johnson so moved as read seconded by Ellen Weeks. Discussion followed. Passes unanimously in the affirmative.

Article #41. (by the Planning Board) To see if the Town will vote to replace the existing Section XIV: TEMPORARY MORATORIUM ON THE CONSTRUCTION OF LARGE SCALE WIND ENERGY SYSTEMS with a new set of regulations as follows:
Section XIV Large-Scale Wind Energy Bylaw

2/3 vote required

1.0 Purpose

The purpose of this bylaw is to provide standards for the design, placement, construction, operation, monitoring, modification and removal of large wind energy facilities that address public health and safety, minimize impacts on scenic, natural and historic resources of the town and provide adequate financial assurances for decommissioning of such facilities.

1.1 Applicability

This bylaw applies to all utility-scale wind facilities, 140 ft and above in height, proposed to be constructed after the effective date of this section. This section also pertains to physical modifications to existing wind facilities that materially alter the type, configuration, location or size of such facilities or related equipment.

2.0 Definitions

Height – the distance between the natural grade of the land measured vertically to the tip of the rotor blade at its highest point, or blade-tip height. This measure is also commonly referred to as the maximum tip height (MTH).

Large Wind Energy Facility – A wind energy facility with a MTH of 140 ft or higher.

Wind Energy Facility – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to; transmission, storage, collection and supply equipment, substations, transformers, towers, wind turbines, foundations, storm water control measures, service roads, and other appurtenant structures, facilities, and equipment.

Wind Turbine – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a nacelle body and a rotor with two or more blades.

Building Inspector – The inspector of buildings, building commissioner, or local inspector charged with the enforcement of the state building codes and local bylaws.

Building Permit – The permit issued in accordance with all applicable requirements of the Massachusetts State Building Code (780 CMR) and local zoning bylaws.

Critical Electric Infrastructure (CEI) – Electric utility transmission and distribution infrastructure, including but not limited to substations, transmission towers, transmission and distribution poles, supporting structures, guy-wires, cables, lines and conductors operating at voltages of 13.8 kV and above and associated telecommunications infrastructure. CEI also includes all infrastructure defined by and federal regulatory agency or body as transmission facilities on which faults or disturbances can have a significant adverse impact outside of the local area, and transmission lines and associated equipment generally operated at voltages of 100 kV or higher, and transmission facilities which are deemed critical for nuclear generating facilities.

Rated Nameplate Capacity – The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Utility-Scale Wind Energy Facility – a commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Monitoring or Meteorological Tower – A tower equipped with devices to measure wind speed and direction, and temperature, the purpose of which is to gather and transmit meteorological data only; that data to be used to determine how much electricity a wind energy facility can be expected to generate, and, once operational, to aid in appropriate operation of the wind facility.

Zoning Enforcement Authority- The person or board charged with enforcing the zoning bylaws.

3.0 General Requirements for all large scale wind energy facilities.

3.1. Special Permit No large-scale wind energy facility shall be erected, constructed, or installed without first obtaining a special permit from the ZBA. Physical modifications to an existing large-scale energy facility that materially alters its type, number, location, height or configuration shall also require a special permit from the ZBA.

3.2 Compliance. The construction, operation, modification and removal of all large wind energy facilities shall comply with all local, state and federal laws.

3.3 Site Control. The applicant shall demonstrate actual control over and legal access to the proposed site sufficient to allow for the construction and operation of a large-scale wind energy facility.

3.4 Utility Notification. The applicant shall demonstrate that ISO New England or the utility company that controls the electric grid in the area of the proposed site has been informed of the applicant's intent to install an interconnected large-scale wind energy facility. Off-grid large-scale wind energy facilities shall be exempt from this requirement.

3.5 Operation & Maintenance. The operator of the large-scale energy facility shall maintain the large-scale wind energy facility, access road(s) and storm water control measures in good condition. The applicant shall submit an operation and maintenance plan for the expected life of the large-scale wind energy facility, including preventive, corrective, and elective maintenance for the facility, including access road(s), and storm water control measures ensuring that they will be maintained in proper operating condition.

3.6 Contingency Plan. The applicant shall submit a contingency plan that outlines the protocols to be followed to mitigate unacceptable adverse impacts to the town, its residents and the environment. At a minimum, the plan shall include mitigation steps to address the possibility of excessive noise, excessive shadow & flicker, and excessive wildlife injuries or mortalities as determined by the state or federal agency with jurisdiction over the impacted species.

3.7 Liability Insurance. The operator of the large wind energy facility shall obtain, and keep current, an insurance policy, against loss or damage to persons or property, including personal injury or death resulting from the construction, operation, and decommissioning of the large wind energy facility. The ZBA shall determine, with the assistance of an independent insurance consultant, the minimum amount of liability insurance required; said insurance consultant fee to be paid for by the applicant. The operator of the large wind energy facility shall provide the ZBA with proof of said liability insurance, in the amount determined by the ZBA, prior to the issuance of a special permit. Subsequently, prior to the anniversary of the insurance policy, the ZBA shall review the amount of liability insurance required based upon inflation benchmarks.

3.8 Removal Plan and Cost Estimate. The applicant shall submit a detailed plan for the removal of the large wind energy facility and restoration of the site to a condition acceptable to the ZBA upon abandonment or decommissioning. The removal plan shall be prepared by a qualified professional and include a detailed estimate of the anticipated removal and site restoration costs that includes a mechanism to account for inflation.

3.9 Financial Surety. The operator of the large wind energy facility shall provide the ZBA with the following prior to the issuance of a special permit:

a. Surety to cover possible damage to public ways and public lands damaged during the transportation of the large wind energy facility components. The amount and form of surety shall be determined by the ZBA.

b. Surety to cover the cost of removal of the large wind energy facility and the restoration of the site in the event the town must remove the large wind energy facility and restore the site. The amount and form of the surety shall be determined by the ZBA, but in no event shall the amount exceed one-hundred twenty-five (125) percent (%) of the total estimated cost of removal. No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the large wind energy facility shall provide the ZBA with renewed, extended, or replacement financial surety in an amount and form determined by the ZBA in accordance with this bylaw.

3.10 NHESP Letter. The applicant shall petition the Massachusetts Natural Heritage & Endangered Species Program (“NHESP”) for a letter of determination as to the possible existence of rare or endangered species of special concern at the proposed site.

4.0 Design Standards

4.1 Appearance. All large wind energy facilities shall be finished a neutral (white or gray) non-reflective color in order to be less visually obtrusive.

4.2 Signage. Signs listing the 24-hour contact information of the large wind energy facility operator shall be installed in easily accessible and noticeable locations at the large wind energy facility site. All signs shall comply with the Town of Colrain sign bylaw.

4.3 Lighting. Large wind energy facilities shall contain a beacon light only if required by the Federal Aviation Administration. A large wind energy facility may include lights necessary for the safe operation of the large wind energy facility. All operational lighting shall be directed downwards and screened from roadways and abutting properties with vegetation. Evidence of the FAA requirement for the facility shall be submitted with the application.

4.4 Shadow & Flicker. All large wind energy facilities shall be located in areas that do not result in more than 30 hours per year of shadowing or flickering on off-site inhabited buildings. The applicant has the burden of proving that any shadowing or flickering on off-site inhabited buildings is not more than 30 hours per year.

4.5 Appurtenant Structures & Equipment. All appurtenant structures and equipment shall comply with the dimensional requirements of the underlying zoning district, including but not limited to setbacks and height.

4.6 Noise Regulations. No large wind energy facility shall be operated which increases the broadband sound level by more than 10 dB (A) above ambient. The ambient level is to be measured along all adjacent property lines within 3000 feet of the proposed facility. Due to the manner in which low frequency sound can travel great distances in hilly terrain, the 10 dB above ambient level limit will also apply at distances to all inhabited structures up to 8000 feet from the proposed facility.

4.7 Setbacks. No large wind energy facility shall be located within 3000 feet of the nearest off-site inhabited building in existence on the date the application to construct a large wind energy facility is received by the ZBA.

4.8 Unauthorized Access. All large wind energy facilities shall be constructed to prevent unauthorized persons from gaining access to the large wind energy facility.

4.9 Emergency Response Access. The large wind energy facility and access roads shall be constructed and maintained to allow for safe access by local emergency vehicles. Local public safety officials shall be provided with the ability to access the facility as needed to respond to emergencies.

4.10 Wetlands. All large wind energy facilities , associated roadways and transmission lines shall be constructed in compliance with all applicable local, state, and federal laws pertaining to wetlands.

4.11 Wildlife. All large wind energy facilities, associated roadways and transmission lines shall be constructed to avoid or minimize impacts to wildlife, with particular attention paid to avian and bat species, as well as rare species, endangered species and species of special interest.

4.12 Stormwater Management. All stormwater controls installed at the large wind energy facility site and on associated roadways shall be constructed and managed according to the Massachusetts Stormwater Policy.

4.13 Invasive Species Management. The applicant and subsequent large wind energy facility operators shall utilize best management practices during construction and post-construction to control the introduction of invasive species at the large wind energy facility site and along the associated roadways and transmission lines.

5.0 Large Wind Energy Facility Site Studies

5.1 Balloon/Crane Test. Within 21 days after the filing of an application to construct a large wind energy facility the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed large wind energy facility. The balloon or crane shall remain raised in place for a period of eight (8) consecutive daylight hours. The date, time, and location of such test shall be advertised in a newspaper of general circulation in the town at least seven (7) days prior to the date of the test. If visibility and weather conditions are inadequate for observers the ZBA may require additional tests.

5.2 Sight Line Simulations. The ZBA shall select up to five (5) locations from which the applicant shall conduct and submit sight line simulations from the chosen location to the proposed large wind energy facility site. All simulations shall be in color and provide an accurate representation of the height, width, and breadth of the proposed large wind energy facilities.

5.3 Project Viewshed Map. The applicant shall submit a viewshed map showing all areas within five (5) miles of the proposed large wind energy facility site that will be able to view the large wind energy facility. The viewshed map shall identify streets, historical resources, cultural facilities, recreational resources, publicly owned land, and other local landmarks.

5.4 Noise Analysis. The applicant shall submit the results of a noise analysis to the ZBA. The noise analysis shall be conducted in accordance with industry standards and certified by a qualified independent acoustical engineer. In completing the noise analysis, the acoustical engineer shall consider the unique topography of the surrounding area, prevailing wind direction and atmospheric conditions, such as high wind shear or thermal inversion, that may affect the propagation of sound emitted from the large wind energy facility. The noise analysis shall also include an analysis and discussion of the anticipated impacts of low frequency noise emitted from the large wind energy facility. The noise analysis shall establish the ambient db levels for all inhabited structures within 8000 feet of the proposed turbines.

5.5 Shadow & Flicker Analysis. The applicant shall conduct a shadow and flicker analysis and submit its findings to the ZBA. The shadow and flicker analysis shall include a list of all off-site inhabited buildings estimated to receive thirty (30) or more shadow/flicker hours per year.

5.6 Avian & Bat Species Analysis. The applicant shall submit the results of an avian and bat species analysis to the ZBA. The avian and bat species analysis shall be conducted and certified by a qualified independent wildlife biologist. The avian and bat species analysis shall contain sufficient information to fully characterize and determine the risk posed by the proposed large wind energy facility to avian and bat species. Applicants are strongly encouraged to comply with the most recent US Fish and Wildlife Service Wind Turbine Guidelines Advisory

Committee Recommended Guidelines: Recommendations on developing effective measures to mitigate impacts to wildlife and their habitats related to land-based wind energy facilities. The ZBA may require the large wind energy facility operator to conduct one year of post construction monitoring to document avian and bat species injuries and mortalities.

6.0 Pre-application Conference. Prior to the submission of an application for the construction or modification of a large wind energy facility, applicants are strongly encouraged to meet with the ZBA at a public meeting to discuss the proposed large wind energy facility project and to clarify the filing requirements and permitting process.

7.0 Procedures. Upon receipt of a complete application for a large wind energy facility, the ZBA shall review and take action upon the application in accordance with the special permit procedures set forth in of the Colrain Zoning Bylaws.

7.1 Reasonable Conditions & Mitigation The ZBA may impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the large wind energy facility should they occur.

7.2 Documents. The applicant shall submit the following required information as part of the application for a large wind energy facility special permit. All site plans shall be signed and sealed by a professional engineer or licensed surveyor registered in the Commonwealth of Massachusetts.

7.2.1 Contact Information. Name, address, phone number, e-mail and signature of the applicant, as well as all co-applicants or property owners, if any and the name contact information and the signatures of any agents representing the applicant.

7.2.3 Site Identification. Identify the location of the proposed large wind energy facility. Provide the street address, if any, and the tax map and parcel number(s).

7.2.3. Location Map. A relevant portion of the most recent USGS Quadrangle Map at a scale of 1" = 25,000' or similar scale showing the proposed large wind energy facility site, associated roadways, transmission lines and the area within at least a two mile radius of the proposed site.

7.2.4. Vicinity Map. A map of the proposed large wind energy facility site at a scale of 1" = 300' or similar scale, with existing contour intervals no greater than ten (10) feet showing the entire area within a three thousand (3000) foot radius of the proposed large wind energy facility and shall include:

a. Existing topography, public and private roads, recreation trails, property lines of all abutters within three thousand (3000) feet, structures including their use, historic sites, cultural sites, wetlands, known bat hibernacula, known critical habitat areas, other environmentally sensitive areas, location of existing and proposed electric distribution lines, transformers, substations, and access easements.

7.2.5 Site Plan. A site plan with a scale of 1" = 40', unless otherwise noted with contour intervals no greater than two (2) feet showing the following:

a. Property lines of the proposed large wind energy facility site and adjacent parcels.
b. Outline of all existing structures, including their uses, located on site parcel, and all adjacent parcels

c. Location of the proposed tower(s), foundations, guy anchors, access roads, and associated equipment and structures.

d. Location of all existing above ground or overhead gas or electric infrastructure, including Critical Electric Infrastructure, and utility rights of way (ROW) and easements, within 500 feet of the site parcel.

- e. Existing areas of tree cover, including average height of trees, on the site and any adjacent parcels within a distance, measured from the wind turbine foundation, of 3.0 times the MTH (maximum turbine height).
- f. Proposed changes to the landscape of the site: grading, vegetation clearing and planting, exterior lighting (other than FAA lights), and screening vegetation or structures.
- g. Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- h. Tower blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.
- i. One or three line electrical interconnection methods, with all National Electrical Code and National Electrical Safety Code compliant disconnects and overcurrent devices;
- j. Documentation of the wind energy facility's manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and foundation type/dimensions;
- k. Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
- l. The name, contact information and signature of any agents representing the applicant;
- m. A maintenance plan for the wind energy facility including preventive, corrective, and elective maintenance.
- n. Existing and proposed public and private roads, driveways, and recreational trails on the proposed property.
- o. Existing wetland resource areas and buffers on the proposed large wind energy facility site, associated roadways and transmission lines.
- p. Location of known habitat areas for rare species, endangered species, and species of special concern on the proposed site
- q. A detailed drawing showing a cross section of the proposed access road, post commissioning, indicating its width, crown, depth of gravel, drainage, and paving or other surface material.

7.2.6 Technical Information. Documentation of the large wind energy facility's nameplate capacity, manufacturer, model number, tower height, rotor diameter, braking mechanisms, other safety mechanisms, tower type, color, foundation type and foundation dimensions.

7.2.7 Stormwater Control Plans. Engineering plans showing the drainage of surface water and detailed plans to control erosion and sedimentation, during construction and as a permanent measure, which show conformance to the Massachusetts Stormwater Policy.

7.2.8 Transportation Plan. A written transportation plan discussing the anticipated transportation issues created by the transportation of the large wind energy facility components, which shall include the following:

- a. A map showing the anticipated route commencing at the Massachusetts state line.
- b. All locations in the Town of Colrain where land alterations and clearing of vegetation will be required, regardless of ownership, including the approximate square footage of each land alteration.
- c. A detailed list of all bridges and culverts to be crossed in the Town of Colrain during the transportation of the large wind energy facility components that include the applicable width and weight restrictions of each bridge and culvert.
- d. Detailed site plans for all anticipated road, bridge, or culvert alterations in the Town of Colrain along the anticipated transportation route, regardless of ownership.
- e. A list of the anticipated combined weight of the delivery vehicles and cargo.
- f. A list of the turning radii of the delivery vehicles with cargo.

g. All anticipated road closures and traffic disruptions that may affect emergency response vehicles and plans to manage these road closures and traffic disruptions in cooperation with local emergency officials.

7.2.9 Other Information.

a. Documents establishing legal access to and control of the proposed large wind energy facility site as required by Section 3.3.

b. Documents demonstrating that the applicant has notified ISO-New England or the local electric supplier as required by Section 3.4.

c. Operation and maintenance plan as required by Section 3.5.

d. Plans and costs estimates for the removal of the large wind energy facility as required by Section 3.8.

e. Studies required by Section 5.0.

f. Contingency plan as required by Section 3.6.

g. Certification of height approval from the FAA including required lighting.

h. NHESP letter as required by Section 3.10.

8.0 Damage to Public Ways & Public Lands

The applicant shall be responsible for the cost of repairing any damage to public ways and public lands in the Town of Colrain caused by the use of the public ways or public lands in connection with the transportation, construction, operation, maintenance and decommissioning of the large wind energy facility.

a. In furtherance of this section, a qualified independent engineer, paid for by the applicant and selected by the town, shall document the condition of all public ways and public lands along the anticipated transportation route prior to the transportation of any large wind energy facility component.

b. Within thirty (30) days after all large wind energy facility components have been transported, the qualified independent engineer, paid for and selected by the town, shall re-document the condition of all public ways and public lands along the actual transportation route to determine whether the public ways and public lands have been damaged by the applicant and if so, the total cost to repair such damage.

9.0 Abandonment & Removal of Large Wind Energy Facilities

a. The most recent operator shall remove the large wind energy facility, at the end of its useful life or when it is abandoned, and restore the site in accordance with its removal plan. The most recent operator shall notify the Building Inspector by certified mail of the proposed date of discontinuance. Absent notice of a proposed date of discontinuance, the large wind energy facility shall be considered abandoned if it is not operated for a period of one (1) year.

b. The most recent operator shall physically remove the large wind energy facility and revegetate the site within one-hundred eighty (180) days from the date of discontinuance or abandonment. If the most recent operator fails to remove the large wind energy facility within the one-hundred eighty (180) day period, the town shall have the right to enter onto the site and physically remove the large wind energy facility and revegetate the site at the sole expense of the most recent operator.

10.0 Technical Review

Upon submission of an application for a large wind energy facility special permit, the ZBA will be authorized to hire independent consultants at the applicant's expense, pursuant to M.G.L. Chapter 44, Section 53G, to assist the ZBA with the technical review of application materials and to monitor the construction project to ensure that all work is conducted in accordance with approved plans and conditions.

11.0 Lapse of Approval

Any special permit approved to construct, operate, or modify a large wind energy facility pursuant to this bylaw shall automatically expire if:

- a. The large wind energy facility is not installed and operating within two (2) years from the date of approval; or
- b. the large wind energy facility becomes abandoned or discontinued.

12.0 Violations

It is unlawful for any person or entity to construct, install, modify or operate a large wind energy facility that is not in compliance with this bylaw or with any condition contained in a special permit, issued pursuant to this section.

13.0 Penalties

Any person or entity that fails to comply with any provision of this bylaw or any condition contained in a special permit, issued pursuant to this section shall have said permit revoked, and further, be subject to enforcement and penalties as allowed by applicable law.

14.0 Severability

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw.

Betty Johnson so moved as read seconded by Lynn DiTulio. Discussion followed. Passes unanimously in the affirmative.

Article #42. To see if the Town will vote to accept the provisions of M.G.L. Chapter 64N, Sec. 3 to impose an excise tax upon the retail sale of marijuana or marijuana products at the rate of three percent (3%), or take any other action relating thereto.

Recommended By the Finance Committee Unanimously.

Eileen Sauvageau so moved as read seconded by Mark Thibodeau. Passes unanimously in the affirmative.

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 eighteenth day of April, in the year of our Lord, two thousand eighteen.

Eileen Sauvageau motioned to close meeting 10:43pm. Seconded by Mark Thibodeau. Passes unanimously in the affirmative.

A TRUE COPY.

Attest: _____
Town Clerk

