

TOWN OF COLRAIN
Commonwealth of Massachusetts

Annual Town Meeting Warrant

Fiscal Year 2023

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 Town Office grounds, located at 55 Main Road at 5:30 PM in said town on Tuesday the fourteenth day in June, 2022, 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:

| | |
|--|---------|
| Select Board member | 3 years |
| Assessor | 3 years |
| Library Trustees | 3 years |
| Library Trustees | 3 years |
| Constable | 3 years |
| Mohawk Trail RSD School Committee Member | 3 years |

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

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, 2022 – June 30, 2023 are as follows, or pass any vote or votes in relation thereto:

| | Voted | Proposed |
|----------------------------|-------------|-------------|
| | FY 2022 | FY 2023 |
| Select Board, Chair | \$3,297.00 | \$3,461.00 |
| Select Board, Clerk | \$3,297.00 | \$3,461.00 |
| Select Board, Member | \$3,297.00 | \$3,461.00 |
| Moderator | \$105.00 | \$110.00 |
| Town Clerk | \$23,000.00 | \$24,150.00 |
| Board of Assessors, Chair | \$3,283.00 | \$3,447.00 |
| Board of Assessors, Member | \$3,283.00 | \$3,447.00 |
| Board of Assessors, Member | \$3,283.00 | \$3,447.00 |

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 2022 | FY 2023 |
| Attorney Expense | \$10,000.00 | \$10,000.00 |
| Moderator | \$105.00 | \$110.00 |
| Moderator's Expenses | \$60.00 | \$60.00 |
| Select Board's Stipend | \$9,890.00 | \$10,384.00 |
| Administrative Assistant Wages | \$28,705.00 | \$30,141.00 |
| Select Board's Expenses | \$1,000.00 | \$1,000.00 |
| Advertising | \$1,000.00 | \$1,000.00 |
| Town Accountant | \$20,904.00 | \$21,949.00 |
| Town Accountant Expense | \$3,619.00 | \$3,970.00 |
| Assessors' Stipends | \$9,849.00 | \$10,341.00 |
| Director of Assessing | \$46,642.00 | \$44,188.00 |
| Assessors' Expenses | \$17,055.00 | \$17,130.00 |
| Treasurer/Collectors Salary | \$59,570.00 | \$63,630.00 |
| Treasurer/Collector Expenses | \$19,903.00 | \$18,764.00 |
| Annual Financial Audit | \$0.00 | \$16,000.00 |
| Tax Foreclosure Custodian | \$5,000.00 | \$10,000.00 |
| Election Workers | \$2,200.00 | \$4,431.00 |
| Town Clerk Salary | \$23,000.00 | \$24,150.00 |
| Town Clerk Expense | \$3,626.00 | \$6,365.00 |
| Planning Board Expenses | \$1,000.00 | \$1,000.00 |
| Town Administrator Salary | \$84,563.00 | \$89,250.00 |
| Town Administrator Expense | \$500.00 | \$500.00 |
| General Highway Maintenance | \$115,000.00 | \$121,300.00 |
| Highway Department Salaries | \$307,953.00 | \$267,682.00 |
| Machinery Maintenance | \$43,000.00 | \$43,000.00 |
| Bridges | \$2,000.00 | \$2,000.00 |
| Gasoline, Diesel & Oil | \$51,550.00 | \$65,800.00 |
| CDL Drug Testing | \$2,000.00 | \$2,000.00 |
| Winter Roads | \$86,401.00 | \$86,401.00 |
| Street Lights | \$5,300.00 | \$5,500.00 |
| Library Expenses | \$39,531.00 | \$43,330.00 |
| Library Salaries | \$47,135.00 | \$50,582.00 |
| Council on Aging Expenses | \$20,000.00 | \$20,000.00 |
| Veterans Benefits | \$7,500.00 | \$7,500.00 |
| Memorial Day | \$700.00 | \$700.00 |
| Cemeteries | \$750.00 | \$800.00 |
| Police Protection Wages | \$107,548.00 | \$106,825.00 |
| Police Office Expense | \$1,800.00 | \$1,800.00 |
| Police Training | \$6,000.00 | \$6,000.00 |
| Police Equipment | \$15,535.00 | \$15,535.00 |
| Police Cruiser Expense | \$10,820.00 | \$10,820.00 |
| Constables Stipends | \$200.00 | \$0 |
| Fire Protection Wages | \$65,356.00 | \$70,950.00 |

| | | |
|-------------------------------------|-----------------------|-----------------------|
| Firehouse Maintenance | \$18,850.00 | \$19,300.00 |
| Fire Pumper Maintenance & Equipment | \$44,650.00 | \$44,650.00 |
| Emergency Management Expense | \$2,700.00 | \$2,700.00 |
| Emergency Manager Stipend | \$1,829.00 | \$1,920.00 |
| Building Inspector Salary | \$8,925.00 | \$9,371.00 |
| Building Inspector Expenses | \$200.00 | \$200.00 |
| Building Inspector Certification | \$870.00 | \$870.00 |
| Inspection Software | \$3,445.00 | \$3,445.00 |
| Inspector Of Animals Stipend | \$400.00 | \$1,200.00 |
| Inspector of Animals Expense | \$200.00 | \$200.00 |
| Tree Warden Stipend | \$53.00 | \$56.00 |
| Transfer Station Expense | \$69,837.00 | \$74,598.00 |
| Transfer Station Wages | \$20,592.00 | \$21,622.00 |
| Board of Health Expenses | \$3,500.00 | \$6,500.00 |
| Board of Health Wages | \$2,500.00 | \$2,500.00 |
| Town Office Maintenance | \$14,400.00 | \$15,400.00 |
| Town Garage Maintenance | \$20,900.00 | \$20,900.00 |
| Town Building Custodian Wages | \$5,944.00 | \$6,241.00 |
| Property/Liability Insurance | \$57,800.00 | \$59,250.00 |
| Professional Development | \$500.00 | \$500.00 |
| Office Expense | \$28,496.00 | \$29,376.00 |
| Town Telephone | \$4,500.00 | \$4,500.00 |
| Board/Committee Clerical Wages | \$2,274.00 | \$2,387.00 |
| Town Reports & Ballots Printing | \$800.00 | \$800.00 |
| Group Ins/Medi/SUI - Town Share | \$123,587.00 | \$149,357.00 |
| Personnel Committee Expenses | \$100.00 | \$100.00 |
| Finance Committee Expenses | \$330.00 | \$330.00 |
| School Committee Stipends | \$900.00 | \$900.00 |
| Reserve Fund | \$2,000.00 | \$2,000.00 |
| Conservation Commission Expenses | \$100.00 | \$100.00 |
| Historic Commission Expenses | \$100.00 | \$100.00 |
| Long Term Debt - Principal | \$24,667.00 | \$0.00 |
| Long Term Debt - Interest | \$6,938.00 | \$0.00 |
| Total | \$1,757,139.00 | \$1,794,262.00 |

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, 2022 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>FY23 Spending Limit</u> | <u>Disposition of FY22 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 2023 |
| Health Inspector | Health Inspectors | Board of Health Permit Fees and Applications | Reimburse Inspectors for Inspection Services | \$5,000.00 | Balance Available for Expenditure in 2023 |
| Electrical Inspector | Electrical Inspector | Electrical Permit Fees and Applications | Reimburse Inspector for Inspection Services | \$3,500.00 | Balance Available for Expenditure in 2023 |
| Fire Inspector | Fire Department Inspectors | Fire Permit Fees and Applications | Reimburse Inspectors for Inspection Services | \$3,500.00 | Balance Available for Expenditure in 2023 |
| 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 2023 |
| 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 2023 |

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.

ARTICLE #7. To see if the Town will vote to raise and appropriate the sum of \$11,835 to be used for **Interest and Fees on Short-Term Indebtedness**, or pass any vote or votes in relation thereto.

ARTICLE #8. To see if the Town will vote to raise and appropriate, the sum of \$361,048 and transfer from the Quintus Allen Fund the sum of \$2,696 for a total sum of \$363,744 to be used for the **Franklin County Technical School District's annual operating assessment**, or pass any vote or votes in relation thereto.

ARTICLE #9. To see if the Town will vote to raise and appropriate, the sum of \$5,057 to be used for the **Franklin County Technical School District's annual capital assessment**, or pass any vote or votes in relation thereto.

ARTICLE #10. To see if the Town will vote to raise and appropriate, the sum of \$2,161,062 to be used for the **Mohawk Trail Regional School District's annual operating assessment**, or pass any vote or votes in relation thereto.

ARTICLE #11. To see if the Town will vote to raise and appropriate, the sum of \$46,638 to be used for the **Mohawk Trail Regional School District's annual capital assessment**, or pass any vote or votes in relation thereto.

ARTICLE #12. To see if the Town will vote to raise and appropriate, the sum of \$9,913 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.

ARTICLE #13. To see if the Town will vote to raise and appropriate, the sum of \$2,669 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.

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.

ARTICLE #15. To see if the Town will vote to raise and appropriate, the sum of \$11,920 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.

ARTICLE #16. To see if the Town will vote to raise and appropriate, the sum of \$5,703 for its share of the cost to pay for a **Regional Animal Control Officer**, or pass any vote or votes in relation thereto.

ARTICLE #17. To see if the Town will vote to raise and appropriate, the sum of \$118,262 for its share of the cost to maintain the **Franklin Regional Retirement System**, or pass any vote or votes in relation thereto.

ARTICLE #18. To see if the Town will vote to raise and appropriate, the sum of \$6,201 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.

ARTICLE #19. To see if the Town will vote to raise and appropriate the sum of \$3,717 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.

ARTICLE #20. 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.

ARTICLE #21. To see if the Town will vote to raise and appropriate, or otherwise provide the sum of \$743,123 to pay for the operation and maintenance of the **Colrain Broadband Network** (an enterprise fund), or pass any vote or votes in relation thereto.

ARTICLE #22. 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.

ARTICLE #23. 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.

ARTICLE #24. To see if the Town will vote to allow the Mohawk Trail Regional School District to borrow a sum of money, not to exceed \$278,400 for repair work to the Colrain Central School, located at 22 Jacksonville Road in Colrain, Massachusetts, to include rebuilding or resurfacing of parking lots and certain walkways; brick masonry repairs and re-pointing and other capital items, including costs incidental or related thereto, which purpose of the projects will materially extend the useful life of the school and preserve the asset capable of supporting the required educational program. Said sum is to be expended under the approval of the School Committee's Building Subcommittee and, to meet said appropriation, the District Treasurer, with the approval of the Chair, is authorized to borrow said sum under MGL Ch. 44 or any other enabling authority. This borrowing shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½), or take any action relating thereto.

ARTICLE #25. 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 (B) – Pupils Entitled to Attend Regional Elementary Schools**:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School. Elementary students residing in Heath will receive their education in the Hawlemont Regional School District pursuant to a tuition agreement between the Mohawk Trail Regional School District and the Hawlemont Regional School District through no longer than June 30, 2023. During the period of such tuition agreement, the Town of Heath shall seek in good faith to negotiate with the Hawlemont Regional School District regarding joinder of the Town of Heath into the Hawlemont Regional School District for elementary education. The tuition agreement shall constitute a binding financial obligation of the District. Heath may withdraw from the Mohawk Trail Regional School District for grades PK-6 in accordance with the "Withdrawal" section of this Agreement. Heath shall remain responsible for its outstanding indebtedness, if any, including but not limited to OPEB, to the Mohawk Trail Regional School District despite such withdrawal in accordance with the terms of the Regional Agreement.

If, upon the expiration of such tuition agreement, as may be extended, Heath and the Hawlemont Regional School District have failed to reach agreement as to the joinder of Heath into the Hawlemont Regional School District, elementary students residing in Heath will receive their education in facilities located in the Mohawk Trail Regional School District, the specific location(s) to be decided as provided herein. The Mohawk Trail Regional School Committee will offer at least two (2) facilities located in the District as options for educating the elementary students of Heath and the Heath members of the Committee will determine which one (1) facility to recommend to the Committee for the placement of all Heath resident elementary students. No facility will be approved by the Committee without the affirmative votes of both Heath Committee representatives, provided however that in the event of a tie vote between such Heath

representatives, or in the event that there are vacancies in the positions of Heath representatives, a majority vote of the Committee will prevail. The determination must occur no later than November 1st of the school year prior to the change.

and replacing said language with the following:

The pre-K-12 Member Towns are defined as Ashfield, Buckland, Colrain, Plainfield, Heath, and Shelburne. Subject to the provisions of this section, it is intended that elementary students residing in the member towns of Ashfield, Buckland, Colrain, Heath, Plainfield and Shelburne will receive their education in facilities located in the District and will be assigned as follows: Ashfield and Plainfield residents to Sanderson Academy; Colrain and Heath residents to Colrain Central School; and Buckland and Shelburne residents to Buckland Shelburne Elementary School.

ARTICLE #26. 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 (E) – Apportionment of Capital Costs Grades pre-K–6:**

(3) The Heath Elementary School Building shall be returned to the Town of Heath on July 1, 2017, and the Lease between the parties shall terminate as of said date. In exchange for termination of the lease, the District shall pay to the Town of Heath a total sum of \$240,000.00, such payment to be made in no fewer than three (3) annual installments. The amounts and timing of such installments shall be as agreed upon in writing by the School Committee and the Town of Heath, provided however that the final installment shall be due no later than June 30, 2020. 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.

(4) 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 Town of Colrain.

(5) 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.

and replacing said language with the following:

(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 ratio which the sum of the enrollments of pupils at the Colrain Central 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 the said district school, resident in the Towns of Colrain and Heath, 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.

(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.

ARTICLE #27. 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 on July 1, 2022 and shall supersede the prior District Agreement, including any prior amendments

ARTICLE #28. To see if the Town will vote to transfer from free cash the sum of \$145,000 to pay for the purchase of a new Highway Department backhoe, or take any other action relative thereto.

ARTICLE #29. To see if the Town will vote to transfer from free cash the sum of \$60,000 to pay for the purchase of a new Police Department cruiser, or take any other action relative thereto.

ARTICLE #30. To see if the Town will vote to transfer from free cash the sum of \$5,500 to pay for upgrades to the Town's computer network, or take any other action relative thereto.

ARTICLE #31.
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:

2/3 vote required

| <u>Purpose</u> | <u>Fund</u> | <u>Amount</u> | <u>Source of Funds</u> |
|-----------------------|--|----------------|------------------------|
| General Stabilization | General Stabilization | 102,362 | Free Cash |
| Highway | Highway Stabilization | 25,000 | Free Cash |
| Fire Department | Fire Department Stabilization | 20,000 | Free Cash |
| Library | Griswold Library Capital Stabilization | 15,000 | Free Cash |
| Total | Total | 162,362 | |

ARTICLE #32.
To see if the Town will vote to accept the provisions of MA General Law Chapter 59, Section 57C for the purpose of establishing a quarterly tax payment system to be effective beginning on July 1, 2023 (Fiscal Year 2024), or take any other action relative thereto.

ARTICLE #33. To amend the Town's general bylaws and zoning bylaw as follows:

Change the name of the Board of Selectmen to the "Select Board," and to amend each of the Town's General and Zoning By-laws to substitute the term "Select Board" for the term "Board of Selectmen;" to substitute the word "Select persons" for the word "Selectmen"; and to substitute the word "Select person" for the word "Selectman"; and further affirm that upon the effective date of such amendment, the term "Board of Selectmen" shall be taken to mean "Select Board" and the term "Selectmen" shall be taken to mean "Select persons" and the term "Selectman" shall be taken to mean "Select person" for the purposes of all laws, regulations, contracts, agreements or other documents that refer to or are applicable to the Town of Colrain and further to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in related text are revised properly to reflect such change in title; or take any action related thereto.

2/3rd vote required.

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.

ARTICLE #35. To see if the Town will vote to amend the Town's General By-laws, Colrain Dog Bylaw, by deleting Sections 1 through 4 in their entirety and creating a *new Animal Control Bylaw* to read as written in Attachment A of this warrant, or take any action relating thereto.

ARTICLE #36. (by petition) To see if the Town will vote to support the following nonbinding resolution:

Colrain Resolution In Support of the Fair Share Amendment

WHEREAS, Massachusetts needed new investments in our transportation and public education systems even before the COVID-19 pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, The best way to help working families and rebuild a strong economy for all of us is to make sure that we have quality public schools for our children, affordable higher education, and a reliable transportation system; and

WHEREAS, for Massachusetts to compete against other regions around the nation and the globe, we need modern, reliable transportation: safer roads and bridges, public transportation that works, and safe ways to walk and bike around town; and

WHEREAS, Colrain has several structurally deficient bridges and several overdue road repair and replacement projects; and

WHEREAS, students need a well-rounded education, founded on a rich and varied curriculum that includes science, technology, engineering, and math (STEM), music, art, and athletics; and

WHEREAS, major investments in public education are needed to help students recover academically, socially, and emotionally from the COVID-19 pandemic; and

WHEREAS, tuitions and fees at our public colleges are among the highest in the country, forcing students to take on enormous debt to receive a degree; and

WHEREAS, new state revenue is necessary to rebuild crumbling roads and bridges, improve our public schools from Pre-K through college, expand access to vocational and technical training invest in fast and reliable public transportation, make public higher education affordable again, and expand opportunities for healthy walking and bicycling; and

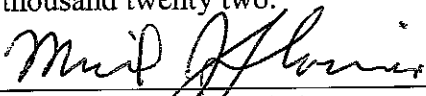
WHEREAS, wealthy Massachusetts residents saw their investments grow during the pandemic while working families struggled, and Massachusetts' wealthiest residents should pay their fair share to support our communities and grow our economy,

THEREFORE, let it be resolved that Colrain supports the proposed Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for the repair and maintenance of roads, bridges, and public transportation.


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 tenth day of May two thousand twenty two.



Michael Slowanski, Chair

W. Thomas Griffin


Benjamin Eastman

Colrain Select Board

A TRUE COPY.

Attest: _____
Constable

Attachment A

Town of Colrain, Animal Control Bylaw Updates

Administration

- A. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
- B. Definitions for this by-law shall be adopted and defined by MGL c. 140 §136A.

Town of Colrain, Animal Control Bylaw Updates

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
2. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
3. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
4. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.
5. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
 - a. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
6. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
7. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
 - a. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
8. All license fees collected shall deposited as defined in MGL c140 § 147.

Town of Colrain, Animal Control Bylaw Updates

Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Kennels may be established where allowed and permitted by the Town of Colrain Zoning Bylaw.
5. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
6. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the renewal and licensure is not in contradiction any bylaw or Massachusetts General laws that would prohibit the renewal or issuance of the license.
7. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be handled in accordance with MGL c. 140 §137C.
8. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
9. All license fees collected shall deposited as defined in MGL c140 § 147.

Town of Colrain, Animal Control Bylaw Updates

Dogs Running-At-Large; Unrestrained

1. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained with a chain or leash.
 - a. Exception: This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140 §139.
2. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
3. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
4. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.
5. This by-law shall remain in force year-round.
6. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Colrain, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.
 - a. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person whom is handicapped as defined in MGL c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Town of Colrain, Animal Control Bylaw Updates

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Selectmen shall not order the banishment and tethering.
6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

Impoundment and Kenneling

1. Impoundment:

- a. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
- b. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
- c. The animal shall be secured in the town kennel or other such approved holding facility.

2. Kenneling:

- a. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.
 - i. Required Documentation shall be considered: Proof of Ownership, Valid Rabies Certificate, and Valid Town License.
- b. The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.
 - i. All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.
- c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.
 - ii. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.

3. Disposition of Animals:

- a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.
- b. Unclaimed Animals: In accordance with MGL c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the Animal Control Officer.
 - iii. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Town of Colrain, Animal Control Bylaw Updates

Humane Treatment

1. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
2. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140 § 174E.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
 - b. Clarification Note: MGL 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.
3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:
Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:
Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

Town of Colrain, Animal Control Bylaw Updates

Livestock

- A. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming a nuisance by way of trespass upon public ways; public lands; and the lands of another person.
- B. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the town.
- C. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.
- D. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission.
 - a. For the purpose of this bylaw section, the term notification shall include: In writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; In person; By phone conversation with the owner or person having care of the animals; by phone with a voicemail left at the last known number for the owner or person having care of the animals; By other means not defined here that a reasonable person would find acceptable.
- E. If said animals remain at-large twelve (12) hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.
- F. Each twelve (12) hour period that the animals remain at-large shall constitute another offense. An offense shall be limited to a period of twelve (12) months.
- G. In the event of multiple occurrences within a period of time, in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls trespass upon any public way or lands in the town; or the premises of another person without the permission. The owner or person having care of said animals, shall be deemed in violation of paragraph A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.
- H. If the owner or person having care of the animals, is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation may forgo issuing a monetary fine, however, the occurrence shall still count as a first offense.
- I. Nothing in this section shall preclude prosecution under section 118 of chapter 266.

Fees; Enforcement, Violations and Penalties

- A. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
- B. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
- C. **Violation of Dog Control Laws:**
Shall utilize the following schedule of fines as defined in MGL c.140 §173A .
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$100 (one hundred dollars)
 - c. Third Offense: \$300 (three hundred dollars)
 - d. Fourth/Subsequent Offense: \$500 (five hundred dollars)
 - e. The town may require a dog to be spayed/neutered if applicable.
- D. **Livestock – Failure to recover animals at large:**
Violations of the Livestock provision will utilize the following schedule of fines.
 - a. First Offense: \$20 (Twenty dollars)
 - b. Second Offense: \$40 (Forty dollars)
 - c. Third/Subsequent Offense: \$50 (fifty dollars)
- E. **Other violations:**
If no specific fine is listed for a specific provision, the following fine schedule shall apply:
 - a. First Offense: Verbal Warning
 - b. Second Offense: \$25 (twenty-five dollars)
 - c. Third Offense: \$50 (fifty dollars)
 - d. Fourth Offense/Subsequent: \$100 (one hundred dollars)
- F. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
- G. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
- H. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.