

# TOWN OF BERNARDSTON



## MINUTES OF ANNUAL TOWN MEETING May 21, 2014

Moderator:	D. William Pratt
Check in Poll Workers:	Louella Atherton Janice Deane Jean Miller Frances Petrin
Constable:	Peter Shedd
Wardens:	Joanne Balzarini Russell Deane William Shores

Moderator Called the meeting to order at: 7:06 PM

105 voters present

1449 registered voters

- *Pledge of Allegiance*
- *The Moderator introduced and thanked all the department heads and elected office holders including the Highway Department, Fire Department, Police Department, Selectboard & Finance Committee, Town Accountant, Town Treasurer, Tax Collector & Town Counsel.*
- *The Moderator introduced Jane Dutcher, who explained the “Budget Comparisons FY2010-2015” which was handed out as residents checked in [copies of the document are on file at the Clerk’s Office]. There was a brief discussion and a few questions which Jane answered.*

**Article 1:** *The Town voted to act upon the reports of the Town Clerk, Town Treasurer, Selectmen, School Committees, all other Town Officers and Committees as contained in the Annual Town Report for 2013.*

*The article was moved and seconded and after a brief discussion **the Moderator declared it approved by a unanimous voice vote (without objection).***

*Louis Bordeaux gave an oral report on the status of the Charity Farm Lot. [A copy of the report is on file with the Town Clerk.]*

**Article 2:** *The Town voted to authorize the Board of Selectmen to apply for and accept state or federal monies and to expend any monies received as set forth in the appropriate application and/or document.*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 3:** *The Town voted to authorize the Selectmen to accept and expend without further appropriation any monies, which may be made available from the Commonwealth through Massachusetts Department of Transportation for improvements to Town roads.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 4:** *The Town voted to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 2014, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes as may be given for the period of less than two-years in accordance with provisions of General Laws, Chapter 44, Section 17.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 5:** *The Town voted to fix salaries and compensations of the elective officials for Fiscal Year 2015, as provided in MGL Chapter 41, Section 108.*

ELECTED OFFICE	FY 15 REQUESTED	FY 14 AS VOTED	\$ +/-
Assessors			
Chairman	1,050.00	1,050.00	
Second Member	1,000.00	1,000.00	
Third Member	1,000.00	1,000.00	
Board of Health			
Chairman	1,200.00	1,200.00	
Second Member	1,000.00	1,000.00	
Third Member	1,000.00	1,000.00	
Board of Selectmen			
Chairman	2,050.00	2,050.00	
Second Member	2,000.00	2,000.00	
Third Member	2,000.00	2,000.00	
Moderator - Annual Mtg (1)	50.00	50.00	
Special Mtgs (3 @ \$60)	180.00	180.00	
School Committee	800.00	800.00	
Tax Collector	17,527.50	17,100.00	427.50
Town Clerk	14,555.00	14,200.00	355.00
Treasurer	20,500.00	20,000.00	500.00

*The article was moved and seconded and after a brief discussion and with the consent of those present a correction to the Treasurer line as printed in the warrant was made to change “|20,500| 20,100| 400|” to “|20,500| 20,000| 500|” the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 6:** *The Town voted to raise and appropriate* money for the necessary expense of the Town for those departments listed under this article for the coming fiscal year (FY15).

<b>OFFICE/DEPARTMENT</b>	<b>FY 15 REQUESTED</b>	<b>FY 14 AS VOTED</b>	<b>Difference</b>
Town Coordinator	48,167.17	46,992.36	1,174.81
Agricultural Commission	500.00	450.00	50.00
Municipal Animal Inspector	1,000.00	750.00	250.00
Appeals Board (Zoning)	250.00	250.00	-
Board of Assessors Stipends (3)	3,050.00	3,050.00	-
Board of Assessors	38,622.52	37,604.90	1,017.62
Payroll	31,472.52	30,704.90	767.62
Operating Expenses	7,150.00	6,900.00	250.00
Board of Health Stipends (3)	3,200.00	3,200.00	-
Board of Health	15,900.00	13,000.00	2,900.00
Payroll	5,900.00	-	5,900.00
Operating Expenses	5,000.00	6,000.00	(1,000.00)
Health Agent	5,000.00	7,000.00	(2,000.00)
Conservation Commission	1,250.00	1,250.00	-
Council on Aging	51,217.63	50,474.49	743.14
Payroll	49,328.63	48,125.49	1,203.14
Operating Expenses	1,889.00	2,349.00	(460.00)
Powers Institute	36,014.41	34,126.69	1,887.72
Payroll	6,784.41	6,618.94	165.47
Operating Expenses	29,230.00	27,507.75	1,722.25
Cultural Council	100.00	100.00	-
Elections/Registration	5,860.00	4,770.00	1,090.00
Emergency Management	10,000.00	10,000.00	-
Stipend	5,000.00	5,000.00	-
Operating Expenses	5,000.00	5,000.00	-
Flag Replacement	100.00	100.00	-
FRCOG Building Inspection	6,500.00	6,500.00	-
Franklin County Retirement	79,516.00	77,095.00	2,421.00
Franklin County Solid Waste District	6,405.00	5,824.00	581.00
Historical Commission	400.00	400.00	-
Maintenance of Town Lawns & Grounds	-	2,500.00	(2,500.00)
Medicare	12,900.00	12,900.00	-
Memorial Day	500.00	500.00	-
Moderator Stipend	230.00	230.00	-
Newsletter	1,500.00	1,500.00	-
Old Cemetery	1,200.00	1,200.00	-
Planning Board	4,684.28	4,591.00	93.28
Payroll	3,824.28	3,731.00	93.28
Operating Expenses	860.00	860.00	-
Printing of Town Reports	1,500.00	1,500.00	-
Registrar Stipends (4)	480.00	365.00	115.00
School Committee Stipends (4) (for 3 PVRs, 1 T.S.)	800.00	800.00	-

Selectmen Expenses	3,000.00	3,000.00	-
Selectmen Stipends (3)	6,050.00	6,050.00	-
Social Security	100.00	100.00	-
Street Lights	4,000.00	4,000.00	-
Tax Collector Expenses	7,000.00	7,000.00	-
Tax Collector Salary	17,527.50	17,100.00	427.50
Town Clerk Expenses	1,940.00	3,500.00	(1,560.00)
Town Clerk Salary	14,555.00	14,200.00	355.00
Town Counsel	7,000.00	7,000.00	-
Town Hall Expense	32,700.00	30,830.50	1,869.50
Payroll	5,400.00	4,530.50	869.50
Operating Expenses	27,300.00	26,300.00	1,000.00
Town Officers' Bonds	500.00	1,100.00	(600.00)
Cell Phone Expense	4,260.00	-	4,260.00
Treasurer Expense	6,995.00	7,995.00	(1,000.00)
Treasurer Salary	20,500.00	20,000.00	500.00
Treasurer Short-Term Borrowing	100.00	100.00	-
Tree Warden (incl. Dutch Elm & Pest Control)	4,935.87	4,735.00	200.87
Payroll	3,235.87	3,435.00	(199.13)
Operating Expenses	1,700.00	1,300.00	400.00
Unemployment	6,500.00	6,500.00	-
Veterans' Benefits	12,000.00	11,000.00	1,000.00
Veterans' Services	3,358.00	3,253.00	105.00
Veterans' Memorial Committee	1,000.00	1,000.00	-
<b>Total Article 6</b>	<b>\$ 485,868.38</b>	<b>\$ 470,486.94</b>	<b>\$ 15,381.44</b>

*The article was moved and seconded and after a brief discussion **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 7:** *The Town voted to raise and appropriate the sum of \$2,452,434.40, for the Town's share of the Operating Assessment for the Pioneer Valley Regional School District for FY2015 (July 1, 2014 – June 30, 2015).*

*The article **as printed in the warrant** was moved and seconded and then James Ruder moved and it was seconded to amend the original **warrant article amount of \$2,417,062.75 to \$2,615,384.00***

*After a lengthy and detailed one hour discussion at which time everyone who had wanted to contribute had been heard, the question was called and a request for a secret paper ballot was approved by a standing vote of 55 in favor and 23 against. The paper ballots were cast, certified and observed by the Election Wardens **and the Moderator declared the amendment failed by a vote of 41 in favor of the amendment to 90 against.***

*Robert Raymond then moved and it was seconded to amend the original **warrant article amount of \$2,417,062.75 to \$2,452,434.40.** After a brief discussion the question was called **and the Moderator declared the amendment approved by a majority voice vote with some opposed.***

*The main motion as amended was then called and **the Moderator declared it approved by a majority voice vote with some opposed.***

**Article 8: PASSED OVER.** To see if the Town will vote to raise and appropriate the sum of \$2,615,384.00, for the Town's share of the Operating Assessment for the Pioneer Valley Regional School District as adopted by the Pioneer Valley Regional School District Committee for the fiscal year (July 1, 2014 – June 30, 2015).

*It was **MOVED and SECONDED TO PASS OVER** because the issue had been resolved by the action of the Town on Article 7 of this warrant. **The Moderator declared the article PASSED OVER by a majority Voice Vote with some opposed.***

**Article 9:** *The Town voted to raise and appropriate the sum of \$174,013.35 for the second principal and interest payment of four due for the Pioneer Valley Regional School District Building Project Assessment.*

*The article was moved and seconded and after a brief discussion **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 10:** *The Town **DID NOT** vote to disapprove the debt authorized for district technology infrastructure replacement in the amount of \$400,000 by the Pioneer Regional School District Committee by their vote on March 27, 2014.*

*It was moved and seconded and after a lengthy discussion **the Moderator declared the article FAILED TO BE APPROVED by a majority voice vote against it with some in favor which means that the Town voted to allow the debt to be authorized.***

**Article 11:** *The Town voted to transfer from Free Cash the sum of \$15,965.00 for the Town's share of Pioneer Valley Regional School capital expenses to replace carpet in the Phase 1 Classrooms and Administrative Suite, cleaning and filling of cracks in the asphalt of the roadways and parking lots, and repainting Phase 3 classrooms and corridors.*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 12: PASSED OVER.** To see if the Town will vote to raise and appropriate the sum of \$15,965.00 for the Town's share of Pioneer Valley Regional School's capital projects: replacing carpeting in the Phase 1 classrooms and office suite, cleaning and filling of cracks in the asphalt of the roadways and parking lots, and repainting Phase 3 classrooms and corridors.

*It was **MOVED and SECONDED TO PASS OVER** because the issue had been resolved by the action of the Town on Article 11 of the warrant. **The Moderator declared the article PASSED OVER by a unanimous voice vote (without objection).***

**Article 13:** *The Town voted to authorize the Pioneer Valley Regional School District to use up to \$45,000.00 (assessed to the Towns in the FY12 budget to upgrade the Central Office HVAC system) to conduct a feasibility study of the central office in order to develop options for its renovation or replacement.*

*The Article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a majority voice vote with some opposed.***

**Article 14:** *The Town voted to transfer from Free Cash \$5,000.00 to the BES Capital Expense Account.*

*The Article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a majority voice vote with some opposed.*

**Article 15:** *The Town voted to raise and appropriate the sum of \$231,964.00 for the Town's share of the operating budget of the Franklin County Technical School District as adopted by the Franklin County Technical School Committee for the fiscal year FY15 (July 1, 2014, to June 30, 2015).*

*The Article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 16:** *The Town voted to authorize the Board of Selectmen and Treasurer to pay over to the Bernardston Cemetery Commission the interest earned in the Burrows Fund, so-called.*

*The Article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 17:** *The Town voted to raise and appropriate the sum of \$4,000.00 for the second of three payments for the Board of Assessors FY16 revaluation.*

*The Article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 18:** *The Town voted to raise and appropriate the amounts of \$8,800.00 for stipends, \$31,518.75 for payroll and \$41,900.00 for operating expenses for a sum total of \$82,218.75 for the operation of the Fire Department.*

*The Article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 19:** *The Town voted to raise and appropriate the sum of \$38,265.94 for the eighth of ten payments for the Fire Department truck.*

*The article as printed in the warrant was moved and seconded and then Frank Ribeiro moved and it was seconded to amend the original warrant article language from "raise and appropriate" to "transfer from the stabilization fund."*

*After a brief discussion the Moderator declared the amendment failed by a majority voice vote with some in favor.*

*The article with the original language as printed in the warrant was called and the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 20:** *The Town voted to raise and appropriate the amounts of \$154,371.33 for payroll and \$143,285.00 for operating expenses for a sum of \$297,656.33 for the operation of the Highway Department.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 21:** *The Town voted to raise and appropriate the amount of \$87,616.87 for the second of four payments for the Highway Department Dump Truck (2012) and for the new roof at Bernardston Elementary School (October 2012).*

*The article was moved and seconded and after a very brief discussion, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 22:** *The Town voted to raise and appropriate the amounts of \$48,227.00 for payroll and \$15,046.00 for operating expenses for a sum of \$63,273.00 and in addition transfer from the Goodale Fund the sum of \$4,579.00 for a total sum of \$67,852.00 for the operation of the Cushman Library.*

*The article was moved and seconded and after a brief discussion during which it was noted by the Finance Committee that the transfer of funds from the Goodale fund would deplete its balance below \$500 and therefore make it unusable for FY2016 and beyond, the question was called and the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 23:** *The Town voted to raise and appropriate the amounts of \$188,890.50 for payroll and \$43,088.00 for operating expenses for a sum total of \$231,978.50 for the operation of the Police Department.*

*The article was moved and seconded and after an appropriate opportunity to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 24:** *The Town voted to raise and appropriate the sum of \$30,950.39 for the eighth of ten payments for the Safety Complex.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 25:** *The Town voted to transfer from the Vehicle Replacement Stabilization Fund the sum of \$35,000.00 for the purchase of a new police cruiser. (Requires 2/3 vote to approve)*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 26:** *The Town voted to transfer from the Barber Fund the sum of \$3,562.00 to the Barber Recreation Fund, and to transfer from the Kiwanis Expendable Interest account the sum of \$1,000.00 to be expended by the Recreation Department for recreation programs and field maintenance.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 27:** *The Town voted to transfer from the Landfill Receipts account the sum of \$60,000.00, and raise and appropriate the sum of \$34,268.42 for a total of \$94,268.42 to account for \$25,713.42 in payroll and \$68,555.00 in expenses for the operation of the Transfer Station by the Highway Department.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 28:** *The Town voted to raise and appropriate the sum of \$56,920.00 to pay insurance premiums on Town owned buildings, vehicles and equipment, and liability for Town officers, The article was moved and seconded and after a very brief discussion **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 29:** *The Town voted to raise and appropriate \$86,904.24 for health insurance, \$6,155.28 for dental insurance and \$870.96 for life insurance premiums for a total of \$93,930.48 for Town employees and retirees.*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 30:** *The Town voted to raise and appropriate the sum of \$17,173.00 for its share of the Statutory Charges and Core Service Assessment of the Franklin Regional Council of Governments.*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 31:** *The Town voted to raise and appropriate for Fee for Service Programs from the Franklin Regional Council of Governments, including Accounting Program \$22,394.00; Procurement \$2,348.00; Emergency Communications \$4,633.34; and \$100.00 for the Regional Emergency Planning Committee (REPC), for a total of \$29,475.34.*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 32:** *The Town voted to authorize the Board of Selectmen to petition the Massachusetts General Court through the Town's state legislators to seek enactment of a Special Act for the Town of Bernardston for the purpose of being exempt from MGL Chapter 149, Section 26-27 and MGL Chapter 30 Section 39M, the state prevailing wage law so-called for projects up to \$50,000.00,*

*The article was moved and seconded and a brief discussion, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 33:** *The Town voted to transfer the sum of \$10,000.00 from Free Cash for the purpose of providing funding to develop a Master Plan for the Town in accordance with MGL Chapter 41, Section 81D.*

*The article was moved and seconded as printed in the warrant and then Linda Raymond moved and it was seconded to amend the original warrant article language from "**raise and appropriate the sum \$10,000**" to "**transfer the sum of \$10,000.00 from Free Cash**" and after a brief discussion the question was called and **the Moderator declared the amendment approved by a unanimous voice vote (without objection).***

*The main motion as amended was then called and **the Moderator declared it approved by a majority voice vote with some opposed.***



**Article 34:** *The Town voted to authorize the Board of Selectmen to enter into real estate leases for the lease of public land in accordance with MGL Chapter 40 Section 3 to extend the terms of said leases from 3-years to 5-years at locations near Pratt Field Assessors Map 2-2-13 and Map 2-2-14.1.*

*The article was moved and seconded and after a brief discussion, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 35:** *The Town voted to transfer from Free Cash to the Renovate/Construct Town Buildings account the sum of \$15,000.00.*

*The article was moved and seconded and after a brief discussion, **the Moderator declared it approved by a unanimous voice vote (without objection).***

**Article 36:** *The Town voted to transfer from Free Cash to the Vehicle Replacement Stabilization Fund the sum of \$40,000.00. (Requires 2/3 approval).*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.***

**Article 37:** *The Town voted to establish a special purpose Stabilization Fund pursuant to MGL Chapter 40 Section 5B entitled **Bridge Repair/Upgrade Stabilization Fund** and transfer from Free Cash the sum of \$30,000.00 to be placed in said account. (Requires 2/3 approval).*

*The article was moved and seconded and after those present were given time to speak to the article, **the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.***

**Article 38:** *The Town Voted to transfer the sum of \$14,000.00 from Free Cash to the Stabilization Fund. (Requires 2/3 approval).*

*The article was moved and seconded as printed in the warrant and Brian Hervieux then moved and it was seconded to amend the amount of the original article of "\$24,000" to "\$14,000" and after a brief discussion **the Moderator declared the amendment approved by a unanimous voice vote (without objection) and then the main motion as amended was called and the Moderator declared the article approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.***

**Article 39:** *The Town voted to transfer the sum of \$1,132.22 from free cash for the third of three installments of an assessment levied by the Massachusetts Education and Government Association (MEGA) for fiscal years 2004, 2005 and 2006 when the Town was a member of the MEGA workers compensation insurance trust.*

*The article was moved and seconded as printed in the warrant and Brian Hervieux then moved and it was seconded to amend the language from "raise and appropriate \$1,132.22" to "transfer the sum of \$1,132.22 from free cash" and after a brief discussion **the Moderator declared the amendment approved by a unanimous voice vote (without objection) and the main motion as amended was then called and the Moderator declared the article approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.***

**Article 40:** *The Town voted to transfer from the FY2014 Reserve Fund the sum of \$5,000.00 for the third of three installments for an audit of FY2014.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 41:** *The Town voted to raise and appropriate the sum of \$20,000.00 for the FY15 Reserve Fund.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 42:** *The Town Voted to transfer from the FY 2014 Reserve Fund the sum of \$10,000.00 to the FY 2015 Reserve Fund, first having satisfied the requirements of Article 40.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 43:** *The Town Voted to authorize the following revolving funds under Massachusetts General Laws Chapter 44, section 53E½ for the fiscal year beginning July 1, 2014.*

*The article was moved and seconded and after those present were given time to speak to the article, the Moderator declared it approved by a unanimous voice vote (without objection).*

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of FY15
Council on Aging Donations	Program Activity	Council on Aging	COA purposes	\$ 8,500.00	Balance available for expenditure
Board of Health	Fees charged for inspections and permits	Board of Health	Pay for inspection fees and clerical staff	\$ 15,000.00	Balance available for expenditure
Zoning Board of Appeals	Fees charged for hearings and filings	Zoning Board of Appeals	Pay for costs associated with hearings	\$ 1,000.00	Balance available for expenditure
Planning Board	Fees charged for hearings and filings	Planning Board	Pay for costs associated with hearings	\$ 2,000.00	Balance available for expenditure
Fire Department	Fees charged for inspections	Fire Chief	Pay for inspection fees for personnel	\$ 2,000.00	Balance available for expenditure
Town Hall Restoration	Fees charged for Town Hall rentals	Board of Selectmen	Pay for Town Hall restoration	\$ 2,000.00	Balance available for expenditure

Dog Licenses	Fees charged for dog licenses	Town Clerk	Pay the Franklin County Dog Program Expenses & Dog licensing	\$ 3,000.00	Balance available for expenditure
Public Safety	Fees assessed and costs incurred in response to motor vehicle accidents	Fire Chief	Pay for public safety training	\$ 15,000.00	Balance available for expenditure
Transfer Station Recycling	Revenue generated from recycled materials	Board of Selectmen	Pay for equipment upkeep at Transfer Station	\$ 37,000.00	Balance available for expenditure

**Article 44:** *The Town voted to amend Section 2241 of the existing Zoning Bylaws as follows:*

2241. Alteration, Extension, or Change.

As provided in M.G.L.A. ch. 40A, s.6, a nonconforming single or two-family dwelling may be altered or extended provided that the Building Inspector determines that doing so does not increase the nonconforming nature of said structure.

Other pre-existing nonconforming structures or uses may be extended, altered, or changed in use by obtaining a Special Permit from the Board of Appeals. Prior to filing with the Board of Appeals, the applicant must obtain an approved Site Plan Review from the Planning Board. The Board of Appeals must find that such alteration, extension, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

*The article was moved & seconded and after a brief discussion the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 45:** *The Town voted to amend Section 4410 of the existing Zoning Bylaws as follows:*

4410. Applications for building permits for nonresidential or nonagricultural construction shall be referred by the Building Inspector to the Planning Board, within seven days of filing. All above applicants will be subject to a Site Plan Review by the Planning Board prior to being issued a building permit by The Building Inspector. The Building Inspector shall not approve any application subject to such review without receipt of written plan approval by the Planning Board, unless 45 days elapse from the date of the application without written notice of action by the Planning Board. Applicants shall submit three (3) prints of plans of the proposal to the Building Inspector, who shall forward two (2) copies to the Planning Board.

*The article was moved & seconded and after a brief discussion the Moderator declared it approved by an overwhelming voice vote which satisfied the 2/3 majority requirement.*

- It was moved and seconded that the reading of the remaining articles be waived, *and after a brief discussion the Moderator declared it approved by a unanimous voice vote (without objection).*

**Article 46:** *The Town voted to amend Article VI. Definitions of the existing Zoning Bylaws by adding the following:*

**Inn:** A non-owner occupied structure used or designed for overnight lodging for transient guests, and may also provide meals to the lodgers. The structure may not possess more than 8 rooms for transient guests. Accommodations having individual kitchen facilities (sink, range, and refrigerator) shall be considered dwelling units. Structures with more than eight rooms shall be considered a “Hotel or Motel.”

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 47:** *The Town voted to amend Section 2234 of the existing Zoning Bylaws by adding the following table:*

	RA	R1	CV	B	I	EPD
Inn	N	N	SP	Y	SP	SPP

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 48:** *The Town voted to amend Section 2234 of the existing Zoning Bylaws by adding the following table:*

	RA	R1	CV	B	I	EPD
B&B	SP	SP	SP	N	N	N

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 49:** *The Town voted to amend Section 2234 of the existing Zoning Bylaws by adding the following table:*

	RA	R1	CV	B	I	EPD
Hotel or Motel	N	N	N	Y	SP	SPP

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 50:** *The Town voted to* amend Section 2234 of the existing Zoning Bylaws by amending the following table **for retail use**:

	RA	R1	CV	B	I	EPD
Less than 2,500 Sq. Ft	N	N	SP	SPR	SPR	SPP
2,500-7,500 Sq. Ft.	N	N	SP	SP	SP	SPP
7,500-12,500 Sq. Ft	N	N	N	SP	N	SPP
12,500-50,000	N	N	N	N	N	SPP

*The article was moved & seconded as printed in the warrant and corrected by the Chair of the Planning Board to read “for retail use” and accepted by unanimous consent and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 51:** *The Town voted to* amend Article VI. Definitions of the existing Zoning Bylaws by adding the following:

**Kiosk** – A small, free standing or attached building or structure, by whatever name, providing fully automated walk up and/or drive through retail services. Services include, but are not limited to the following: banking, movie rental, retail sales, etc.

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 52:** *The Town voted to* amend Section 2234 of the existing Zoning Bylaws by adding the following table:

	RA	R1	CV	B	I	EPD
Kiosk	N	N	SP*	SP	SP	SPP

\*Walk-up only

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 53:** *The Town voted to* amend Section 2411 of the existing Zoning Bylaws as follows:

Home Occupation Changes: 2411 Section B. No more than twenty-five percent of the floor area of the residence shall be used for the purpose of the home occupation, nor more than fifty percent of the combined floor area of the residence and any accessory structures used in the home occupation. The floor area shall be determined by the square footage stated by the Town of Bernardston Tax Assessor. Day care facilities licensed under the provisions of M.G.L.A. ch. 28A, s.10 shall be exempt from this limitation.

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 54:** *The Town voted to* amend Section 4920 Definition of the existing Zoning Bylaws as follows:

**Medical Marijuana Treatment Center** means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 55:** *The Town voted to* amend Section 2234 of the existing Zoning Bylaws by adding the following table:

	RA	R1	CV	B	I	EPD
MMTC	N	N	N	N	N	SPP

*The article was moved & seconded as printed in the warrant and after a brief discussion the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.*

**Article 56: PASSED OVER.** To see if the Town will vote to amend Section 2234 of the existing Zoning Bylaws as follows:

	R/A	R1	CV	B	I	EPD
Manufacturing or Research & Development facilities up to 20,000 square feet of enclosed floor area for Solar, Wind, Geothermal, or Biomass renewable energy that meet the Performance Standards of Section 4700	N	N	N	SP	SP	SPP
Solar Electric Generating Facilities	SP	SP	SP	SP	SP	SPP

*It was MOVED and SECONDED TO PASS OVER and the Moderator declared the article PASSED OVER by a unanimous voice vote (without objection).*

**Article 57:** *The Town voted to* amend Article VI. Definitions of the existing Zoning Bylaws by adding the following: Consultant Fee Bylaw

Expenses for advertising, notices, inspections and professional review will be borne by the applicant.

A. As provided by M.G.L. Ch. 44 §53G, the Bernardston Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services when in the opinion of the Planning Board the services are necessary for the Planning Board to come to a final decision on an application submitted to the Planning Board

pursuant to the requirements of: The Town of Bernardston Zoning Bylaws, Town of Bernardston Subdivision Regulations, or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Planning Board may also impose fees for other consultant services for the review of the plans, survey or inspections under any of the above-referenced laws or regulations.

B. Special Account. Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant and only in connection with the Planning Board carrying out its responsibilities under the law.. Expenditures of accrued interest may also be made for these purposes. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest.

C. Reporting Requirements. The Town Accountant shall submit annually a report of said special account to the Select Board and Town Administrator for their review. The report shall be published in the town annual report. The Town Account shall submit annually a copy of this report to the director or the bureau of accounts.

D. Consultant Services. In hiring outside consultants, the Planning Board may engage professional engineers, planners, landscape architects, wildlife scientists, lawyers, designers, or other appropriate professionals able to assist the Planning Board and to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Specific consultant services may include but are not limited to analysis of applications, title searches, mapping of lot and/or municipal boundaries and/or right of way, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Planning Board. The consultant shall be chosen by, and report only to, the Planning Board and/or its administrator. Consultant's retained shall have an educational degree in or related to the field at issue or three or more years of practice in the **field** at issue or a related field.

E. Appeals of Choice of Consultant. Applicants may appeal the selection of the consultant to the Select Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of the appeal, the selection made by the Planning Board shall stand. Such an administrative appeal shall not preclude further judicial review if otherwise permitted by law, on grounds provided for in this section.

*The article was moved & seconded as printed in the warrant and after a brief discussion **the Moderator declared it approved as printed in the warrant by a unanimous voice vote (without objection) which satisfied the 2/3 majority requirement.***

Meeting Adjourned: 10:15pm

A True Copy:

Attest:

June 2, 2014



Paul W. Luther, Bernardston Town Clerk