

TOWN OF BERNARDSTON



MINUTES OF ANNUAL TOWN MEETING May 19, 2015

Moderator:	D. William Pratt
Check in Poll Workers:	Louella Atherton Janice Deane
Wrist Band/Ballot Clerks:	Salvatore Arnone Judy Kromholz
Constable:	Peter Shedd
Warden:	Joanne Balzarini
Floor Vote Counters:	Frank Kromholz Linda Raymond

Moderator called the meeting to order at: 7:03pm

54 voters present

1434 registered voters

- *Pledge of Allegiance*
- *Moderator introduced the Selectmen emphasizing the two new members of the board elected on May 4: Andrew Girard and Stanley Garland.*
- *Town Clerk reminded those present about the reason for the wristbands and secret ballots distributed when people checked in.*
- *Jane Dutcher, Finance Committee Chair explained the new warrant format modeled after recommendations from the audit done by the State Department of Local Services and that salary increases were set at about 1.7%*

Moderator Began reading the Warrant at 7:13pm

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 2014, and to hear an oral report [see appended] from the Board of Selectmen on the status of the Charity Lot trust fund.*

*The article was moved and seconded, the Charity Lot report was given by Robert Raymond 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 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 financial year beginning July 1, 2015, 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 one year 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 under the provisions of the General Laws of Massachusetts, Chapter 41, §108, or any amendments thereto, to fix the salaries of all elected officials for Fiscal Year 2016, and raise and appropriate any sum or sums therefor, and further, as indicated in **TABLE I;***

appropriate from Free Cash	the sum of \$131,639.60
transfer from FY15 Reserve Fund	\$10,000.00
and raise and appropriate	<u>\$706,760.06</u>
for a total sum of	\$848,399.66

for the maintenance of the several departments of the Town, in accordance with the amounts “FY 2016 Recommended by Finance Committee” as shown in the **FIRST COLUMN** of the following table (**Table I**).

*The article was moved and seconded and the Moderator read each line item.
An amendment to delete the \$500 from the Newsletter Stipend failed by a majority voice vote (with some opposed) and after additional brief discussions on particular line items were heard, **the Moderator declared the article approved as printed by a majority voice vote (with some opposed).***

Table I.

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
Moderator - Stipend			230.00	230.00
Annual Meeting		50.00		
Special Town Meeting (3 @ \$60)		180.00		
Total Moderator		230.00		

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
SELECTMEN				
Selectmen's Stipends			6,050.00	6,050.00
Chairman		2,050.00		
2nd Member		2,000.00		
3rd Member		2,000.00		
Town Coordinator Salary		48,986.01	48,167.17	48,167.17
Selectman's Expenses		3,000.00	3,000.00	3,000.00
Town Reports, Printing of		1,500.00	1,500.00	1,500.00
Newsletter Stipend	T	500.00	500.00	
Newsletter Expense		1,500.00	1,500.00	1,500.00
<i>Sub-Total Newsletter</i>		2,000.00	2,000.00	
Town Counsel		7,000.00	7,000.00	7,000.00
MEGA Assessment		0.00		1,132.22
Town Hall Payroll		5,491.80	5,400.00	5,400.00
Town Hall Operating & Other Expenses		27,150.00	27,150.00	27,300.00
<i>Sub-Total Town Hall Expense</i>		32,641.80	32,550.00	32,700.00
Total Selectmen's Dept.		101,177.81	100,267.17	101,049.39
BOARD OF ASSESSORS				
Assessors' Stipends			3,050.00	3,050.00
Chairman		1,050.00		
2nd Member		1,000.00		
3rd Member		1,000.00		
Assessors' Assistant Payroll		32,007.55	31,472.52	31,472.52
Assessors' Expenses		7,150.00	7,150.00	7,150.00
Total Assessors Office		42,207.55	41,672.52	41,672.52
TREASURER				
Treasurer Salary		20,848.50	20,500.00	20,500.00
Treasurer Expense		6,995.00	6,995.00	6,995.00
Town Officers' Bonds		576.00	576.00	500.00
Total Treasurer's Office		28,419.50	28,071.00	27,995.00

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
DEBT SERVICE				
Treasurer Borrowing		100.00	100.00	100.00
Fire Truck Debt Service (#9 of 10)	F	36,843.96	36,843.96	38,265.94
Highway Truck & School Roof Debt Service (#3 of 4)		85,847.24	85,847.24	87,616.87
Safety Complex Debt Service (#9 of 10)	F	29,806.56	29,806.56	30,950.39
BES Gym Roof Debt Service (1 st installment)		50,000.00		
PVRS Principal & Interest (#4 of 4)		170,698.81	170,698.81	174,013.35
PVRS Tech. Loan (#1 of 4)	F	28,989.08	28,989.08	
Total Debt Service		402,285.65	352,285.65	330,946.55
TAX COLLECTOR				
Tax Collector Salary		17,825.47	17,527.50	17,527.50
Tax Collector Expenses		7,000.00	7,000.00	7,000.00
Total Tax Collector's Dept		24,825.47	24,527.50	24,527.50
TOWN CLERK				
Town Clerk Salary		14,802.44	14,555.00	14,555.00
Town Clerk Expenses		1,800.00	1,800.00	1,940.00
Elections/Registration		6,000.00	6,000.00	5,860.00
Registrars' Stipends			480.00	480.00
Clerk		120.00		
1st Member		120.00		
2nd Member		120.00		
3rd Member		120.00		
Total Town Clerk's Office		23,082.44	22,835.00	22,835.00
PLANNING BOARD				
Planning Board – Payroll		3,900.20	3,825.00	3,824.28
Operating & Other Expenses		860.00	860.00	860.00
Total Planning Board		4,760.20	4,685.00	4,684.28
BOARD OF HEALTH				
Board of Health Stipends			3,200.00	3,200.00
Chairman		1,200.00		
2nd Member		1,000.00		
3rd Member		1,000.00		
Board of Health Clerk		7,362.06	7,239.00	5,900.00
Health Agent		5,000.00	5,000.00	5,000.00
State Mandated Monitoring	F	3,500.00		
Board of Health Expenses		5,000.00	5,000.00	5,000.00
Total Board of Health		24,062.06	20,439.00	19,100.00

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
HUMAN SERVICES				
Powers Institute Payroll		6,899.75	6,784.41	6,784.41
Powers Institute Operating Expense		23,895.00	23,895.00	29,230.00
Council on Aging Payroll		50,167.21	49,636.08	49,328.63
Council on Aging Operating Expense		1,890.00	1,890.00	1,889.00
<i>Sub-Total Senior Center</i>		<i>82,851.96</i>	<i>82,205.49</i>	<i>87,232.04</i>
Cultural Council		100.00	100.00	100.00
Veterans' Benefits	F	12,000.00	12,000.00	12,000.00
Veterans' Services		4,167.00	4,167.00	3,358.00
Veteran's Memorial Com.		1,000.00	1,000.00	1,000.00
<i>Sub-Total Veterans Services</i>		<i>17,167.00</i>	<i>17,167.00</i>	<i>16,358.00</i>
Total Human Services		100,118.96	99,472.49	103,690.04
CUSHMAN LIBRARY				
Cushman Library Payroll		48,877.02	48,060.00	48,227.00
Operating Expenses		15,353.00	15,353.00	15,046.00
Transfer from Goodale Fund		0.00	0.00	4,579.00
Total Cushman Library		64,230.02	63,413.00	67,852.00
OTHER BOARDS & COMMITTEES				
Agricultural Commission		1,100.00	1,100.00	500.00
Appeals Board (Zoning)		250.00	250.00	250.00
Conservation Commission		1,250.00	1,250.00	1,250.00
Historical Commission		400.00	400.00	400.00
Reserve Fund	F	20,000.00	20,000.00	20,000.00
Bal of 2015 Reserve Acct to 2016 Reserve Acct	T	10,000.00	10,000.00	10,000.00
<i>Sub-Total Reserve Fund</i>		<i>30,000.00</i>	<i>30,000.00</i>	<i>30,000.00</i>
Total Other		33,000.00	33,000.00	32,400.00
TOTAL ARTICLE 5		848,399.66	790,898.33	776,982.28

Article 6: *The Town voted to*

appropriate from Free Cash the sum of **\$19,567.73**
and raise and appropriate **\$2,948,365.00**

for a total sum of **\$2,967,932.73** as indicated in **TABLE II**;

for Bernardston's share of the education expense in accordance with the amounts "FY2016 Requested" as shown in the **SECOND COLUMN** of the following table (**TABLE II**).

The article was moved and seconded as printed in the warrant, the assembly then agreed to waive the reading of each line.

An amendment was then moved and seconded that the second paragraph beginning “for Bernardston’s share . . .” in the printed version be revised to read as finally approved above and after a brief discussion the Moderator declared the amendment approved by a majority voice vote (with some opposed). The Moderator then declared the article as amended approved by a majority voice vote (with some opposed).

Table II.

Dept./Committee		FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
EDUCATION				
School Comm. Stipends			800.00	800.00
PVRS-1st Representative		200.00		
PVRS-2nd Representative		200.00		
PVRS-3rd Representative		200.00		
FCTS Representative		200.00		
Franklin Regional Tech		248,089.00	248,089.00	231,964.00
Pioneer Valley Regional School District				
Operating Budget		2,647,538.76	2,699,476.00	2,582,964.64
High School Capital Projects				
FY16-Window Tint; FY14Faucet Hydrant	F	3,348.72	3,348.72	
FY16-2-way radio; FY14 Replace well water pump	F	229.60	229.60	
FY16-A/C tech rm 276; FY14-AC backup for tech head end room; FY13-Phone & Bell System; FY11-Wells	F	2,296.00	2,296.00	
FY16-Sidewalk Repair; FY13boiler	F	1,399.41	1,399.41	
FY15-carpet-Phase1 & Office; paint Phase3 classrms & halls; repair cracks in road & pk lots; FY14-Security				15,965.00
<i>Sub-Total High School Capital Projects</i>		<i>7,273.73</i>	<i>7,273.73</i>	<i>15,965.00</i>
BES Capital Projects				
Capital Improvements				5,000.00
FY16 Shades FY14 carpet; FY12 boiler repair	F	9,594.00	9,594.00	
FY16 2-way radios; FY13-roof, FY14 – Security/handicapped access door system	F	2,400.00	2,400.00	
FY16 Window Tint; FY13-Early Childhood Playground Equipment	F	300.00	300.00	
Sub-Total BES Capital Projects		12,294.00	12,294.00	5,000.00
Total PVRS		2,667,106.49	2,719,043.73	2,603,929.64
TOTAL ARTICLE 6		2,915,995.49	2,967,932.73	2,836,693.64

Article 7: The Town voted to raise and appropriate \$ 317,991.37

for Contracted Services, Pension and Insurance Expense in accordance with the amounts “FY 2016 Recommended by Finance Committee” as shown in the **FIRST COLUMN** of the following table (**TABLE III**).

The article was moved and seconded, the assembly agreed to waive the reading of each line and after a brief discussion the Moderator declared it approved as printed by a unanimous voice vote (without objection).

Table III.

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
CONTRACTED SERVICES				
FRCOG Statutory/Core Services		14,223.00	14,223.00	17,173.00
FRCOG Fees for Services				
FRCOG Accounting Program		22,917.00	22,917.00	22,394.00
FRCOG Procurement		2,348.00	2,348.00	2,348.00
FRCOG Regional Emergency Planning Committee (REPC)		150.00	150.00	100.00
FRCOG Building Inspection		6,500.00	6,500.00	6,500.00
FRCOG Emergency Communications		4,999.46	4,999.46	4,633.34
<i>Sub-Total FRCOG</i>		<i>51,137.46</i>	<i>51,137.46</i>	<i>53,148.34</i>
Franklin County Solid Waste District		6,802.00	6,802.00	6,405.00
Street Lights		4,000.00	4,000.00	4,000.00
Cell phones (COA, Fire Dept., Highway Dept.)		4,500.00	4,500.00	4,260.00
Total Contracted Services		66,439.46	66,439.46	67,813.34
Pensions & Insurance				
Franklin Regional Retirement System		81,061.00	81,061.00	79,516.00
Social Security		100.00	100.00	100.00
Medicare		12,900.00	12,900.00	12,900.00
Unemployment Insurance		6,000.00	6,000.00	6,500.00
Insurance: buildings, vehicles, equipment, liability town officers		57,863.93	57,863.93	56,920.00
Employee health insurance		85,846.14	85,846.14	86,904.24
Employee dental insurance		6,993.28	6,993.28	6,155.28
Employee life insurance		787.56	787.56	870.96
<i>Sub-Total Employee Insurance Benefits</i>		<i>93,626.98</i>	<i>93,626.98</i>	<i>93,930.48</i>
Total Pensions & Insurance		251,551.91	251,551.91	249,866.48
TOTAL ARTICLE 7		317,991.37	317,991.37	317,679.82

Article 8: *The Town voted to*

transfer from the Landfill Account \$65,565.00
and raise and appropriate \$677,663.02

for a total sum of **\$743,228.02**

for Public Services in accordance with the amounts “FY 2016 Recommended by Finance Committee” as shown in the **FIRST COLUMN** of the following table (**TABLE IV**).

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

Table IV.

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
PUBLIC SERVICES				
Fire Department				
Stipends		8,800.00	8,200.00	8,800.00
Payroll		32,544.00	32,000.00	31,518.75
Operating Expenses		44,415.00	44,415.00	41,900.00
Total Fire Department		85,759.00	84,615.00	\$82,218.75
Emergency Management				
Stipend		5,000.00	5,000.00	5,000.00
Supplies		5,000.00	5,000.00	5,000.00
Total Emergency Management		10,000.00	10,000.00	10,000.00
Police Department				
Payroll		197,175.96	193,880.00	188,890.50
Operating Expenses		41,155.00	41,155.00	43,088.00
Police Cruiser (Vehicle Stabilization)	S			35,000.00
Total Police Department		238,330.96	235,035.00	266,978.50
Highway Department				
Payroll		161,571.38	158,870.58	154,371.33
Operating Expenses		141,285.00	141,285.00	143,285.00
Road Boundary Engineering				
Trans. to Road Improvement				
Total Highway Department		302,856.38	300,155.58	297,656.33
Transfer Station				
Payroll		25,700.81	25,271.20	25,713.42
Operating Expenses (including Annual Recycling Rolloff replacement)		68,580.00	68,580.00	68,555.00
Landfill Testing	T	5,565.00	5,565.00	
Total Transfer Station (FY16-Transfer \$60,000 and Raise & Appropriate \$39,512.02)	T	99,845.81	99,416.20	94,268.42

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
Other Public Works				
Municipal Animal Inspector (including Barn Inspections & Animal Control- see State description)		1,000.00	1,000.00	1,000.00
Memorial Day		500.00	500.00	500.00
Tree Warden Payroll		3,235.87	3,235.87	3,235.87
Tree Warden Operating Expenses		1,700.00	1,700.00	1,700.00
<i>Sub-Total Tree Warden (inc. Dutch Elm & Pest Control)</i>		<i>4,935.87</i>	<i>4,935.87</i>	<i>4,935.87</i>
Total Other Public Works		6,435.87	6,435.87	6,435.87
TOTAL ARTICLE 8		743,228.02	735,657.65	757,557.87

Article 9: *The Town voted to*

appropriate from Free Cash the sum of \$70,000.00 as indicated in TABLE V;
for a total sum of \$70,000.00

for Stabilization and Other Accounts in accordance with the amounts “FY 2016 Recommended by Finance Committee” as shown in the **FIRST COLUMN** of the following table (TABLE V). *This article required a 2/3 majority.*

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

Table V.

Dept./Committee	*	FY 2016	FY 2016	FY 2015
* column designates transfers from: F = Free Cash T = Another account R = Reserve Fund S = Stabilization Fund	T R N	Recommended by Finance Committee	Requested	Appropriated
STABILIZATION ACCOUNTS				
Special Purpose Stabilization Fund – Vehicle replacement	F	40,000.00	40,000.00	40,000.00
Bridge Repair Stabilization Fund	F	30,000.00	30,000.00	30,000.00
Transfer to stabilization	F			14,000.00
Total Stabilization Accounts		70,000.00	70,000.00	84,000.00

- The Moderator then recognized James M. Laverty, the Superintendent of the Franklin County Technical School District, who explained the special election called for June 23 to authorize borrowing for capital projects with Bernardston’s share each year for 15 years being about \$8,000 (*see brochures appended*).

Article 10: *The Town voted to transfer the sum of \$90,000.00 from the Vehicle Stabilization Account for the Highway Department to purchase a new truck, snowplow and sander. This article required a 2/3 majority.*

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

Article 11: *The Town voted to transfer \$11,000.00 from the Barber Fund, transfer \$1,000.00 from the Kiwanis Fund for a sum total of \$12,000.00 for Recreation Commission operating expenses and programs.*

*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: *The Town voted to raise and appropriate the sum of \$1,200.00 for the Bernardston Cemetery Commission for maintenance at the Old Cemetery.*

*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 13: *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 14: *The Town voted to appropriate from Free Cash the amount of \$15,000.00 for the Town Renovation of Town Buildings 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 unanimous voice vote (without objection).***

Article 15: *The Town voted to raise and appropriate the amount of \$100.00 for the Flag Replacement 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 unanimous voice vote (without objection).***

Article 16: *The Town voted to appropriate from Free Cash the amount of \$5,000.00 for an Audit.*

*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 amount of \$4,000.00 for the Board of Assessors FY16 revaluation account for a triennial property assessment.*

The article was moved and seconded and an amendment was then moved and seconded to add “account for a triennial property assessment” to the article as printed in the warrant after the words “revaluation.” The Moderator declared the amendment approved by a unanimous voice vote. The Moderator then declared the article as amended approved by a unanimous voice vote (without objection).

Article 18: *The Town voted to appropriate from Free Cash the amount of \$5,000.00 for the Bernardston Master Plan.*

The article was moved and seconded and after a brief discussion about the low cost of this important project the Moderator declared it approved by a unanimous voice vote (without objection).

Article 19: *The Town voted to appropriate from Free Cash the amount of \$992.44 to pay a prior years balance on a Staples credit card account #6035517820657533. Article required a 9/10 voting majority.*

The article was moved and seconded and then amended to read \$992.44 by a unanimous voice vote instead of \$1,000 as printed in the warrant.

After a brief discussion the Moderator declared the amended article approved by a unanimous voice vote (without objection) which satisfied the 9/10 majority requirement.

Article 20: *The Town voted to approve the following Resolution to Seek Lower Electric Rates in a Competitive Market.*

The article was moved and seconded and after a brief discussion and presentation by Kenneth Elstein of the Hampshire County Council of Governments the Moderator declared it approved by a unanimous voice vote (without objection).

Resolution to Seek Lower Electric Rates in a Competitive Market

- Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and
- Whereas, the citizens of the Town of Bernardston in Franklin County have substantial economic, environmental, and social interests at stake; and
- Whereas, Bernardston’s residential and business consumers are interested in reducing their electricity rates;
- Be it therefore resolved, that the Town Meeting of Bernardston grants the Board of Selectmen authority to develop and participate in any municipal electric aggregation plan and to amend, restructure or reconstitute such plan as may be necessary and appropriate so as to execute a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and
- Be it further resolved, that the Board of Selectmen may appoint a representative for a committee to oversee such joint action.

Article 21: *The Town voted to amend the Open Container bylaw as follows:*

*The article was moved and seconded and after a lengthy discussion **the Moderator declared it approved as printed by a floor count vote of 32 in favor and 9 against.***

By-law relative to prohibiting the consumption of alcoholic or intoxicating beverages or the use or possession of illegal drugs or narcotics on a public way or otherwise public property.

1. No person shall, within the Town of Bernardston, whether on a public way, Town way, County highway, State highway, a private way open to the public or on any public property, consume, use or possess any alcoholic or intoxicating beverage or any drug or narcotic not prescribed by a physician or in violation of any law in the Commonwealth. This shall also prohibit the consumption, use or possession of any alcoholic or intoxicating beverage, or any drug or narcotic not prescribed by a physician by any person within any vehicle whether parked or moving, while sitting, standing, walking or running, or otherwise present within such way or on public property.
2. No person shall consume, use or possess any alcoholic or intoxicating beverages or any drug or narcotic not prescribed by a physician or in violation of any law in the Commonwealth in any public building, on any public property including but not limited to parks, cemeteries, school buildings, school grounds or any private way or parking area to which the public has a right of access.
3. Smoking Marijuana in public in any of the locations listed above shall be a violation of this bylaw.
4. A violation of this bylaw shall constitute a breach of peace. Any police officer of the Town or State police officer may arrest any person who violated the provisions of paragraph 1, 2 and 3 and may cause such person to be detained or held in custody until he can be taken before a court having jurisdiction over the offense.
5. The penalty for any violation of the provisions of paragraph 1, 2 and 3 shall be a fine of no less than \$50.00 and no more than \$100.00.
6. The foregoing paragraph shall not apply to any activity duly approved or licensed by the Board of Selectmen under the applicable provisions of the General Laws of the Commonwealth of Massachusetts.

Article 22: *The Town voted to accept a gift of land on School Road from the heirs of Harry V. Seager, more particularly described as follows:*

*The article was moved and seconded the assembly agreed to waive the reading of the property description and after a brief discussion **the Moderator declared it approved as printed by a unanimous voice vote (without objection).***

Beginning at an iron pin on the northerly line of School Road, said iron pin being N 68° 40' W, 195.93 feet from a solid iron pin marking the intersection of the northerly line of School Road with the westerly line of South Street (Routes 5 & 10) and running thence N 68° 40' W, 750.89 feet along School Road to an iron pin; thence N 24° 30' E, 389.28 feet along land of the Inhabitants of Bernardston and land now or formerly of Earl A. Estabrook et ux to an iron pin; then S 60° 03' 06" E, 710.21 feet along land formerly of Stillman Barber to an iron pin; thence S 60° 28' 30" E, 53.22 feet along land nor or formerly of Harry M. Feldman et ux, to an iron pin; thence S 26° 38' W, 275.9 feet along land now or formerly of John A. Senior, et al to the place of beginning.

Containing 5.78 acres of land more or less.

Subject to a pole line right of way as granted to Western Mass. Electric Co. and recorded in the Franklin County Registry of Deeds, Book 988, Page 487.

Reserving to ourselves, our heirs or assigns a right of way for all purposes 23 feet in width along the westerly line of the above described parcel from School Road northerly to land formerly of Stillman Barber.

Excepting from the above described parcel those portions thereof conveyed by deed of Harry V. Seager to:

1. Richard P. Suchanek et ux dated December 6, 1967, recorded in the Franklin County Registry of Deeds, Book 1219, Page 113.
2. Dana E. Rittal et ux dated July 16, 1970, recorded in the Franklin County Registry of Deeds, Book 1260, Page 636.
3. John R. Stark et ux dated March 25, 1970, recorded in the Franklin County Registry of Deeds, Book 1255, Page 255

Meaning to convey all the remaining land in Tract 1 deeded to Harry V. Seager by deed dated September 10, 1957, recorded in the Franklin County Registry of Deeds, Book 1062, Page 22 and shown on a "PLAN FOR HARRY V. SEAGER ET UX BERNADSTON" prepared by F. Deane Avery Associates dated May 2, 1977 filed with the Franklin County Registry of Deeds, Plan Book 44, Page 20.

The aforesaid Harry V. Seager died a resident of said Bernardston on November 20, 1998. See Franklin County Probate Docket No. 98PO430.

Title to grantors herein is as devisees under the will of said Harry V. Seager.

Article 23: *The Town voted to* authorize the Board of Selectmen to enter into a five-year contract with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLP for recycling services at the Springfield Materials Recycling Facility.

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

Article 24: *The Town voted to* authorize the following revolving funds under Massachusetts General Laws Chapter 44, section 53E½ for the fiscal year beginning July 1, 2015:

The article was moved and seconded and after a brief discussion 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	\$ 10,000.00	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

Meeting Adjourned: 8:55pm

A True Copy:

Attest:

May 26, 2015

