



TOWN OF BERNARDSTON

MINUTES OF THE ANNUAL TOWN MEETING – June 6, 2018

Moderator: Geoffrey Wilson

Check in Poll Workers: Patriciann Grover, Donna Newton, Janet Page,
Joyce Roberts

Meeting Support: Salvatore Arnone, Kristina Costello, Judy Kromholz,
Val Luther,

Constable: William Montiglio

Warden: Joanne Balzarini, William Shores, Russell Deane, Robert Lively

Floor Vote Counters: William Young, Frank Kromholz

Town Officials Present:

Selectboard: Stanley Garland, Chair; Robert Raymond, Brian Keir.

Finance Committee: Jane Dutcher, Chair; Brian Hervieux, David Lorenz, Jody Coleman

Town Accountant: Stacey Mousseau; Town Coordinator: Hugh Campbell

Town Counsel: Donna MacNicol; Town Clerk: Paul Luther

Non-Resident / Unregistered Voters Known to be Present: See appendix 1

151 voters checked in at 7:07pm

184 maximum number of voters checked in by close of meeting.

1576 registered voters.

- *The Moderator called the meeting to order at 7:07pm by reading the notice of the warrant and confirming the proper posting thereof and then lead those present in the Pledge of Allegiance*
- *The Moderator then recognized The Town Clerk who thanked Edward Underwood for building and donating an excellent new ballot box for use at Town Meetings to replace the ancient and fragile 19th or 18th century one we have been using for over a century which will soon be part of our Historical Society collection. He also reminded those present about the reason for the wristbands and secret ballots distributed when people checked in and verified everyone who had checked in had their one secret ballot to use if a secret ballot was required.*

Article 1: *The Town acted on 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 2017 by distributing them at this meeting, and the Town heard oral reports from:*

- *Robert Raymond, Selectboard Member, on the status of the Charity Lot Trust Fund; See appendix 2.*
- *Jane Dutcher, Finance Committee Chair regarding the FY19 Town budget; See appendix 3*
- *Stanley Garland, Chair of the Selectboard. See appendix 4*

No other action required.

Article 2: *The Town voted to authorize the Selectboard 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 everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

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

The Article was moved and seconded and after everyone who desired to speak had been heard 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 Selectboard, to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 2018, 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 everyone who desired to speak had been heard, the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the requirement that it be passed by a 2/3 majority vote.

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 2019, and raise and appropriate any sum or sums therefore, and further [*as listed in detail in the first column labeled "FY 2019 APPROVED" in Table I*]:

Raise and Appropriate	507,037.94
Transfer from Free Cash	\$89,379.31
Transfer from Newsletter Revolving Fund	\$500.00
For A Total of	\$596,917.25

The Article was moved and seconded and an Amendment was moved by Jane Dutcher, Finance Committee Chair, and seconded to change the single line item in Table I for the Appeals Board (Zoning) of \$500.00 to a two line entry as follows: Appeals Board (Zoning) – Payroll, \$300.00; Appeals Board (Zoning) – Expenses, \$300.00; Total Appeals Board \$600.00 and also accordingly change the Raise and Appropriate amount from \$506,937.94 to \$507,037.94 for a Total for Article 5 from \$596,817.25 to \$596,917.25. The amendment having been moved and seconded and after everyone who desired to speak had been heard the Moderator declared the amendment approved by a Unanimous Voice Vote (without objection).

The Moderator then declared the article as amended approved by a Unanimous Voice Vote (without objection).

TABLE I		FY 2019	FY 2019	FY 2018
* column designates transfers from: T = another account S = Stabilization F = Free Cash	*	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Moderator				
Annual Meeting		50.00	50.00	50.00
Spec. Twn Meeting (3@ \$60)		180.00	180.00	180.00
Total Moderator		230.00	230.00	230.00

TABLE I		FY 2019	FY 2019	FY 2018
* column designates transfers from: T = another account S = Stabilization F = Free Cash	*	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Selectboard Dept.				
Selectboard Stipends - - - Chairman		2,050.00	2,050.00	2,050.00
2nd Member		2,000.00	2,000.00	2,000.00
3rd Member		2,000.00	2,000.00	2,000.00
Town Coordinator Salary		54,022.26	54,022.26	52,963.82
Selectboard Expenses		3,000.00	3,000.00	3,000.00
Town Reports, Printing of		1,200.00	1,200.00	1,500.00
Newsletter Stipend	T	500.00	500.00	500.00
Newsletter Expense		1,500.00	1,500.00	1,500.00
Newsletter		2,000.00	2,000.00	2,000.00
Town Hall Payroll		5,827.80	5,827.80	5,713.53
IT Services		3,200.00	3,200.00	3,200.00
Operating & Other Expenses		24,150.00	24,150.00	27,150.00
Sub-Total Town Hall Expense		33,177.80	33,177.80	36,063.53
Total Selectboard Dept.		99,450.06	99,450.06	101,577.35
Assessor's Office				
Assessors' Stipend - - - Chairman		1,050.00	1,050.00	1,050.00
2nd Member		1,000.00	1,000.00	1,000.00
3rd Member		1,000.00	1,000.00	1,000.00
Assessors' Assistant Payroll		33,965.85	33,965.85	33,299.85
Assessors' Expenses		8,975.00	8,975.00	8,825.00
Total Assessor's Office		45,990.85	45,990.85	45,174.85
Treasurer's Dept.				
Treasurer Salary		21,584.46	21,584.46	21,161.23
Treasurer Expense		5,650.00	5,650.00	5,625.00
Total Treasurer's Office		27,234.46	27,234.46	26,786.23
Town Officers' Bonds		576.00	576.00	652.00
Tax Title Expenses		5,000.00	5,000.00	5,000.00
Total Treasurer's Dept		32,810.46	32,810.46	32,438.23
Debt Service				
Interest on Short Term Borrowing		100.00	100.00	100.00
Turners Falls Bridge (FY 19-trans 89,379.31 from Free Cash & use 80,000 from TF bridge acct)0	F	89,379.31	89,379.31	140,504.00
BES Parking Lot				100,840.00
BES gym roof (3 of 3_)				56,278.80
PVRS Tech. Loan (#4 of 4)		31,884.43	31,884.43	31,880.03
Total Debt Service		121,363.74	121,363.74	329,602.83

TABLE I		FY 2019	FY 2019	FY 2018
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Tax Collector's Dept.				
Tax Collector Salary		18,916.07	18,916.07	18,545.17
Tax Collector Expenses		7,777.91	7,777.91	7,000.00
Total Tax Collector's Dept		26,693.98	26,693.98	25,545.17
Town Clerk's Dept.				
Town Clerk Salary		15,708.00	15,708.00	15,400.00
Asst. Town Clerk		1,122.00	1,122.00	1,100.00
Town Clerk Expenses		1,990.00	1,990.00	2,100.00
Elections/Registration		8,557.50	8,557.50	3,720.00
Registrars' Stipends		480.00	480.00	480.00
ICP Tabulator Bundle (Voting)				5,500.00
Total Town Clerk's Office		27,857.50	27,857.50	28,300.00
Planning Board				
Planning Board – Payroll		4,138.92	4,138.92	4,057.67
Operating & Other Expenses		975.00	975.00	860.00
Total Planning Board		5,113.92	5,113.92	4,917.67
Board of Health				
Board of Health Stipends - - Chairman		1,200.00	1,200.00	1,200.00
2nd Member		1,000.00	1,000.00	1,000.00
3rd Member		1,000.00	1,000.00	1,000.00
Board of Health Clerk		13,632.27	13,632.27	13,364.98
Health Agent		5,000.00	5,000.00	5,000.00
Wetlands		3,000.00	3,000.00	
Board of Health Expenses		5,000.00	5,000.00	5,000.00
Total Board of Health		29,832.27	29,832.27	26,564.98
Human Services				
Powers Institute Payroll		8,005.40	8,005.40	7,848.43
Powers Institute Opr Exp		28,090.00	28,090.00	28,090.00
Council on Aging Payroll		57,545.87	57,545.87	52,513.29
Council on Aging Opr Exp		2,790.00	2,790.00	2,790.00
<i>Sub-Total Senior Center</i>		<i>96,431.27</i>	<i>96,431.27</i>	<i>91,241.72</i>
Veterans' Benefits		4,428.00	4,428.00	20,000.00
Veterans' Services		3,701.20	3,701.20	3,630.64
Veteran's Memorial Com.		1,000.00	1,000.00	1,000.00
<i>Sub-Total Veterans Service</i>		<i>9,129.20</i>	<i>9,129.20</i>	<i>24,630.64</i>
Total Human Services		105,560.47	105,560.47	115,872.36

TABLE I		FY 2019	FY 2019	FY 2018
* column designates transfers from: T = another account S = Stabilization F = Free Cash	*	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Cushman Library				
Cushman Library Payroll		48,839.00	<i>48,839.00</i>	<i>49,023.95</i>
Operating Expenses		18,450.00	<i>18,450.00</i>	<i>18,133.76</i>
Total Cushman Library		67,289.00	<i>67,289.00</i>	<i>67,157.71</i>
Other Boards & Committees				
Agricultural Commission		1,225.00	<i>1,225.00</i>	<i>775.00</i>
Appeals Board (Zoning) Payroll		300.00	<i>500.00</i>	<i>500.00</i>
Appeals Board (Zoning) Expenses		300.00		
Conservation Commission		1,500.00	<i>1,500.00</i>	<i>1,250.00</i>
Historical Commission		400.00	<i>400.00</i>	<i>400.00</i>
MPIC(Master Plan Implementation)		1,000.00	<i>1,000.00</i>	<i>1,000.00</i>
Reserve Fund		30,000.00	<i>30,000.00</i>	<i>30,000.00</i>
Total Other		34,625.00	<i>34,625.00</i>	<i>33,925.00</i>
TOTAL ARTICLE 5		596,917.25	<i>596,817.25</i>	<i>811,306.15</i>

Article 6: *The Town voted to*

Raise and Appropriate	\$3,307,091.94
Transfer from Free Cash	\$23,728.37
Transfer from Powers Fund Trust	\$30,000.00
For a Total of	\$3,360,820.31

for Bernardston's share of the education expense in accordance with the amounts recommended by the Finance Committee as shown in the first column [*labeled "FY 2019 APPROVED"*] of the following table (Table II).

The article was moved and second, discussion had begun and a Motion to PASS OVER (meaning to end debate and postpone consideration on the article indefinitely) which the Moderator declared seconded by the appropriate number and after everyone who desired to speak had been heard the Moderator declared the motion to PASS OVER had on a voice vote failed to satisfy the 2/3 majority requirement for such a motion which had been moved after the article had been put on the floor.

After everyone who desired to speak had been heard the Moderator declared the article as printed in the warrant approved by a Majority Voice Vote (with some objection but without any challenge to the decision).

TABLE II		FY 2019	<i>FY 2019</i>	<i>FY 2018</i>
* column designates transfers from: T = another account S = Stabilization F = Free Cash	*	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Schools				
School Comm. Stipends				
PVRS-1st Representative		200.00	<i>200.00</i>	<i>200.00</i>
PVRS-2nd Representative		200.00	<i>200.00</i>	<i>200.00</i>
PVRS-3rd Representative		200.00	<i>200.00</i>	<i>200.00</i>
FCTS Representative		200.00	<i>200.00</i>	<i>200.00</i>
Franklin Regional Tech				
Operating Budget		370,729.00	<i>370,729.00</i>	<i>271,979.00</i>
Capital Budget (1st payment)		5,894.94	<i>5,894.94</i>	
Total FCTS		376,623.94	<i>376,623.94</i>	
Pioneer Valley Regional School District				
Operating Budget		2,929,668.00	<i>2,929,668.00</i>	<i>2,839,601.00</i>
High School Capital Projects				<i>.00</i>
FY19 Carpet Guidance Suite, KIVA & 2 classrooms	F	3,918.71	<i>3,918.71</i>	
FY19 gym wall pads including installation	F	2,689.66	<i>2,689.66</i>	
FY18 – Gutters; carpet 3 classrooms & library; FY16-Sidewalk Repair; FY13 – boiler				<i>11,767.60</i>
<i>Sub-Total High School Capital Projects</i>		6,608.37	<i>6,608.37</i>	<i>11,767.60</i>
BES Capital Projects				
Capital Improvements	F	5,000.00	<i>5,000.00</i>	<i>5,000.00</i>
FY19 communications(\$30,000 from Powers Fund Trust, \$12,120 from free Cash)	F T	42,120.00	<i>42,120.00</i>	
FY18 replace 17 windows & 1 door for broken seals				<i>13,080.00</i>
FY18 Replace Library Carpet				<i>5,240.00</i>
<i>Sub-Total BES Capital Projects</i>		47,120.00	<i>47,120.00</i>	<i>23,320.00</i>
Total PVRS		2,983,396.37	<i>2,983,396.37</i>	<i>2,874,688.60</i>
Total Schools		3,360,820.31	<i>3,360,820.31</i>	<i>3,147,467.60</i>
TOTAL ARTICLE 6		3,360,820.31	<i>3,360,820.31</i>	<i>3,147,467.60</i>

Article 7: *The Town voted to*

Raise and Appropriate

\$415,974.90

for Contracted Services, Pension and Insurance Expense in accordance with the amounts recommended by the Finance Committee as shown in the first column [labeled “FY 2019 APPROVED”] of the following table (Table III).

The Moderator reported that he was accepting a correction from the Finance Committee as a typographic error that the “FY 2019 Requested” amount for Street Lights should be \$4,500 not \$4,000 as listed in the warrant.

The Article was moved and seconded as corrected and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

TABLE III	FY 2019	<i>FY 2019</i>	<i>FY 2018</i>
* column designates transfers from: T = another account S = Stabilization F = Free Cash	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Contracted Services			
FRCOG Statutory/Core Service	14,080.00	<i>14,080.00</i>	<i>14,870.00</i>
FRCOG Fees for Service			
FRCOG Accounting Program	24,301.00	<i>24,301.00</i>	<i>23,618.00</i>
FRCOG Procurement	2,348.00	<i>2,348.00</i>	<i>2,348.00</i>
FRCOG Regional Emergency Planning Committee (REPC)	150.00	<i>150.00</i>	<i>150.00</i>
FRCOG Building Inspection	7,500.00	<i>7,500.00</i>	<i>7,500.00</i>
FRCOG Emergency Communications	7,910.74	<i>7,910.74</i>	<i>7,773.66</i>
<i>Sub-Total FRCOG</i>	56,289.74	<i>56,289.74</i>	<i>56,259.66</i>
Franklin County Solid Waste District	7,645.00	<i>7,645.00</i>	<i>7,672.00</i>
Town Counsel	5,000.00	<i>5,000.00</i>	<i>5,000.00</i>
Street Lights	4,500.00	<i>4,500.00</i>	<i>4,500.00</i>
Cell phones (COA, Fire, Highway)	3,600.00	<i>3,600.00</i>	<i>4,500.00</i>
Total Contracted Services	77,034.74	<i>77,034.74</i>	<i>77,931.66</i>
Pensions & Insurance			
Fr Regional Retirement System	98,429.00	<i>98,429.00</i>	<i>91,359.00</i>
Social Security	100.00	<i>100.00</i>	<i>100.00</i>
Medicare	11,000.00	<i>11,000.00</i>	<i>13,000.00</i>
Unemployment Insurance	6,000.00	<i>6,000.00</i>	<i>6,000.00</i>
Insurance: buildings, vehicles, equipment, liability town officers	62,905.88	<i>62,905.88</i>	<i>60,864.10</i>
Employee health insurance	149,301.90	<i>149,301.90</i>	<i>99,057.78</i>
Employee dental insurance	10,607.34	<i>10,607.34</i>	<i>8,023.92</i>
Employee life insurance	596.04	<i>596.04</i>	<i>702.36</i>
<i>Sub-Total Employee Ins. Benefits</i>	160,505.28	<i>160,505.28</i>	<i>107,784.06</i>
Total Pensions & Insurance	338,940.16	<i>338,940.16</i>	<i>279,107.16</i>
TOTAL ARTICLE 7	415,974.90	<i>415,974.90</i>	<i>357,038.82</i>

Article 8: *The Town voted to*

Raise and Appropriate	\$741,474.70
Transfer from Landfill Receipts	\$74,275.00
Transfer from the Recycling Revolving Account	\$1,600.00
For a Total of	\$817,349.70

for Public Services in accordance with the amounts recommended by the Finance Committee as shown in the first column [*labeled "FY 2019 APPROVED"*] of the following table (Table IV).

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

TABLE IV	FY 2019	FY 2019	FY 2018
* column designates transfers from: T = another account S = Stabilization F = Free Cash	* APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Public Services			
Fire Department			
Stipends	8,800.00	8,800.00	8,800.00
Payroll	50,000.00	50,000.00	34,850.00
Operating Expenses	53,000.00	53,000.00	50,865.00
Total Fire Department	111,800.00	111,800.00	94,515.00
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	224,324.11	224,324.11	212,650.51
Operating Expenses	39,130.00	39,130.00	42,050.00
Total Police Department	263,454.11	263,454.11	254,700.51
Highway Department			
Payroll	172,987.80	172,987.80	173,348.03
Operating Expenses	145,380.00	145,380.00	145,380.00
Total Highway Department	318,367.80	318,367.80	318,728.03

TABLE IV		FY 2019	<i>FY 2019</i>	<i>FY 2018</i>
* column designates transfers from: T = another account S = Stabilization F = Free Cash	*	APPROVED <i>Recommended by Finance Comm.</i>	<i>Requested</i>	<i>Appropriated</i>
Transfer Station				
Payroll		27,227.63	<i>27,227.63</i>	<i>26,738.48</i>
Operating Expenses (transfer Annual Recycling Rolloff replacement-\$1,600 from Transfer Station Recycling and Transfer \$66,450 from Landfill Receipts)	T	68,050.00	<i>68,050.00</i>	<i>68,580.00</i>
Landfill Testing (transfer fm Landfill Receipts)	T	7,825.00	<i>7,825.00</i>	<i>7,050.00</i>
Total Transfer Station (FY19-74,275 fm Landfill receipts + 1,600 fm Transfer Station Recycling & R&A 27,227.63; FY18- 74,030 fm Landfill receipts +1,600 from Transfer Station Recycling & R&A 26,738.48)		103,102.63	<i>103,102.63</i>	<i>102,368.48</i>
Other Public Works				
Municipal Animal Inspector (incl. Barn Inspections & Animal Control- see State description)		1,000.00	<i>1,000.00</i>	<i>1,000.00</i>
Memorial Day		500.00	<i>500.00</i>	<i>500.00</i>
Tree Warden Payroll		3,775.16	<i>3,775.16</i>	<i>3,701.14</i>
Tree Warden Operating Expenses		5,350.00	<i>5,350.00</i>	<i>5,350.00</i>
<i>Sub-total Tree Warden incl. Dutch Elm & Pest Control</i>		<i>9,125.16</i>	<i>9,125.16</i>	<i>9,051.14</i>
Total Other Public Works		10,625.16	<i>10,625.16</i>	<i>10,551.14</i>
TOTAL ARTICLE 8		817,349.70	<i>817,349.70</i>	<i>790,863.16</i>

Article 9: *The Town voted to transfer from Free Cash the amount of \$50,000.00 to the Vehicle Stabilization Fund.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 10: *The Town voted to Raise and Appropriate the amount of \$3,741.36 and transfer from the Barber Fund the amount of \$11,450.00 for a total of \$15,191.36 for the Recreation Commission Expense Account and transfer from the Kiwanis Expendable Interest Account the sum of \$1,000.00 to the Kiwanis Recreation Equipment Fund to be expended by the Recreation Commission for Recreation Programs and Field Maintenance.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

Article 11: *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 everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 12: *The Town voted to transfer from Free Cash the amount of \$15,000.00 for the Renovate/Construct Town Buildings Account.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 13: *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 a discussion about whether the town or a community group was responsible for the flags which question the Selectboard would work to clarify the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 14: *The Town voted to raise and appropriate the amount of \$5,000.00 for the third of three installments, for the FY19 Town Audit.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 15: *The Town voted to raise and appropriate the amount of \$4,750.00 for the third of three installments, for the Board of Assessors FY19 revaluation.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 16: *The Town voted to transfer from Free Cash the amount of \$5,000.00 to be added to the Other Post-Employment Benefits (OPEB) Trust Fund.*

The Article was moved and seconded and the Moderator corrected the article to read "(OPEB) Trust Fund" instead of "(OPEB) Liability Trust Fund" as printed in the warrant and after everyone who desired to speak had been heard the Moderator declared the article as corrected approved by a Unanimous Voice Vote (without objection).

Article 17: *The Town voted to transfer from Free Cash the amount of \$5,000.00 for the Fire Station Expansion Committee.*

The Article was moved and seconded and questions were raised about how the money would be spent. Those present were told it would be used to cover expenses which might be incurred including preparing and sending out information to the Town. The Moderator then declared it approved by a Unanimous Voice Vote (without objection).

Article 18: *The Town voted to join the Pioneer Valley Mosquito Control District for an initial one-year. The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Majority Voice Vote (with some objections but without any challenge to the decision).*

Article 19: *The Town voted to transfer from Free Cash the amount of \$3,000.00 to the Mosquito Control Account.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

Article 20: *The Town voted to transfer from Free Cash the sum of \$5,000.00 to be added to the Employee Retirement/Separation Account.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 21: *The Town voted to authorize the following spending limits for Revolving Funds in accordance to Massachusetts General Laws Chapter 44, section 53E½ for the fiscal year beginning July 1, 2018,*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Revolving Fund	Spending Limit
Council on Aging Donations	\$10,000.00
Board of Health	\$15,000.00
Zoning Board of Appeals	\$1,000.00
Planning Board	\$2,000.00
Fire Department	\$2,000.00
Dog Licenses	\$3,000.00
Public Safety	\$15,000.00
Transfer Station Recycling	\$37,000.00
Cushman Library	\$5,000.00
Agricultural Commission	\$5,000.00
Newsletter	\$2,000.00

Article 22: *The Town voted to apply \$50,000.00 from the Overlay Surplus Account to reduce the FY19 tax rate.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 23: *The Town voted to transfer from the Vehicle Stabilization Account for the purchase of a new cruiser for the Police Department the amount of \$40,000.00.*

The article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a unanimous voice vote (without objection) which satisfied the requirement that it be passed by a 2/3 majority vote.

Article 24: *The Town voted to transfer from Free Cash the amount of \$8,000.00 for the purpose of funding a hydrology study.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 25: *The Town voted to transfer from Free Cash the amount of \$50,000.00 for the purpose of replacing culverts determined to be in need of replacement.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Unanimous Voice Vote (without objection).

Article 26: *The Town voted to NOT authorize the Selectboard to enter into a 5-year lease-to-own agreement for the purpose of acquiring a front-end loader with 60" forks and an angle broom for the Highway Department at a net cost of \$164,800.*

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it FAILED TO BE APPROVED on a floor count of 65 Yes to 80 No.

Article 27: *The Town voted to PASS OVER ANY transfer from Free Cash the amount of \$19,294.37 and to transfer from the Recycling Revolving Fund the amount of \$18,000 for a total of \$37,294.37 for the first of 5 annual payments for the front-end loader.*

A motion to PASS OVER was immediately moved and seconded and after everyone who desired to speak had been heard the Moderator declared it PASSED OVER by a Unanimous Voice Vote (without objection).

Article 28: *The Town voted to raise and appropriate the amount of \$31,554.00 (this will be a recurring appropriation for the next three fiscal years,) as a supplemental appropriation, in addition to operating and capital articles which are presented in other articles in this warrant, to the Pioneer Valley Regional School District. The sole purpose is to retire the Town's pro rata share of the Pioneer Valley Regional School District School Lunch Program's \$270,000 Revolving Fund Debt over a term of three years. The amount allocated to each member town is based on the FY19 operating percentage (Bernardston 35.06%; Leyden 6.16%; Northfield 49.34% and Warwick 9.43%.) This appropriation is made contingent upon Town Meeting approval by all the four PVRSD member towns and with the strongest advisory expectation that there will be no recurrence of further lunch deficits in the future.*

The article was moved and seconded, discussion had begun and a Motion to "PASS OVER" (meaning to end debate and postpone consideration of the article indefinitely) was moved and seconded and after everyone who desired to speak had been heard on the motion, the Moderator declared the motion to "PASS OVER" had on a voice vote failed to satisfy the 2/3 majority requirement for such a motion (without any challenge to the decision).

Article 28, continued. . .

Discussion continued on the Article and after everyone who desired to speak had been heard the Moderator declared the article approved as printed by a Majority Voice Vote (with substantial objection and without any challenge to the decision).

By the time these minutes were completed it has been confirmed that the contingency “contingent upon Town Meeting approval by all the four PVRSD member towns” in the article had been satisfied therefore this should be considered as binding and official.

Article 29: Shall the Town of Bernardston adopt the following zoning bylaw to prohibit the retail sale of marijuana town-wide by amending the Bernardston Zoning Bylaw as follows:

Article VI. Definitions by inserting the following:

Marijuana Retailer: an entity authorized to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

And further to amend Article II, Section 2234 as follows:

2234. Business/Industrial Uses	R/A	R1	CV	B	I	EPD
Marijuana Retailer	N	N	N	N	N	N

The Article was moved and seconded and a motion to vote by secret paper ballot was moved and the Moderator recognized sufficient support for the secret ballot to go forward and after everyone who desired to speak to the article had been heard the secret ballot was completed and the Moderator declared on a vote of 104 Yes to 71 No (59% in favor) it failed to achieve the 2/3 majority required and therefore was NOT APPROVED.

Article 30: *The Town voted* to adopt MGL Chapter 64N, Section 3, to impose a 3.0% local sales excise tax upon the sale of or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Bernardston.

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

Article 31: *The Town voted* to amend the Bernardston Zoning Bylaw by adding Recreational Marijuana Retail Business to the use schedule section 2234 Business/Industrial Uses as allowed in the Business and EPD districts with Site Plan Review and Special Permit from the Planning Board.

The article was moved and seconded and an amendment was moved and seconded to strike the line beginning after the word Planning Board in the warrant “when and if the town votes to allow such establishments and use” which amendment the Moderator declared approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

The Moderator then declared the article as amended approved by a 2/3 majority Voice Vote (as required for this article) (with some objections but without any challenge to the decision).

Article 32: *The Town voted* to amend the Open Container Bylaw by replacing the wording in Section 2 and Section 3 as follows:

2. No person shall smoke, vaporize, ingest or otherwise consume marijuana, or delta-9-tetrahydrocannabinol (THC), while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Bernardston, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof.

3. A violation of this by-law may constitute a breach of peace.

The article was moved and seconded and an amendment was moved and seconded to strike the words "medical marijuana" from the end of line 1 as printed in the warrant which amendment after a brief discussion the Moderator declared the amendment approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

The Moderator then declared the article as amended approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

Prior Existing Bylaw Language

2. No person shall consume alcoholic beverages or intoxicating beverage or use or possess any drug or narcotic in violation of the laws of the Commonwealth in any public building, on any public property including parks, cemeteries, school buildings, school grounds or any private way or parking area regulated under the provision of Massachusetts General Laws Chapter 90, Section 18.

3. A violation of this by-law shall constitute a breach of peace.

Article 33: *The Town voted* to adopt MGL Chapter 48, Section 42, the Strong Chief so-called system of leadership for the Fire Department effective July 1, 2018.

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator declared it approved by a Majority Voice Vote (with some objections but without any challenge to the decision).

Article 34: *The Town voted* to amend the Bernardston Zoning Bylaw as follows:

Addition of municipal use as an allowed by-right in all districts in the table of use regulations, section 2233 Community Service Uses.

The Article was moved and seconded and after everyone who desired to speak had been heard the Moderator then declared it approved by a 2/3 majority Voice Vote (as required for this article) (with some objections but without any challenge to the decision).

Article 35: *The Town voted* to amend the Bernardston Zoning Bylaw as follows:

The Article was moved as printed in the warrant and seconded and after everyone who desired to speak had been heard the Moderator then declared the article as printed approved by a 2/3 majority Voice Vote (as required for this article) (with some objections but without any challenge to the decision).

Additions to Site Plan Review 4400 subsection 4430 – new text shown in bold underline

4430. Any use permitted by right, by special permit, or by special exception in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents or other substance, conditions or element in an amount as to affect adversely the surrounding environment.


Site Plan approval shall be granted upon determination by the Planning Board that the following conditions are complied with:

- A. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage, consistent with functional requirements of the Planning Board's Subdivision Rules and Regulations.
- B. New building shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:
 - a. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, threat of air or water pollution, and noise and **odors** emanating from the site;
 - b. Maximize pedestrian and vehicular safety both on the site and egressing from it;
 - c. Minimize obstruction of scenic views from publicly accessible locations;
 - d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 - e. Minimize glare from headlights through plantings or other screening;
 - f. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site, with fixture mounting not higher than 15 feet;
 - g. **The site will function harmoniously in relation to other structures and open spaces to the natural landscape, existing buildings and other community assets in the area as it relates to landscaping, drainage, sight lines, building orientation, massing, egress and setbacks** as viewed from public ways.

- h. The requested use will not overload, and will mitigate adverse impacts on the Town's resources, including the effect on the Town's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The construction materials and methods for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be those set forth in the Bernardston Subdivision Regulations (even for projects that are not part of a subdivision) unless the Planning Board finds that a different standard is more appropriate.
- C. Solar. For new buildings and additions, the applicant must show that the building is designed to accommodate solar power installation. This is met by showing that the roof design can support solar panels and that roof orientation, conduit and electrical service will be incorporated so that installation can easily be added either at the time of construction or at any point thereafter. Alternatively, the applicant may show the site is designed to accommodate solar with conduit to be located to accommodate a ground mount system. The Planning Board may waive this requirement for green roofs or if the applicant provides information to show that either building-mounted or ground mounted systems are impracticable due to site constraints/orientation.

Meeting Adjourned at 10:20pm

Respectfully Submitted, July 10, 2018

A handwritten signature in cursive script that reads "Paul W. Luther". The signature is written in black ink and is positioned above the typed name of the signatory.

Paul W. Luther, Bernardston Town Clerk