



TOWN OF BERNARDSTON

SPECIAL TOWN MEETING MINUTES

Bernardston Senior Center
20 Church Street; Bernardston, MA
July 26, 2023
7:00pm

Moderator: Geoffrey Wilson
Registrars & Check in: Camilla Thacher, Susan LaCoy

Town Officials Present:

Select Board: Stanley Garland Chair; Kenneth Bordewieck; Brian Keir
Finance Committee: Jane Dutcher, Chair: Stephen Nestanpower,
Town Coordinator: Louis Bordeaux
Town Counsel: Donna MacNicol;
Town Clerk: Christina Slocum-Wysk
Assistant Town Clerk: Camilla Thacher

Four (4) Non-Resident or Unregistered Voters Signed in on July 26th and Known to be present. Voters checked in at 6:30pm. 82 registered voters checked in by close of the meeting on July 26th of 1675 registered voters.

The Moderator called the meeting to order at 7:05pm and read the Greetings.

To either of the Constables of the Town of Bernardston in the County of Franklin,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at Bernardston Senior Center, located at 20 Church Street in said Bernardston, the 26th day of July next, at seven o'clock in the evening, in the year 2023, then and there to act upon the following articles:

Article 1: To hear a report from the Fire Station Building Committee on the status of their work and to field any questions relative thereto.

This article was read, moved and seconded. Peter Shedd, Fire Chief, gave a slide presentation for the Fire Station Building Committee. After the presentation the Article was put to a Voice Vote following which the Moderator declared the Article approved unanimous.

Article 2: To see if the Town will vote to authorize the Selectboard to acquire the property, currently known as "Raymond's Repair", located at 167 Northfield Road and 0 Merrifield Road from Christopher and Debra Raymond for \$1,600,000.00 (One million, six hundred thousand dollars). Acquisition amount as follows:

Transfer from Stabilization Account	\$300,000.00
10 year, zero interest mortgage from seller	\$1,300,000.00
For A Total of	\$1,600,000.00

Acquisition subject to the stipulations outlined in the Purchase and Sale agreement or take any vote or votes relative thereto. *(A two-thirds majority vote is required for passage.) (The Selectboard and Fire Station Building Committee recommend passage of this article.)*

The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote following which the Moderator declared it approved by a 2/3 vote and was Unanimous.

Article 3: To see if the Town will vote to adopt the following Town Bylaw, or take any vote or votes relative thereto. *(The Selectboard recommends passage of this article.)*

Public Shade Tree Removal
Town of Bernardson, Massachusetts

Massachusetts General Laws Chapter 87, Section 3 (Public Shade Tree Law) defines all trees within a public way or on the boundaries thereto as public shade trees. If it is doubtful whether the tree is within the public way, it shall be taken to be within the public way until the contrary is shown. Public shade trees cannot be cut, trimmed or removed without a prior written permit from the Tree Warden after a Public Hearing duly advertised. The procedure for securing a permit to cut, trim or remove a public shade tree (Town tree) is as follows:

1. A written request is made to the Tree Warden to remove a public shade tree by calling or sending the written request or an email to the Tree Warden. Contact information is available on the town website. The Tree Warden will assess the tree(s).
2. The Tree Warden will schedule a public hearing for tree removal requests. The public hearing is held by the Selectboard. In circumstances where the public shade tree is located within a scenic road and where the Scenic Road Act is triggered, the hearing is held with the Selectboard and the Planning Board.
3. Notice of the Public Hearing is given by the Tree Warden, identifying size, type and location of the shade tree or trees to be cut down or removed. The Notice shall be posted in two or more public places in the Town and upon the tree at least seven (7) days before such hearing and, at the applicant's expense, published in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than seven days before the hearing.
4. The Tree Warden inspects the tree or trees and issues a recommendation to the Selectboard or Planning Board.
5. Upon completion of the Public Hearing, if the tree is approved for removal, the Tree Warden issues a written permit for the removal of the tree or trees.

If written objection is made by one or more persons to the Tree Warden at or before the public hearing, a permit to cut or remove cannot be issued unless approved by the Selectboard.

For any nonhazardous Town tree(s) that are cut down, **the person(s) receiving the permit** are responsible for both the removal and the cost to remove the tree(s). In addition, those person(s) shall donate funds to the Tree Donations special revenue fund in an amount deemed appropriate by the Town Selectboard. Reimbursement to the Town is required for every inch of tree caliper removed. Each measured inch will require a \$100 reimbursement into the Tree Donations special revenue fund. For example, a 5" caliper tree will be \$500, and a 10" caliper tree will be \$1,000, etc. If Town trees are cut down **without** a written permit from the Tree Warden, reimbursement will be required which is double the above amount, whether the tree(s) were hazardous or not. The purpose of contributing to the Tree Donations special revenue fund is to replant public shade trees within the Town of Bernardston. These tree plantings are often coordinated as an outdoor learning activity with students in town.

The Article was read, moved and seconded, questions and answers pursued. Kenneth Bordewieck made a motion to amend the article by striking out "Reimbursement to the Town is required for every inch of tree caliper removed. Each measured inch will require a \$100 reimbursement into the Tree Donations special revenue fund. For example, a 5" caliper tree will be \$500, and a 10" caliper tree will be \$1,000, etc." and replace with "Reimbursement to the town is required and will be determined by the Tree Warden to reflect the cash of replacement of the tree. If aggrieved by the reimbursement amount, appeal may be made to the Selectboard."

*The **amendment** was read, moved and seconded and was put to a Voice Vote following which the Moderator **approved Unanimous**. The Moderator put to vote on the amended article with a standing vote of 61 yes and 16 no. The Moderator **declared the amended article passed**.*

Article 4: To see if the Town will vote to raise and appropriate \$1,500 (One thousand, five hundred dollars) to increase the salary of the Town Treasurer for the fiscal year 2024, or take any vote or votes relative thereto. *(The Selectboard recommends passage of this article.) The Article was read, moved and seconded and after a brief explanation, it was put to a Voice Vote following which the Moderator declared it passed Unanimous.*

Article 5: To see if the Town will vote to rescind the borrowing authority granted by the Bernardston Annual Town Meeting held on May 5, 2021, Article 38, or take any vote or votes relative thereto. *(The Selectboard recommends passage of this article.) This article was read, moved and seconded. Stan Garland made motion to amend the article by striking out "38" and replace with "36". There was no Article 38 on the May 5, 2021 Annual Town Meeting warrant. The **amendment** was read, moved and seconded and was put to a Voice Vote following which the Moderator **passed Unanimous**. The Moderator put to a voice vote on the amended article which the Moderator **declared the amended article passed Unanimous**.*

The Moderator asked if there is any other town business. Hearing none he put to a voice vote to close the meeting, approved unanimous. Closed at 8:05pm.

I, the undersigned, hereby certify that I am the Clerk of the Town of Bernardston; that as such I have custody of the town records as required by law to be kept in my office; and I do hereby certify that the above is a true copy from said records, as held in the office of the Town Clerk.

Christina Slocum-Wyck Date: July 27, 2023

Christina Slocum-Wyck

Bernardston Town Clerk