



**ANNUAL TOWN MEETING MINUTES  
TOWN OF BERNARDSTON**

The Farm Table, The Barn at Kringle Candle  
219 South Street, Bernardston, MA  
April 29, 2024

**Moderator:** Geoffrey Wilson

**Registrars & Check in:** Linda Raymond, Camilla Thacher, Susan LaCoy, Louise LeGouis

**Town Officials Present:**

**Selectboard:** Stanley Garland Chair; Kenneth Bordewieck; Brian Keir

**Finance Committee:** Jane Dutcher, Chair, Brian Hervieux, Stephen Nestanpower,  
Jody Coleman, Tammy Powell

**Town Administrator:** Karen Kelly

**Town Counsel:** Donna MacNicol

**Town Clerk:** Christina Slocum-Wysk

**Assistant Town Clerk:** Camilla Thacher

Ten (10) non-resident or unregistered voters signed in and known to be present. One-hundred and fifteen (115) registered voters out of 1790 registered voters checked-in by close of the meeting. Non-Resident or Unregistered Voters Signed in on April 29th and known to be present.

*The Moderator called the meeting to order at 7:13 pm by reading the notice of the warrant and confirming the proper posting thereof and then led those present in the Pledge of Allegiance.*

Franklin:

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 The Farm Table, The Barn at Kringle Candle, located at 219 South Street in said Bernardston, the 29th day of April next, at seven o'clock in the evening, in the year 2024, then and there to act upon the following articles:

**Article 1:** To act upon the reports of the Town Clerk, Town Treasurer, Selectboard, School Committees, all other Town Officers and Committees as contained in the Annual Town Report for 2023, and

- a) to hear an oral report from the Selectboard on the status of the Charity Lot Trust Fund;
- b) to hear a report from the Selectboard;
- c) to hear a report from the Chairman of the Fire Station Building Committee, with time for questions and answers pertaining to the Fire Station Building project;
- d) to hear a report from Finance Committee Chair regarding the FY25 Town Budget.

The reports as contained in the **ANNUAL TOWN REPORT FOR 2023** were distributed to all present prior to the meeting. The oral reports of the Selectboard including the status of the Charity Lot Trust Fund, the Fire Station Building Committee and the Finance Committee were heard.

**Article 2:** To see if the Town of Bernardston will authorize the Selectboard to apply for and accept state and/or federal monies and to expend any monies received as set forth in the appropriate application and/or document, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 and the **Moderator declared it approved Unanimously.***

**Article 3:** To see if the Town will vote 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, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 and the **Moderator declared it approved Unanimously.***

**Article 4:** To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements for Fiscal 2025, commencing on July 1, 2024 pursuant to M.G.L. c. 44, section 53F, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 and the **Moderator declared it approved Unanimously.***

**Article 5:** To see if the Town will vote, under the provisions of M.G.L. c. 41, section 108, or any amendments thereto, to fix the salaries of all elected officials for Fiscal Year 2025 and raise and appropriate any sum or sums therefore, and further.

<b>Raise and Appropriate</b>	<b>\$611,879.30</b>
<b>Transfer from Free Cash</b>	<b>62,000.00</b>
<b>For A Total Of</b>	<b>\$673,879.30</b>

for the maintenance of the several departments of the Town in accordance with the amounts recommended by the Finance Committee as show in the first column of the following table (Table 1), or pass any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

<b>TABLE I</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>ADMINISTRATION</b>				
<b>Moderator</b>				
Annual Meeting		50.00	50.00	50.00
Spec. Tn Meeting (3@\$60)		180.00	180.00	180.00
<b>Total Moderator</b>		<b>230.00</b>	<b>230.00</b>	<b>230.00</b>
<b>Selectboard's Dept.</b>				
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 Administrator Salary		68,139.59	68,139.59	66,154.94
Office Assistant			15,600.00	
Selectboard Expenses		2,250.00	2,250.00	2,800.00
Town Reports, Printing of		800.00	800.00	800.00
IT Services (FY25-contracted)				2,000.00
Computer Replacement	F	2,000.00	2,000.00	2,000.00
Website Maintenance				
Operating & Other Expenses		17,762.00	17,762.00	17,400.00
<i>Sub-Total Town Hall Expense</i>		<i>19,762.00</i>	<i>19,762.00</i>	<i>21,400.00</i>
<b>Total Selectboard Dept.</b>		<b>97,001.59</b>	<b>112,601.59</b>	<b>97,204.94</b>
<b>Assessor's Office</b>				
Assessors' Stipends	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		41,933.14	41,933.14	40,711.79
Assessors' Expenses		9,965.00	9,965.00	9,665.00
<b>Total Assessors Office</b>		<b>54,948.14</b>	<b>54,948.14</b>	<b>53,426.79</b>
<b>Treasurer's Dept.</b>				
Salary		29,119.47	28,192.44	25,871.33
Treasurer Certification		1,000.00	1,000.00	1,000.00
Assistant Treasurer - Stipend		1,000.00	1,030.00	1,000.00
Expense		7,050.00	7,050.00	7,340.00
<i>Sub--Total Total Treasurer's Office</i>		<i>38,169.47</i>	<i>37,272.44</i>	<i>35,211.33</i>
Town Officers' Bonds		1,027.00	1,027.00	1,000.00
Tax Title Expenses		5,000.00	5,000.00	5,000.00
<b>Total Treasurer's Dept</b>		<b>44,196.47</b>	<b>43,299.44</b>	<b>41,211.33</b>
<b>Debt Service</b>				
Interest on Short Term Borrowing		100.00	100.00	100.00

<b>TABLE I</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
2024-Highway Truck payment				52,715.81
<b>Total Debt Service</b>		<b>100.00</b>	<b>100.00</b>	<b>52,815.81</b>
<b>Tax Collector's Dept.</b>				
Salary		23,353.19	23,353.19	22,673.00
Expenses		5,858.00	5,858.00	8,660.00
<b>Total Tax Collector's Dept</b>		<b>29,211.19</b>	<b>29,211.19</b>	<b>31,333.00</b>
<b>Town Clerk's Dept.</b>				
Salary (24 hrs/wk)		32,136.00	32,136.00	19,297.23
Asst. Town Clerk (10/hrs/wk)		9,360.00	9,360.00	8,338.31
Expenses		4,280.00	4,280.00	3,880.00
Elections/Registration		15,290.00	15,290.00	10,679.50
Registrars' Stipends		480.00	480.00	480.00
<b>Total Town Clerk's Office</b>		<b>61,546.00</b>	<b>61,546.00</b>	<b>42,675.04</b>
<b>Planning Board</b>				
Payroll		4,085.56	4,085.12	3,966.56
Operating & Other Expenses		1,900.00	1,900.00	1,500.00
<b>Total Planning Board</b>		<b>5,985.56</b>	<b>5,985.12</b>	<b>5,466.56</b>
<b>Board of Health</b>				
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 Expenses		1,000.00	1,000.00	1,000.00
<b>Total Board of Health</b>		<b>4,200.00</b>	<b>4,200.00</b>	<b>4,200.00</b>
<b>Human Services</b>				
Powers Institute Operating Expense		52,850.00	52,850.00	52,150.00
Council on Aging Payroll		116,590.48	116,590.48	99,182.72
Council on Aging Operating Expense		8,412.00	8,412.00	7,020.00
<i>Sub-Total Senior Center</i>		<i>177,852.48</i>	<i>177,852.48</i>	<i>158,352.72</i>
Veterans' Benefits		3,969.00	3,969.00	3,240.00
Veterans' Services		5,793.27	5,793.27	5,303.79
Veteran's Memorial Committee		2,000.00	2,000.00	2,000.00
<i>Sub-Total Veterans Service</i>		<i>11,762.27</i>	<i>11,762.27</i>	<i>10,543.79</i>
<b>Total Human Services</b>		<b>189,614.75</b>	<b>189,614.75</b>	<b>168,896.51</b>
<b>Cushman Library</b>				
Payroll		60,904.48	60,904.48	62,365.16

<b>TABLE I</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
Payroll - Librarian		44,306.08	44,306.08	46,250.88
Library Assistants		16,598.40	16,598.40	16,114.28
Operating Expenses		22,123.00	22,123.00	19,975.00
<b>Total Cushman Library</b>		<b>83,027.48</b>	<b>83,027.48</b>	<b>82,340.16</b>
<b>Appeals Board (Zoning)</b>				
Payroll		370.37	359.58	359.58
Operating & Other Expenses		300.00	300.00	300.00
<b>Total Appeals Board (Zoning)</b>		<b>670.37</b>	<b>659.58</b>	<b>659.58</b>
<b>Conservation Commission</b>				
Payroll		740.75	719.17	719.17
Operating & Other Expenses		882.00	882.00	882.00
<b>Total Conservation Commission</b>		<b>1,622.75</b>	<b>1,601.17</b>	<b>1,601.17</b>
<b>Other Boards &amp; Committees</b>				
Agricultural Commission		1,125.00	1,125.00	1,125.00
Historical Commission		400.00	400.00	400.00
Reserve Fund (Raise & Appropriate \$40,000, Transfer from Free Cash \$60,000)		100,000.00	100,000.00	75,000.00
<b>Total Other</b>		<b>101,525.00</b>	<b>101,525.00</b>	<b>76,525.00</b>
<b>TOTAL of ARTICLE</b>		<b>*689,479.30</b>	<b>688,549.46</b>	<b>658,585.89</b>
<b>Inc. over prior year</b>		<b>*30,893.41</b>	<b>29,963.57</b>	<b>10,329.08</b>

*\*The Finance Committee Chair, Jane Dutcher, made a correction to the Total of Article, Recommended by Finance Committee to \$673,879.30 and the increase over the prior year should read \$15,293.41.*

*The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote and the **Moderator declared it approved Unanimously.***

**Article 6:** To see if the Town will vote to

<b>Raise and Appropriate</b>	\$3,591,093.00
<b>Transfer from Free Cash</b>	14,163.89
<b>for a Total of</b>	<b>\$3,605,256.89</b>

for Bernardston's share of the education expense in accordance with the amounts

recommended by the Finance Committee as shown in the first column of the following table (Table II), or pass any vote or votes relative thereto.

*(The Selectboard and Finance Committee recommend passage of this article.)*

<b>TABLE II</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>Schools</b>				
School Committee Stipends				
PVRS-1st Representative		200.00	200.00	200.00
PVRS-2nd Representative		200.00	200.00	200.00
PVRS-3rd Representative		200.00	200.00	200.00
FCTS Representative		200.00	200.00	200.00
<b>Total School Committee Stipends</b>		<b>800.00</b>	<b>800.00</b>	<b>800.00</b>
<b>Franklin Regional Tech</b>				
Operating Budget		378,146.00	378,146.00	314,300.00
Capital Budget	F	6,708.67	6,708.67	6,577.21
<b>Total FCTS</b>		<b>384,854.67</b>	<b>384,854.67</b>	<b>320,877.21</b>
<i>% Opr. Increase</i>		<i>0.20314</i>	<i>0.16041</i>	
<b>Pioneer Valley Reg School Dist</b>				
Operating Budget		3,212,147.00	3,212,147.00	3,186,284.00
<i>% Increase (Raise &amp; Appropriate)</i>		<i>1.5203</i>	<i>.0081</i>	
FY24-Key Cards				8,800.00
FY24-Shades;				5,280.00
FY24-Carpet;				2,112.00
FY24-Snack Shack				3,168.00
<b>BES Capital Projects</b>				
Capital Improvements	F	5,000.00	5,000.00	5,000.00
Vulcan Range (36", 6-burner)	F	2,455.22	2,455.22	
<i>Sub-Total BES Capital Projects</i>		<i>7,455.22</i>	<i>7,455.22</i>	<i>5,000.00</i>
<b>Total PVRS</b>		<b>3,219,602.22</b>	<b>3,219,602.22</b>	<b>3,210,644.00</b>
<b>Total Schools</b>		<b>3,604,456.89</b>	<b>3,604,456.89</b>	<b>3,531,521.21</b>

<b>TABLE II</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>TOTAL of ARTICLE</b>		<b>\$3,605,256.89</b>	<b>\$3,604,456.89</b>	<b>\$3,532,321.21</b>
<i>% of budget</i>		<i>56.27%</i>		<i>55.17%</i>
<i>% of raise &amp; appropriate</i>		<i>68.06%</i>		<i>66.73%</i>
Inc. over prior year		70,480.46		114,898.93

The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote and the **Moderator declared it approved Unanimously.**

**Article 7: To see if the Town will vote to**

<b>Raise and Appropriate</b>	\$556,970.61
<b>Transfer from Free Cash</b>	17,884.00
<b>Leyden Assessment</b>	26,927.89
<b>For a Total of</b>	\$601,782.50

for Contracted Services, Pension and Insurance Expense in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table III), or pass any vote or votes relative thereto.

*(The Selectboard and Finance Committee recommend passage of this article.)*

<b>TABLE III</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>CONTRACTED SERVICES</b>				
FRCOG Statutory/Core Service		14,183.00	14,183.00	13,362.00
FRCOG Fees for Service:				
Procurement		2,850.00	2,850.00	2,850.00
Public Health		18,695.00	18,695.00	18,695.00
Regional Emergency Planning Committee (REPC)		150.00	150.00	150.00
Building Inspection		7,600.00	7,600.00	7,600.00
Emergency Communications		8,647.90	8,647.90	8,647.00
<i>Sub-Total FRCOG</i>		<i>52,125.90</i>	<i>52,125.90</i>	<i>51,304.00</i>
Marcum Accounting Services		50,000.00	50,000.00	48,000.00

<b>TABLE III</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
VADAR Systems (Accounting Software)	F	3,974.00		
Franklin County Solid Waste Management District (Raise & Appropriate) \$9,235; & pay Hazardous Household Waste directly from Recycling Dividend Program)		9,235.00	9,235.00	8,783.00
Legal Fees (Town Counsel)		10,000.00	10,000.00	15,000.00
AdvanTech (IT service)	F	12,720.00	12,720.00	
LL Data Designs LLC (Town Clerk Software Maintenance Fees)	F	1,190.00	3,765.00	
Street Lights		10,000.00	10,000.00	10,000.00
Cell phones		3,360.00	3,360.00	3,360.00
<b>Total Contracted Services</b>		<b>152,604.90</b>	<b>151,205.90</b>	<b>136,447.00</b>
<b>Pensions &amp; Insurance</b>				
Franklin Regional Retirement System		149,603.00	149,603.00	137,771.00
Social Security		100.00	100.00	100.00
Medicare (1.45% payroll)		17,862.98	17,839.91	16,000.00
Unemployment Insurance (.4% payroll)		4,927.72	4,921.35	2,000.00
Insurance: buildings, vehicles, equipment, liability town officers		71,837.60	71,837.60	69,880.00
Employee & retiree health insurance (apply Leyden assessment; Raise & Appropriate balance)		194,317.65	194,317.65	183,852.00
Employee & retiree dental insurance		10,090.89	10,090.89	10,131.45
Employee & retiree life insurance		437.76	437.76	702.48
<i>Sub-Total Employee Ins. Benefits</i>		<i>204,846.30</i>	<i>204,846.30</i>	<i>194,685.93</i>
<b>Total Pensions &amp; Insurance</b>		<b>449,177.60</b>	<b>449,148.16</b>	<b>420,436.93</b>
<b>TOTAL of ARTICLE</b>		<b>601,782.50</b>	<b>600,354.06</b>	<b>556,883.93</b>
<i>Increase over prior year</i>		<i>44,898.57</i>		<i>51,729.04</i>

The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote and the **Moderator declared it approved Unanimously.**



**Article 8: To see if the Town will vote to**

<b>Raise and Appropriate</b>	<b>\$1,173,695.16</b>
<b>Transfer from Landfill Receipts</b>	<b>89,025.00</b>
<b>Transfer from Transfer Station Recycling Acct</b>	<b>2,200.00</b>
<b>Transfer from Free Cash</b>	<b>35,000.00</b>
<b>Transfer from Dog Revolving Fund</b>	<b>6,223.00</b>
<b>Leyden Assessment</b>	<b>72,778.09</b>
<b>For a Total of</b>	<b>\$1,378,919.25</b>

for Public Services in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table IV), or pass any vote or votes relative thereto.

*(The Selectboard and Finance Committee recommend passage of this article.)*

<b>TABLE IV</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>PUBLIC SERVICES</b>				
<b>Fire Department</b>				
Stipends		15,800.00	15,800.00	15,800.00
Payroll		62,971.34	60,000.00	61,137.22
Operating Expenses		89,650.00	89,650.00	72,750.00
Ambulance Fund	F	25,000.00	25,000.00	12,500.00
<b>Total Fire Department</b>		<b>193,421.34</b>	<b>190,450.00</b>	<b>162,187.22</b>
<b>Emergency Management</b>				
Payroll		10,000.00	10,000.00	10,000.00
Supplies		8,000.00	8,000.00	6,950.00
<b>Total Emergency Management</b>		<b>18,000.00</b>	<b>18,000.00</b>	<b>16,950.00</b>
<b>Police Department</b>				
Payroll		376,661.41	376,661.41	358,123.46
Operating Expenses		51,445.00	51,445.00	49,880.00
Animal Control Officer	T	5,723.00	5,723.00	6,359.00
Kennel Fee	T	500.00	500.00	

<b>TABLE IV</b>	*	<b>FY 2025</b>	<b>FY 2025</b>	<b>FY 2024</b>
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<i>ACO+Kennel Fee–Trans. fm Dog Revolving Fund</i>		6,223.00	6,223.00	
<b>Total Police Department (Transfer Leyden’s share \$72,778.09; Raise &amp; Appropriate \$361,551.32)</b>		<b>434,329.41</b>	<b>434,329.41</b>	<b>414,362.46</b>
<b>Highway Department</b>				
Payroll		290,567.90	292,877.90	274,065.20
Operating Expenses		137,300.00	137,900.00	134,100.00
<i>    subtotal Highway less S&amp;I</i>		<i>427,867.90</i>	<i>430,777.90</i>	<i>408,165.20</i>
Snow &Ice Payroll		30,400.00	30,400.00	26,559.36
Snow & Ice Expense		58,100.00	69,500.00	61,880.00
<i>    subtotal Snow&amp;Ice</i>		<i>88,500.00</i>	<i>99,900.00</i>	<i>88,439.36</i>
<b>Total Highway Department</b>		<b>516,367.90</b>	<b>530,677.90</b>	<b>496,604.56</b>
<b>Transfer Station</b>				
Payroll		23,276.80	23,276.80	10,960.15
Operating Expenses (incl \$2,200 Ann. Recycling Rolloff replacement from Transfer Station Recycling) plus FY25 \$80,000 from Landfill Receipts (FY24 trans \$93,080. from Landfill Receipts;)	T	141,852.00	141,852.00	141,702.00
Landfill Testing (transfer from Landfill Receipts)	T	9,025.00	9,025.00	8,080.00
<b>Total Transfer Station FY25-\$2,200 from TS Recycling, \$89,025.00 from TS Landfill Receipts &amp; R&amp;A \$82,928.80 (FY24-\$2,200 from TS Recycling, \$93,080 from Landfill receipts &amp; Raise &amp; Appropriate-\$65,482.15)</b>		<b>174,153.80</b>	<b>174,153.80</b>	<b>160,742.15</b>
<b>Tree Warden</b>				
Tree Warden Payroll		11,396.80	11,396.80	9,469.90
Tree Warden Operating Expenses		15,250.00	15,250.00	10,900.00
Tree Removal	F	10,000.00		10,000.00
<b>Total Tree Warden</b>		<b>36,646.80</b>	<b>26,646.80</b>	<b>30,369.90</b>

TABLE IV	*	FY 2025	FY 2025	FY 2024
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>Other Public Works</b>				
Municipal Animal Inspector		1,000.00	1,000.00	1,000.00
Building Maintenance Department		2,500.00	2,500.00	
Fuel Management (Connection Charge & Pump Maintenance)		1,000.00	1,000.00	
Charity Farm Lot		1,000.00	1,000.00	1,000.00
Memorial Day		500.00	500.00	500.00
<b>Total Other Public Works</b>		<b>6,000.00</b>	<b>5,000.00</b>	<b>2,500.00</b>
<b>TOTAL of ARTICLE</b>				
		<b>1,378,919.25</b>	<b>1,379,257.91</b>	<b>1,283,716.29</b>
<i>Increase over prior year</i>		<i>95,202.96</i>	<i>95,541.62</i>	<i>176,820.25</i>

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 Unanimously.**

**Article 9: To see if the Town will vote to**

**Transfer from Free Cash                      \$350,000.00**

for the Stabilization accounts in accordance with the amounts recommended by the Finance Committee as shown in the first column of the following table (Table V), or pass any vote or votes relative thereto.

*(The Selectboard and Finance Committee recommend passage of this article.)*

TABLE V	*	FY 2025	FY 2025	FY 2024
* = F – Transfer from Free Cash S – Transfer from Stabilization T – Transfer from Specific Account		<b>Recommended by Finance Committee</b>	<b>Requested</b>	<b>Appropriated</b>
<b>STABILIZATION</b>				
Special Purpose Stabilization Fund – Vehicle replacement	F	50,000.00	50,000.00	50,000.00
Stabilization Fund - Capital	F	300,000.00	300,000.00	100,000.00
<b>TOTAL of ARTICLE</b>				
		<b>350,000.00</b>	<b>350,000.00</b>	<b>150,000.00</b>

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 Unanimously.**

**Article 10:** To see if the Town will vote to Raise and Appropriate the amount of \$5,112.30 for payroll for the Recreation Commission Account and, further, to transfer from the Kiwanis Trust Unrestricted 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, or take any vote or votes relative thereto.  
*(The Selectboard and Finance Committee recommend passage of this article.)*

*The Article was read, moved and seconded. Motion to amend submitted by Stanley Garland, Selectboard Chair, "to see if the town will vote to transfer the sum of \$5,112.30 from the Barber Fund to the Recreation Commission Account payroll and further transfer from the Kiwanis Trust Unrestricted Account the sum of \$5,112.30 from the Barber Fund to the Recreation Commission Account for payroll and further to transfer from the Kiwanis Trust Unrestricted Account the sum of \$1,000 to the Kiwanis Recreation Equipment Fund to be expended by the Recreation Commission for recreation programs and field maintenance or take any vote or votes relative there to." The motion to amend was seconded and it was put to a Voice Vote following which the **Moderator declared it approved with one vote against.***

**Article 11:** To see if the Town will vote to raise and appropriate the amount of \$8,000.00 for an FY26 Town Audit, or take any vote or votes relative thereto.  
*(The Selectboard and Finance 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 Unanimously.***

**Article 12:** To see if the Town will vote to raise and appropriate the amount of \$2,400.00 for the first of five installments, for the Board of Assessors FY29 revaluation, or take any vote or votes relative thereto.  
*(The Selectboard and Finance 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 Unanimously.***

**Article 13:** To see if the Town will vote to raise and appropriate the amount of \$1,200.00 for maintenance at the Village Cemetery (formerly called Old Cemetery), or take any vote or votes relative thereto.  
*(The Selectboard and Finance 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 Unanimously.***

**Article 14:** To see if the Town will vote to raise and appropriate the amount of \$300.00 for the Flag Replacement Account, or take any vote or votes relative thereto.  
*(The Selectboard and Finance 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 Unanimously.***

**Article 15:** To see if the Town will vote to raise and appropriate the amount of \$5,000.00 for the Mosquito Control District, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 Unanimously.***

**Article 16:** To see if the Town will vote to raise and appropriate the amount of \$130,000.00 for the Fire Station Building Account, or take any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

*The Article was read, moved and seconded. Motion to amend submitted by Melissa Murphy, "to see if the town will vote to transfer the sum of \$100,000 from the Barber Fund to the Fire Station Building Account and raise and appropriate the sum of \$30,000 to the Fire Station Building Account, or take any vote or votes relative thereto." Statements were made against the motion to amend by Stanley Garland, Selectboard Chair and Jane Dutcher, Finance Committee Chair. The motion to amend was seconded and it was put to a Voice Vote following which the **Moderator declared it failed.** The Moderator went back to the original reading of the Article. The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote following with the **Moderator declared it approved unanimously.***

**Article 17:** To see if the Town will vote to transfer from Free Cash the sum of \$5,000.00 to be added to the Employee Retirement/Separation Account, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 Unanimously.***

**Article 18:** To see if the Town will vote to transfer from Free Cash the amount of \$5,000.00 to be added to the Other Post-Employment Benefits (OPEB) Trust Fund, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 Unanimously.***

**Article 19:** To see if the Town will vote to transfer from Free Cash the amount of \$22,000.00 to be added to the Culvert Replacement Account, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 Unanimously.***

**Article 20:** To see if the Town will vote to transfer from Free Cash the amount of \$15,000.00 for the Renovate/Construct Town Buildings Account, or take any vote or votes relative thereto. *(The Selectboard and Finance 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 Unanimously.***

**Article 21:** To see if the Town will vote to transfer from Free Cash the amount of \$5,000.00 to a Tax Collection Software Fund in order to provide for the future purchase of Tax Collection Software, or take any vote or votes relative thereto.  
*(The Selectboard and Finance 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 with one vote against.***

**Article 22:** To see if the Town will vote to transfer from Free Cash \$544.78 to pay A. R. Sandri, Inc. for FY23 invoices, or take any vote or votes in relation thereto.  
This article requires a ~~9/10~~ 4/5 voting majority.  
*(The Selectboard and Finance Committee recommend passage of this article..)*

*Town Counsel reported that Annual Town Meeting requires a 4/5 voting majority.*

*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 Unanimously.***

**Article 23:** To see if the Town will vote to transfer from Free Cash \$1,220.62 to pay Eversource for prior years invoices, or take any vote or votes in relation thereto.  
This article requires a ~~9/10~~ 4/5 voting majority.  
*(The Selectboard and Finance Committee recommend passage of this article..)*

*Town Counsel reported that Annual Town Meeting requires a 4/5 voting majority.*

*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 Unanimously.***

**Article 24:** To see if the Town will vote to transfer from the Vehicle Stabilization Account an amount up to \$59,420.43 for the purchase of a new cruiser for the Police Department, or take any vote or votes in relation thereto.  
This article requires a 2/3 voting majority.  
*(The Selectboard and Finance 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 with one vote against.***

**Article 25:** To see if the Town will vote to transfer from the Vehicle Stabilization Account an amount up to \$163,000.00 for the purchase of a new backhoe for the Highway Department, or take any vote or votes in relation thereto.

This article requires a 2/3 voting majority.  
*(The Selectboard and Finance Committee recommend passage of this article.)*

*Justin Duncan questioned if purchasing a used backhoe was considered. Brian Miner, Highway Superintendent, explained that the Town will make this purchase through a bid process that offers a new backhoe for \$163,000 versus a used backhoe for \$140,000 with 3500 hours. Brian added that it makes more sense to purchase a new backhoe with an extended warranty and the Town will sell the old backhoe through an auction for approximately \$20,000. The Article was put to a Voice Vote following which the **Moderator declared it approved Unanimously.***

**Article 26:** To see if the Town will vote to authorize the Chief of Police and the Selectboard to apply for the COPS Hiring Program (CHP), or take any vote or votes in relation thereto. *(This Article submitted and recommended by the Bernardston Police Department.)*

*(The Selectboard and Finance 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 Unanimously.** Stanley Garland, Selectboard Chair further explained that Article 26 is authorizing the Town to submit for a grant. If we get the grant, we can provide more detail at a later date what the additional police officer will cost the Town.*

**Article 27:** To see if the Town will vote to borrow or otherwise provide for a sum up to \$987,000.00 for the purpose of purchasing a replacement for Bernardston Fire Department Engine #3 (KME Pumper), and all costs incidental and related thereto, and further, to authorize the Treasurer with the approval of the Selectboard to borrow, pursuant to MGL Ch. 44, Sec. 7(1), or any other enabling authority, said sum or a portion thereof for the purposes set forth herein, and to issue bonds and notes therefore, and further, to authorize the Selectboard and other appropriate public officials to take all actions necessary to effect the purposes of this article, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2½ debt exclusion referendum under General Laws Chapter 59, Sec. 21C(k), or take any vote or votes in relation thereto. This article requires a 2/3 voting majority. *(The Selectboard and Finance Committee recommend passage of this article.)*

*The Article was read, moved and seconded. Bernardston Fire Chief, Peter Shedd gave a presentation on the history of the current fleet of fire trucks. KME Pumper #3 (2004) is listed and was scheduled for replacement s for replacement in the FY24 capital management plan. Clarification was made by the Town Clerk that if the Article passes, a Special Town meeting will be held that will include a Proposition 2 ½ ballot question to borrow or otherwise provide a sum up to \$987,000.00 for the purpose of purchasing a replacement for the #3 KME Pumper. The Article was read, moved and seconded and after no one asked to speak, it was put to a Voice Vote following with the **Moderator declared it approved unanimously.***

**Article 28:** To see if the Town will vote to add to the Bernardston Revolving Fund Bylaw in accordance with M.G.L. c. 44, section 53E½ as stated in the following table, or take any vote or votes relative thereto.

*(The Selectboard and Finance Committee recommend passage of this article.)*

Revolving Fund	Authority to Spend Fund	Revenue Source	Use of Fund	Spending Limit	Fiscal Years
Fire & Water District	Highway Department	Fees charged to the Fire & Water District for vehicle fuel	Pay for vehicle fuel	\$1,200.00	FY24 and subsequent years

*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 Unanimously.***

**Article 29:** To see if the Town will vote to authorize the following spending limits for Revolving Funds in accordance to M.G.L. c. 44, section 53E½ and the Town of Bernardston Bylaw for the fiscal year beginning July 1, 2024, or take any vote or votes relative thereto. *(The Selectboard and Finance Committee recommend passage of this article.)*

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
Street Flag Replacement Fund	\$5,000.00
Fire & Water District	\$1,200.00

*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 Unanimously.***



**Article 30:** To see if the Town will vote to authorize the Selectboard to seek special legislation to allow the Selectboard to appoint an associate member to the Bernardston Board of Health to serve as a voting member when a full member is incapacitated or unable to act due to a conflict etc., or take any vote or votes relative thereto.

*(This Article submitted and recommended by the Board of Health)  
(The Selectboard and Finance 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 Unanimously.***

**Article 31:** To see if the Town will vote to accept the provisions of M.G.L. c. 90, sections 20A, 20C, 20D and 20E as amended, to provide for the enforcement of Parking Regulations, or take any vote or votes relative thereto.

*(This Article submitted and recommended by the Bernardston Police Department)  
(The Selectboard and Finance Committee recommend passage of this article.)*

*The Article was read, moved and seconded. A question was asked if parking is a problem in Bernardston? Police Chief Jim Palmeri explained that this amendment will appoint the Bernardston Police Department as the enforcing persons that will give them an option over towing a vehicle in places where there are "no parking" signs and citations may be issued. After the discussion it was put to a Voice Vote following which the **Moderator declared it approved Unanimously.***

**Article 32:** To see if the Town will vote to accept the provisions of M.G.L. C 44, §54(b),(c), & (d) to allow Town trust funds to be invested in accordance with M.G.L. C203C, the so-called "Prudent Investment Rule", or take any vote or votes relative thereto.

*(This Article submitted and recommended by the Bernardston Treasurer)  
(The Selectboard and Finance Committee recommend passage of this article.)*

### **Prudent Investment Rule**

Voting yes for this article will allow our city/town/district to invest our trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds under the Prudent Investment Rule. Prudent investing allows for much greater investment diversification opportunities than what is currently allowed under the MA Legal List of Investments. Where appropriate, Prudent investing allows investment managers to use diversified mutual funds, ETFs, individual stocks, bonds, alternative investments, etc. Previously, these municipal funds had to adhere to a very short and restrictive list of stock and bond investments by law. Prudent investing does not inherently mean more risk in the investment portfolio, it simply means that there are greater investment options, which allows for reduced concentration risk and an overall more balanced portfolio allocation.

*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 Unanimously.***

**Article 33:** To see if the Town will approve “Requesting lowering recent outrageous Property TAX Hike. Needed to prevent hardships for people on Social Security, Disability and also the working people of this town. The property tax hike is equal to a months income for some people”, or take any vote or votes relative thereto.

*(This article was petitioned by Kathy Willor)*

*The Article was read, moved and seconded. Kathy Willor is the Primary Article Sponsor of this Citizen Petition. Kathy spoke and ultimately reiterated that the lowering the recent tax hike by half would satisfy the petitioners. Melissa Murphy, Board of Assessors Chair, explained that we as a Town decide what we Raise and Appropriate. The Town has to Raise and Appropriate to allow the Town to function. Kathy Willor is hoping that the Town budget can be reduced somewhere. Another gentleman discussed the over valuation of homes as being the culprit to increased taxes. Mr. Russell Dean, Board of Assessors, further explained that the state controls the assessment of our homes and will use that to dictate our tax rate. Stanley Garland, Selectboard Chair recommended creating a committee to do the work of lowering the taxes and reiterated contacting our state and federal elected officials! Jennifer Reynolds, Counsel on Aging Director spoke of the upcoming Article 35 introducing the Tax Work Off Program that may help qualifying seniors and Veterans to work off some of their tax. Town Counsel, Donna MacNicol, explained that the way the Article is written makes it a non-binding question which means the question has no legal or binding force. There is not enough detail as to how to proceed with the Article and what the Article is actually asking the Town to do. Stephen Nestenpower reminded the Town how much it costs to run and operate a school district with declining enrollment. The Moderator allowed a lengthy discussion. Brian Hervieux motioned to pass over the article and it was put to a Voice Vote following which the **Moderator declared it approved Unanimously to pass over.***

**Article 34:** To see if the Town will vote, “To change the definition of the word “RESTAURANT”, as appears in the Bernardston Zoning Bylaws, Article VI from “Shall mean a permanent structure at which the principal activity is the preparation and retail sale of food or beverage” to “Any business establishment, temporary or permanent, principally engaged in the retail sale of food, drink or refreshments, whether prepared on or off the premises””, or take any vote or votes relative thereto.

*(This article was petitioned by Alexander Fiorey)*

*(The Planning Board does not recommend passage of this article.)*

*The Article was read, moved and seconded. A couple of residents spoke in support of the Article and specifically the Falltown Grill Food Truck. Peter Nai, Planning Board Co-Chair, explained that we have verbiage in our bylaws for a restaurant but, instead of changing the existing verbiage, the Planning Board would like to amend the zoning bylaws adding specifics about food trucks. Shannon Wissman-Hoar, Co-Chair Planning Board added that food trucks and restaurants are two separate entities. She reiterated that the Town is not against food trucks. Shannon added that the Planning Board has a plan to put forth a bylaw addressing food trucks as permanent structures. The Article was read, moved and seconded and it was put to a Voice Vote following which the **Moderator declared it failed by 2/3 vote.***

**Article 35:** To see if the Town will vote to adopt M.G.L. c. 59, section 5K for seniors and section 5N for Veterans, in FY 2026, which allow seniors and Veterans in the Town to work off certain amounts of their taxes as provided for in the law, or take any vote in relation thereto. *(This Article submitted and recommended by the Selectboard)*

*The Article was read, moved and seconded. Town Counsel, Donna MacNicol added that the Town will design a program for Seniors and Veterans and/or spouses of disabled Veterans can work off a portion of their tax bill up to \$2000.00. The Article was read, moved and it was put to a Voice Vote following which the **Moderator declared it approved Unanimously.***

**Article 36:** To see if the Town will vote to use monies from the refunded school assessment to consider purchasing playground structure(s) for the Bernardston Elementary School, not to exceed \$200,000, or take any vote in relation thereto. *(This Article submitted and recommended by the Selectboard)*

*The Article was read, moved and seconded. Stanley Garland, Selectboard Chair motioned to pass over this article and explained that the Town learned that the school assessment to consider purchasing a playground structure has to go into General Fund then into Free Cash and next year when Free Cash comes around we may not receive the full \$200,000. The Article was read, moved and it was put to a Voice Vote following which the **Moderator declared it approved Unanimously.***

**Article 37:** To see if the Town will vote to replace the existing Dog Bylaw and adopt the following Town Bylaw as written or take any vote or votes relative thereto. *(This Article submitted by the Animal Control Officer and recommended by the Selectboard)*

*The Article was read, moved and seconded. The Animal Control Officer, Kyle Dragon summarized the details of the new comprehensive Animal Control Bylaw that will bring the Town in compliance with state guidelines and standards. The Article was read, moved and it was put to a Voice Vote following which the **Moderator declared it approved Unanimously.***

### **Animal Control Bylaw Town of Bernardston, Massachusetts**

#### 1. Administration

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

#### 2. Dog Licensing

- a. In accordance with M.G.L. c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing

authority, who shall issue dog licenses and tags.

b. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1<sup>st</sup> through March 31<sup>st</sup> of each year.

c. In accordance with M.G.L. c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.

d. In accordance with M.G.L. c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.

e. No License fee shall be charged for a license issued under M.G.L. c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and M.G.L. c. 272 §98a.

f. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.

g. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.

h. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.

i. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.

j. All license fees collected shall deposited as defined in M.G.L. c140 § 147.

### 3. Kennel Licensing.

a. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1<sup>st</sup> through March 31<sup>st</sup> of each year.

b. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.

c. The fee for Kennel licensure shall be set by the Selectboard and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.

d. Kennels may be established where allowed and permitted by the Town of Bernardston Zoning Bylaw.

e. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31<sup>st</sup> of the following calendar year.

f. Renewals: A kennel license shall be renewed by March 31<sup>st</sup> annually, upon

completion of an annual inspection and payment of the appropriate fee, provided that the renewal and licensure is not in contradiction of any bylaw or Massachusetts General laws that would prohibit the renewal or issuance of the license.

g. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be handled in accordance with M.G.L. c. 140 §137C.

h. In accordance with M.G.L. c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.

i. All license fees collected shall be deposited as defined in M.G.L. c.140 § 147.

#### 4. Dogs Running-At-Large; Unrestrained

a. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained with a chain or leash.

b. Exception: This section shall in no way preclude the use of certain specially trained dogs as set forth in M.G.L. c. 140 §139.

c. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.

d. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.

e. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to M.G.L. c. 140, §§ 151A and 167.

f. This by-law shall remain in force year-round.

g. Violations of this section are subject to the fine schedule as set forth in M.G.L. c. 140 § 173A.

## 5. Removal of Waste.

a. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Bernardston, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.

b. This section shall not apply to a dog licensed under M.G.L. c.140 § 139 and/or accompanying a person whom is handicapped as defined in M.G.L. c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

## 6. Complaint of Nuisance and Dangerous Dogs

a. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in M.G.L. c. 140, § 136A.

b. The provisions of M.G.L. c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.

c. The Animal Control Officer shall investigate such complaint and shall submit a written report of his/her findings and recommendations to the Selectboard concerning the restraint or disposal of such dog as provided in M.G.L. C.140, section 157.

d. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Selectboard to issue their order following receipt of the report of the Animal Control Officer. If the Selectboard fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.

e. The Selectboard shall investigate or cause the investigation of the complaint by the ACO or police officer. Once the initial investigation is done, the Selectboard shall con into the investigation and matter including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the Selectboard shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the cog is complained of as a dangerous dog:(A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

f. Violations of such orders shall be subject to the enforcement provisions of M.G.L. c. 140, §§ 157 and 157A.

## 7. Impoundment and Kenneling

### a. Impoundment:

1) The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.

2) If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.

3) The animal shall be secured in the town kennel or other such approved holding facility.

### b. Kenneling:

1) The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.

2) Required Documentation shall be considered: Proof of Ownership, Valid Rabies Certificate, and Valid Town License.

3) The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.

4) All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.

5) In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.

6) If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.

## 8. Disposition of Animals:

a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.

b. Unclaimed Animals: In accordance with M.G.L. c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the Animal Control Officer.

c. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

## 9. Humane Treatment

a. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold,

veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.

b. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of M.G.L. c. 140 § 174E.

c. Violations of this section are subject to the fine schedule as set forth in M.G.L. c. 140 § 174E.

d. Clarification Note: M.G.L. 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.

e. In accordance with M.G.L. c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.

f. Violations of this section are subject to the fine schedule as set forth in M.G.L. c. 140 § 174F.

## 10. Rabies Control

a. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with M.G.L. c. 140 § 145B.

b. The town shall annually nominate a minimum of (1) Animal Inspector as defined in M.G.L. c. 129 § 15.

c. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

## 11. Noise complaints; barking dogs.

a. No person owning, keeping, or otherwise responsible for a dog or dogs shall allow said dog or dogs to annoy another person by making loud or continuous noise where such noise would be found by a reasonable person to be disruptive to one's quiet and peaceful enjoyment. Continuous and clearly audible barking, whining, crying or howling by a dog or dogs is prima facie evidence of a violation if:

1) It occurs between the hours of 10:00 p.m. and 7:00 a.m. of the next day and lasts longer than five minutes;

2) There are five or more occurrences, regardless of length of barking, in less than two hours between the hours of 10:00 p.m. and 7:00 a.m. of the next day; or

3) It is in excess of 15 minutes between the hours of 7:00 a.m. and 10:00 p.m.

b. Exemption. Livestock guardian canines in the act of protecting livestock as well as working canines in the performance of their established duties shall be exempt from this section.

c. Nothing in this section shall interfere with an individual's right to file for a nuisance dog hearing under M.G.L. c. 140, § 157.

## 12. Cats



a. Stray Cats: Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.

b. Feral Cats: Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

### 13. Livestock

a. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming a nuisance by way of trespass upon public ways; public lands; and the lands of another person.

b. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the town.

c. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.

d. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission.

e. For the purpose of this bylaw section, the term notification shall include: In writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; In person; By phone conversation with the owner or person having care of the animals; by phone with a voicemail left at the last known number for the owner or person having care of the animals; By other means not defined here that a reasonable person would find acceptable.

f. If said animals remain at-large twelve (12) hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.

g. Each twelve (12) hour period that the animals remain at-large shall constitute another offense. An offense shall be limited to a period of twelve (12) months.

h. In the event of multiple occurrences within a period of time, in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls trespass upon any public way or lands in the town; or the premises of another person without the permission. The owner or person having care of said animals, shall be deemed in violation of paragraph A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.

i. If the owner or person having care of the animals, is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation

may forgo issuing a monetary fine, however, the occurrence shall still count as a first offense.

j. Nothing in this section shall preclude prosecution under section 118 of chapter 266.

#### 14. Fees; Enforcement, Violations and Penalties

a. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.

b. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.

#### 15. Violation of Dog Control Laws:

a. Shall utilize the following schedule of fines as defined in M.G.L. c.140 §173A:

- 1) First Offense: \$50 (fifty dollars)
- 2) Second Offense: \$100 (one hundred dollars)
- 3) Third Offense: \$300 (three hundred dollars)
- 4) Fourth/Subsequent Offense: \$500 (five hundred dollars)

b. The town may require a dog to be spayed/neutered if applicable.

#### 16. Livestock – Failure to recover animals at large:

a. Violations of the Livestock provision will utilize the following schedule of fines.

- 1) First Offense: \$20 (Twenty dollars)
- 2) Second Offense: \$40 (Forty dollars)
- 3) Third/Subsequent Offense: \$50 (fifty dollars)

#### 17. Other violation:

a. If no specific fine is listed for a specific provision, the following fine schedule shall apply:

- 1) First Offense: Verbal Warning
- 2) Second Offense: \$25 (twenty-five dollars)
- 3) Third Offense: \$50 (fifty dollars)
- 4) Fourth Offense/Subsequent: \$100 (one hundred dollars)

b. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.

c. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.

d. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

**Article 38:** To see if the Town will vote to adopt the Tag Sale Bylaw as written or take any vote or votes relative thereto. *(This Article submitted and recommended by the Selectboard.)*

*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 Unanimously.***

### **Tag Sale Bylaw Town of Bernardston, Massachusetts**

The Town of Bernardston has adopted a bylaw governing tag sales to prevent problems that might disturb neighbors.

1. Definitions: For the purposes of this chapter, a “tag sale,” “cellar sale,” “garage sale,” “lawn sale,” “rummage sale,” “attic sale,” “yard sale,” “moving sale,” “estate sale,” or its equivalent shall be defined as the sale of new or used items offered for sale, barter, or trade to the general public when conducted in whole or in part in a zoning district.

2. Responsibilities: The Tag Sale holder shall be responsible for orderly parking and traffic flow. If parking or traffic flow conditions create a threat to the safety of the public, the Tag Sale event shall be terminated by the Franklin County Cooperative Inspection Program, Building Inspector and/or the Bernardston Police Department.

3. Time Restrictions:

a. All tag sales as herein above defined shall be held for no longer than a continuous 72-hour period and the sale hours shall be limited to 8 a.m. - 5 p.m. All items for sale must be removed at the conclusion of the 72-hour period and secured in the owner's primary residence.

b. No Tag Sale event shall be held at a time or place so that it negatively impacts or interferes with any other public event in the community.

4. Frequency: A tag sale as herein above defined may be conducted only from the owner's primary residence or from the primary location of the nonprofit organization. No more than three (3) tag sales may be conducted from the same residence per calendar year in a residential zone.

5. Signs: Temporary signs advertising the tag sale may be erected on the day(s) of the sale and shall be promptly removed at the conclusion of the sale. Signs that create a nuisance or threat to public safety are prohibited and shall be removed at the request

of the zoning enforcement officer or police officer. No notices, advertising signs or directional signs are to be attached to trees, utility poles or street signs. Signs must be removed at the end of the 72-hour period.

6. Enforcement: The Franklin County Cooperative Inspection Program, Building Inspector and the Bernardston Police Department are the enforcing persons of this bylaw.

7. Exemptions: Occasional sales by churches and other charitable organizations are exempt.

8. Enforcement: The Franklin County Cooperative Inspection Program, Building Inspector and Bernardston Police Department are the enforcing persons for this bylaw.

Penalty: First Offense Violation: \$25.00

Second Offense Violation: \$50.00

Third Offense Violation: \$100.00

A violation of any provision of this bylaw may be dealt with as a noncriminal offense in accordance with the provisions of M.G.L. c. 40, section 21D and the Town of Bernardston General Bylaw, Noncriminal Disposition.

**Article 39:** To see if the Town will vote to amend the Unregistered Motor Vehicle Bylaw; update the penalty fee and include the Bernardston Police Department as the enforcing persons, or take any vote or votes relative thereto.

*(This Article submitted and recommended by the Selectboard.)*

*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 Unanimously.***

### **Unregistered Motor Vehicle Town of Bernardston, Massachusetts**

Section 1: The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under M.G.L. c. 140 section 59, on any premises shall not be permitted unless said motor vehicles are stored within an enclosed building.

Section 2: A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing at which all abutters to the premises have received notice, may be granted by the ~~Board of Selectmen~~ Selectboard, if it finds that such keeping; (1) is in harmony with the general purposes and intent of this by-law; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

Section 3: All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

Section 4: This by-law shall not apply to motor vehicles which are designed and used for farming purposes or to contractors' equipment, not to landowners or tenants who store motor vehicles out of sight of abutters and public ways.

Section 5: Whoever violates any provisions of this by-law shall be liable to a penalty of ~~\$5.00~~ \$25.00 per day for each day of violation, commencing ten days (10) following date of receipt of written notice from the ~~Board of Selectmen~~ Selectboard.

Section 6: Officers of the Bernardston Police Department are the enforcing persons for this bylaw.

**Article 40:** To see if the Town will vote to amend the General Bylaws for Non-Criminal Disposition, or take any vote or votes relative thereto.

*(This Article submitted and recommended by the Selectboard)*

*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 Unanimously.***

#### Section 1 – Enforcement

a) Criminal Complaint: Whoever violates any provision of these bylaws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for such violation, or offense, brought in such manner, shall be three hundred dollars.

b) Noncriminal Disposition: Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in M.G.L. c. 40, section 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered an enforcing person for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections; each day on which any violation exists shall be deemed to be a separate offense.

General Bylaws

Article 37, Animal Control Bylaw

Article 38, Tag Sale Bylaw

Article 39, Unregistered Motor Vehicles

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Motion to adjourn at 9:55pm on April 29, 2024.

Respectfully Submitted,



Christina Slocum-Wysk  
Town Clerk