

# TOWN OF BERNARDSTON



## MINUTES OF ANNUAL TOWN MEETING May 29, 2013

Moderator: Mark Fitzpatrick

Check in Registrars: Linda Raymond & Salvatore Arnone

Constables: Peter Brulotte, William Moniglio & Peter Shedd

Meeting opened 7:05pm

80 voters present  
1491 registered voters

- In the absence of the elected moderator, the Town Clerk, Paul Luther, opened the meeting and thanked the previous Town Clerk, Judy Knight for her nearly decade of service to the town. She has left the town records in good order and although there was no requirement for her to stay on to help train the new elected town Clerk, she agreed to take on that responsibility. Her help in training the new Town Clerk has been very important but any mistakes the new Town Clerk now makes are his and his alone. The Town Clerk also thanked the check-in registrars and constables serving at this meeting for their presence and fine work.
- **A motion was then made, seconded and approved by a voice vote without objection to elect Mark Fitzpatrick to be Moderator for the Annual Town Meeting.**
- The Moderator recognized the Chair of the Finance Committee, Jane Dutcher, who after naming and thanking the members of the Finance Committee and the Town Accountant, described in some detail a "Budget Worksheet" [*on file in the Town Clerk's office*] which was handed out as residents checked in. Among other information she noted that if the town voted only the recommended amounts of the Finance Committee and Selectboard, tax rates would go up about 2.4%. There was a brief discussion and a few questions which Jane answered.
- The Moderator recognized Bob Raymond who reported on the final disposition of funds from the 250<sup>th</sup> Anniversary Committee. He emphasized that the town raised and appropriated \$13,500 to get the planning for the event started and as promised all surplus funds were returned to the Town. The committee has returned about \$16,000 to the Town which more than offset the original start-up funds. [*For the full report of the Bernardston 250<sup>th</sup> Anniversary Celebration Committee, see the Bernardston Annual Report for 2012, pp.3-6.*]

**Article 1:** *Moved, seconded and the Town voted* to act upon the reports of the Town Clerk, Town Treasurer, Selectmen, School Committees, all other Town Officers and Committees as contained in the Annual Town Report for 2012, and to hear an oral report from the Board of Selectmen on the status of the Charity Lot trust fund.

*Moderator Declared Approved by Voice Vote without objection*

- The Moderator recognized Virginia Budness who gave a report on the status of the Charity Farm Lot [*a full copy of that report and her remarks is on file at the Town Clerk's office*]. Virginia reported that during the calendar year 2012 the Town received no requests for assistance. So far in calendar year 2013 they have paid from the Charity Farm Trust \$ 500 for fuel oil directly to the vendor, Sandri on behalf of a resident and \$681.77 to WMECO for the cost of electric heat for a resident. This presentation was followed by a few questions from the floor and a statement by the Town Attorney describing the history of the trust, its current status and efforts to clarify various points of concern [*details of which statement are on file in the Town Clerk's office*].

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

*Moderator Declared Approved by Voice Vote without objection*

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

*Moderator Declared Approved by Voice Vote without objection*

**Article 4:** *Moved, seconded and the Town voted* to change the title of the Administrative Assistant position to Town Coordinator.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection*

**Article 5:** *Moved, seconded and the Town voted* to fix salaries and compensations of the elective officials for Fiscal Year 2014, as provided in MGL Chapter 41, Section 108. [*As listed in the table below.*]

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection*

<b>ELECTED OFFICE</b>	<b>FY 14 AS VOTED</b>
Assessors	
Chairman	1,050.00
Second Member	1,000.00
Third Member	1,000.00
Board of Health	
Chairman	1,200.00
Second Member	1,000.00
Third Member	1,000.00
Board of Selectmen	
Chairman	2,050.00
Second Member	2,000.00
Third Member	2,000.00
Moderator – Annual Meeting (1)	50.00
Special Meetings (3 @ \$60)	180.00
Registrars of Voters	
Clerk	179.00
3 Members @ \$62	186.00
School Committee	800.00
Tax Collector	17,100.00
Town Clerk	14,200.00
Treasurer	20,000.00

**Article 6:** *Moved, seconded and the Town voted to raise and appropriate* money for the necessary expense of the Town for those departments listed under this article for the coming fiscal year. [As listed in the table below].

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

<b>OFFICE/DEPARTMENT</b>	<b>FY 14 AS VOTED</b>
Administrative Assistant (Town Coordinator)	46,992.36
Agricultural Commission	450.00
Barn Inspections	750.00
Appeals Board (Zoning)	250.00
Assessors Expense	6,900.00
Assessors Stipends	3,050.00
Assessors Assistant Salary	30,704.90

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Board of Health Expenses	6,000.00
Board of Health Stipends	3,200.00
Board of Health – Health Agent	7,000.00
Conservation Commission	1,250.00
Council on Aging	49,002.49
Payroll	46,653.49
Operating Expenses	2,349.00
Powers Institute	34,126.69
Payroll	6,618.94
Operating Expenses	27,507.75
Cultural Council	100.00
Elections/Registration	4,770.00
Emergency Management	10,000.00
Stipend	5,000.00
Operating Expenses	5,000.00
FRCOG Building Inspection	6,500.00
Franklin County Retirement	77,095.00
Franklin County Solid Waste District	5,824.00
Historical Commission	400.00
Maintenance of Town Lawns & Grounds	2,500.00
Medicare	12,900.00
Memorial Day	500.00
Moderator Stipend	230.00
Newsletter	1,500.00
Old Cemetery	1,200.00
Planning Board	4,591.00
Payroll	3,731.00
Operating Expenses	860.00
Printing of Town Reports	1,500.00
Registrar Stipends	365.00
School Committee Stipends	800.00
Selectmen Expenses	3,000.00
Selectmen Stipends	6,050.00
Social Security	100.00
Street Lights	4,000.00
Tax Collector Expenses	7,000.00
Tax Collector Salary	17,100.00
Town Clerk Expenses	3,500.00
Town Clerk Salary	14,200.00
Town Counsel	7,000.00
Town Hall Expense	30,830.50
Payroll	4,530.50
Operating Expenses	26,300.00

Town Officers' Bonds (5)	1,100.00
Treasurer Expense	7,995.00
Treasurer Salary	20,000.00
Treasurer Short-Term Borrowing	100.00
Tree Warden (incl. Dutch Elm & Pest Control)	4,735.00
Payroll	3,435.00
Operating Expenses	1,300.00
Unemployment	6,500.00
Veterans' Benefits	1,000.00
Veterans' Services	3,253.00
Veterans' Memorial Committee	1,000.00
<b>Total Article 6</b>	<b>\$ 458,914.94</b>

**Article 7:** To see if the Town will vote to rescind Article 5 from the Special Town Meeting held March 25, 2013 authorizing effective July 1, 2013 all fees collected by the Town Clerk, Tax Collector and Treasurer be returned into the General Fund, or take any vote or votes in relation thereto.

***MOVED & SECONDED TO PASS OVER** because the approval of Article 5 of this warrant made it unnecessary.*

*Moderator Declared Passed Over by Voice Vote without objection.*

**Article 8:** To see if the Town will vote to authorize the Town Clerk, Treasurer and Tax Collector to retain fees as part of their annual compensation, or take any vote or votes in relation thereto.

***MOVED & SECONDED TO PASS OVER** because the approval of Article 5 of this warrant made it unnecessary.*

*Moderator Declared Passed Over by Voice Vote without objection.*

**Article 9:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$4,000.00 for the first of three payments for the Board of Assessors FY16 revaluation.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 10:** *Moved, seconded and the Town voted to raise and appropriate the amounts of \$8,900.00 for stipends, \$30,750.00 for payroll and \$42,700.00 for operating expenses for a sum total of \$82,350.00 for the operation of the Fire Department.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 11:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$39,687.92 for the seventh of ten payments for the Fire Department truck.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 12:** *Moved, seconded and the Town voted to raise and appropriate* the amounts of **\$143,827.46** for payroll and **\$144,835.00** for operating expenses for a sum of **\$288,662.46** for the operation of the **Highway Department**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 13:** *Moved, seconded and the Town voted to raise and appropriate* the amount of **\$89,389.55** for the first of four loan payments for the **Highway Department Dump Truck (2012)** and for the **new roof at Bernardston Elementary School (October 2012)**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 14:** *Moved, seconded and the Town voted to raise and appropriate* the amounts of **\$49,372.00** for payroll and **\$12,358.00** for operating expenses for a sum of **\$61,730.00** and in addition **transfer from the Goodale Fund** the sum of **\$4,892.00** for a total sum of **\$66,622.00** for the operation of the **Cushman Library**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Majority Voice Vote.*

**Article 15:** *Moved, seconded and the Town voted to raise and appropriate* the amounts of **\$177,471.44** for payroll and **\$47,190.00** for operating expenses for a sum total of **\$224,661.44** for the operation of the **Police Department**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 16:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$32,100.52** for the seventh of ten payments for the **Safety Complex**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 17:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$100** for Flag replacement.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 18:** *Moved, seconded and the Town voted to transfer from the Barber Fund* the sum of **\$3,450.00** to the Barber Recreation Fund, and to **transfer from the Kiwanis Expendable Interest Account** the sum of **\$750.00** to be used by the **Recreation Department** for recreation programs and field maintenance.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 19:** *Moved, seconded and the Town voted to transfer from the Landfill Receipts Account the sum of \$60,000.00, and raise and appropriate the sum of \$36,680.26 for a total of \$96,680.26 to account for \$25,086.26 in payroll and \$71,594.00 in expenses for the operation of the Transfer Station by the Highway Department.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 20:** *Moved, seconded and the Town voted to transfer from the FY 2013 Reserve Fund the sum of \$5,000.00 for the second of three installments for an audit of FY 2014.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 21:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$53,879.00 to pay insurance premiums on Town owned buildings, vehicles and equipment, and liability for Town officers.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 22:** *Moved, seconded and the Town voted to raise and appropriate \$102,323.00 for health insurance, \$6,944.00 for dental insurance and \$774.00 for life insurance premiums for a total of \$110,041.00 for Town employees and retirees.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 23:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$16,239.00 for its share of the Statutory Charges and Core Service Assessment of the Franklin Regional Council of Governments.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 24:** *Moved, seconded and the Town voted to raise and appropriate for Fee for Service Programs from the Franklin Regional Council of Governments, including Accounting Program \$19,436.00; Procurement \$2,348.00, Emergency Communications \$3,924.26, and \$100.00 for the Regional Emergency Planning Committee (REPC), for a total of \$25,808.26,*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 25:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$156,336.00** for the Town's share of the operating budget of the **Franklin County Technical School District** as adopted by the Franklin County Technical School Committee for the fiscal year FY14 (July 1, 2013, to June 30, 2014).

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 26:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$177,279.62** for the second principal and interest payment of four due for the Pioneer Valley Regional School District **Building Project Assessment**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Majority Voice Vote.*

**Article 27:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$2,323,358.28**, for the Town's share of the Operating Assessment for the Pioneer Valley Regional School District for FY2014 (July 1 2013 – June 30, 2014).

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Upon being moved and seconded, an amendment was moved and seconded to replace "the sum of \$2,323, 358.28" with "the sum of \$ 2,357,358.64." **The Moderator Declared the amendment failed on a vote by written ballot of 35 in favor and 39 against.***

*Moderator Declared the article as originally moved & seconded, Approved by Majority Voice Vote.*

**Article 28:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$1,500.00** for the Town's share of the Pioneer Valley Regional School District capital improvements to **repair/replace a faucet hydrant**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Majority Voice Vote.*

**Article 29:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$2,550.00** for the Town's share for the Pioneer Valley Regional School to **replace a well water pump**.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Majority Voice Vote.*

**Article 30:** *Moved, seconded and the Town voted to raise and appropriate* the sum of **\$2,400.00** for the Town's share for the Pioneer Valley Regional School for an Air Conditioner back-up for the Tech Head room.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by a Hand Count of 49 in favor and 7 against.*



**Article 31.** *Moved, seconded and the Town DID NOT vote to raise and appropriate the sum of \$4,500.00 for the Town's share for the Pioneer Valley Regional School for a front door alarm system at the entrance(s) of the high school.*

*(The Board of Selectmen and Finance Committee were NOT in favor of approving this article.)*

***Moderator Declared Failed by a Majority Voice Vote against it.***

**Article 32:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$25,000.00 for the BES Capital Project account for the Bernardston Elementary School carpet removal and tile replacement. [In a motion to correct an error in the original Article 32, the Moderator allowed the original language to be changed by deleting the phrase after the word "account" "for the Town's share" so that it would read as it is recorded above].*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

***Moderator Declared Approved by Voice Vote without objection.***

**Article 33:** *Moved, seconded and the Town DID NOT vote to raise and appropriate the sum of \$15,000.00 [\*Said amount may be reduced on receipt of a loss-prevention grant from the Town's insurance carrier.] for the purpose of installing a security system and an American Disabilities Act (ADA) handicapped access compliant door(s) at the front main entrance of Bernardston elementary School.*

*Moved, seconded and voted that the original article be amended by removing the phrase, "expend from the BES Capital Projects account" and inserting "to raise and appropriate,"*

***Moderator Declared the amendment approved by a Majority Voice Vote.***

*(Petitioned Article. Board of Selectmen and Finance Committee NOT in favor of approving this article.)* ***Moderator Declared the amended article failed by a Majority Voice Vote against it.***

**Article 34:** *Moved, seconded and the Town voted to transfer \$4,078.84 from the Overlay Surplus Account to the Verizon FY09 Interest Account to pay the interest for the settlement of the FY09 ATB case with Verizon.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

***Moderator Declared Approved by Voice Vote without objection.***

**Article 35:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$20,000.00 for the FY14 Reserve Fund.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

***Moderator Declared Approved by Voice Vote without objection.***

**Article 36:** *Moved, seconded and the Town voted to transfer from Free Cash to the Renovate/Construct Town Buildings account the sum of \$15,000.00.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

***Moderator Declared Approved by Voice Vote without objection.***

**Article 37:** *Moved, seconded and the Town voted to transfer from Free Cash to the Vehicle Replacement Stabilization Fund the sum of \$40,000.00.*

*Articles affecting stabilization funds require 2/3 majority votes.*

*The accountant stated that there was already \$51,000 in this account.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection  
satisfying the 2/3 majority requirement.*

**Article 38:** *Moved, seconded and the Town voted to raise and appropriate the sum of \$999.02 to pay the second of three installments of an assessment levied by the Massachusetts Education and Government Association (MEGA) for fiscal years 2004, 2005 and 2006 when the Town was a member of the MEGA workers compensation insurance trust.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 39:** *Moved, seconded and the Town voted to transfer the sum of \$85,000.00 from Free Cash to the Stabilization Fund.*

*Articles affecting stabilization funds require 2/3 majority votes.*

*The accountant stated that there was already \$326,528 in this account and that the state allows towns to keep in all stabilization fund combined up to but no greater than 10% of a towns total equalized valuation which for Bernardston would be a limit of about 21 million dollars.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection  
satisfying the 2/3 majority requirement.*

**Article 40:** *Moved, seconded and the Town voted to transfer from the FY 2013 Reserve Fund the sum of \$10,000.00 to the FY 2014 Reserve Fund, first having satisfied the requirements of Article 20.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 41:** *Moved, seconded and the Town voted to accept the provisions of M.G.L Chapter 138, Section 33B as amended, in its entirety, to allow serving of alcohol in restaurants beginning at 10:00am on Sundays and other holidays as specified in the statute.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Majority Voice Vote.*

**Article 42:** *Moved, seconded and the Town voted to authorize the Board of Selectmen and Treasurer to use interest earned from the Isaac B. Snow Gift for scholarships in keeping with the requirements of the Isaac B. Snow Trust.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 43:** *Moved, seconded and the Town voted* to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue for the financial year beginning July 1, 2013, 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 Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 44:** *Moved, seconded and the Town voted* to authorize the Board of Selectmen and Treasurer to pay over to the Bernardston Cemetery Commission the interest earned in the Burrows Fund, so-called.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

**Article 45:** *Moved, seconded and the Town voted* to establish a revolving fund in accordance with M.G.L. Chapter 44 Section 53E ½ for the receipts related to the Town's recycling program, and expenditures for the operation of the Town's solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products, to be under the authority of the Board of Selectmen. *As detailed in Article 46 below.*

*Moved, seconded and voted on the advice of Town Council that the original article be amended by adding at the end of the last sentence, the phrase "As detailed in Article 46 below."*

*Moderator Declared the amendment approved by a Majority Voice Vote.*

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared the amended article Approved by Voice Vote without objection.*

**Article 46:** *Moved, seconded and the Town voted* Departmental Revolving Funds Authorizations: to authorize the following revolving funds under Massachusetts General Laws Chapter 44, section 53E½ for the fiscal year beginning July 1, 2013.

*(The Board of Selectmen and Finance Committee recommended passage of this article.)*

*Moderator Declared Approved by Voice Vote without objection.*

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Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of FY14	Restrictions/ Comments
Council on Aging Donations	Program Activity Revenue.	Council on Aging	Council on Aging purposes	\$8,500.00	Balance available for expenditure	
Board of Health	Fees charged for inspections and permits	Board of Health	Pay for inspection fees & clerical fees	\$15,000.00	Balance available for expenditure	
Zoning Board of Appeals	Fees charged for hearings and filings	Zoning Board of Appeals	Pay for the cost associated with the hearings	\$1,000.00	Balance available for expenditure	
Planning Board	Fees charged for hearings and filings	Planning Board	Pay for the cost associated with the hearings	\$2,000.00	Balance available for expenditure	
Fire Department Inspections	Fees charged for inspections	Fire Chief	Pay for inspection fees for personnel	\$2,000.00	Balance available for expenditure	
Town Hall Restoration Funds	Fees charged for Town Hall Rentals	Board of Selectmen	Pay for Town Hall Restoration	\$2,000.00	Balance available for expenditure	
Dog Licenses	Fees charged for Dog Licenses	Town Clerk	Pay the Franklin County Dog Program Expenses & Dog Licensing purposes	\$5,000.00	Balance available for expenditure	
Public Safety	Fees assessed and costs incurred in response to motor vehicle accidents	Fire Chief	Pay for public safety training and equipment	\$15,000.00	Balance available for expenditure	
Transfer Station Recycling Fund	Revenue generated from recycled materials	Board of Selectmen	Pay for equipment and upkeep of Transfer Station	\$50,000.00	Balance available for expenditure	

Meeting Adjourned: 9:35pm

A True Copy:

Attest:

July 2, 2013

Paul W. Luther, Town Clerk