

ANNUAL TOWN MEETING
TUESDAY, MAY 27, 2014
HAWLEMONT ELEMENTARY SCHOOL

Article 1: To act on the Report of the Town Officers.

Article 2: To see if the Town will vote to authorize the Board of Selectmen to apply for and accept any and all Federal and State grants or gifts from individuals or non-profit organizations which may become available during the fiscal year 2015.

Article 3: To see if the Town will authorize the Treasurer to enter into a compensating balance agreement or agreements for fiscal year 2015, pursuant to Chapter 44, Section 53F of the Massachusetts General Laws.

Article 4: To see if the Town will vote to transfer from its Fund Balance Reserved for Landfill Debt Account the sum of \$55,000 to be used for the FY 15 interest and principal due on the Tri - Town Landfill debt, or take any other action relative thereto.

Recommended by the Finance Committee

Article 5: To see if the Town will vote pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to authorize the establishment of a Dog Fund revolving account for the fiscal year beginning July 1, 2014. Revenue sources for this fund will come from dog license fees and other charges as provided by Chapter 140, S. 136A-174D. The funds will be used by the Town Clerk and the Animal Control Officer to offset expenses related to administration of licenses and other animal control matters. The maximum amounts that may be spent from the fund for fiscal year 2015 is limited to \$2,500, or take any other action relative thereto.

Article 6: To see if the Town will vote pursuant to the provisions of Section 53E1/2 of Chapter 44 of the Massachusetts General Laws, to establish a revolving fund 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 and not to exceed \$5,500 in expenditures in FY15, or take any other action relative thereto.

Article 7: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum or sums to defray the fiscal 2015 operation and capital budgets of the Town, and to establish the salaries for its Town Officers, or take any other action relative thereto.

Recommended by the Finance Committee

Article 8: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$5,000 for the FY 2015 Audit Fund, or take any other action relative thereto.

Recommended by the Finance Committee

Article 9: To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide \$3,600 to purchase computer equipment for the Fire Department, or take any other action relative thereto.

Recommended by the Finance Committee

Article 10: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$10,200.00 for the purpose of paying certain costs associated with the Hawlemont preschool program, or take any other action relative thereto.

Recommended by the Finance Committee

Article 11: To see if the Town will vote to allow the District to borrow, a sum of money, not to exceed \$542,778 to be expended under the direction of the School Building committee for repair work to the Mohawk Trail Regional Middle & High School located at 26 Ashfield Road in Buckland, Massachusetts, to include drainage upgrades, parking lot resurfacing, re-pointing-re-caulking work, floor replacements, heating, ventilation and air condition upgrades, auditorium lighting equipment upgrades and installation of a second means of egress from main electrical switchgear room totaling \$542,778. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required education program, or take any other action relative thereto.

Not recommended by the Finance Committee

Article 12: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$100.00 for the FY 2013 State boiler inspections, or take any other action relative thereto.

Recommended by the Finance Committee

Article 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$1000 for a Wired West membership fee for fiscal year 2015 to promote the creation of a fiber-optic broadband network or to take any other action relative thereto.

Recommended by the Finance Committee

Article 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$2,000.00 for library automation, or take any other action relative thereto.

Recommended by the Finance Committee

Article 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$850.00 to purchase a kiosk that is covered and enclosed from the elements, for the end of Park Street to announce Fairgrounds events and rules, or take any other action relative thereto.

Recommended by the Finance Committee

Article 16: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$2,500 to run and install a landline phone in the exhibit hall at the Fairgrounds for safety and event purposes and also make an office that may be used for events and emergencies, and to upgrade the bottom of the exhibit hall so that it may be accessible year round as needed, or take any other action relative thereto.

Recommended by the Finance Committee

Article 17: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of \$12,000 for Charlemont's 250 Committee to fund events such as but not limited to a Parade and purchase merchandising items for the purpose of celebrating the town's 250th Anniversary in the year 2015 or to take any other action relative thereto.

Recommended by the Finance Committee

Article 18: To see if the Town will vote to transfer from its Surplus Revenue (Free Cash) a sum to the Town Stabilization Account, or take any other action relative thereto.

Article 19: To see if the Town will vote to transfer from its Surplus Revenue (Free Cash) a sum for the purpose of reducing the tax levy for FY 2015, or take any other action relative thereto.

Article 20: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form below, providing that the office of Town Clerk shall be elected, rather than appointed; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO THE OFFICE OF TOWN CLERK IN THE TOWN OF CHARLEMONT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The provisions of chapter 69 of the acts of 2010 are hereby repealed and the office of town clerk in the town of Charlemont shall be elected, in accordance with the provisions of section 1 of chapter 41 of the General Laws. The term of office for the elected town clerk position shall be three years, and vacancies in said position shall be filled in accordance with the General Laws for the remainder of any unexpired term.

SECTION 2. Following the effective date of this act, the office of town clerk shall first appear on the ballot for a three-year term at the annual town election in the year 2015. The incumbent appointed town clerk holding office as of the effective date of this act shall continue to hold such office until a town clerk is elected and sworn in pursuant to section 1 of this act and section 107 of chapter 41 of the General Laws, or such incumbent's sooner retirement, resignation or removal. Upon the election and qualification of a successor in office, the office of appointed town clerk shall be abolished. Any vacancy in said office prior to said 2015 election shall be filled in accordance with law applicable to elected town clerks.

SECTION 3. This act shall take effect upon its passage.
or take any other action relative thereto

Article 21: To see if the Town will petition the Legislature to adopt a special act to provide for the recall of local officials in the Town of Charlemont, as follows:

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF CHARLEMONT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Any holder of an elective office in the Town of CHARLEMONT may be recalled and removed there from by the qualified voters of said town as herein provided.

Section 2. One hundred or more registered voters may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall. Upon certification by the town clerk, the town clerk shall, within two business days, deliver to the voter first named on such affidavit, a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto; they shall be dated and addressed to the board of selectmen; shall contain the name of the person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty days following the date of issuance of said petition. Said recall petition shall be signed by at least twenty percent of the registered voters in said town, and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk shall, within two business days following the date such filing, submit the recall petition to the board of registrars of voters, who shall within five business days after the day of receipt, certify in writing thereon the number of signatures which are names of voters in said town as of the date such affidavit was filed with the town clerk. The board of registrars shall, upon completion of its certification, return the petition to the town clerk.

Section 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate thereon to said selectmen without delay, and said selectmen shall forthwith give to said elected officer whose recall is being sought, written notice of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a recall election to be held not less than sixty nor more than ninety days after the date of town clerk's certificate that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after the date of said certificate, the selectmen may, in their discretion postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as herein provided.

Section 4. Any officer sought to be recalled may be a candidate to succeed himself, and unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

Section 5. The incumbent shall continue to perform the duties of his office until the recall election. If the recall fails, or if the incumbent is re-elected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 6. Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

For the recall of (name of officer) (office held)

Against the recall of (name of officer) (office held)

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Just above said squares, there shall appear the direction "Vote for one". Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.

In case of machine voting or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter. If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes of the special election to the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballot for candidates to fill the potential vacancy need not be counted.

Section 7. No recall petition shall be filed against an officer of said town within six months after he takes office, nor, in the case of an officer subjected to recall election and not removed thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against that person, shall be appointed to any town office within two years after such removal by recall or resignation.

Section 9. This act shall take effect upon its passage.

Article 22: General Bylaw Regulating Earth Removal

To see if the Town will vote to revise its General Bylaws to create a new Chapter, General Earth Removal Bylaw, that would put earth removal operations (including, but not limited to, gravel pits) under the regulatory oversight of a new Earth Removal Board made up of representatives of the Planning Board, the Board of Health, the Conservation Commission and the Board of Selectmen, or take any other action related thereto. The complete text of these proposed amendments is labeled "Earth Removal General Bylaw--Town Meeting Version" and dated May 27, 2014 and copies of the complete text of the proposed amendment are available at the Town Hall during its regular business hours and at Town Meeting.

Article 23: Medical Marijuana Overlay District Zoning Bylaw

To see if the Town will vote to revise its Land Use Performance Standards (Zoning Bylaw) to create a Medical Marijuana Overlay District, by amending Article IV, Special Regulations, to delete the existing Section 45, Temporary Moratorium on Medical Marijuana Treatment Centers, and replacing it with a new Section 45, Medical Marijuana Overlay District Bylaw, or take any other action related thereto. The complete text of these proposed amendments is labeled “Medical Marijuana Overlay District Zoning Bylaw--Town Meeting Version” and dated May 27, 2014 and copies of the complete text of the proposed amendment are available at the Town Hall during its regular business hours and at Town Meeting.

Article 24: Village Center District Zoning Bylaw

To see if the Town will vote to revise its Land Use Performance Standards (Zoning Bylaw) to create a Village Center District, by:

1. Amending Article II, Administration, to add a new Section 28, Site Plan Review;
2. Amending Article III, General Regulations, to delete the existing Section 32, Use Regulations, and replace it with a new Section 32, Use Regulations And Zoning Districts;
3. Amending Article III, General Regulations, to delete the existing Section 33, Dimensional Requirements, and replace it with a new Section 33, Dimensional Requirements;
4. Amending Section 33 to renumber current Sections 33.5 and 33.6 as Sections 33.2 and 33.3, respectively; and
5. Adding eight new definitions to Article V, Definitions;

or take any other action related thereto. The complete text of these proposed amendments is labeled “Village Center District Zoning Bylaw--Town Meeting Version” and dated May 27, 2014 and copies are available at the Town Hall during its regular business hours and at Town Meeting.

Article 25: Town of Charlemont Official Zoning Map

To see if the Town will vote to revise its Land Use Performance Standards (Zoning Bylaw) by adopting the Official Zoning Map dated May 27, 2014, or take any other action related thereto. The proposed map is labeled “Town of Charlemont Proposed Official Zoning Map” and copies are available at the Town Hall during its regular business hours and at Town Meeting.