

**TOWN WARRANT  
FOR THE ANNUAL TOWN MEETING  
FY' 2024  
THE COMMONWEALTH OF MASSACHUSETTS**

**FRANKLIN SS.**

**To either of the Constables of the Town of Shelburne in the County of Franklin**

**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 **Buckland-Shelburne Elementary School, 75 Mechanic Street** in said **Shelburne** on **Tuesday, May 2, 2023, at 6:30 o'clock in the evening**, then and there to act on the following articles:

**ARTICLE 1.** To hear the annual reports of the officers of the Town and to act thereon.

**ARTICLE 2.** To see if the Town will vote to set the salaries of the Elected Officials within the Town in accordance with MGL. Chapter 41, Section 108 as follows, or take any other action relative thereto.

Moderator	\$194	Town Clerk	\$25,681
Chairman, Selectboard	\$3,380	Tree Warden	\$1,049
Selectboard Member	\$3,038	School Committee	\$426
Selectboard Member	\$3,038	School Committee	\$426
Chairman, Board of Assessors	\$1,720		
Assessor	\$1,454		
Assessor	\$1,454		

**ARTICLE 3.** To see if the Town will vote to authorize the Treasurer, with the approval of the Select board, to borrow money from time to time in anticipation of revenue of the financial year beginning July 1, 2023, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws Chapter 44, Section 17, or take any other action relative thereto.

**ARTICLE 4.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to enter into compensating balance agreements for Fiscal Year 2024, pursuant to M.G.L. c.44, section 53F, or take any other action relative thereto.

**ARTICLE 5.** To see if the Town will vote to authorize the Selectboard to apply for, execute contracts and expend Massachusetts Small Cities Program grants, MassWorks grant, or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

**ARTICLE 6.** To see if the Town will vote to accept and appropriate any and all funds provided to the Town by the State under Chapter 90 and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Selectboard to enter into contracts with Commonwealth of Massachusetts Department of Transportation for Chapter 90 monies allocated to the Town by the State, or take any action relative thereto.

**ARTICLE 7.** To see if the Town will vote to appropriate sums of money for the following purposes and to raise the required amounts by taxation, or otherwise provide, or take any other action relative thereto.

Omnibus Article #7

4/20/2023	2023	2023	2023	2024	2024	Increase
	Request	Adjusted	Final	Request	Final	Decrease
<b>GENERAL GOVERNMENT</b>	<b>903,993</b>		<b>904,889</b>	<b>936,869</b>	<b>936,869</b>	<b>3.5%</b>
114 5100 Moderator's Salary	186		186	194	194	4.3%
122 5100 Selectboard Salaries	9,092		9,092	9,456	9,456	4.0%
122 5110 General Government Salaries	175,120		175,120	184,511	184,511	5.4%
840 919 4540 Other Post Employ Benefits Trust	15,000		15,000	15,000	15,000	0.0%
122 5400 Selectboard's Expense	1,930		1,930	1,930	1,930	0.0%
131 5400 Finance Committee Expense	140		140	140	140	0.0%
132 5400 Reserve Account	2,700		2,700	2,700	2,700	0.0%
135 5401 Accounting Services	27,911		27,911	29,452	29,452	5.5%
135 5402 Audit Town Records	19,000	1,000	20,000	21,000	21,000	5.0%
141 5110 Assessor's Salary	4,554		4,450	4,628	4,628	4.0%
141 5400 Assessor's Expense	8,150		8,150	8,485	8,485	4.1%
141 5403 Assessor's Contracted Services	12,070		12,070	6,000	6,000	-50.3%
145 5400 Treasurer/Coll. Expense	10,941		10,941	11,167	11,167	2.1%
145 5405 Payroll Expense	3,600		3,600	4,000	4,000	11.1%
145 5404 Tax Title	10,000		10,000	5,000	5,000	-50.0%
146 5111 Staff Certifications	1,000		1,000	1,000	1,000	0.0%
146 5406 Town Collection Software & Maint.	11,853		11,853	13,603	13,603	14.8%
151 5400 Legal Expense	9,500		9,500	9,500	9,500	0.0%
161 5100 Town Clerk's Salary	24,693		24,693	25,681	25,681	4.0%
161 5400 Town Clerk's Expense	1,200		1,200	1,200	1,200	0.0%
161 5407 Town Reports	1,100		1,100	1,100	1,100	0.0%
161 5408 Preservation of Town Records	6,000		6,000	6,000	6,000	0.0%
162 5400 Election Expense	10,300		10,300	10,700	10,700	3.9%
162 5409 Registrars	1,591		1,591	1,591	1,591	0.0%
171 5400 Conservation Commission	3,020		3,020	3,020	3,020	0.0%
172 5429 APR Local Match	1,250		1,250	1,250	1,250	0.0%
172 5431 Land Preservation	1,250		1,250	1,250	1,250	0.0%
175 5400 Planning Board	6,188		6,188	6,724	6,724	8.7%
176 5400 Zoning Board Expense	2,730		2,730	2,730	2,730	0.0%
182 5400 S.F. Village Partnership	0		0	0	0	
182 5442 S.F. Beautification Account	1,000		1,000	2,000	2,000	100.0%
192 5400 Town Office Expense	13,750		13,750	13,750	13,750	0.0%
192 5411 Computer Account	17,542		17,542	25,713	25,713	46.6%
192 5412 Town Web Site	1,200		1,200	1,200	1,200	0.0%
192 5430 Memorial Hall Expense	19,145		19,145	19,145	19,145	0.0%
192 5450 Memorial Hall Internet Access	3,200		3,200	3,200	3,200	0.0%
192 5460 Elevator Maintenance Account	10,100		10,100	10,500	10,500	4.0%
192 5470 Town-Wide Notification Sys.	2,615		2,615	2,615	2,615	0.0%
193 5400 Property & Liability Insurance	45,492		45,492	47,221	47,221	3.8%
193 5413 Officers Bonding	1,000		1,000	1,000	1,000	0.0%
199 5400 Longevity Pay	3,500		3,500	4,000	4,000	14.3%
752 5900 Interest Expense	8,600		8,600	8,600	8,600	0.0%
830 5310 FRCOG - Core	16,054		16,054	16,054	16,054	0.0%
830 5340 FRCOG - Highway	2,669		2,669	2,850	2,850	6.8%
830 5350 FRCOG - Reg. Health Services	12,243		12,243	12,763	12,763	4.2%
911 5400 County Retirement	124,172		124,172	131,377	131,377	5.8%
912 5400 Worker's Compensation	32,847		32,847	34,162	34,162	4.0%
913 5400 Un-Employment Insurance	1,100		1,100	1,200	1,200	9.1%
914 5436 Health Insurance	189,453		189,453	195,137	195,137	3.0%
914 5437 Life Insurance	895		895	682	682	-23.8%
916 5400 Medicare	15,347		15,347	14,688	14,688	-4.3%

Omnibus Article #7

	2023	2023	2023	2024	2024	Increase
	Request	Adjusted	Final	Request	Final	Decrease
<b>PUBLIC SAFETY</b>	<b>367,531</b>		<b>370,531</b>	<b>617,987</b>	<b>617,987</b>	<b>66.8%</b>
210 5110 Police Department Salaries	268,904		268,904	487,032	487,032	81.1%
210 5400 Police Department Expense	59,320		59,320	89,420	89,420	50.7%
210 5130 Constable	128		128	133	133	3.9%
220 5110 Fire Marshall	64		64	66	66	3.1%
220 5414 Forest Fires	50		50	50	50	0.0%
291 5100 Emergency Management Dir.	1,631		1,631	1,696	1,696	4.0%
291 5400 Emergency Mgmt Expense	4,125		4,125	2,775	2,775	-32.7%
292 5100 Animal Control Officer	6,761		6,761	6,036	6,036	-10.7%
292 5400 Animal Control Expense	800		800	800	800	0.0%
294 5110 Tree Warden	1,009		1,009	1,049	1,049	4.0%
294 5415 Shade Tree Maintenance	7,175		7,175	7,354	7,354	2.5%
294 5416 Shade Tree Replacement	640		640	656	656	2.5%
424 5400 Street Lights	16,924	3,000	19,924	20,920	20,920	5.0%
<b>EDUCATION</b>	<b>2,770,847</b>		<b>2,770,847</b>	<b>2,885,626</b>	<b>2,885,626</b>	<b>4.1%</b>
310 5100 School Committee Stipends	1,230		1,230	1,278	1,278	3.9%
310 5400 Mohawk Trail Reg. School	2,598,389		2,598,389	2,732,313	2,732,313	5.2%
320 5438 Vocation Tuition & Transport	0		0	0	0	0.0%
320 5417 Franklin County Tech School	171,228		171,228	152,035	152,035	-11.2%
<b>HIGHWAYS</b>	<b>509,300</b>		<b>509,300</b>	<b>527,833</b>	<b>527,833</b>	<b>3.6%</b>
422 5120 Highway Salaries	266,975		266,975	274,644	274,644	2.9%
422 5360 Highway Grant Writing & Administration	7,000		7,000	12,000	12,000	71.4%
422 5400 Highway Maintenance	88,300		88,300	93,300	93,300	5.7%
423 5400 Snow & Ice Removal	114,300		114,300	114,000	114,000	-0.3%
422 5418 Buildings & Grounds	26,453		26,453	27,509	27,509	4.0%
422 5420 EV Charging Stations	6,272		6,272	6,380	6,380	1.7%
<b>HEALTH-SANITATION</b>	<b>126,668</b>		<b>126,668</b>	<b>129,004</b>	<b>129,004</b>	<b>1.8%</b>
241 5400 Building Inspection Program	7,600		7,600	7,600	7,600	0.0%
293 5400 Animal Inspector	906		906	942	942	4.0%
439 5419 Solid Waste Management Dist.	8,479		8,479	8,642	8,642	1.9%
433 5400 Refuse Collection	92,773		92,773	94,814	94,814	2.2%
439 5439 Hazardous Waste Day	2,474		2,474	2,474	2,474	0.0%
440 5100 Sewer Commissioner Salaries	987		987	1,026	1,026	4.0%
512 5100 Board of Health Salaries	1,449		1,449	1,506	1,506	3.9%
512 5400 Board of Health Expense	7,000		7,000	7,000	7,000	0.0%
512 5443 Mosquito Control District	5,000		5,000	5,000	5,000	0.0%
<b>RECREATION</b>	<b>22,462</b>		<b>22,462</b>	<b>22,555</b>	<b>22,555</b>	<b>0.4%</b>
630 5428 Recreation	1,976		1,976	2,055	2,055	4.0%
630 5427 Cowell Gym Maintenance	19,000		19,000	19,000	19,000	0.0%
692 5434 Bridge of Flowers	386		386	400	400	3.6%
692 5433 Military Band	1,100		1,100	1,100	1,100	0.0%
<b>HUMAN SERVICES</b>	<b>218,304</b>		<b>218,304</b>	<b>215,868</b>	<b>215,868</b>	<b>-1.1%</b>
491 5400 Care of Hill Cemetery	10,450		10,450	10,450	10,450	0.0%
543 5422 Care of Veteran's Graves	845		845	845	845	0.0%
543 5400 Veteran's Benefits	15,000		15,000	15,000	15,000	0.0%
543 5423 Veteran's Center	5,160		5,160	5,203	5,203	0.8%
541 5400 Council on Aging	110,488		110,488	105,753	105,753	-4.3%
610 5424 Shelburne Free Public Library	36,861		36,861	38,151	38,151	3.5%
610 5425 Arms Library	37,767		37,767	39,616	39,616	4.9%
610 5426 Pratt Building Maintenance	883		883	0	0	-100.0%
692 5432 Memorial Day	850		850	850	850	0.0%

Omnibus Article #7

<b>BUDGET SUMMARY TOTALS</b>	<b>4,919,105</b>		<b>4,923,001</b>	<b>5,335,742</b>	<b>5,335,742</b>	<b>8.4%</b>
<b>General Government</b>	<b>903,993</b>		<b>904,889</b>	<b>936,869</b>	<b>936,869</b>	<b>3.5%</b>
<b>Public Safety</b>	<b>367,531</b>		<b>370,531</b>	<b>617,987</b>	<b>617,987</b>	<b>66.8%</b>
<b>Education</b>	<b>2,770,847</b>		<b>2,770,847</b>	<b>2,885,626</b>	<b>2,885,626</b>	<b>4.1%</b>
<b>Highways</b>	<b>509,300</b>		<b>509,300</b>	<b>527,833</b>	<b>527,833</b>	<b>3.6%</b>
<b>Health &amp; Sanitation</b>	<b>126,668</b>		<b>126,668</b>	<b>129,004</b>	<b>129,004</b>	<b>1.8%</b>
<b>Recreation</b>	<b>22,462</b>		<b>22,462</b>	<b>22,555</b>	<b>22,555</b>	<b>0.4%</b>
<b>Human Services</b>	<b>218,304</b>		<b>218,304</b>	<b>215,868</b>	<b>215,868</b>	<b>-1.1%</b>

**ARTICLE 8.** To see if the Town will vote to appropriate the sum of \$76,886 to be used to fund the Mohawk Trail Regional School District capital budget for fiscal year 2024; to meet this obligation transfer \$500 from the Quintus Allen Trust Fund and raise and appropriate the balance of \$76,386 (*debt exclusion applies*) or take any other action relative thereto.

**ARTICLE 9.** To see if the Town will vote to transfer the sum of \$35 from the Ozro Miller Trust Fund Account, said sum to be placed in the Memorial Day Expense Account # 001-692-5432, or take any other action relative thereto.

**ARTICLE 10.** To see if the Town will vote to transfer the sum of \$1,378 from the Cowell Gym User Fee Account #245-630-5400; said sum to be added to the Recreation Account #001-630-5428 and shall be used to supplement the Cowell Gym Director's Salary, or take any other action relative thereto.

**ARTICLE 11.** To see if the Town will vote to approve the following Revolving Fund Accounts in accordance with the Town of Shelburne Town By-laws Section 8 entitled: Departmental Revolving Funds or take any other action relative thereto.

Police Department	\$6,000	Recreation Committee	\$2,000
Town Clerk	\$2,500	Open Space Committee	\$2,000
Board of Health	\$2,000	Agricultural Commission	\$4,000
Zoning Board	\$1,000	Conservation Commission	\$1,000

**ARTICLE 12.** To see if the Town will vote to transfer the sum of \$235,139 from the Stabilization Account #830-919-5400 to fund the following capital expenditures, or take any other action relative thereto.

- **Franklin County Technical School Capital Budget** **\$ 6,526.00**  
*Third Year Payment on Capital Improvement Projects*
- **Roof Replacement/Repair Stabilization Account #831-919-4540** **\$ 5,000.00**  
*For future repair of replacement of town-owned roofs*
- **Municipal Vehicle Stabilization Account #832-919-4540** **\$35,000.00**  
*For replacement of town-owned vehicles.*
- **Highway Equipment Stabilization Account #833-919-4540** **\$35,000.00**  
*For purchase of Highway Equipment in subsequent years.*
- **Police Station/Municipal Building** **\$43,663.00**  
*Payment 5 of 10 for purchase of building.*
- **2018 Western Star Highway Department Truck** **\$31,200.00**  
*Borrowed \$120,000 – Payment 3 of 4*
- **Memorial Hall Renovation of 2<sup>nd</sup> Floor** **\$20,000.00**  
*Offset costs of proposed Memorial Hall Theater Renovation*
- **Highway Dump Truck with Plow & Sander** **\$58,750.00**  
*Payment 1 of 4*

**ARTICLE #13** To see if the Town will vote to transfer the sum of \$31,670.00 from the Highway Equipment Stabilization Account # 833-919-4540 to cover final payment on the JCB Backhoe, or take any other action relative thereto.

**ARTICLE 14.** To see if the Town will vote to transfer \$7,000 from the Stabilization Account #830-919-5400 for the purchase of 3 pt. hitch PTO Blower used to clear ditches of leaves and debris, or take any other action relative thereto.

**ARTICLE 15.** To see if the Town will vote to transfer **\$25,000** from the **Highway Equipment Stabilization Account #833-919-4540** for the purchase of a trailer mounted leaf/debris loader used to extract leaves and debris from along curbing, culvert inlets, etc., or take any other action relative thereto.

**ARTICLE 16.** To see if the Town will vote to transfer the sum of **\$6,000** from the **Elections Equipment Stabilization Account # 837-162-5400** for the purchase of a new **DS 200 Ballot Scanner** to read paper ballots and tally the results, or take any other action relative thereto.

**ARTICLE 17.** To see if the Town will vote to transfer the sum of **\$5,500** from the **Stabilization Account #830-919-5400** for costs associated with transferring **Emergency Management** radios from the **Shelburne Fire Station to new Emergency Operations Center** located within the Town's municipal building 623 Mohawk Trail, or take any other action relative thereto.

**ARTICLE 18.** To see if the Town will vote to transfer the sum of **\$111,000** from the **Stabilization Account # 830-919-5400** to be used for the purchase and installation of a **27.6 kWdc roof mounted solar array** on the highway department's pole barn, or take any other action relative thereto.

*The Town will receive an estimated \$38,000 in tax credits. Estimated payback period is six years.*

**ARTICLE 19.** To see if the Town will vote to transfer **\$333,596 in Free Cash** to the **Unrestricted Stabilization Account # 830-919-5400**, or take any other action relative thereto.

**ARTICLE 20.** To see if the Town will vote to change the town's contributory rate for health insurance premiums from **75% for all plans to a tiered menu as follows: 80% contributory rate for HMO plans and 75% for PPO (preferred provider) plans**, or take any other action relative thereto.

**ARTICLE 21.** To see if the Town will vote to raise, appropriate, or otherwise provide, the sum of **\$189,500**, said sum is the **Town of Shelburne's share of the cost of Operation & Maintenance of the Shelburne Falls Wastewater Treatment Facility** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto.

**ARTICLE 22.** To see if the Town will vote to raise, appropriate, or otherwise provide the sum of **\$25,000**, said sum is the **Town of Shelburne's share of Operation & Maintenance of the Shelburne Pumping Station** which, will be raised by anticipated revenue from Shelburne User Assessments, or take any other action relative thereto.

**ARTICLE 23.** To see if the Town will vote to transfer the sum of **\$37,264** from the **Sewer Enterprise Account #610-001-3550**; said sum to be added to the **Sewer Reed Bed Excavation Account #610 440 5817** to pay the Town's share of the Reed Bed Excavation at the Waste Water Treatment Facility, or take any other action relative thereto.

**ARTICLE 24.** To see if the Town will vote to create an **Opioid Settlement Stabilization Fund** in accordance with **Massachusetts General Laws, Section 5B of Chapter 40**, and to appropriate a sum of money to such fund; determine whether this appropriation shall be from free cash, other available funds or otherwise; and take any other action relative thereto.

**ARTICLE 25.** To see if the Town will vote to transfer from **Free Cash, or other available funds**, to the **Opioid Settlement Stabilization Fund** established at the **May 2, 2023 Town Meeting** or take any other action relative thereto.

**ARTICLE 26.** To see if the Town will **vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B**, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under MGL Chapter 40, Section 5B, to be effective for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

**ARTICLE 27.** To see if the Town will adopt the following CPA Bylaw in accordance with Chapter 44B, Section 5(a) of the General Laws, otherwise known as the Massachusetts Community Preservation Act:

1. Required members.

There shall be five required members of the Shelburne CPA Committee (the "CPC"):

- A. One member of the Conservation Commission as designated by the Commission for a term of one year;
- B. One member of the Planning Board as designated by the Board for a term of one year.
- C. One member of the Recreation Committee as designated by the Committee for a term of one year;
- D. One member, a resident of the Town who does not currently hold elected or appointed office, nor currently serves as a municipal employee, who is interested in promoting historic preservation in the Town, appointed by the Select Board for a term of three years; and
- E. One member, a resident of the Town who does not currently hold elected or appointed office, nor currently serves as a municipal employee, who is interested in promoting affordable housing in the Town, appointed by the Select Board for a term of three years.

2. Members at Large.

There shall be four at large member of the CPC who shall be appointed as follows:

- A. One member of the Open Space Committee as designated by the Committee for a term of one year.
- B. One member of the Agricultural Commission as designated by the Committee for a term of one year.
- C. Two at large members, residents of the Town who do not currently hold elected or appointed office, nor currently serve as a municipal employee, appointed by the Select Board for terms of three years.

3. Notwithstanding the term provisions set forth above, two of the members appointed by Select Board shall serve for an initial term of three years, two shall serve for an initial term of two years, and one shall serve for an initial term of one year. Thereafter all members shall serve for three years. Terms of all CPC members shall run with the Town's fiscal year - from July 1 through June 30.

4. Any vacancy on the CPC shall be filled by the Board, Commission, or Committee that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.



5. Should any of the Boards, Commissions, or Committees who have appointment authority under this Bylaw shall be no longer in existence for whatever reason, the appointment authority for that Board, Commission, Committee shall become the responsibility of the Select Board.

## 6. Duties

The CPC's operations shall be governed by Chapter 44B of the Massachusetts General Laws, as amended from time to time.

A. The CPC shall study the needs, possibilities and resources of the Town regarding community preservation. The CPC shall consult with existing municipal boards, including the Select Board, the Conservation Commission, the Planning Board, the Recreation Committee, and the Open Space Committee, in conducting such studies. As part of its study, the CPC shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The CPC may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

B. The CPC shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the CPC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

C. The CPC may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

## 7. Meetings and Anticipated Costs

The CPC shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

## 8. Reporting

The CPC should coordinate with applicable municipal officials to provide the information required by reports required by the CPA and ensure that annual reports are timely filed.

## 9. Amendments

The CPC shall, from time to time, review the administration of this Bylaw, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the CPC. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

## 10. Effect of CPA revocation

Upon revocation of the CPA, the CPC shall continue to provide spending recommendations for remaining community preservation funds that are not required for the satisfaction of outstanding obligations.

## 11. Severability

In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

## 12. Effective Date

Following Town Meeting approval of this Bylaw, this Bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth and proper posting by the Town according to G.L. c. 40, § 32. Each appointing authority shall have sixty days after this Bylaw takes effect to make their initial appointments.

**ARTICLE 28.** To see if the Town will vote to accept the following Bylaw Changes regarding **Affordable Housing**, or take any other vote relative thereto. (Proposed changes are shown in red)

### New Definition For Section 2.0:

**Affordable Housing Units** - Housing units which qualify to be included in the Town's Subsidized Housing Inventory under M.G.L. Chapter 40B.

### New Line in the Use Table Section 4.3 Residential Uses just above Open Space Development:

**Affordable Housing Units** located on Town-owned undersized lots and on undersized lots sold by the Town to a developer to be developed as Affordable Housing Units: "SP" in RA, VR, VC, and C Zones; "N" in I Zone.

### New Footnotes (g and h) in Dimensional Schedule Section 5.2:

	RA	VR	VC	C	I
Minimum Lot Area (sq ft) (g)	86,000	20,000 (a)	20,000	86,000	86,000
Minimum Lot Frontage (ft) (g)	250	100 (a)	100	250	250
Front Yard Setback (ft)	25	20 (b)	20 (b)	30	50
Side Yard Setback (ft) (c) (h)	20	10	10	30	30
Rear Yard Setback (ft) (c)	20	20	20	30	30

(g) Affordable Housing Units located on Town-owned undersized lots and on undersized lots sold by the Town to a developer to be developed as Affordable Housing. Lot Area 5,000 sq. ft.; Lot Frontage 50 ft. in all Zones except "I".

(h) Affordable Housing Units located on Town-owned undersized lots and on undersized lots sold by the Town to a developer to be developed as Affordable Housing and located on abutting lots, each of which meet the area and frontage criteria set forth in Footnote (g), above, may be constructed on a "zero-lot line" basis; that is, with no side yards between the two Affordable Housing Units.

**ARTICLE 29.** To see if the Town will **vote to accept** the following **Changes to the Sign Bylaws**, or take any other action relative thereto.

#### Section 9.4 General Regulations

9.4.5 The total area of *Commercial Signs* outside the Village Commercial (VC) and Village Residential districts, regardless of type (Freestanding, painted, attached to a building, or flags), on a lot shall not be more than one (1) square foot per linear foot of lot frontage on the street toward which the *Signs* are oriented, with a maximum *total area* of sixty-four (64) square feet. The surface area of each *Sign* shall not aggregate more than ten percent (10%) of the area of the wall area on which it is displayed. *Commercial Signs* greater than forty-eight (48) square feet require a Special Permit from the Zoning Board of Appeals.

9.4.5.1 The *total area of Commercial Signs* in the Village Residential (VR) district shall be no more than twelve (12) square feet in area on a side.

**ARTICLE 30.** To see if the Town will **vote to amend** the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section IV Apportionment of Expenses among Member Towns, Subsections (A) through (J)**:

#### **(A) Classification of Costs**

For the purpose of apportioning assessments levied by the District upon the member towns, costs shall be divided into two categories: capital costs and operating costs.

#### **(B) Capital Costs**

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance capital costs. Instructional capital expenditures which qualify under net school spending are not included under capital costs, and instead are included as an operating cost.

#### **(C) Operating Costs**

Operating costs shall include all costs not included in capital costs as defined in subsection IV(B) but including interest on temporary notes issued by the District in anticipation of revenue.

#### **(D) Responsibility for Capital and Operating Costs**

(1) Grades 7-12 Operating and capital costs, as defined above, associated with grades seven to twelve (7-12) inclusive of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

#### **(2) Grades pre-K-6**

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

(b) All capital costs incurred by the Committee and associated with grades pre-

Kindergarten to six, inclusive, of the District schools shall be deemed capital costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of section IV(E) of this Agreement.

(c) If any member town or towns should construct an elementary school, the respective member town or towns will assume responsibility for all capital costs.

#### **(E) Apportionment of Capital Costs Grades pre-K-6**

##### **(1) Ashfield, Plainfield**

Capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at said school(s), resident in the Town of Ashfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years, bears to the sum of the enrollment of pupils at the Ashfield Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1) + (2)), and dividing such sum by two. To Plainfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at the Ashfield Plainfield district school(s), resident in the Town of Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years, bears to the sum of enrollment of pupils at the Ashfield and Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1)+(2)), and dividing such sum by two.

##### **(2) Buckland, Shelburne**

Capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Buckland, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at the said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Shelburne, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

(3) Colrain, Heath

Effective commencing with Fiscal Year 2023, new capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Colrain Center School, resident in the Town of Colrain as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Heath and Colrain, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); and by (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee on or after July 1, 2022 consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Colrain Center School, resident in the Town of Heath as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Heath and Colrain, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

(4) The Heath Elementary School Building was returned to the Town of Heath on July 1, 2017, and the Lease between the parties terminated as of said date. In exchange for termination of the lease, the District paid to the Town of Heath a total sum of \$240,000.00. Any outstanding debt payments associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.

(5) Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Colrain Central School or upon any premises as may be leased to the Mohawk Trail Regional School District by the Town of Colrain, shall be borne by the Towns of Colrain and Heath, as provided in Section E. (3), above.

(6) Nothing in this section shall be construed to prevent the member towns from amending this Agreement and modifying and/or altering the above designated schedules of apportionment of capital costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

**(F) Apportionment of Capital Costs Grades 7-12**

Capital costs represented by debt service shall be apportioned as a capital cost of the year in which the debt service falls due. Capital costs incurred July 1, 1993 and thereafter shall be apportioned to the member towns annually for the ensuing fiscal year as follow:

- (1) Each member town's share of capital costs associated with the District High School for each capital project shall be apportioned to the member towns on the basis of their respective pupil enrollments at said school. Each member town's share shall be determined by computing the ratio which that town's average pupil enrollment at said school on October 1 of each of the five years next preceding the first year for which the apportionment is determined bears to the total average pupil enrollment from all member towns at said school for the same five year period. In the event that enrollment at the District High School has not been accomplished by October 1, capital costs shall be determined on the basis of enrollment in grades seven through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.
- (2) Each member town's percentage share to the nearest one tenth of one percent will remain in effect for the term of the debt for each capital project.

**(G) Apportionment of Operating Costs**

Operating costs for the first fiscal year next following the effective date of Chapter 371 of the Acts of 1993 (See attachment) and for every fiscal year thereafter shall be apportioned to the member towns on the basis of their respective pupil enrollments in the regional District schools. Each member town's share for each fiscal year shall be determined by computing the ratio which that town's average pupil enrollment in the District schools on October 1 of each of the five years next preceding the year for which the apportionment is to be determined bears to the total average pupil enrollment from all member towns in the regional District schools for the same five year period (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016), as more fully set forth in Subsection IV(H) below. In the event that enrollment in the regional District schools has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades pre-kindergarten through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.

**(H) The apportionment of operating costs shall be determined in accordance with the following procedure:**

First: The Committee shall determine the proportion of the annual budget representing costs associated with the provisions of services to grades seven through twelve and the proportion representing costs associated with all other services including services to grades pre-kindergarten through six.

Second: The Committee shall determine the average enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, average enrollment share shall equal, for each member town, its five-year average proportionate share of total student enrollment in the district schools for grades seven through twelve, as of October 1 in each of the five years immediately preceding the year for which such allocation is to be made.

Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town's five-year average share of student enrollment in grades seven through twelve, inclusive.

Fourth: The total budget, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District's six remaining member towns on the basis of each member town's five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the pre-K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016).

**(I) Times of Payment of Apportioned Costs**

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1 16.25%

October 1 36.25%

December 1 50.00%

February 1 67.50%

April 1 87.50%

May 1 100.00%

**(J) Special Funds**

The District School Committee shall not interfere with a town's or Local Education Council's use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town's pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.

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**and replacing said language of Section IV with the following Subsections (A) through (I), as re-lettered so as to combine existing Subsections (G) and (H) and re-letter the following sections as (H) and (I):**

**(A) Classification of Costs**

For the purpose of apportioning assessments to the member towns, costs shall be divided into two categories: capital costs and operating costs.

**(B) Capital Costs**

Capital Costs to be assessed to towns (hereafter "Capital Costs") shall include all expenses in the nature of capital outlay such as the cost of:

(1) acquiring land, constructing, reconstructing and adding to or remodeling buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition;

(2) maintaining, or making substantial repairs to, an existing school building or buildings;

(3) purchasing buses and/or other necessary vehicles for District school use.

Capital Costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance Capital Costs. Capital Costs represented by debt



service shall be apportioned as a Capital Cost of the year in which the debt service falls due. Each member town's percentage share of debt service, calculated to the nearest one hundredth of one percent at the time such debt is issued, will remain in effect for the term of the debt for each capital project.

Capital expenditures which qualify under net school spending are not included under Capital Costs, and instead are included as an operating cost.

### **(C) Operating Costs**

Operating costs shall include all costs not included in Capital Costs as defined in Section IV(B), above, but including transportation costs (as per Section VIII of this Agreement) and interest on temporary notes issued by the District in anticipation of revenue.

### **(D) Responsibility for Capital and Operating Costs**

#### **(1) Grades 7-12**

Operating costs and Capital Costs, as defined above, associated with grades seven to twelve (7-12), inclusive, of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Sections IV (F) and (G) of this Agreement.

#### **(2) Grades pre-K-6**

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Section IV (G) of this Agreement.

(b) Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed Capital Costs of the District and shall be assessed to member towns based on their respective shares thereof in accordance with the provisions of Section IV (E) of this Agreement.

### **(E) Apportionment of Capital Costs Grades pre-K-6**

(1) Capital Costs assessed to member towns prior to July 1, 2024 shall be assessed under Section IV (E) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as the "Prior Capital Assessment Grades pre-K to 6"). Capital Costs assessed to towns after July 1, 2024, shall be assessed to the member towns as described below in paragraphs (a) through (c) of this Section (E) (1), (referred to hereafter as "the New Capital Assessment Calculation – pre-K to 6"), subject to the Transition Period as provided in Paragraph (3) of this Section (E), below. Such assessments shall be made on the basis of each town's proportionate share of District foundation enrollment for Grades pre-K to 6. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

#### **(a) Ashfield, Plainfield**

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1)



computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Ashfield for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

To Plainfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1) computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Plainfield for the five most recent years, bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

(b) Buckland, Shelburne

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Buckland for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Shelburne for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.

(c) Colrain, Heath

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Colrain for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1)

computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Heath for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

The Town of Colrain shall retain sole responsibility for all Capital Costs for which bonds were issued prior to November 2022.

(2) Nothing in this Paragraph (E) shall be construed to prevent the member towns from amending this Agreement in accordance with Section XI in order to modify and/or alter the above designated schedules of apportionment of Capital Costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

**(3) Transition Period**

The transition to the New Capital Assessment Calculation – Grades pre-K to 6 shall take place over a period of five (5) years, beginning July 1, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.

(a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), determination of the most recent year's enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(b) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(c) For Fiscal Year 2027 (commencing July 1, 2026 and ending June 30, 2027), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(d) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(e) For Fiscal Year 2029 (commencing July 1, 2028) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E).

**(F) Apportionment of Capital Costs Grades 7-12**

(1) Capital Costs assessed to member towns prior to July 1, 2024 shall be assessed under Section IV (F) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as "the Prior Capital Assessment Calculation – Grades 7-12"). Capital Costs assessed to towns after July 1, 2024, shall be assessed to the member towns as described below in paragraph (2) of this Section (F) (referred to hereafter as "the New Capital

Assessment Calculation – Grades 7-12”), subject to the Transition Period as provided in Paragraph (3) of this Section (F), below. Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment for Grades 7-12.

District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(2) Each member town’s share of Capital Costs associated with the District Middle School/High School as well as District-Wide Capital Costs shall be apportioned to the member towns on the basis of said town’s share of the District’s foundation enrollment for Grades 7-12. Each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.

**(3) Transition Period**

The transition to the New Capital Assessment Calculation – Grades 7-12 shall take place over a period of five (5) years, beginning July 1, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.

(a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), determination of the most recent year’s enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(b) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(c) For Fiscal Year 2027 (commencing July 1, 2026 and ending June 30, 2027), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(d) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(e) For Fiscal Year 2029 (commencing July 1, 2028) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F).

**(G) Apportionment of Operating Costs**

Each member town will contribute to the District no less than its minimum required local contribution as determined by the Commissioner pursuant to M.G.L. c. 70, Section 6. Any amounts in excess of the minimum required local contribution needed to support the District's budget will be assessed to the member towns in accordance with this Section IV (G.)

(1) Operating Costs assessed to member towns prior to July 1, 2024 will be assessed under Sections IV (G) and IV (H) of the Mohawk Trail Regional School District Regional Agreement adopted by MTRSD Towns May-June 2018 and approved by the

Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as “the Prior Operating Assessment Calculation”).

(2) Operating Costs assessed to member towns after July 1, 2024, shall be assessed as described in paragraphs (a) through (d), below, (referred to hereafter as “the New Operating Assessment Calculation”), subject to the Transition Period as provided in Paragraph (3) of this Section IV (G). Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(a) First, the Committee shall determine the proportion of the annual budget representing costs associated with the provision of services to grades seven through twelve and the proportion representing costs associated with all Central Office and District-Wide services, including such services to grades pre-kindergarten through six.

(b) Second, the Committee shall determine the average District foundation enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.

(c) Third, the Committee shall apportion the costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town’s five-year average share of District foundation enrollment in grades seven through twelve, inclusive.

(d) Fourth, the total amount in excess of the aggregate minimum required local contributions, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District’s six remaining member towns on the basis of each member town’s five-year average District foundation enrollment share. For purposes of this calculation, average District foundation enrollment share for each of the pre-K-12 Member Towns shall be based on its five-year average proportionate share of total District foundation enrollment.

### (3) Transition Period

The transition to the New Operating Assessment Calculation shall take place over a period of five (5) years, beginning July 1, 2024 (for Fiscal Year 2025) and ending on June 30, 2029.

(a) For Fiscal Year 2025 (commencing July 1, 2024 and ending on June 30, 2025), determination of the most recent year’s enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the four years prior enrollments shall be calculated using the “Prior Operating Assessment Calculation”).

(b) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent two years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the three years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.

(c) For Fiscal Year 2027 (commencing July 1, 2026 and ending June 30, 2027), determination of the most recent three years of enrollment shall be calculated on the

basis of the New Operating Assessment Calculation as described in this Section IV (G), and the two years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.

(d) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent four years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the one year prior enrollment shall be calculated using the Prior Operating Assessment Calculation.

(e) For Fiscal Year 2029 (commencing July 1, 2028) and all subsequent years, determination of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G).

**(H) Times of Payment of Apportioned Costs**

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1 16.25%

October 1 36.25%

December 1 50.00%

February 1 67.50%

April 1 87.50%

May 1 100.00%

**(I) Special Funds**

The District School Committee shall not interfere with a town's or Local Education Council's use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town's pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.

**ARTICLE 31.** To see if the Town will **vote to amend** the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section VI – Budget**:

**(A) Tentative Maintenance and Operating Budget**

On or before February 8th, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets

8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be mailed to the chairperson of the board of selectmen and finance committee of such town.

**(B) Final Maintenance and Operating Budget**

The Committee shall on or before March 1 in each year adopt an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of sub-section IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within twenty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 10, be certified by the District treasurer to the treasurers of the member towns.

**(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition**

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which the grades 7-12 average pupil enrollment in the regional district on October 1 of each of the five years next preceding the year for which the apportionment is determined bears to the total average pupil enrollment from all member towns in the Regional School District for the same five year period (note: pre-K enrollment will be included in the calculation beginning in

FY18 and will include the data from October 1, 2015 and October 1, 2016). The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

**(D) Vote on the Annual Budget**

For purposes of voting on the annual budget by the member towns, the approval of the District's annual budget by the town meetings of each pre-K-12 Member Town shall constitute two "units" towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one "unit" each, with a total of ten units needed to approve the annual budget.

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**and replacing said language with the following:**

**(A) Tentative Maintenance and Operating Budget**

On or before February 15th, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be delivered via mail or email to the chairperson of the board of selectmen and finance committee of each member town.

**(B) Final Maintenance and Operating Budget**

The Committee shall on or before March 1 in each year adopt by a two-thirds vote of the full Committee an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of sub-section IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within thirty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 31, be certified by the District treasurer to the treasurers of the member towns.

**(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition**

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which Grade 7-12 students who reside in member towns and are included in the District's foundation enrollment for each of the most recent five years bears to the District's total foundation enrollment for Grades Pre-K to 12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent. The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

**(D) Vote on the Annual Budget**

Consistent with Chapter 31 of the Acts of 2017, for purposes of voting on the annual budget by the member towns, the approval of the District's annual budget by the town meetings of each pre-K-12 Member Town shall constitute two "units" towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one "unit" each, with a total of ten units needed to approve the annual budget.

**ARTICLE 32.** To see if the Town **will vote to amend** the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section XV Effective Date:**

This amended Agreement shall take full effect in accordance with its terms on July 1, 2018 and shall supersede the prior District Agreement, including any prior amendments.

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**and replacing said language with the following:**

This amended Agreement shall take full effect in accordance with its terms, following approval by all member towns and by the Commissioner of Elementary and Secondary Education, on July 1, 2023, and shall supersede the prior District Agreement, including any prior amendments.

Nothing in this amended Agreement shall affect the apportionment of assessments to member towns prior to Fiscal Year 2025.