

TOWN OF BUCKLAND
ANNUAL TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS
FRANKLIN SS.

MAY 9, 2012

To either of the Constables of the Town of Buckland in the Commonwealth of Massachusetts, you are hereby directed to notify and warn said inhabitants of said Town, qualified to vote in elections and in town affairs, to meet at the Town Hall, 17 State Street, in said Town on Monday May 7, 2012 next at ten o'clock in the forenoon then and there to act on the following article:

ARTICLE 1: To bring in the ballots for the election of officers and ballot questions as follows:

Board of Selectmen	for three years
Board of Assessors	for three years
Board of Health	for three years
Finance Committee	for three years
Finance Committee	for three years
Finance Committee	for one year unexpired term
Moderator	for one year
Mohawk Regional School Committee	for one year unexpired term
Recreation Committee	for two year unexpired term
Recreation Committee	for three years
Buckland Library Trustee	for three years

For this purpose the polls will be opened at ten o'clock AM and will be closed at eight o'clock PM.

You are further directed to notify and warn said inhabitants of said Town, qualified to vote in town affairs, to meet at the Mohawk Trail Regional High School at 7:00 PM on Wednesday, May 9, 2012, then and there to act on the following articles:

ARTICLE 2: (CONSENT VOTE) To see if the Town will vote to take Articles 3, 13, 16, 30, 31, 32 AND 33 out of order in this warrant and take action to approve all of them as one vote without debate on any such articles, provided that upon request of any voter at this meeting made before the vote is taken, an article shall be dropped from the list of consent articles and shall be acted upon in the ordinary course and order of business at this meeting, or take any action relating thereto.

ARTICLE 3: (Consent) To see if the Town will vote to ACCEPT THE REPORTS OF THE TOWN OFFICERS, or take any action relating thereto.

ARTICLE 4: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for ELECTED OFFICIALS SALARIES for FY2013, as line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012, or take any action relating thereto.

ARTICLE 5: To see if the Town will vote to raise and appropriate, or otherwise provide a sum or sums of money for the purpose of funding the TOWN OPERATING BUDGETS for FY2013, as line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012, or take any action relating thereto.

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise provide a sum or sums of money for the purpose of funding **SEVERAL SPECIAL LINE ITEMS** in the **Town Operating Budgets** for FY2013, as line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012, and, further to authorize that unspent amounts in said line items may be carried forward for use in following fiscal years without further appropriation, or take any action relating thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **MOHAWK K-12 SCHOOL DISTRICT OPERATING ASSESSMENT** for FY2013, or take any action relating thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **MOHAWK K-12 SCHOOL DISTRICT CAPITAL ASSESSMENT** for FY2013, or take any action relating thereto.

ARTICLE 9: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money for the **FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT** for FY2013, or take any action relating thereto.

ARTICLE 10: To see if the Town will vote to raise and appropriate, or otherwise provide a sum of money, which is the estimated cost of **OPERATION AND MAINTENANCE OF THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY (ENTERPRISE FUND)** for which a sum of money will be raised from anticipated receipts from the Town of Shelburne (pursuant to the operation agreement) and revenue of the Buckland user assessment, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012, or take any action relating thereto.

ARTICLE 11: To see if the Town will vote to raise and appropriate, borrow, or otherwise provide a sum of money, which is the estimated cost of **CAPITAL and/or DEBT EXPENSES FOR THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY (ENTERPRISE FUND)** for which a sum of money will be raised from anticipated receipts from the Town of Buckland user assessment and/or Buckland Enterprise Fund Retained Earnings, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012, or take any action relating thereto.

ARTICLE 12: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the purpose of funding the **SHELBURNE FALLS AREA PARTNERSHIP**, or take any action relating thereto.

ARTICLE 13: (Consent) To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the purpose of funding the **PRESERVATION OF TOWN RECORD BOOKS**, or take any action relating thereto.

ARTICLE 14: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money to fund **ROAD REPAIR AND REPAVING**, or take any action relating thereto.

ARTICLE 15: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for legal, consulting and/or engineering costs related to construction of a **PUBLIC WORKS FACILITY**, or take any action relating thereto.

ARTICLE 16: (Consent) To see if the Town will vote to **AUTHORIZE, PURSUANT TO M.G.L. CHAPTER 44, SECTION 53E½, THE FOLLOWING REVOLVING FUNDS:**

NAME of ACCOUNT	PURPOSE	SOURCE OF FUND	MAXIMUM FY2013 EXPENDITURE	BOARD
Board of Health	Paying costs associated with Board of Health Inspections	Board of Health Fees	Up to \$20,000	Board of Health
Town Hall Maintenance	Paying costs associated with Town Hall Maintenance	Town Hall Rental Janitorial Fees	Up to \$2,000	Selectmen
Recreation Summer Camp	Paying costs associated with running the Recreation Summer Camp	Camper Fees	Up to \$20,000	Recreation
Parking Tickets	Paying costs associated with payment and collection of Parking Tickets and Fees	Parking Ticket Fees	Up to \$1,000	Parking Clerk

ARTICLE 17: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the **POLICE DEPARTMENT EQUIPMENT STABILIZATION FUND**, or take any action relating thereto.

ARTICLE 18: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the **HIGHWAY DEPARTMENT EQUIPMENT STABILIZATION FUND**, or take any action relating thereto.

ARTICLE 19: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the **ELECTIONS EQUIPMENT STABILIZATION FUND**, or take any action relating thereto.

ARTICLE 20: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the **TECHNOLOGY STABILIZATION FUND**, or take any action relating thereto.

ARTICLE 21: To see if the Town will vote to raise and appropriate, borrow, or otherwise provide a sum of money to the **GENERAL STABILIZATION FUND**, or take any action relating thereto.

ARTICLE 22: To see if the Town will vote to authorize the Selectboard to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services, or take any action relating thereto.

ARTICLE 23: To see if the Town will vote to raise and appropriate, borrow, or otherwise provide a sum of money and to authorize the Selectboard to join the Wired West Co-op, or take any action relating thereto.

ARTICLE 24: To see if the Town will vote to raise and appropriate, borrow or otherwise provide a sum of money for the preservation and/or display of several Town historical items in the Town Hall, or take any action relating there to.

ARTICLE 25: To see if the Town will vote under the Home Rule authority of the Town of Buckland to enact Chapter XIV of the Town of Buckland General Bylaws, entitled “Wetlands Protection Bylaw/Ordinance” to protect its resource areas as provided under the Wetlands Protection Act (M.G.L. Ch. 131 sec. 40; the Act) with additional enforcement procedures stricter than those of the Act and its regulations (310 CMR 10.00) for the purpose of allowing the Buckland Conservation Commission to take enforcement actions on activities in violation of the Act it deems likely to have a significant or cumulative effect on resource area values, including but not limited to public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare plant and animal species habitat, agriculture and recreation values deemed important to the community (collectively, “resource area values protected by this bylaw”), a copy of which is on file with the Town Clerk, or take any other action relative thereto.

ARTICLE 26: To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section XIII, **TEMPORARY MORATORIUM ON THE CONSTRUCTION OF WIND ENERGY SYSTEMS** that would provide as follows:

Section 14-1. PURPOSE

To see if the Town will vote to amend the Town of Buckland’s Zoning Bylaws by adding a Section XIV. Currently in the Town of Buckland Zoning Bylaws, wind generating facilities are permitted by Special Permit from the ZBA in the Rural Residential, Commercial, Industrial and Historic Industrial zoned districts. Based on the amount of controversy and questions that arose as a result of a proposed wind energy system in the neighboring Town of Shelburne, it has become apparent that this is a very complex subject. New information, both favorable and unfavorable, is published on a regular basis. As a small rural town we lack the expertise to move forward with confidence on a bylaw without further in-depth study, consultation and careful analysis on the impact to our community of wind generating facilities.

Section 14-2 TEMPORARY MORATORIUM

Notwithstanding any other provision in the Town of Buckland Zoning Bylaw to the contrary, no building permit may be issued for the construction of any wind generating facility until July 1, 2013. The purpose of this temporary moratorium is to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives, or take any action related thereto.

ARTICLE 27: (Citizen Petition)

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new section XV a) and b), Temporary Moratorium on the Construction Large Scale Photovoltaic Systems, that would provide as follows:

a) Purpose.

The average size of a solar system that would provide electricity for residential use in Massachusetts is 5 kilowatts. The average size of a solar system to provide electricity for a barn or a sugar house is

35 kilowatts. The Town of Buckland contains very rural and undeveloped areas. There are currently no large scale photovoltaic energy systems in the Town. The Town of, or residents of, Buckland may be approached to develop large solar in the near future. Larger systems potentially could affect the Town as a whole. There is an identifiable community need to establish long-term zoning regulations to ensure that such uses and developments will be consistent with the Town's long term planning interests. It is crucial that the Town establish a temporary moratorium on the use of land and the construction of structures related to such large scale photovoltaic systems and the issuance of building permits in connection with the same.

b) Moratorium.

No building permit may be issued for the construction of any large scale photovoltaic system in size of more than 150% of the documented average annual use of a residential, commercial, business, municipal or agricultural application, and not to exceed 35 kilowatts, until June 15, 2013. The purpose of this temporary moratorium is to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives, or take any action related thereto.

ARTICLE 28: (Citizen Petition) Shall the Town of Buckland vote to change the Recreation Committee from elected positions to appointed positions.

ARTICLE 29: (Citizen Petition)

The People's Rights Amendment

Section 1. We, the people who ordain and establish the Constitution intend the rights protected by this Constitution to be the rights of natural persons.

Section 2. The words people, person or citizen as used in the Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any state, the United States or any foreign state. Such corporate entities are subject to such regulation as the people, through their elected state and federal representatives deem reasonable and are otherwise consistent with the powers of Congress and the States under this Constitution.

Section 3. Nothing contained herein shall be construed to limit the people's rights freedom of speech, freedom of the press, free exercise of religion, freedom of associations and all other rights of the people, which rights are inalienable.

ARTICLE 30: (Consent) To see if the Town will vote to **AUTHORIZE THE SELECTMEN TO PURCHASE AND/OR DISPOSE OF ANY TOWN EQUIPMENT**, or take any action relating thereto.

ARTICLE 31: (Consent) To see if the Town will vote to **AUTHORIZE THE SELECTMEN TO ACCEPT AND EXPEND, AS AN AVAILABLE FUND, ANY OF THE BOND ISSUE OR OPERATING BUDGET MONIES** (also called "Chapter" monies) from the Commonwealth of Massachusetts through the Massachusetts Department of Transportation, or take any action relating thereto.

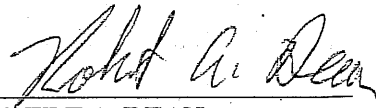
ARTICLE 32: (Consent) To see if the Town will vote to **AUTHORIZE THE SEWER COMMISSIONERS AND BOARD OF SELECTMEN TO APPLY FOR AND ACCEPT ANY GRANTS FOR SEWER LINE REPLACEMENT AND IMPROVEMENTS AT THE WASTEWATER TREATMENT FACILITY**, or take any action relating thereto.

ARTICLE 33: (Consent) To see if the Town will vote to **AUTHORIZE THE BOARD OF SELECTMEN TO APPLY FOR AND ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT, COMMONWEALTH OF MASSACHUSETTS, OR ANY OTHER SOURCE**, and to expend the same for purposes received without further appropriation, or take any action relating thereto.

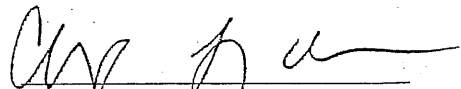
You are directed to serve this warrant by posting attested copies thereof at the Post Office and Public Library, Buckland Center and Buckland Town Hall, 17 State Street, in said town, seven days at least, before the time of holding said meeting.

Thereof fail not, and make due return of this warrant, with your doings, thereon, to the Town Clerk, at the time and place of the meeting as aforesaid.

Given under our hands this 24th day of April, in the year two thousand twelve.


ROBERT A. DEAN

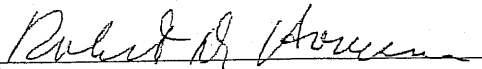

KEVIN P. FOX


CHERYL L. DUKES

CONSTABLE'S RETURN

FRANKLIN, SS

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Buckland by posting attested copies of same at three public places and at least seven days before the day hereof, as within directed.

CONSTABLE: 

DATE: 4-25-12