

**RESULTS OF
ANNUAL TOWN MEETING**

MAY 9, 2012

There were (111) One hundred, eleven Town of Buckland voters in attendance, quorum being (7) seven, at the Annual Town Meeting held at the Mohawk Trail Regional School. Phoebe Walker served in her capacity as Moderator working from a warrant dated April 25, 2012 and posted by Constable, Robert D. Howson.

The meeting was called to order at 7:00 PM.

The dedication of the Annual Town Report was read by Rob Riggan. The Annual Report was dedicated to the memory of Stefan Racz, former Selectman. Stefan’s wife and daughter were in attendance for the reading of the dedication.

ARTICLE 1: Janice Purington, Town Clerk, reported the results of the Annual Town Election held on Monday, May 7, 2012. The results are as follows:

Board of Selectmen (3 Years)		Finance Committee (1 Year Unexpired)	
Cheryl L. Dukes	49	Karen Blom	49
Scattered Write-ins	0	Scattered Write-ins	0
Blanks	3	Blanks	3
Board of Assessors (3 years)		Moderator (1 Year)	
Sammy W. Purington	50	Phoebe Walker	48
Scattered Write-ins	0	Scattered Write-ins	1
Blanks	2	Blanks	3
Board of Health (3 Years)		Mohawk Regional School Committee	
Richard Warner	52	Scattered Write-in	5
Scattered Write-ins	0	Blanks	47
Blanks	0		
Finance Committee (3 Years) Vote for Two		Recreation Committee (3 Years)	
Michael Turley	51	Brandon Boucias	4
Dena Willmore	45	Scattered Write-ins	5
Scattered Write-ins	0	Blanks	43
Blanks	8		
Buckland Library Trustee (3 Years)		Recreation Committee (2 Years unexpired)	
Ann Bodkhe	48	Brandon Boucias	3
Scattered Write-ins	0	Scattered Write-ins	3
Blanks	4	Blanks	46

ARTICLE 2: (CONSENT VOTE) The Town voted and passed unanimously 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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 3: (Consent) The Town voted and passed unanimously to **ACCEPT THE REPORTS OF THE TOWN OFFICERS as printed in the 2011 Annual Town Report.**

ARTICLE 4: The Town voted and passed unanimously to raise and appropriate the sum of **\$42,948** 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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 5: The Town voted and passed unanimously to raise and appropriate the sum of **\$1,508,693** for **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..

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 6: The Town voted and passed unanimously to raise and appropriate the sum of **\$24,050** for **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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 7: The Town voted and passed to raise and appropriate the sum of **\$1,771,084** for the **MOHAWK K-12 SCHOOL DISTRICT OPERATING ASSESSMENT** for FY2013.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 8: The Town voted and passed unanimously to raise and appropriate the sum of **\$26,489** for the **MOHAWK K-12 SCHOOL DISTRICT CAPITAL ASSESSMENT** for FY2013.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 9: The Town voted and passed to raise and appropriate the sum of **\$168,424** for the **FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT** for **FY2013**.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 10: The Town voted and passed to raise from anticipated receipts from the Town of Shelburne (pursuant to the Operation Agreement) and revenue of the Buckland user assessment the sum of **\$213,352** which is the estimated cost of **OPERATION AND MAINTENANCE OF THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY (ENTERPRISE FUND)**, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012.

*The Board of Selectmen voted unanimously to support this article
The Finance Committee voted unanimously to support this article.*

ARTICLE 11: The Town voted and passed unanimously to raise from anticipated receipts from the Buckland user assessment the sum of **\$16,230** and to transfer from the Sewer Enterprise fund the sum of **\$16,230** for a total of \$32,460 which is the estimated cost of **CAPITAL and/or DEBT EXPENSES FOR THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY (ENTERPRISE FUND)**, as line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2013 Budget detail report dated April 24, 2012.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 12: The Town voted and passed unanimously to raise and appropriate the sum of **\$5,000** for the purpose of funding the **SHELBURNE FALLS AREA PARTNERSHIP**.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 13: (Consent) The Town voted and passed unanimously to raise and appropriate the sum of **\$1,500** for the purpose of funding the **PRESERVATION OF TOWN RECORD BOOKS** under the care of the Town Clerk.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 14: The Town voted and passed unanimously to raise and appropriate the sum of **\$30,000** to pay for road repair and paving costs.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 15: The Town **voted and passed unanimously** to raise and appropriate the sum of **\$10,000** for legal, consulting and/or engineering costs related to construction of a **PUBLIC WORKS FACILITY**.

The Board of Selectmen voted unanimously to support this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 16: (Consent) The Town **voted and passed unanimously** to reauthorize the following Revolving Funds: subject to the terms in the chart presented in the Town Meeting Warrant.

The Board of Selectmen voted unanimously to support this article.

The Finance Committee voted unanimously to support this article.

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: The Town **voted and passed unanimously** to transfer the sum of **\$14,000** from Free Cash to the Police Department Equipment Stabilization Fund.

The Board of Selectmen voted unanimously to support this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 18: The Town **voted and passed unanimously** to transfer the sum of **\$30,000** from Free Cash to the **HIGHWAY DEPARTMENT EQUIPMENT STABILIZATION FUND**.

The Board of Selectmen voted unanimously to support this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 19: The Town **voted and passed unanimously** to transfer the sum of **\$3,000** from Free Cash to the **ELECTIONS EQUIPMENT STABILIZATION FUND.**

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 20: The Town **voted and passed unanimously** to transfer the sum of **\$2,000** from Free Cash to the **TECHNOLOGY STABILIZATION FUND.**

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 21: The Town **voted and passed unanimously** to raise and appropriate the sum of **\$60,511**, and transfer the sum of **\$97,489** from Free Cash for a total of \$158,000 to the **GENERAL STABILIZATION FUND.**

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 22: The Town **voted 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.

Results of paper ballot vote: YES 82 NO 10

*The Board of Selectmen took no action on this article.
The Finance Committee took no action on this article.*

The Moderator passed over Article #23 briefly while the ballots were being counted for Article 22.

ARTICLE 24: The Town **voted and passed unanimously** to raise and appropriate the sum of **\$2,600** for the preservation and/or display of several Town historical items in the Town Hall.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 25: After lengthy discussion a motion was made and passed to **Table** Article 25.

YES 67 NO 14

*The Board of Selectmen voted 2 in support and 1 abstention on this article.
The Finance Committee took no action on this article.*

ARTICLE 23: The Town voted and passed unanimously to raise and appropriate the sum of **\$1,000** and authorize the Selectboard to join the Wired West Co-op.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee voted unanimously to support this article.*

ARTICLE 26: The Town voted 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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee took no action on this article.*

ARTICLE 27: An amendment was voted and passed to Amend language of Citizen Petition for large solar energy moratorium Section b) Moratorium, currently: “No building permit may be issued for the construction of any large scale photovoltaic system in size 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” to read as follows: “No building permit may be issued for the construction of any large scale ground mounted photovoltaic system in capacity greater than 35 kilowatts, until June 15, 2013.”

The Town voted 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 are 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 ground mounted photovoltaic system in capacity greater than 35 kilowatts, until June 15, 2013.”

YES 59 NO 5

The Board of Selectmen took no action on this article.

The Finance Committee took no action on this article.

ARTICLE 28: (Citizen Petition) The town **voted and passed** to have a ballot vote at the Annual Town Election in 2013 to change the Recreation Committee from elected positions to appointed positions.

The Board of Selectmen voted unanimously to support this article.

The Finance Committee took no action on this article.

ARTICLE 29: (Citizen Petition) The Town **voted and passed unanimously** to **amend** Article 29 to add the following instructions to the Buckland Town Clerk:

Please send a copy of the results to our State Senator and Representative as well as to our Federal Congressional Representative and Senators: Stan Rosenberg, Paul Mark, John Olver, John Kerry and Scott Brown as well as Stephen Kulik, who will become our State Representative in January.

ARTICLE 29: The Town **voted and passed** the **amended Article 29.**

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.

Furthermore, we instruct the Town Clerk to please send a copy of the results to our State Senator and Representative as well as to our Federal Congressional Representative and Senators: Stan Rosenberg, Paul Mark, John Olver, John Kerry and Scott Brown as well as Stephen Kulik, who will become our State Representative in January.

The Board of Selectmen took no action on this article.

The Finance Committee took no action on this article.

ARTICLE 30: (Consent) The Town voted and passed unanimously to AUTHORIZE THE SELECTMEN TO PURCHASE AND/OR DISPOSE OF ANY TOWN EQUIPMENT.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee took no action on this article.*

ARTICLE 31: (Consent) The Town voted and passed unanimously to AUTHORIZE THE SELECTMEN TO ACCEPT AND EXPEND, AS AN AVAILABLE FUND, ANY OF THE BOND ISSUE OR OPERATING BUDGET MONIES (“Chapter” monies) from the Commonwealth of Massachusetts through the Massachusetts Department of Transportation.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee took no action on this article.*

ARTICLE 32: (Consent) The Town voted and passed unanimously 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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee took no action on this article.*

ARTICLE 33: (Consent) The Town voted and passed unanimously 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.

*The Board of Selectmen voted unanimously to support this article.
The Finance Committee took no action on this article.*

The Meeting dissolved at 9:39pm

Attest: _____
Janice D. Purington, Town Clerk