

The Commonwealth of Massachusetts

FRANKLIN SS.

To any of the Constables of the Town of Ashfield in the County of Franklin,

GREETINGS.

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 TOWN HALL in said Ashfield on **SATURDAY the SIXTH day of MAY 2023**, at **TEN O'CLOCK** in the morning, then and there to act on the following articles:

ARTICLE 1: Election of Officers

- 1 Assessor for three (3) years
- 1 Board of Health Member for three (3) years
- 1 Constable for three (3) years
- 2 Finance Committee Members for three (3) years
- 1 Library Trustee for five (5) years
- 1 Moderator for one (1) year
- 2 Park Commissioners for three (3) years
- 1 Park Commissioner for two (2) years
- 1 Park Commissioner to fill an unexpired term for one (1) year
- 1 Planning Board Member for five (5) years
- 1 School Committee Member for three (3) years
- 1 Select Board Member for three (3) years
- 1 Sewer Commissioner for three (3) years
- 1 Tree Warden for one (1) year

To vote on the following question:

Shall the Town of Ashfield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the purchase of a new fire truck?

Yes

No

Polls to be closed at 4:00 PM.

Recommended by the Finance Committee (5-0-0)

ARTICLE 2: Reports of Officers

To act on the reports of the Town Officers.

Proposed by the Select Board

Recommended by the Finance Committee (5-0-0)

Majority Vote Required

ARTICLE 3: Authorization for Compensating Balance Agreements

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements for the Fiscal Year beginning July 1, 2023, in accordance M.G.L. c.44, §53F, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 4: Authorization to Accept/Expend Grants/Gifts to Town

To see if the Town will vote to authorize the Select Board to accept and expend any grants and/or gifts that may become available, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 5: Disposal of Surplus Property

To see if the Town will vote to authorize the Select Board to dispose of any unused town-owned equipment and/or property, or act relative thereto.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 6: School Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **EDUCATIONAL EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

School Committee Stipends	\$1,000
MTRSD Regional School Expense	\$2,451,423
MTRSD Capital Expense	\$60,079
Vocation Education Expense	\$392,473
Total	\$2,904,975

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 7: Mohawk Regional Agreement Amendment 1

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.

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.

Proposed by the Mohawk School Committee
Finance Committee Makes No Recommendation (0-0-5)
Majority Vote Required

ARTICLE 8: Mohawk Regional Agreement Amendment 2

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.

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.

Proposed by the Mohawk School Committee
Finance Committee Makes No Recommendation (0-0-5)
Majority Vote Required

ARTICLE 9: Mohawk Regional Agreement Amendment 3

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.

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.

Proposed by the Mohawk School Committee
Finance Committee Makes No Recommendation (0-0-5)
Majority Vote Required

ARTICLE 10: Elected Officials Compensation

To see if the Town will vote to set the stipends and compensation for all elected officials of the Town (Moderator, Board of Assessors, Board of Health, Constable, Select Board, School Committee, and Tree Warden) as provided by the M.G.L., c.41, §108, to be made effective as of July 1, 2023, as contained within the budget, or act relative thereto.

Position	Stipend
Moderator	\$150
Board of Assessors Chair	\$1,500
Board of Assessors Members (2 @ \$1,250 each)	\$2,500
Board of Health Members (3 @ \$750 each)	\$2,250
Constable (3 elected positions, hours vary)	13.00 per hour
Select Board Chair	\$1,500
Select Board Members (2 @ \$1,250 each)	\$2,500
School Committee (2 @ \$500 each)	\$1,000
Tree Warden	\$300

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 11: General Government Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **GENERAL GOVERNMENT EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Moderator Stipend	\$150
Select Board Stipend	\$4,000
Select Board Expense	\$2,000
Town Administrator Salary	\$69,907
Town Administrator Expense	\$2,650
Reserve Fund	\$3,000
Audit	\$10,350
Assessors Stipend	\$4,000
Assistant Assessor	\$20,996
Assessors' Expense	\$5,035
Treasurer Salary	\$47,493
Certified Treasurer Bonus – MGL C.41 §108P	\$1,000
Treasurer Expense	\$2,800
Collector Salary/Admin. Support	\$57,285
Certified Collector Bonus – MGL C.41 §108P	\$1,000
Collector Expense	\$6,855
Accountant Salary	\$25,000
Accountant Expense	\$550
Legal Expense	\$11,000

Data - Contracted Services	\$88,924
Tax Title	\$4,300
Town Clerk Salary	\$34,033
Town Clerk Expense	\$4,300
Elections Expense	\$2,700
Registrars of Voters Expense	\$600
Street Lists	\$900
Conservation Commission Expense	\$11,172
TH Administrative Support to the Boards	\$5,200
Planning Board	\$1,500
Zoning Board of Appeals Expense	\$900
Energy Committee Expense	\$500
Town Hall Custodian Wages	\$7,172
Town Hall Utilities	\$19,800
Town Hall Expense	\$4,800
Town Hall Steward Stipend	\$2,000
Town Hall Building Committee Expense	\$10,000
Town Common Maintenance	\$9,700
General Insurance	\$77,332
Public Official Bonds	\$1,200
Town Reports	\$1,500
Total	\$563,604

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 12: Public Safety Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **PUBLIC SAFETY EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Police Chief Salary	\$83,187
Police Department Wages	\$64,376
Police Department Expense	\$31,000
Fire Chief Salary	\$70,662
Fire Department Wages	\$33,108
Fire Department Expense	\$73,491
Emergency Management Stipends	\$2,600
Emergency Management Expense	\$4,000
Animal Control Officer Stipend	\$3,961
Animal Control Expense	\$2,600
Animal Inspector Stipend	\$600
Animal Inspector Expense	\$305
Tree Warden Stipend	\$300
Tree Warden Expense	\$11,000
Total	\$381,190

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 13: Public Works Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **PUBLIC WORKS EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Highway Superintendent Salary	\$82,664
Highway Labor	\$258,538
General Highway Expense	\$198,400
Highway Department Fuel	\$61,500
Winter Roads Expense (Snow/Ice)	\$147,500
Winter Sidewalk Expense	\$5,000
Streetlights	\$3,500
HRMC Expense	\$10,055
Transfer Station Expense	\$141,196
Total	\$908,353

Proposed by the Select Board
 Recommended by the Finance Committee (5-0-0)
 Majority Vote Required

ARTICLE 14: Health & Human Services Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **HEALTH & HUMAN SERVICES EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Board of Health Stipends	\$2,250
Board of Health Expense	\$1,250
Health Agents	\$8,000
Senior Center Expense	\$47,397
Local Council on Aging Expense	\$1,200
Veterans Services District	\$4,759
Veterans Benefits - Local	\$6,970
Veterans Graves	\$1,500
Total	\$73,326

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 15: Culture & Recreational Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **CULTURE & RECREATIONAL EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Belding Memorial Library Expense	\$15,925
Belding Memorial Library Salary & Wages	\$57,483
Belding Memorial Park Expense	\$32,240
Ashfield Lake Dam Inspection	\$2,500
Invasive Species Removal	\$1,000
Lake Dam Maintenance	\$5,000
Historical Commission Expense	\$1,000
Total	\$115,148

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 16: Debt Service Expenses

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **DEBT SERVICE EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Highway Garage Debt	\$66,425
Broadband Debt Interest	\$55,927
Total	\$122,352

Note: Debt payments towards broadband principal are addressed in Articles 21 and 22.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 17: Ambulance Services

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **AMBULANCE SERVICES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Highland Ambulance EMS Assessment	\$94,831
Highland Ambulance EMS Radio Assessment	\$2,937
Total	\$97,768

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 18: Benefits

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **EMPLOYEE BENEFIT EXPENSES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Franklin Regional Retirement System	\$137,771
Workers Compensation	\$1,000
Unemployment Insurance	\$2,500
Health Insurance (Active Employees)	\$89,000
Retiree Health Insurance	\$15,000
Medicare/FICA	\$20,000
Other Post-Employment Benefits (OPEB) Trust	\$0
Total	\$265,271

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 19: Intergovernmental Assessments

To see if the Town will vote to raise and appropriate and/or transfer from available funds the following sums to fund **INTERGOVERNMENTAL ASSESSMENTS** for the Franklin Regional Council of Governments Expenses (FRCOG) for the Fiscal Year beginning July 1, 2023, or act relative thereto:

FRCOG Core Assessment	\$14,163
FRCOG Procurement Services	\$2,850
FRCOG Radio Maintenance	\$5,873
FRCOG Inspections Program	\$7,600
FRCOG Community Health Program	\$11,509
FRCOG REPC Assessment	\$150
Total	\$42,145

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 20: Sewer/WWTP Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from retained earnings, or otherwise provide the following sums of money to operate the **Sewer/Wastewater Treatment Plant Enterprise Fund** for the Fiscal Year beginning July 1, 2023, or act relative thereto.

Revenues	
Departmental Receipts	\$177,301
Retained Earnings	\$10,000
TOTAL	\$187,301
Expenses	
Salaries & Benefit Costs	\$104,937
Abatements	\$500
Operational Expenses	\$71,864
Emergency Fund Costs	\$10,000
Capital Costs	\$0
TOTAL	\$187,301

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 21: Broadband Enterprise Fund

To see if the Town will vote to raise and appropriate, transfer from retained earnings, or otherwise provide the following sums of money to fund the **Broadband Enterprise Fund** for the Fiscal Year beginning July 1, 2023, to provide Broadband telecommunication services, or act relative thereto.

Revenues	
Subscriber Fee Revenues	\$781,356
Anticipated Grant Revenues	\$12,871
Retained Earnings	\$96,824
TOTAL	\$891,051
Expenses	
Salaries & Benefits Costs	\$6,000
Operational Costs	\$524,521
Indirect Costs	\$0
Capital Costs	\$0
Debt Payments	\$360,530
TOTAL	\$891,051

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 22: Broadband Debt Transfer

To see if the Town will vote to appropriate from the Civil Defense – Broadband Line (001-291-5460) the sum of \$36,501.87, and to appropriate from Free Cash the sum of \$200,000.00, for a total of \$236,501.87, towards paying down the broadband debt principal or act relative thereto.

Explanation: The Civil Defense Broadband Fund was left over from the broadband construction project. Using these funds to pay down some of the principal will help to reduce the interest paid on it in future years.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 23: Capital Projects

To see if the Town will vote to raise and appropriate the following sums to fund the following **CAPITAL EXPENDITURES** for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Highway – Bridge Work	\$100,000
Highway – Generator	\$35,000
Highway – York Rake	\$12,000
Highway – Truck Replacement	\$100,000
Park – Bathhouse Repairs	\$15,000
Town Hall – Chair Lift Replacement	\$30,000
Total	\$292,000

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 24: Fire Truck Debt Authorization

To see if the town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$300,000 for the purchase and equipping of a new fire truck including the payment of all costs incidental or related thereto, such project to be carried out by the Town of Ashfield Select Board, contingent on a Proposition Two and One-Half, so called, debt exclusion override vote, or act relative thereto.

Note: This article is contingent on the approval of a debt exclusion on the annual election ballot.

Explanation: The town needs to replace Engine 3 as it is over 25 years old and annual maintenance costs are in the thousands. The projected cost of the replacement is approximately \$700,000, of which the town has already appropriated \$400,000. Once ordered, it is projected to take up to a year for delivery. By approving this debt authorization, the fire truck can be ordered now. The plan is to work on finding sources of funding over the next year so that the town either reduces the amount borrowed or does not need to borrow at all, much like the Ashfield Lake Dam project. However, without this authorization, the town cannot order the vehicle, delaying the process.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
2/3 Majority Vote Required

ARTICLE 25: Revolving Funds

To see if the Town will vote to approve the following spending limits for the revolving funds noted below pursuant to the Ashfield Revolving Fund Bylaw and pursuant to the M.G.L. c.44, §53E½ for the Fiscal Year beginning July 1, 2023, or act relative thereto:

Revolving Fund	FY2024 Spending Limit
Dog License and Control	\$5,000.00
Park	\$3,000.00
Library	\$2,500.00
Police Cruiser	\$3,000.00

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 26: Conservation Commission Revolving Fund

To see if the Town will vote to authorize the Conservation Commission, pursuant to MGL Chapter 44, § 53E ½, to establish and use a revolving fund with a spending limit of \$3,000 for fiscal year 2024 to accept receipts related to the Conservation Commission’s work under the Wetland’s Protection Act, for the purpose of funding legal advertisements, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 27: Revolving Fund Bylaw Amendment

To see if the Town will vote to amend Section 5 of the “Revolving Funds” General Bylaw by adding the following line to the “Authorized Revolving Funds” table, or act relative thereto:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Funds	Spending Limit
Conservation Commission	Conservation Commission	Fees	Legal Advertisements	\$3,000.00

Note: The first line of this table is existing wording in the bylaw and only being included for informational purposes.

Explanation: This would allow the Conservation Commission Revolving Fund to be voted as part of the group in Article 25 in future years.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 28: Town Hall Rental Revolving Fund, Part 1

To see if the Town will vote to authorize the Select Board, pursuant to MGL Chapter 44, § 53E ½, to establish and use a revolving fund with a spending limit of \$5,000 for fiscal year 2024 to accept receipts related to the rental of Town Hall Facilities, for the purpose of funding building repairs, maintenance, upgrades, utility bills, and employee wages, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025.

Explanation: The current town hall use policy involves charging rental fees to private groups that wish to use the building. With the exception of a small fee for preservation, all of these fees are turned over to the general fund and become part of free cash. By setting up a revolving fund, it allows these fees to be directly used towards paying for expenses related to the building.

Proposed by the Town Administrator
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 29: Town Hall Revolving Fund, Part 2

To see if the town will vote to accept the provisions of Chapter 40, Section 3 of the Massachusetts General Laws allowing the Town Hall Revolving Fund to retain remaining funds at the end of a fiscal year:

Notwithstanding this section or section 53 of chapter 44, a city or town that rents or leases any public building or property, or space within a building or property, other than a building or property under the control of the school committee, may deposit any monies received from the rental or lease in a separate account in the city or town treasury. The monies may be expended by the board, committee or department head in control of the building or property without further appropriation for the upkeep of the facility so rented or leased. Any balance remaining in the account at the close of a fiscal year shall be paid into the general fund of such city or town; provided that in any city or town that accepts this proviso, any balance shall remain in the account and may be expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

Proposed by the Town Administrator
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 30: PARC Grant Authorization

To see if the Town of Ashfield will vote to transfer and appropriate from Free Cash the sum of \$96,100 and to authorize the Select Board to use \$58,900 of American Rescue Plan Act (ARPA) Funds, for a total of \$155,000, to restore the tennis courts and add pickle ball courts at Belding Memorial Park at 89 Buckland Road (Parcel ID: 7-2-0-2, which is dedicated to active recreational purposes pursuant to M.G.L. c. 45, section 3), and to authorize the Select Board to apply for on behalf of the Town of Ashfield any and all grants under the Parkland Acquisitions and Renovations for Communities Grant Program (301 CMR 5.00) and further to authorize the Select Board to enter into any and all agreements and execute any and all documents as may be necessary on behalf of the Town to effectuate said project or receive said grants, or act relative thereto.

Explanation: The Park Commissioners are seeking to obtain a PARC grant to replace the worn tennis courts at Belding Park. Of the \$155,000 estimated cost, the PARC grant would cover 62%, or \$96,100. However, the town must first pay for the project and be reimbursed, at which time the funds received would revert to free cash. No funds would be expended unless the grant was awarded. Ultimately, no local funding would be required to pay for this project.

Proposed by the Park Commission
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 31: Short-Term Rental Tax

To see if the Town will vote to accept the provisions of M.G.L. c. 64G, section 3A, and impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, short term rental, or motel located within the Town at a rate of 6%, said excise tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of the Town Meeting, or act relative thereto.

Explanation: Towns have the option to assess a tax on short-term rentals up to 6%. In Buckland, which has a similar number of units, they raised approximately \$20,000 in additional revenues last year.

Proposed by the Select Board
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 32: Adoption of MGL C.39, S.23D “Mullins Rule”

To see if the Town will vote to accept Massachusetts General Law, Chapter 39, Section 23D, commonly referred to as the “Mullins Rule”:

MGL Chapter 39, Section 23D: Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

Explanation: For a member of a permit-granting authority to vote on granting a permit, they must be present for all sessions of a hearing related to the permit. For large and/or complicated projects, this can require multiple sessions. Under current rules, if a member misses even one session, they are ineligible to vote on whether to grant a final permit. If adopted, the Mullins Rule allows members to miss one session and still vote, provided that they certify that they have listened to an audio/video recording or read a transcript of the session. As some permits/variances require a supermajority of its members, an absence can cause significant problems.

Proposed by the Planning Board
Finance Committee Took No Vote on This Article
Majority Vote Required

ARTICLE 33: Energy Aggregation

To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Ashfield have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Ashfield hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Ashfield hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

Explanation: Energy Aggregation allows for the town to negotiate with the utilities for a lower electrical rate for all participants. Town meeting approval is required to do so. All residential customers will be given the opportunity to opt-out, and passing this vote only allows the town to move forward if it so chooses.

Proposed by the Energy Committee
Recommended by the Finance Committee (5-0-0)
Majority Vote Required

ARTICLE 34: Citizen Petition – Excessive Noise Bylaw

To act on the following citizen petition:

EXCESSIVE NOISE:

To see if the Town will vote to amend the Excessive Noise General Bylaw by **striking** the following language;

~~It shall be unlawful for any person or persons between the hours of 11:00 p.m. and 7:00 a.m. occupying, having the charge of, or being present in or about any building, structure, premises, shelter, vehicle, boat, or conveyance, or any part thereof, in the Town of Ashfield (other than that section of any establishment licensed under Chapter 138 of the General Laws) at any time to cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing devices or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or making of loud and boisterous singing by any persons or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this By Law. Any person shall be deemed in violation of this By Law who shall make, or aid and abet, or cause or suffer, or countenance, or assist in the making of such noise.~~

~~Whoever violates any of the provisions or requirements of this By Law shall be punished by a fine of not more than TWO HUNDRED DOLLARS for the offense. In addition, whoever violates any of the provisions or requirements of this By Law shall be subject to arrest. All prosecutions of any violation shall begin within six months from the date of the offense. Prosecutions may be entered by any citizen, and it shall be the duty of the Board of Selectmen, police officers and constables employed by the Town to prosecute violations of such By Law which come to their attention.~~

And replacing said language with the following:

A. Authority

This Bylaw is issued by the Town of Ashfield pursuant to its authority under M.G.L. Chapter 40, Section 21 and Chapter 111, Sections 142A-142M, and 310 CMR 7.00: Air Pollution, as reasonable and necessary for the protection of the health and welfare of the citizens of the Town of Ashfield.

B. Purpose

The Town of Ashfield hereby finds that excessive or unwarranted noise is a nuisance and a potential health hazard. Recognizing that people have a right to - and should be ensured - an environment free from excessive and unwarranted noise, the Town of Ashfield amends its former Bylaw to protect, preserve, and promote the health, safety, welfare, and quality of life for its citizens.

The intention is not to restrict people's enjoyment of their home, property, or business but to ensure that the Town and its citizens are protected from intrusion of excessive noise generated by:

- i. Providing a mechanism for control, prevention, mitigation, and arbitration of noise through the establishment of maximum noise levels for lawful uses and activities,
- ii. Providing a venue for adjudication, arbitration, and if necessary, the definition of offenses and power to impose penalties by the Town of Ashfield Board of Health to preserve the rural character of our town.

In 2006 Ashfield adopted a "Right to Farm Bylaw". Farming and agricultural pursuits rest at the core of Ashfield's fabric. No part of this bylaw is intended to dilute the rights afforded by Ashfield's "Right to Farm Bylaw".

Therefore,

As evident by a sound study performed by Cavanaugh Tocci Associates, Inc. followed by a peer review by Tech Environmental, it remains an undisputed, scientific and engineering fact that the town of Ashfield has a relatively quiet soundscape. Referred to by Tech Environmental as a "quiet rural" residential and downtown area. Both engineering firm's findings reveal and validate a low daytime ambient L90 sound level of 25-30, lower than most "quiet, suburban" towns.

C. Unlawful Noise Prohibited

It shall be unlawful for any person to create, assist in creating, continue, or allow to continue, any excessive, unusually loud, disturbing, or injurious noise that annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others, especially during the hours of 11:00 p.m. and 7:00 a.m. No person owning, leasing, or controlling a source of sound shall willingly, negligently, or through failure to provide necessary equipment, service, or maintenance and/or failure to take necessary precautions, cause, allow, or permit excessive or unwarranted noise in excess of levels referenced by the Massachusetts Department of Environmental Protection (DEP) Noise Control Regulation, 310 CMR 7.10. These regulations were created under the authority of M.G.L. Chapter 111, Section 142B and 142D. The DEP Noise Control Regulation can be enforced by local officials under the authority of 310 CMR 7.52.

- (1) This Bylaw shall apply to all sound originating within the limits of the Town of Ashfield and is intended to be consistent in scope and application with relevant state and federal statutes and Town Bylaws.
- (2) All Town of Ashfield departments and agencies shall, to the fullest extent consistent with federal and state laws and Town Bylaws, carry out their programs in such a manner as to comply with this Bylaw.
- (3) Provisions in this Bylaw shall not apply to any activity to the extent that the Bylaw has been preempted by state or federal law.

D. Exemptions

The provisions of this Bylaw shall not apply to sounds emitted during or associated with any of the following:

- (1) Police, fire, and civil and national defense activities, or training exercises by public safety personnel related to emergency activities
- (2) Any bell or chime from any school, church, or government building
- (3) Any events that are permitted by the Town, such as parades, public gatherings, or sporting events for which permits have been issued
- (4) Noncommercial public speaking and public assembly activities, as guaranteed by state and federal constitutions
- (5) Operation of any activity that is an ordinary or ancillary aspect of farming
- (6) Emergency work including but not limited to the operation of any mechanical device, apparatus, vehicle, or equipment used in connection with that emergency
- (7) Snow removal
- (8) Normal motor vehicle traffic that does not persistently or repetitively reach the excessive or unwarranted noise level as defined in Section C. Persistent, repetitive commercial motor vehicle traffic, in excess of twice per hour, that exceeds the excessive noise level standard defined in Section C, is explicitly prohibited under this Bylaw
- (9) Necessary excavation in or repairs of bridges, streets, or highways, or public utility installation by or on behalf of the Town, or of a public utility or agency of the Commonwealth of Massachusetts.
- (10) Special events lawfully authorized and in compliance with the conditions of that authorization.
- (11) Domestic mechanical equipment. The outdoor use of domestic mechanical equipment such as, but not limited to, lawn mowers, leaf blowers, and power saws is permitted between the hours of 7:00 a.m. and 11:00 p.m.

E. Enforcement and Penalties

The principal enforcement agency for this Bylaw is the Town of Ashfield Board of Health or its designated agent. The Town of Ashfield police will be the designated first responder to situational or incidental noise complaints, after which they will notify the Board of Health of the incident.

- (1) Upon receipt of a complaint brought under the terms and conditions of this Bylaw, the Board of Health or its designated agent may, at its discretion, convene a demand appearance for review by the Board of Health to try to resolve the matter. This appearance before the Board of Health must be called within 21 days of the complaint being filed. If the appearance does not result in resolution, either through inability to reach agreement or failure to participate by the party/parties involved, the Board of Health may take any and all actions as appropriate to enforce this Bylaw.
- (2) Any person who violates any provision of this Bylaw shall be subject to a fine of \$200 per violation. The imposition of a penalty for any violation shall not excuse the

violation or permit it to continue. Each day that such violation continues shall be considered a separate offense, and subject to a fine of \$200.

- (3) The Board of Health, upon finding that a persistent and habitual excessive noise violation has occurred, may impose a requirement that acceptable abatement measures be enacted by the offending party within 21 days of issuance of a decision stating the finding. Noise abatement measures shall be deemed as acceptable at the sole discretion of the Board of Health.
- (4) If the offending party is unable or unwilling to moderate the subject activity in a manner that achieves compliance with this Bylaw, or is unable or unwilling to enact abatement measures, the Board of Health shall issue a cease and desist order against the activity or use that fails to comply with the stated requirements or provisions of this Bylaw.
- (5) If the violation occurs on the premises of a non-owner-occupied rental property, the owner shall also be notified in writing that the violation has occurred.

F. Other Remedies

- (1) If the person responsible for an activity that violates Section C cannot be determined, the person in lawful custody or control of the premises, including the owner, lessee, or occupant of the property on which the activity is located, shall be deemed jointly and severally responsible for the violation.
- (2) If the person responsible for an activity that violates Section C can be determined, that person may be arrested without a warrant, provided that the violation occurs in the presence or view of a police officer authorized to serve criminal process.

G. Relationship to Other Laws

Nothing in this Bylaw shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing federal, state, or Town of Ashfield laws.

H. Rules and Regulations

The Board of Health may promulgate, after public notice and hearing, rules and regulations to effectuate the purposes and intent of this Bylaw. However, failure by the Board of Health to promulgate such rules and regulations shall not act to suspend or invalidate the effect of this Bylaw.

I. Severability

If any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force.

Proposed by Citizen Petition
Finance Committee Took No Vote on This Article
Majority Vote Required

ARTICLE 35: Citizen Petition – Single-Use Plastic Ban

To act on the following citizen petition:

To see if the Town will vote to amend the Town of Ashfield General Bylaws by adding a new section, **Ban on Single-Use Plastics**, as provided below:

BAN ON SINGLE-USE PLASTIC

A. Purpose and Intent

The purpose of this bylaw is to eliminate the sale of single use plastic products and to limit the type of products that may be furnished in the Town of Ashfield. The use and disposal of single use plastic products have significant impacts on the environment, including but not limited to: contributing to pollution of the land environment and waterways; contributing to the potential death of marine and other wildlife through the ingestion and entanglement: littering streets, parks, public places and local waterways; creating a burden to solid waste collection and recycling facilities; requiring the use of non-renewable fossil fuel in their manufacture and composition.

B. Definitions

“ASTM” Shall mean a testing standard developed by the American Society for Testing and Materials.

“ASTM D6400” Shall mean the American Society for Testing and Materials (ASTM) International "Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities."

“ASTM D6868” Shall mean the American Society for Testing and Materials (ASTM) International "Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities."

"Beverage Provider" means any business, organization, entity, group, or individual located in the town of Ashfield that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

"Town Facility" means any building, structure, park or vehicle owned and operated by the town of Ashfield.

"Town Facility Food Provider" means an entity that provides, but does not sell, prepared food at any town facility.

"Town Administrator" means the town administrator and/or designees.

"Town-Sponsored Event" means any event organized or sponsored by the town of Ashfield or any department of the Town of Ashfield.

"Compostable" means material that can be broken down into, or otherwise become part of usable compost in a safe and timely manner. "Compostable" also includes a plastic-like material if the material meets the ASTM Standard Specifications for composability.

"Customer" means any person obtaining food or beverages from a restaurant or retail food vendor.

"Distribute" means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

"Food packager" means any person, located within the town of Ashfield, who places meat, eggs, baked products, or other food in packaging materials for retail sale of those products.

"Food Packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are made from polystyrene foam, on or in which any foods or beverages are placed or packaged on a restaurant's or retail food vendor's premises.

"Food Service Ware" means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors. The term "food service ware" does not include items composed of aluminum.

"Food Vendor" means any restaurant or retail food vendor located or operating within the town.

"Meat and Fish Tray" means any tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Non-profit Food Provider" means a recognized tax-exempt organization which provides food as a part of its services.

"Packing Material" means material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

"Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic beverage straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

"Plastic Cutlery" means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, intended for only one-time use. "Plastic cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

"Plastic Stirrer" means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. "Plastic stirrer" includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

"Polystyrene Foam" means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion polymer spheres (expanded bead polystyrene), injection molding, foam-molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

“Prepared Food” means food or beverages which are served on the food vendor’s premises and are prepared on the food vendor’s premises or within the town of Ashfield by packaging, cooking, chopping, slicing, mixing, brewing, freezing or squeezing. Prepared food does not include any uncooked meat or eggs. Prepared food may be eaten either on or off the premises.

“Recyclable” means material that can be sorted, cleansed, and reconstituted using the town’s available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Restaurant” means any establishment located within the town that sells prepared food for consumption on, near, or off its premises. The term includes a restaurant operating from a temporary facility, cart, vehicle, or mobile unit.

“Retail Food Vendor” or “vendor” means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within the town of Ashfield, which provides prepared food.

“Upcycling vs. Recycling” Recycling and Upcycling have different processes. In the recycling process, items are broken down to be reused. Paper is shredded and turned into pulp, plastic is shredded and melted into pellets, glass is smashed and melted to be recast. This downcycling is an essential step in the recycling process, but it does degrade the value of the materials.

Upcycling is a creative process where waste is looked at as a resource. Materials are reused in a clever new way, giving them a second life and function. Think of a pallet coffee table. Upcycling transforms the pallet into a lovely piece of furniture.

Both recycling and upcycling are important as they reuse materials instead of throwing them away. Less landfill waste has a positive impact on the environment.

C. Use Regulations

Sale or distribution of non-compliant food service ware prohibited

- (1) No person may sell, offer for sale, or otherwise distribute within the town:
 - a. Any food service ware that is not compostable.
 - b. Any food service ware made, in whole or in part, from polystyrene foam.

Use of non-compliant food service ware prohibited

- (1) Food vendors may not sell, offer for sale, or otherwise distribute prepared food:
 - a. In food service ware made, in whole or part, from polystyrene foam; or
 - b. In food service ware that is not compostable.
- (2) Town facility food providers may not provide prepared food to town facilities:
 - a. In food service ware made, in whole or part, from polystyrene foam; or
 - b. In food service ware that is not compostable.
- (3) Town departments may not purchase, acquire, or use food service ware for prepared food:
 - a. Where the food service ware is made, in whole or in part, from polystyrene foam;
 - b. Where the food service ware is not compostable.
- (4) Town contractors and lessees may not use food service ware for prepared foods in town facilities or while performing under a town contract or lease:

- a. Where the food service ware is made, in whole or in part, from polystyrene foam;
 - b. Where the food service ware is not compostable.
- (5) The use or distribution of non-compliant food service ware at special events sponsored or co-sponsored by the town of Ashfield shall be prohibited. This prohibition shall apply to the event organizers, agents of the event organizers, event food vendors and any other party (including non-profit organizations) who enter into an agreement with one or more of the co-sponsors of the event to sell prepared food at the event or otherwise provide an event related service.
- (6) All facilities rental agreements for any town owned property or facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of non-compliant food service ware. The facility rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the town administrator determines that non-compliant food service ware was utilized in the violation of the rental agreement.
- (7) It shall not be a violation of this section to sell, provide, or purchase prepared food packaged in food service ware otherwise prohibited by subsections A through D if the prepared food is packaged outside the town and is sold or otherwise provided to the consumer in the same food service ware in which it is originally packaged. Businesses packaging prepared food outside the town are encouraged to use food service ware that is compostable or recyclable and is not made, in whole or in part, from polystyrene foam.

Other Polystyrene Foam Products

- (1) No person may sell, offer for sale, or otherwise distribute within the town the following materials if they are made in whole or in part from polystyrene foam, unless they are wholly encapsulated or encased within a more durable material:
- a. Coolers, ice chests, or similar containers.
 - b. Cups
 - c. Containers of any other type

Sale and Commercial Distribution of Plastic Beverage Straws, Stirrers, and Cutlery Prohibited.

- (1) No restaurant, including fast food restaurants, beverage provider, or vendor shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers, or plastic cutlery.
- (2) Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, or vendors from using or making non-plastic alternatives, such as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic alternative straws, stirrers, or cutlery shall only be provided upon request by the customer.
- (3) No person shall distribute plastic beverage straws, plastic stirrers, or plastic cutlery at any town facility or any town-sponsored event.

Provided Bags

- (1) If any retail establishment provides a checkout bag to customers, the bag shall comply with requirements of being a Reusable Bag, a Recyclable Paper Bag, or a Compostable Plastic Bag

D. Exemption and Alternatives

- (1) The following are exempt and not subject to the provisions of this bylaw:
 - a. Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste, or yard waste
 - b. Town Pay-As-You-Throw trash bags
 - c. Laundry or dry-cleaning bags
 - d. Thin plastic bags used to protect newspapers upon delivery. Produce bags are not exempt.
- (2) Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable to the aforesaid establishments
- (3) Establishments may and are strongly encouraged to distribute reusable bags and boxes to customers. With or without charge and educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.
- (4) Flexible transparent covering (commonly referred to as "plastic wrap").
- (5) Packaging utilized for prescription drugs.
- (6) Foods or merchandise prepared or packaged outside the Town of Ashfield for transfer to consumers in the Town of Ashfield.
- (7) Aluminum containers used for the purpose of catering or packaging of food for serving to more than one individual.
- (8) Upcycling or reuse of prohibited materials is permitted.
- (9) All publicly funded schools are exempt from this bylaw.
- (10) Meat and poultry packaging materials as required by the United States Department of Agriculture.

E. Hardship Deferments

- (1) Upon written application to the Board of Health, after a public hearing, the Board of Health may defer application of any section of this bylaw up to one year after the effective date of this bylaw upon a showing of hardship. Hardship may be found when:
 - a. Compliance with any section of this bylaw would cause significant economic difficulty; or
 - b. There is no readily available compliant substitute.
- (2) A hardship deferment may be extended upon written application to the Board of Health at least two months prior to the expiration of the prior hardship deferment period, and upon a showing that the circumstances justifying the hardship deferment continue to exist. Hardship deferment extensions may only be granted for intervals not to exceed one year.
- (3) A hardship deferment application shall include all information necessary for the Board of Health to make a decision on the hardship deferment, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

- (4) The Board of Health may approve the hardship deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health, and further the interests of this bylaw.
- (5) The Board of Health will maintain publicly accessible records that clearly define hardship deferment requests including dates associated with the deferment process.
- (6) Deferment decisions are effective immediately and final.

F. Enforcement

- (1) The Board of Health shall have primary responsibility for enforcement of this chapter. The Board of Health is authorized to promulgate regulations and to take all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any vendor’s premises to verify compliance.
- (2) In addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of the municipal code, violations of the provisions of this chapter are subject to the administrative penalty (see fine table below).
- (3) The town attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.
- (4) The remedies and penalties provided in this section are cumulative and not exclusive of one another.

<p><i>Fine Table</i></p> <p><i>First Infraction - Warning</i></p> <p><i>Second Infraction - \$100.00 fine</i></p> <p><i>Third Infraction - \$200.00 fine</i></p> <p><i>Subsequent Infractions - \$300.00 or loss of victualer’s license</i></p> <p><i>All fines must be paid in full to apply for licenses</i></p>

G. Severability

If any one or more of the provisions contained herein, or the application thereof in any circumstances, is held invalid, illegal or unenforceable, the validity legality and enforceability of any such provision in every other respect and of the remaining provisions contained herein shall not be affected or impaired thereby.

H. Effective Date

This bylaw shall go into effect on Jan. 1, 2024

Proposed by Citizen Petition
 Finance Committee Took No Vote on This Article
 Majority Vote Required

And you are directed to serve this Warrant, by posting up attested copies thereof at the ASHFIELD TOWN HALL and the ASHFIELD POST OFFICE in said Town, seven (7) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this 24th day of **April** in the year **Two Thousand and Twenty-Three**.

Thomas S. Carter, Chair

Ashfield Select Board

Todd M. Olanyk, Vice-Chair

Steven R. Gougeon, Member

A true copy. Attest: _____ Constable

Franklin, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Ashfield Town Hall and the Ashfield Post Office

_____ days before the date of the meeting as within directed.

Constable of Ashfield

Date