

**Town of Leyden
Commonwealth of Massachusetts**

**Annual Town Meeting
Warrant**

**Tuesday, June 20, 2023
6:00 PM**

To a Constable in the Town of Leyden, 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 Town affairs to meet at the **LEYDEN TOWN HALL on 16 West Leyden Road, on Tuesday, June 20, 2023 at 6:00 PM**, then and there to act on the following articles:

ARTICLE 1-

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums in accordance with the proposed budget to defray the operating expenses of the town for the fiscal year ending June 30, 2024, or take any action related thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 2-

To see if the Town will vote to set the stipend compensation for all elected officials of the town (Select board, Town Clerk, Moderator and Constable (or whatever elected officials receive compensation from the Town) as provided by M.G.L. c. 41, section 108 to be made effective from July 1, 2023, as contained in the budget or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 3-

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2024 as permitted by M.G.L. c. 44, section 53F, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 4-

To see if the Town will vote to authorize all Town departments, boards, and committees to apply for any new state or federal grants and authorize the Select Board to accept and expend such grants. Any grant requiring matching funds will be subject to a Town Meeting appropriation.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 5-

To see if the Town will vote to accept the Library Incentive Grant, Municipal Equalization Grant, and the Non-Resident Circulation Grant (state aid award) and to transfer those sums to the Robertson Memorial Library account for expenditures or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 6-

To see if the Town will vote to accept any sum of money that may be granted by the Quintus Allen Trust Fund, and to appropriate such funds for equipment, activities and supplies for the benefit of Leyden children, or take any vote or votes in relation thereto.

Quintus Allen was an original trustee of the Greenfield Savings Bank. Upon his death in 1884, he established a trust fund to be used for education-related expenses in Colrain, Gill, Leyden, and Shelburne. The interest earned by the Trust is distributed to those towns each year.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMEND APPROVAL

ARTICLE 7-

To see if the Town will vote to accept and expend any sum of money that may be available under the provisions of Chapter 90 of the Massachusetts General Laws and authorize the Select Board to enter into a contract with the Massachusetts Highway Department, and to authorize the Treasurer with the approval of the Select Board, to borrow in anticipation of 100% reimbursement of said amount or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

Requires 2/3 vote

ARTICLE 8-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,000 to the Assessors Reevaluation account, or take any vote or votes in relation thereto.

SUBMITTED BY SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 9-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,000 to the Audit Fund, to be administered by the Select Board for town audits or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 10-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,500 to the Land Acquisition account or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

General By-laws Amendment to Establish and Authorize Revolving Funds

ARTICLE 11-

To see if the Town will vote to amend the general by-laws of the Town of Leyden by adding a new section to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E1/2, or take any other action relative thereto.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E1/2.

2. Expenditure Limitations. An authorized department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers.)
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law or Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in Massachusetts General Laws Chapter 44, Section 53E1/2 and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure. In the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer.
- B. The department or agency head, board, committee, or officer authorized to spend from each fund.
- C. The fees, charges and other monies charged and received by the department, board committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
- D. The expenses of the program or activity for which each fund may be used.
- E. Any restrictions or conditions on expenditures from each fund.
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of FY23 Fund Balance	Restrictions/Comments
Recreation Committee Revolving Account	Fees Collected for Recreation Committee Events	Recreation Committee	Recreation Committee Expenses	\$2,000	Balance Available for Expenditure \$1022	
Animal Control Officer Revolving Account	Fees Collected for citations, licenses and registration	Animal Control Officer	Animal Control Expenses	\$5,000	Balance Available for Expenditure \$115	
Fire Safety Inspections Revolving Account	Fees Collected for Safety Inspections by the Fire Department	Fire Chief or Designee	Pay for the Safety Inspection Services	\$2,000	Balance Available for Expenditure \$-70	
Planning Board Revolving Account	Fees collected from applications requiring public hearings, copies of bylaws	Planning Board	Planning Board advertising expenses	\$3,000	Balance Available for Expenditure \$946	
Agricultural Commission Revolving Account	Fees collected for fines or Agricultural Commission events	Agricultural Commission	Agricultural Commission expenses	\$2,000	Balance Available for Expenditure \$929	
East Hill Cemetery Commission Revolving Account	Fees collected for burial plots or donations	Selectboard or Designee	East Hill Cemetery Expenses	\$5,000	Balance Available for Expenditure	
ZBA Revolving Account	Fees collected from applications requiring	ZBA	ZBA Advertising expenses	\$1,000	Balance Available for Expenditure	

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 12-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,884.00 for capital expenses for Bernardston Elementary School or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 13-

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$4,000 for the Recreation Committee or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 14-

To see if the Town will agree to change the name from Selectmen to Select Board or take any vote or votes in relation thereto.

To amend the Town's general bylaws as follows:

Change the name of the Board of Selectmen to the "Select Board," and to amend each of the Town's General bylaws to substitute the term "Select Board" for the term "Board of Selectmen;" to substitute the word "Select Board member(s)" for the word "Selectmen"; and to substitute the word "Select Board member(s)" for the word "Selectman"; and further affirm that upon the effective date of such amendment, the term "Board of Selectmen" shall be taken to mean "Select Board" and the term "Selectmen" shall be taken to mean "Select Board member(s)" and the term "Selectman" shall be taken to mean "Select Board member(s)" for the purposes of all laws, regulations, contracts, agreements or other documents that refer to or are applicable to the Town of Leyden and further to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in related text are revised properly to reflect such change in title; or take any action related thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

ARTICLE 15-

To see if the town will vote to repeal any bylaw adopting the Annual Town Meeting date for the 3rd Monday in June and to adopt a new bylaw: the Annual Town meeting for the Town of Leyden shall be held on the 1st Monday in June or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

ARTICLE 16-

To see if the Town will vote to repeal any bylaw that set the voting of local officials on the last Monday in June and to adopt a new bylaw: the Annual Town Election for the Town of Leyden shall be held on the 1st Tuesday after the 1st Monday in June from 12 pm to 8 pm or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

ARTICLE 17-

To see if the town will vote to authorize the Select Board to appoint up to three constables according to Massachusetts General Laws Chapter 41, Section 91A, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

ARTICLE 18-

To see if the Town will vote to abandon and discontinue a portion of Hunt Hill Rd more particularly described as follows:
Running a width of 2 rods and beginning 943' from the intersection of Hunt Hill Road and East Hill Road, then running westerly a distance of 3,582' to the intersection with Brattleboro Road.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 19-

To see if the Town will vote to accept the layout of a statutory private way of a portion of Hunt Hill Rd more particularly described as follows:
Running a width of 2 rods and beginning 943' from the intersection of Hunt Hill Road and East Hill Road, then running westerly a distance of 3,582' to the intersection with Brattleboro Road.

SUBMITTED BY SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 20-

To see if the Town will vote to authorize the Select Board to accept by gift, deed, or take by eminent domain or otherwise acquire 30 acres more or less of land on Hunt Hill Road, Map 2.0 Lot 37, or take any action hereto.

SUBMITTED BY SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

Requires 2/3 vote.

ARTICLE 21-

To see if the Town will vote to move \$125,000 from the Broadband/Enterprise Special Purpose Stabilization account to pay down broadband debt, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

2/3 vote required.

ARTICLE 22-

To see if the Town will vote to recommend that the following sums be appropriated to operate the Leyden Broadband Enterprise Fund:

MLP Budget

Expenses	\$135,060.00
Administration	50,000.00
ISP	<u>\$133,880.00</u>
Total Expense	\$318,940.00

Revenue	
Internet and phone	<u>\$318,940.00</u>
Total Revenues	\$318,940.00

SUBMITTED BY SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL
FINANCE COMMITTEE RECOMMENDS APPROVAL

ARTICLE 23-

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements in FY23 resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.

SUBMITTED BY SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

Requires 2/3 vote

ARTICLE 24-

To see if the Town will vote to accept the report of the Town Officers for the year 2022 or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECT BOARD
SELECT BOARD RECOMMENDS APPROVAL

Hereof, fail not, and make do return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of said meeting.

Given under our hands this 12th day of June, in the year of our Lord, Two Thousand Twenty-Three.

William Glabach, Chair
Leyden Select Board

Katherine DiMatteo
Leyden Select Board

Glenn Caffery
Leyden Select Board

I hereby attest that I posted said warrant at least seven days before said meeting.

Constable, Town of Leyden

Date