Town of Great Barrington
2017 Special Town Meeting

WARRANT

with Recommendations
by the Selectboard

Thursday, January 26, 2017

SELECTBOARD

Sean A. Stanton, Chair
Stephen C. Bannon
Daniel Bruce Bailly
Edward D. Abrahams
William F. Cooke

FINANCE COMMITTEE

Michael Owen Wise, Chair
Thomas A. Blauvelt
Walter F. Atwood, III
Eugene W. Curletti
Janet R. Lee

(www.townofgb.org)
INDEX OF WARRANT ARTICLES
2017 SPECIAL TOWN MEETING

1. Amend Berkshire Hills Regional School District Agreement.
2. Support Massachusetts Education Finance Reform.
3. Create Affordable Housing Trust Fund.
ARTICLE 1:
To see if the Town will vote to accept the amendments to the Berkshire Hills Regional School District Agreement which have been initiated and approved by a vote of the Regional School Committee on October 27, 2016 and which have been submitted as a restated Regional Agreement” bearing the date October 27, 2016 to the Board of Selectmen of each member town, or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 2:  (Chip Elitzer’s Article)
To see if the Town will vote to endorse, and petition the General Court for, enactment of a Massachusetts Education Reform bill with the following features, or take any other action relative thereto:

(1) a change in the statutory method for regional school district cost apportionment to member towns to an assessed property value method (unified tax rate), according to the mechanism described below.

(2) a mandate that all towns in the Commonwealth must either have their own school district or belong to a regional school district, by a date several years hence.

Proposed Mechanism for Transitioning to a Unified Tax Rate in a Regional School District:
In each fiscal year beginning with the first fiscal year after enactment of the Massachusetts Education Finance Reform law, each town that paid more than the Unified District Tax Rate in the year of enactment shall pay THE GREATER OF (1) what it was assessed in the year of enactment, or (2) the amount calculated by applying the Unified District Tax Rate to the assessed taxable property value in that town as of the first day of December of the prior fiscal year; and each town that paid less than the Unified District Tax Rate in the year of enactment shall pay THE LESSER OF (a) the amount calculated by applying the Unified District Tax Rate to the assessed taxable property value in that town as of the first day of December of the prior fiscal year, or (b) the total assessment to all member towns minus the assessments to those member towns paying more than the Unified District Tax Rate (the “Residual Assessment”); provided however, that if more than one member town is paying less than the Unified District Tax Rate, then those towns shall apportion the Residual Assessment among themselves according to the apportionment formula in use in the year of enactment.

The “Unified District Tax Rate” is defined as (x) the total apportionment to the member towns of the school district, divided by (y) the total assessed taxable value of residential, commercial, industrial, and personal property of the member towns, multiplied by (z) 1,000, as of the first day of December of the prior fiscal year.

(PURPOSE: The purpose of the article is to support a Massachusetts Education Finance Reform bill that would fix dysfunctional aspects of current laws and put all of the Commonwealth’s regional school districts on a sounder financial footing, enabling them not only to maintain standards but to offer enriched programs. The features of the bill would be as follows:

(1) Change the statutory method for regional school district apportionment to an assessed property value method (unified tax rate). Currently all District agreements approved by the Department of Elementary & Secondary Education (DESE) use a student headcount formula for apportionment among member towns, unless the member towns unanimously approve, annually, an alternative method. The proposed mechanism for transitioning to this new statutory method is described below.

This change would be consistent with the state’s long and proud tradition of supporting public education, whose fundamental financing principle — as opposed to that of private education — is that all children are entitled to a free education paid for by all members of their community in proportion to their ability to pay, not on how many children they have, if any. Because the lion’s share of public K-12 education is funded by local property taxes, taxable assessed value is a “perfect” measure of ability to pay. (Although state income taxes rather than local property taxes might be a better method of education finance, there is no realistic prospect of changing that in Massachusetts or anywhere else in the U.S. in the foreseeable future.)

The practical effect of that change in the statutory method of apportionment would be to bring the tax situation of all taxpayers in regional school districts in line with the other 90 percent of the Commonwealth’s taxpayers who already live in school districts where they pay the same rate as all of their other neighbors in the district. (Only seven of the 100 largest public school districts in the state are regional districts, containing more than a single local taxing authority.)
A single rate within a school district is not only the standard practice in Massachusetts (and explicitly mandated in many states like New York and New Jersey); it is good public policy. Any discount to that rate for any taxpayer in a school district is a net loss to that district’s revenue. It is in the Commonwealth’s interest that all school districts fund themselves as efficiently as possible at the local level so that demands on the state budget can be minimized.

(2) Mandate that all towns in the Commonwealth must either have their own school district or belong to a regional school district, by a date several years hence. If implemented, this would eliminate the “beggar thy neighbor” negotiations that cause some smaller communities to play one district against another in bidding wars. The concept of tuition should be anathema to public schools (see public education’s fundamental financing principle cited above).

Included by the Selectboard at the request of Chip Elitzer

**ARTICLE 3: Affordable Housing Trust Fund**

To see if the Town will vote to adopt an Affordable Housing Trust Fund Bylaw, as follows, or take any other action relative thereto:

**Great Barrington Affordable Housing Trust Fund**

**Section 1: Purpose.** The purpose of the Great Barrington Affordable Housing Trust Fund (the “Trust”) is to provide for the creation and preservation of affordable housing in Great Barrington, for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL Chapter 44, §55C.

**Section 2: Board of Trustees.** There shall be a Board of Trustees, which shall include seven (7) Trustees, to be appointed by the Selectboard for terms not to exceed two (2) years. To the extent possible, the Board of Trustees should include members with experience in banking, real estate, real estate law and residential development. Trustees must be residents of the Town of Great Barrington. At least one member of the Board of Trustees shall be a member of the Selectboard. In order to stagger the terms of the Trustees, the first three Trustees appointed shall have terms of one year, and the remaining four shall have terms of two years.

**Section 3: Powers of the Board of Trustees.** The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:

1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from chapter 44B of the General Laws (Community Preservation Act); provided, however, that any such money received from chapter 44B
shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the Community Preservation Committee of the Town for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue.

2. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;

6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

8. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;

12. to make distributions or divisions of principal in kind;

13. to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of MGL Chapter 44, section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

14. to manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

16. to extend the time for payment of any obligation to the Trust.

**Section 4:** Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the Trust, remain Trust property.

**Section 5:** The Trust is a public employer and the members of the Board are public employees for purposes of chapter 258 of the General Laws.

**Section 6:** The Trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of chapter 268A of the General Laws.

**Section 7:** Pursuant to MGL chapter 44, section 55C, the Trust is exempt from chapters 59 and 62 of the General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

**Section 8:** The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

**Section 9:** The Trust is a public body for purposes of sections 18 through 25 of chapter 30A of the General Laws.

**Section 10:** The Trust is a board of the Town for purposes of chapter 30B and section 15A of chapter 40 of the General Laws; but agreements and conveyances between the Trust and
agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said chapter 30B.

Section 11: Except as may be specifically authorized in this Bylaw, neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town.

Recommended by the Selectboard

(PURPOSE: At the 2007 Annual Town Meeting, Great Barrington voted, “That the Town accept Section 55C of MGL Chapter 44, regarding establishment of a Municipal Affordable Housing Trust Fund.” However, the trust has yet to be established. The purpose of this warrant article is to create the Great Barrington Affordable Housing Trust Fund.)
HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 11th day of January, 2017.

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Sean A. Stanton                                                 Stephen C. Bannon

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Daniel Bruce Bailly                                          Edward D. Abrahams

William F. Cooke

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:

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William R. Walsh, Chief of Police
Town of Great Barrington

COMMONWEALTH OF MASSACHUSETTS   BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, Fourteen days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 11th day of January, 2017.

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William R. Walsh, Chief of Police
Town of Great Barrington