

***Commonwealth of Massachusetts
Town of West Stockbridge
May 8, 2023
Warrant for Annual Town Election***

BERKSHIRE: ss:

To any constable(s) of the Town of West Stockbridge, Massachusetts

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet in the Gymnasium of the Town Hall, 21 State Line Road in the Village of West Stockbridge, on Monday May 8, 2023 at ten o'clock in the morning for the purpose of bringing in their votes to the Election Officer(s) for the election of candidates for the following offices:

One Moderator for a term of one year.
One Member, Select Board for a term of three years.
One Member, Board of Assessors for a term of three years.
Two Members, Finance Committee for terms of three years.
One Member, Planning Board for a term of five years.
One Member, Board of Health for a term of three years.
One Member, Board of Library Trustees for a term of three years.
One Member, Cemetery Commission for a term of three years.
One Tree Warden for a term of three years.
Five Constables each for a term of three years.

And the following ballot questions:

1. Shall the Town vote to have its elected town clerk become an appointed clerk of the town?
Yes _____ No _____
2. Shall the Town vote to have its elected collector become an appointed collector of the town?
Yes _____ No _____

The polls will be opened at ten o'clock in the morning and will remain open continuously until seven o'clock in the evening of said day when they will then be closed.

All ballots shall be furnished by the Town Clerk and the election will be conducted in conformity with the Election Laws of the Commonwealth of Massachusetts.

***Commonwealth of Massachusetts
Town of West Stockbridge
May 1, 2023
Warrant for Annual Town Meeting***

BERKSHIRE: ss:

To any constable(s) of the Town of West Stockbridge, Massachusetts

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town, *who are qualified to vote in Town affairs to meet at six o'clock in the evening on Monday, May 1, 2023 in the gymnasium at Town Hall of West Stockbridge, located at 21 State Line Road, then and there to act on the following articles:*

Meeting called to order 6:10pm. Quorum present

Article 1: To hear and act upon the reports of the Town Officers or any Committee of the Town.

Motion made, seconded, approved

Article 2: To see if the Town will vote to authorize the Select Board to act as agents of the Town in accordance with MGL Chapter 40, Section 2 for the purpose of bringing suit or suits in the name of the Town and on its behalf, and to adjust, litigate, defend, compromise, settle, and execute any and all documents pursuant to any settlement on behalf of the Town for such amounts as the Select Board shall determine in their decision to be proper and in the best interest of the Town, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 3: To see if the Town will vote to authorize any Board or Officer in charge of a department, with the approval of the Select Board, to sell any property of the Town which has become obsolete or is not required for further use by the respective department and which does not, in the opinion of the Selectmen, exceed \$500.00 in value, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 4: To see if the Town will vote to accept the Cemetery Perpetual Care funds received for the fiscal year 2023 *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 5: To see if the Town will vote to authorize the Moderator to appoint any agents or committees of the Town and give them authority or instructions, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 6: To see if the Town will vote to authorize the Select Board to appoint all non-elected Town Officers necessary or required to be chosen by the Town, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 7: To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to sell at public auction all or any of its property acquired by virtue of sale of non-payment of taxes, which have been confirmed by the Land Court to the Tax Commissioner, and to give deeds

therefor, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 8: To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow from time to time in anticipation of revenue, in accordance with the provisions of MGL Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with MGL Chapter 44, Section 17, *or take any other action in relation thereto.*

(Requires a 2/3rds Majority vote to pass)

Motion made, seconded, approved. Unanimous

Article 9: To see if the Town will vote to authorize the Town, with the approval of the Select Board, to seek and accept any grants and to further authorize the Treasurer, with the approval of the Select Board, to borrow from time to time in anticipation of revenue in accordance with the provisions of MGL Chapter 44, Section(s) 6, 6A, and 8C and to issue a note or notes therefor, payable within two years, and to renew any note or notes as may be given in accordance with MGL Chapter 44, Section 17, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 10: To see if the Town will vote, pursuant to MGL Chapter 40, Section 5B to establish a special purpose stabilization fund for money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors (the "Opioid Stabilization Fund"), for the purposes of supplementing and strengthening the resources available to West Stockbridge individuals and families for substance use disorder prevention, harm reduction, treatment, and recovery, including without limitation: opioid use disorder treatment; supporting and promoting recovery and treatment programs such as through housing, job placement, childcare, and healthcare; at-risk connections and school-based services and training or safe station partnerships; harm reduction programs and treatment; diversion programs for criminal-justice involved persons; support for pregnant and parenting persons and babies with neonatal abstinence syndrome; opioid prevention and misuse education; and/or for the purpose of funding any such programs and projects set out in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements and the National Opioid Settlement Agreement, *or take any other action in relation thereto.*

(Requires a 2/3rds Majority vote to pass)

Motion made, seconded, approved. Unanimous

Article 11: To see if the Town will vote to require the Tax Collector, Deputy Tax Collector, Town Clerk, and Treasurer and Assistant Treasurer to give bonds by some surety company and to raise and appropriate a sum or sums of money to pay for same, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 12: To see if the Town will vote to fix the salaries of various elected Town Officers, as follows, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Select Board Member (Chair)	\$ 2,200	\$ 0	\$ 2,200
Select Board Member (current Member)	\$ 2,000	\$ 0	\$ 2,000
Select Board Member (newest Member)	\$ 2,000	\$ 1,000	\$ 3,000
Town Moderator	\$ 200	\$ 0	\$ 200
Town Clerk	\$ 15,000	\$ 0	\$ 15,000
Town Collector	\$ 19,000	\$ 0	\$ 19,000
Assessors (each, 3 members)	\$ 1,500	\$ 0	\$ 1,500

Motion made, seconded, approved

General Government

Article 13: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for the general government operations of the Town for fiscal year 2024, as follows, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Town Counsel	\$ 40,000	\$ 0	\$ 40,000
Town Moderator	\$ 200	\$ 0	\$ 200
Town Administrator Salary	\$ 79,568	\$ 2,387	\$ 81,955
Town Administrator Expenses	\$ 9,000	\$ 0	\$ 9,000
Sick/Personal Day Payout	\$ 6,000	\$ 0	\$ 6,000
Select Board's Salaries	\$ 6,200	\$ 1,000	\$ 7,200
Select Board's Expenses	\$ 14,500	\$ 1,000	\$ 15,500
Finance Committee	\$ 200	\$ 0	\$ 200
Accountant's Salary	\$ 21,000	\$ 0	\$ 21,000
Accountant's State Certification	\$ 1,000	\$ 0	\$ 1,000
Accountant's Expenses	\$ 2,400	\$ 0	\$ 2,400
Treasurer/Accountant Software	\$ 5,900	\$ 1,200	\$ 7,100
Town Audit	\$ 16,500	\$ 1,000	\$ 17,500
Assessor's Salary	\$ 4,500	\$ 0	\$ 4,500
Assessor's Cont Services/Expense	\$ 54,548	\$ 3,152	\$ 57,700
Treasurer's Salary	\$ 22,500	\$ 0	\$ 22,500
Treasurer State Certification	\$ 1,000	\$ 0	\$ 1,000
Treasurer's Expenses	\$ 6,000	\$ 1,260	\$ 7,260
OPEB Fees	\$ 2,950	\$ 0	\$ 2,950
Town Collector's Salary	\$ 19,000	\$ 0	\$ 19,000
Town Collector State Certification	\$ 1,000	\$ 0	\$ 1,000
Town Collector's Expenses	\$ 14,750	\$ 250	\$ 15,000
Tax Title Expenses	\$ 2,000	\$ 0	\$ 2,000
Town Clerk's Salary	\$ 15,000	\$ 0	\$ 15,000
Assistant Town Clerk Salary	\$ 5,000	\$ 150	\$ 5,150
Town Clerk's Expenses	\$ 1,910	\$ 600	\$ 2,510
Elections and Registrations	\$ 10,000	\$ 0	\$ 10,000
Preservation of Records	\$ 3,000	(\$3,000)	\$ 0
Street List	\$ 500	\$ 0	\$ 500
Conservation Commission	\$ 3,000	\$ 0	\$ 3,000
Planning Board	\$ 16,750	\$ 0	\$ 16,750
Zoning Board of Appeals	\$ 4,500	\$ 0	\$ 4,500
Town Insurance	\$ 90,000	\$ 0	\$ 90,000
Officers' Bonds	\$ 1,500	\$ 0	\$ 1,500
Town Reports	\$ 3,800	\$ 0	\$ 3,800
Town Website Annual Maint.	\$ 4,500	\$ 0	\$ 4,500
Computer/IT Services	\$ 10,000	\$ 0	\$ 10,000
Town Bldg. & Grounds Sup. Salary	\$ 53,560	\$ 4,680	\$ 58,240
Town Seasonal Salary	\$ 4,000	\$ 1,000	\$ 5,000
Town Buildings Electricity	\$ 50,000	\$ 5,000	\$ 55,000
Town Buildings Fuel	\$ 29,000	\$ 2,900	\$ 31,900

Town Buildings Telephone	\$ 13,000	\$ 1,000	\$ 14,000
Town Buildings Repairs/Maint.	\$ 25,000	\$ 1,250	\$ 26,250
Town Buildings Plants & Gardening	\$ 11,500	\$ 1,150	\$ 12,650
Town Signage	\$ 7,000	(\$7,000)	\$ 0
Town Buildings Supplies	\$ 12,000	\$ 1,200	\$ 13,200

Total General Government	\$705,386	\$20,029	\$725,415
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Motion made, seconded, approved

Protection of Persons and Property

Article 14: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for the public safety departments of the Town for fiscal year 2024, as follows, *or take any other action in relation thereto:* [Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Police Chief Salary	\$ 80,988	\$ 2,430	\$ 83,418
Part Time Patrol Officers Salary	\$ 12,932	(\$12,932)	\$ 0
Full Time Officers Salary	\$261,367	\$ 52,755	\$314,122
Administrative Asst. Salary	\$ 19,482	\$ 584	\$ 20,066
Full Time Officers Holiday Pay	\$ 20,458	\$ 15,487	\$ 35,945
Training Time Pay	\$ 8,755	\$ 1,245	\$ 10,000
Police Overtime Pay	\$ 7,500	\$ 3,198	\$ 10,698
Sick/Personal Payout	\$ 24,326	(\$ 4,326)	\$ 20,000
Police Traffic Calming	\$ 12,800	(\$ 2,800)	\$ 10,000
Fitness Stipend	\$ 4,950	(\$ 450)	\$ 4,500
Police Bridge Academy	\$ 28,000	(\$28,000)	\$ 0
Uniforms	\$ 6,000	\$ 2,400	\$ 8,400
Police Training	\$ 10,000	\$ 0	\$ 10,000
Police Fuel	\$ 12,000	\$ 0	\$ 12,000
Police Dues & Subscriptions	\$ 6,500	\$ 2,000	\$ 8,500
Police Vehicles Repairs & Maint.	\$ 11,000	\$ 0	\$ 11,000
Police Other Charges & Expenses	\$ 5,000	\$ 0	\$ 5,000
Police Maint. Contracts	\$ 7,700	\$ 0	\$ 7,700
Police Supplies	\$ 4,000	\$ 0	\$ 4,000
Police Equipment	\$ 8,000	(\$ 3,000)	\$ 5,000
Police EMT Stipend	\$ 800	\$ 0	\$ 800
Police Education Stipend	\$ 2,500	\$ 0	\$ 2,500
Fire Chief Salary	\$ 12,000	\$ 3,000	\$ 15,000
Fire Department Training	\$ 2,400	\$ 0	\$ 2,400
Fire Department Fuel	\$ 3,000	\$ 0	\$ 3,000
Fire Dept. Dues & Subscriptions	\$ 3,000	\$ 0	\$ 3,000
Fire Dept. Repairs & Maint.	\$ 15,000	\$ 0	\$ 15,000
Fire Dept. Supplies	\$ 6,250	\$ 0	\$ 6,250
Fire Dept. Office Supplies	\$ 1,000	\$ 0	\$ 1,000
Fire Dept. Medical Supplies	\$ 5,800	\$ 0	\$ 5,800
Fire Dept. Turnout Gear	\$ 10,000	\$ 0	\$ 10,000
Richmond Ambulance	\$ 45,000	\$ 17,500	\$ 62,500
EMT Incentive	\$ 2,400	\$ 0	\$ 2,400
Fireperson's Incentive	\$ 12,500	\$ 0	\$ 12,500

Communication Services	\$ 12,710	\$ 1,174	\$ 13,884
Emergency Management	\$ 600	\$ 0	\$ 600
Building Inspector	\$ 12,000	\$ 3,000	\$ 15,000
Building Inspector Expenses	\$ 2,500	\$ 235	\$ 2,735
Animal Control Officer	\$ 5,000	\$ 0	\$ 5,000
Animal Control Officer Exp.	\$ 400	\$ 0	\$ 400
Tree Warden	\$ 16,000	\$ 1,600	\$ 17,600
Total Protection Persons & Property	\$722,618	\$ 55,100	\$777,718

Motion made, seconded, approved

Education

Article 15: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,318,213 for the purpose of paying the FY 2024 operating assessment for the Berkshire Hills Regional School District, or *take any other action in relation thereto*.

[Approved by the Finance Committee]

Motion made, seconded, approved

Article 16: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$73,632 for the purpose of paying the FY 2024 capital assessment for the Berkshire Hills Regional School District, or *take any other action in relation thereto*.

[Approved by the Finance Committee]

Motion made, seconded, approved

Public Works and Facilities

Article 17: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for the public works and facilities departments of the Town for fiscal year 2024, or *take any other action in relation thereto*:

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Director Salary	\$ 80,972	\$ 2,430	\$ 83,402
Highway Salaries	\$176,000	\$10,410	\$186,410
Sick/Personal Day Payout	\$ 17,720	\$ 1,206	\$ 18,926
Contracted Longevity Pay	\$ 5,000	(\$ 500)	\$ 4,500
Highway Overtime	\$ 14,600	\$ 2,950	\$ 17,550
Fitness Stipend	\$ 4,500	\$ 0	\$ 4,500
Uniform Allowance	\$ 4,000	\$ 1,000	\$ 5,000
Highway Professional Training	\$ 900	\$ 400	\$ 1,300
Dues & Licenses	\$ 800	\$ 200	\$ 1,000
Gas and Diesel Fuel	\$ 22,000	\$ 1,500	\$ 23,500
Highways and Bridges	\$ 14,000	\$ 1,000	\$ 15,000
Culverts and Guardrails	\$ 7,000	\$ 3,000	\$ 10,000
Machinery Maintenance	\$ 28,000	\$ 2,800	\$ 30,800
Highway Construction	\$ 52,000	\$ 6,000	\$ 58,000
Highway Line Painting	\$ 17,000	\$ 0	\$ 17,000
Snow and Ice Removal	\$ 80,000	\$ 0	\$ 80,000
Street Lights	\$ 20,000	(\$ 5,000)	\$ 15,000
Hazardous Waste Disposal	\$ 3,000	\$ 0	\$ 3,000
Transfer Station Attendant Salary	\$ 23,800	\$ 2,400	\$ 26,200

Transfer Station Expenses	\$ 11,000	\$ 1,000	\$ 12,000
Transfer Station Hauling	\$ 85,416	(\$ 5,416)	\$ 80,000
Cemetery Department	\$ 33,000	\$ 0	\$ 33,000
Cemetery Tree Removal	\$ 15,000	\$ 0	\$ 15,000
Group Purchasing	\$ 900	\$ 0	\$ 900

Total Public Works & Facilities	\$716,608	\$ 25,380	\$741,988
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Motion made, seconded, approved

Human Services

Article 18: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for the human services departments of the Town for fiscal year 2024, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Board of Health Salary	\$ 15,525	\$ 543	\$ 16,068
Board of Health	\$ 2,475	\$ 0	\$ 2,475
Community Health Alliance	\$ 4,000	\$ 0	\$ 4,000
Council on Aging	\$ 15,000	\$ 0	\$ 15,000
Veteran's Benefits	\$ 15,000	\$ 0	\$ 15,000
American Legion/Memorial Day	\$ 2,000	\$ 0	\$ 2,000

Total Human Services	\$ 54,000	\$ 543	\$ 54,543
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Motion made, seconded, approved

Culture and Recreation

Article 19: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for culture and recreation departments of the Town for fiscal year 2024, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Library Salaries	\$ 40,679	\$ 3,254	\$ 43,933
Library Reading Materials	\$ 6,500	\$ 200	\$ 6,700
Library Expenses	\$ 2,500	\$ 100	\$ 2,600
Library Programming	\$ 1,700	\$ 100	\$ 1,800
Parks and Recreation	\$ 14,000	\$ 0	\$ 14,000
Historical Commission	\$ 200	\$ 0	\$ 200
Vision Committee	\$ 1,435	\$ 0	\$ 1,435

Total Culture and Recreation	\$ 67,014	\$ 5,054	\$ 72,068
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Motion made, seconded, approved

Debt and Interest

Article 20: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for debt and interest obligations for fiscal year 2024, *or take any other action in relation thereto*:

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Interest & Fees Short/Long Term	\$ 5,000	\$ 0	\$ 5,000
Sewer Capital Costs	\$ 36,941	\$ (438)	\$ 36,503
Multi-Purpose Loan	\$172,921	\$ 66,996	\$239,917
Total Debt & Interest	\$214,862	\$ 66,558	\$281,420

Motion made, seconded, approved

Intergovernmental Expenses

Article 21: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for intergovernmental expenses for fiscal year 2024, *or take any other action in relation thereto*:

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Veterans District	\$ 6,100	\$ 1,750	\$ 7,850
Total Intergovernmental Expenses	\$ 6,100	\$ 1,750	\$ 7,850

Motion made, seconded, approved

Unclassified Expenses

Article 22: To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for certain unclassified expenses for fiscal year 2024, *or take any other action in relation thereto*:

[Approved by the Finance Committee]

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Berkshire County Retirement	\$168,723	\$18,499	\$187,222
Health Insurance	\$207,674	(\$ 7,674)	\$200,000
Medicare & FICA Tax	\$ 19,000	\$ 3,000	\$ 22,000
Reserve Fund	\$ 20,000	\$10,000	\$ 30,000
Conservation Trust	\$ 300	\$ 0	\$ 300
Unemployment Insurance	\$ 1,000	\$ 0	\$ 1,000
Total Unclassified Expenses	\$416,697	\$ 23,825	\$440,522

Motion made, seconded, approved

Special Financial Article

[The following articles have been approved by the Finance Committee.]

Article 23: To see if the Town will vote to appropriate from certified free cash the sum of \$8,460.00, for the purpose of purchasing and equipping a Compact Water Pump for the Fire Department, including all incidental and related costs, *or take any other action in relation thereto*.

Motion made, seconded, approved

Article 24: To see if the Town will vote to appropriate from certified free cash the sum of \$5,000.00 for the purpose of purchasing and equipping two new updated Automated External Defibrillator units for the Police Department and Town Hall, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 25: To see if the Town will vote to appropriate from certified free cash the sum of \$2,500.00 for the purpose of purchasing and installing a new dog licensing software program for the Town Clerk, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 26: To see if the Town will vote to appropriate from certified free cash the sum of \$3,250.00 for the purpose of purchasing and equipping two new election poll pads for the Town Clerk, including all incidental and related costs, *or take any other action in relation thereto*

Motion made, seconded, approved

Article 27: To see if the Town will vote to appropriate from certified free cash the sum of \$44,500.00 for the purpose of purchasing and equipping a new van for the Council on Aging, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 28: To see if the Town will vote to appropriate from certified free cash the sum of \$8,000.00 for the purpose of purchasing and equipping a new floating dock for Card Pond for the Parks and Recreation Commission, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 29: To see if the Town will vote to appropriate from certified free cash the sum of \$14,000.00 for the purpose of purchasing and equipping a new utility shed at Town Hall for the Department of Public Works, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 30: To see if the Town will vote to appropriate from certified free cash the sum of \$46,000.00 for the purpose of resurfacing the parking lot at the Town Hall and Library, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 31: To see if the Town will vote to appropriate from certified free cash the sum of \$120,000.00 for the purpose of purchasing and equipping a new dump truck for the Department of Public Works, including all incidental and related costs, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 32: To see if the Town will vote to appropriate from certified free cash the sum of \$15,000.00 for the purpose of funding a weed removal program for Card Pond and Shaker Mill Pond, including all incidental and related costs, *or take any other action in relation thereto*

Motion made, seconded, approved

Article 33: To see if the Town will vote to appropriate from certified free cash the sum of \$9,250.00 for the purpose of purchasing and equipping three new computers for the Police Vehicles for the Police Department, including all incidental and related costs, *or take any other action in relation thereto*

Motion made, seconded, approved

Article 34: To see if the Town will vote to appropriate from certified free cash the sum of \$91,300.00 for the purpose of purchasing and equipping new Police radio system, including a base station, six portable radios and four vehicle radios to meet new State requirements for the Police Department, including all incidental and related costs, *or take any other action in relation thereto*

Motion made, seconded, approved

Article 35: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$356,400.00 for the purpose of funding the resurfacing of Iron Ore Road, Iron Mine Road, Silver Mine Road, Bobolink Road, Cone Hill Road and Furnace Road, and for the payment of all other incidental and related costs, *or take any other action in relation thereto.*

[NOTE: The intent of this appropriation is to add available Town funds to our annual State highway funding to provide for the resurfacing of Iron Ore Road, Iron Mine Road, Silver Mine Road, Bobolink Road, Cone Hill Road and Furnace Road the paving project.

(Requires 2/3rds vote to pass)

Motion made, seconded, approved. Unanimous

Article 36: To see if the Town will vote to appropriate, or reserve for future appropriation, from the Community Preservation Fund, the following amounts recommended by the Community Preservation Committee for FY24, with each item considered a separate appropriation; *or take any other action in relation thereto:*

Reserves:

Housing Reserve	\$11,824
Open Space Reserve	\$11,824

Appropriations:

Administrative Expenses	\$3,500
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Article 37: To see if the Town will vote to appropriate from the Community Preservation Fund for FY24 the following amounts recommended by the Community Preservation Committee;

Project - Historical Resources

Total Appropriation

Renovation of two existing bathrooms on first and second floors of Historical Society

\$22,500

Building at 9 Main Street to be ADA Compliant

Motion made, seconded, approved

Article 38: To see if the Town will vote to transfer from certified free cash the sum of \$35,023 to the Stabilization Fund, *or take any other action in relation thereto.*

[NOTE: This article requires a two-thirds vote for approval.]

Motion made, seconded, approved. Unanimous

Article 39: To see if the Town will vote to transfer from certified free cash the sum of \$35,023 to the Capital Stabilization Fund, *or take any other action in relation thereto.*

[NOTE: This article requires a two-thirds vote for approval.]

Motion made, seconded, approved. Unanimous

Special Articles:

Article 40: To see if the Town will vote to authorize the Select Board to petition the Legislature to enact special legislation which provides that, notwithstanding any general or special law to the contrary, Steven Traver may be employed as Chief of the Fire Department of the Town of West Stockbridge, subject to approval by the Select Board, until June 30, 2025 or until the date of his retirement, or until the Select Board vote not to reappoint him to this position in accordance with all applicable laws; provided, however, that he is mentally and physically capable of performing the duties of such position and provided that, if requested, Steven Traver shall be examined by an impartial physician designated by the Select Board to determine such capability, and provided that, deductions shall continue to be made from the regular compensation of Steven Traver under Chapter 32 of the

General Laws, while he is employed as Chief of the Fire Department in accordance with all applicable laws, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 41: AFFORDABLE HOUSING TRUST

Motion made, seconded, approved to dispense reading article.

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust known as the West Stockbridge Affordable Housing Trust Fund, whose purpose shall be to provide for the preservation and creation of affordable housing in the Town of West Stockbridge for the benefit of low and moderate income households, and, further, to amend the General Bylaws of the Town to insert a new Chapter 9 of the West Stockbridge General Bylaws entitled: Affordable Housing Trust Fund, as follows, or act in any manner relating thereto:

Chapter 9 - Affordable Housing Trust Fund

- § 9-1 Authority; Establishment.
- § 9-2 Purpose.
- § 9-3 Composition.
- § 9-4 Declaration of Trust.
- § 9-5 Powers.
- § 9-6 Acts of Trustees.
- § 9-7 Funds Paid to Trust.
- § 9-8 Meetings; Quorum.
- § 9-9 Custodian of Funds.
- § 9-10 Liability.
- § 9-11 Taxes.
- § 9-12 Governmental Body.
- § 9-13 Board of Town.
- § 9-14 Compensation of Trustees.
- § 9-15 Amendments.
- § 9-16 Duration of Trust.

§ 9-1 Authority; Establishment.

Pursuant to the authority of G.L. c. 44, §55C, there is hereby created a local municipal affordable housing Trust fund to be known as the "West Stockbridge Affordable Housing Trust Fund" (hereinafter "the Trust").

§ 9-2 Purpose.

The purpose of the Trust shall be to provide for the preservation and creation of affordable and community housing in the Town of West Stockbridge 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 the Community Preservation Act, G.L. c. 44B ("Chapter 44B").

§ 9-3 Composition.

There shall be a Board of Trustees of the West Stockbridge Affordable Housing Trust Fund (the "Board"), composed of one ex officio non-voting member and five (5) voting members. The Town Administrator or the Town Administrator's designee shall serve as the ex officio member. The voting members shall include: a member of the Select Board (chosen by the Select Board) and four (4) members appointed by the Select Board. Members must be residents of the Town of West Stockbridge.

The Select Board shall appoint the Trustees for terms not to exceed two (2) years (except if a person is appointed as a representative of a board or committee, in which case his or her term shall terminate upon the sooner vacating of the underlying office), provided, however, that the term of three (3) of the initial Trustee appointments shall be one year, so as to allow staggered terms. Trustees may be re-appointed at the discretion of the Select Board and there are no limits on the number of terms that a Trustee can serve. Vacancies shall be filled by the Select Board for the remainder of the unexpired term, notice of which shall be filed with the Town Clerk. The title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. The Trustees shall annually elect a Trustee to serve as Chair.

Any member of the Board of Trustees may be removed by a vote of the Select Board for cause after the opportunity of a properly noticed public hearing. For purposes of this bylaw, the term "cause" shall include, but not be limited to, each of the following: violation of any local, state, or federal law; incapacity to perform the duties of a Trustee; and acts of a Trustee, that in the opinion of the Select Board, are negligent or detrimental to the Town or the Trust; or four (4) consecutive absences from Board of Trustees meetings. Any Trustee may resign by filing with the Town Clerk written notice thereof.

§ 9-4 Declaration of Trust.

The Trustees are hereby authorized to execute a Declaration of Trust and Certificates of Trust for the West Stockbridge Affordable Housing Trust Fund, to be recorded with the Berkshire County Registry of Deeds and filed with the Berkshire County District of the Land Court.

§ 9-5 Powers.

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, §55C, and inclusive of any future amendments to that section, and shall include the following:

- A. 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; 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 for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;
- B. To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;
- C. 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;
- D. 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;
- E. To employ advisors and agents, such as consultants, accountants, appraisers and lawyers, full-time or part-time staff, and to contract for administrative and support goods and services, as the Board deems necessary;
- F. 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;
- G. To apportion receipts and charges between incomes 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;
- H. 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;
- I. 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;
- J. To carry property for accounting purposes at other than acquisition date values;
- K. With Town Meeting approval, 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;

- L. To make distributions or divisions of principal in kind;
- M. To comprise, 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 G.L. c. 44, §55C, to continue to hold the same for such period of time as the Board may deem appropriate;
- N. To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- O. To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
- P. To extend the time for payment of any obligation to the Trust; and
- Q. To exercise such additional powers consistent with the provisions of this Bylaw and G.L. c. 44, §55C, as such section may be amended from time to time.

§ 9-6 Quorum; Acts of Trustees.

Three (3) voting Trustees shall constitute a quorum and shall also be required to approve any motion. An affirmative vote of three (3) voting Trustees is required to exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and three (3) voting Trustees may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any borrowing by the Trust shall require the prior approval of the West Stockbridge Town Meeting.

§ 9-7 Funds paid to Trust.

Notwithstanding any general or special law to the contrary, all monies 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 these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

§ 9-8 Meetings.

Meetings of the Board shall be held on a regular basis. Special meetings may be called by the Chairperson or two Trustees. A Trust is a governmental body for purposes of G.L. c. 30A, §§18 through 25, the Open Meeting Law; notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. Minutes of all meetings shall be kept in accordance with the provisions of the Open Meeting Law, G.L. c. 30A, §22. While a majority of the full Board shall constitute a quorum for the transaction of any business, less than a quorum may, subject to the requirements of the Open Meeting Law, continue a meeting to a time, date and place certain.

§ 9-9 Custodian of Funds.

The Town of West Stockbridge's Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for such funds. The Treasurer/Collector shall invest the Trust's funds in the manner authorized by law. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c. 44, §55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

§ 9-10 Liability.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the members of the Board are public employees for the purposes of G.L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for purposes of G.L. c. 268A.

§ 9-11 Taxes.

The Trust is exempt from G.L. c.59 and G.L. c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

§ 9-12 Governmental Body.

The Trust is a governmental body for purposes of the Open Meeting Law, G.L. c. 30A, §§18-25.

§ 9-13 Board of Town.

The Trust is a board of the Town of West Stockbridge for the purposes of G.L. c. 30B and G.L. c. 40, §15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said G.L. c. 30B.

§ 9-14 Compensation of Trustees.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of West Stockbridge. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

§ 9-15 Amendments.

The provisions of this Trust can only be amended by a vote of the West Stockbridge Town Meeting.

§ 9-16 Duration of Trust.

This Trust shall be of indefinite duration until terminated by a vote of the West Stockbridge Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment

of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of West Stockbridge and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of West Stockbridge. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the West Stockbridge Town Meeting has voted to terminate the Trust, the Select Board shall have the power to approve all financial transactions made on behalf of the Trust.

§ 9-16 Annual Report.

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the West Stockbridge Select Board by February 12th of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

Motion made, seconded, approved

Article 42: To see if the town will vote pursuant to the provisions of M.G.L. Chapter 41, Section 1B to change the position of elected Town Clerk to an appointed position; provided, however, that before such a change will take effect, it must be approved by the voters at the 2023 Annual Town Election, provided further, however, that if this change is approved at the Annual Election, the elected incumbent in such position shall hold office until the expiration of their elected term or sooner vacating of office, *or take any other action in relation thereto.*

Motion made, seconded, discussion Motion to table, 2/3 vote- unanimous- tabled

Article 43: To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 41, Section 1B to change the position of elected Town Collector to an appointed position; provided, however, that before such a change will take effect, it must be approved by the voters at the 2023 Annual Town Election, provided further, however, that if this change is approved at the Annual Election, the elected incumbent in such position shall hold office until the expiration of their elected term or sooner vacating of office, *or take any other action in relation thereto.*

Motion made, seconded, discussion Motion to table, 2/3 vote- unanimous- tabled

Sewer and Water [The following articles have been approved by the Finance Committee]

Article 44: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$133,950 for the purpose of funding the FY 2024 Sewer Department Operation and Maintenance Budget to be offset, in full, by user receipts, *or take any other action in relation thereto.*

Motion made, seconded, approved

Article 45: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$89,450 for the purpose of funding the FY 2024 Water Department Operation and Maintenance Budget to be offset, in full, by user receipts, *or take any other action in relation thereto.*

Motion made, seconded, approved

Revolving Funds

Article 46: To see if the Town will vote, in accordance with the provisions of MGL Chapter 44, Section 53E½, to:

- (1) Amend the General Bylaws by establishing the following revolving funds, specifying the departmental receipts to be credited to the funds, the departmental programs or purposes for which the funds may be expended, and the entity authorized to expend the funds, such bylaw to

provide as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund
Cemetery	Cemetery Commissioners	Fees and charges received from the sale of burial plots	Perpetual Care
Emergency Alarm	Emergency Alarm Inspector	Fees and charges received from inspections	Inspector salary
Gas	Gas Inspector	Fees and charges received from inspections	Inspector salary
Plumbing	Plumbing Inspector	Fees and charges received from inspections	Inspector salary
Wiring	Wire Inspector	Fees and charges received from inspections	Inspector salary
Oil Burning	Oil Burner Inspector	Fees and charges received from inspections	Inspector salary
Title V	Title V Inspector	Fees and charges received from inspections	Inspector salary
Parks and Recreation Department	Parks and Recreation Department	User fees and charges received from Parks and Recreation Department programs.	Equipment and events

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting, or any increase therein as may be authorized in accordance with MGL Chapter 44, Section 53E½.

(2) And, also, pursuant to said MGL 44, Section 53E½ further, to vote to set the spending limits for fiscal year 2023, with such limits to be applicable from fiscal year to fiscal year unless Town Meeting votes, prior to July 1, in any fiscal year, to increase or decrease the same for the upcoming fiscal year:

	<u>FY 23</u>	<u>+/-</u>	<u>FY 24</u>
Cemetery Commissioners	\$ 500	\$ 0	\$ 500
Emergency Alarm Inspector	\$ 500	\$ 0	\$ 500
Gas Inspector	\$ 1,000	\$ 0	\$ 1,000
Plumbing Inspector	\$ 500	\$ 0	\$ 500
Wire Inspector	\$ 2,000	\$ 0	\$ 2,000
Oil Burner Inspector	\$ 200	\$ 0	\$ 200
Title V Inspector	\$ 3,000	\$ 0	\$ 3,000
Parks and Recreation Fees	\$ 500	\$ 0	\$ 500
Total Revolving Fund	\$ 8,200	\$0	\$ 8,200

or take any other action in relation thereto.

[Approved by the Finance Committee]
Motion made, seconded, approved

Article 47: To do and transact any other business necessary to be done by the Town.
Motion made to adjourn, seconded, approved.
Meeting adjourned 7:50pm

Given under our hands this 23rd day of March 2023.

West Stockbridge Select Board

Kathleen Keresey, *Chair*

Andrew Krouss

Andrew Potter

I hereby certify that I have posted and attested copies of this warrant at the Post Office at West Stockbridge, and at the public notice boards at State Line, West Center, Williamsville, and High Street as directed by vote of the Town of West Stockbridge.

Attested: _____, Constable

Date: _____

True attest copy:

Town Clerk

Date

Dominica Barnett

5/4/2023