

Commonwealth of Massachusetts
Town of West Stockbridge
May 9, 2022
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 9, 2022 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 Town Clerk for a term of three years.
- One Town Collector for a term of three years.
- One Member, Board of Assessors for a term of three years.
- One Member, 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.

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 2, 2022
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 2, 2022 in the gymnasium in the Town Hall of West Stockbridge, located at 21 State Line Road, then and there to act on the following articles:*

Article 01: To hear and act upon the reports of the Town Officers or any Committee of the Town.

Article 02: 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.*

Article 03: 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.*

Article 04: To see if the Town will vote to accept the Cemetery Perpetual Care funds received for the fiscal year 2022, *or take any other action in relation thereto.*

Article 05: 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.*

Article 06: 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.*

Article 07: 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.*

Article 08: 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)

Article 09: 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.*

Article 10: 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.*

Article 11: To see if the Town will approve the \$1,500,000 borrowing authorized by the Berkshire Hills Regional School District, for the purpose of paying costs of the Feasibility and Schematic Design Study for the Monument Mountain Regional High School located at 600 Stockbridge Road, Great Barrington, MA, which will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, including the payment of all costs incidental or related thereto, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of Berkshire Hills Regional School District School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, *or take any other action in relation thereto.*
(Recommended by the Berkshire Hills Regional School Committee)

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 22</u>	<u>+/-</u>	<u>FY 23</u>
Select Board Member (Chair)	\$ 2,200	\$ 0	\$ 2,200
Select Board Member (each, 2 members)	\$ 2,000	\$ 0	\$ 2,000
Town Moderator	\$ 200	\$ 0	\$ 200
Town Clerk	\$ 15,000	\$ 0	\$ 15,000
Town Collector	\$ 18,500	\$ 500	\$ 19,000
Assessors (each, 3 members)	\$ 1,500	\$ 0	\$ 1,500

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 2023, as follows, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Town Counsel	\$ 25,000	\$15,000	\$ 40,000
Town Moderator	\$ 200	\$ 0	\$ 200
Town Administrator Salary	\$ 77,250	\$ 2318	\$ 79568
Town Administrator Expenses	\$ 9,000	\$ 0	\$ 9,000
Sick/Personal Day Payout	\$ 6,000	\$ 0	\$ 6,000
Select Board's Salaries	\$ 6,200	\$ 0	\$ 6,200
Select Board's Expenses	\$ 14,000	\$ 500	\$ 14,500
Finance Committee	\$ 200	\$ 0	\$ 200
Accountant's Salary	\$ 20,000	\$ 1,000	\$ 21,000
Accountant's State Certification	\$ 1,000	\$ 0	\$ 1,000
Accountant's Expenses	\$ 2,400	\$ 0	\$ 2,400
Treasurer/Accountant Software	\$ 5,100	\$ 800	\$ 5,900
Assessor's Salary	\$ 4,500	\$ 0	\$ 4,500
Assessor's Cont Services/Expense	\$ 53,298	\$ 1,250	\$ 54,548
Treasurer's Expenses	\$ 6,000	\$ 0	\$ 6,000
Treasurer State Certification	\$ 1,000	\$ 0	\$ 1,000
Treasurer's Salary	\$ 20,000	\$ 2,500	\$ 22,500
Town Collector's Expenses	\$ 12,050	\$ 700	\$ 12,750
Town Collector's Salary	\$ 18,500	\$ 500	\$ 19,000
Town Collector State Certification	\$ 1,000	\$ 0	\$ 1,000
Tax Title Expenses	\$ 4,000	\$ (2000)	\$ 2,000
Town Clerk's Expenses	\$ 1,700	\$ 210	\$ 1,910
Town Clerk's Salary	\$ 15,000	\$ 0	\$ 15,000
Elections and Registrations	\$ 4,000	\$ 6,000	\$ 10,000
Preservation of Records	\$ 3,000	\$ 0	\$ 3,000
Street List	\$ 500	\$ 0	\$ 500
Conservation Commission	\$ 3,000	\$ 0	\$ 3,000
Planning Board	\$ 3,100	\$13,650	\$ 16,750
Zoning Board of Appeals	\$ 1,000	\$ 3,500	\$ 4,500
Town Insurance	\$ 90,000	\$ 0	\$ 90,000
Officers' Bonds	\$ 1,500	\$ 0	\$ 1,500
Town Reports	\$ 3,800	\$ 0	\$ 3,800
Town Audit	\$ 15,500	\$ 1,000	\$ 16,500
Town Website Annual Maint.	\$ 4,500	\$ 0	\$ 4,500
Computer/IT Services	\$ 8,000	\$ 2,000	\$ 10,000
Town Buildings Electricity	\$ 45,000	\$ 5,000	\$ 50,000
Town Buildings Fuel	\$ 29,000	\$ 0	\$ 29,000
Town Buildings Telephone	\$ 13,000	\$ 0	\$ 13,000
Town Buildings Repairs/Maint.	\$ 20,000	\$ 5,000	\$ 25,000
Town Buildings Plants & Gardening	\$ 3,500	\$ 8,000	\$ 11,500
Town Buildings Supplies	\$ 10,800	\$ 1,200	\$ 12,000

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Town Buildings Custodian Salary	\$ 49,300	\$ 4,260	\$ 53,560
Town Seasonal Salary	\$ 3,750	\$ 250	\$ 4,000
Town Signage	\$ 0	\$ 7,000	\$ 7,000
OPEB Fees	\$ 2,625	\$ 325	\$ 2,950
Total General Government	\$618,273	\$79,963	\$698,236

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 2023, as follows, *or take any other action in relation thereto:* [Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Police Chief Salary	\$ 76,404	\$ 4,584	\$ 80,988
Chief Sick/Personal Payout	\$ 5,857	\$ 175	\$ 6,032
Part Time Patrol Officers Salary	\$ 59,599	\$ 3,333	\$ 62,932
Full Time Officers Salary	\$135,308	\$ 4,059	\$139,367
Administrative Asst. Salary	\$ 18,915	\$ 567	\$ 19,482
Full Time Officers Holiday Pay	\$ 11,530	\$ 350	\$ 11,880
Training Time Pay	\$ 8,500	\$ 255	\$ 8,755
Police Overtime Pay	\$ 4,000	\$ 3,500	\$ 7,500
Fitness Stipend	\$ 1,800	\$ 900	\$ 2,700
Uniforms	\$ 5,000	\$ 1,000	\$ 6,000
Police Training	\$ 10,000	\$ 0	\$ 10,000
Police Fuel	\$ 12,000	\$ 0	\$ 12,000
Police Dues & Subscriptions	\$ 6,500	\$ 0	\$ 6,500
Police Vehicles Repairs & Maint.	\$ 10,000	\$ 1,000	\$ 11,000
Police Other Charges & Expenses	\$ 5,000	\$ 0	\$ 5,000
Police Maint. Contracts	\$ 6,700	\$ 1,000	\$ 7,700
Police Supplies	\$ 4,000	\$ 0	\$ 4,000
Police Equipment	\$ 6,000	\$ 2,000	\$ 8,000
Police Bridge Academy	\$ 0	\$ 28,000	\$ 28,000
Police Traffic Calming	\$ 0	\$ 12,800	\$ 12,800
Fire Chief Salary	\$ 10,000	\$ 2,000	\$ 12,000
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. Turnout Gear	\$ 10,000	\$ 0	\$ 10,000
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
Richmond Ambulance	\$ 3,500	\$ 41,500	\$ 45,000
EMT Incentive	\$ 2,400	\$ 0	\$ 2,400
Fireperson's Incentive	\$ 7,500	\$ 5,000	\$ 12,500
Communication Services	\$ 12,710	\$ 0	\$ 12,710

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Building Inspector	\$ 10,050	\$ 1,950	\$ 12,000
Building Inspector Expenses	\$ 2,500	\$ 0	\$ 2,500
Emergency Management	\$ 600	\$ 0	\$ 600
Animal Control Officer	\$ 5,000	\$ 0	\$ 5,000
Animal Control Officer Exp.	\$ 400	\$ 0	\$ 400
Tree Warden	\$ 16,000	\$ 0	\$ 16,000
<i>Tot. Protection Persons & Property</i>	<u>\$504,223</u>	<u>\$113,973</u>	<u>\$618,196</u>

Education

Article 15: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,184,170 for the purpose of paying the FY 2023 operating assessment for the Berkshire Hills Regional School District, or *take any other action in relation thereto.*

[Approved by the Finance Committee]

Article 16: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$84,315 for the purpose of paying the FY 2023 capital assessment for the Berkshire Hills Regional School District, or *take any other action in relation thereto.*

[Approved by the Finance Committee]

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 2023, or *take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Director Salary	\$ 78,613	\$ 2,359	\$ 80,972
Highway Salaries	\$170,868	\$ 5,132	\$176,000
Sick/Personal Day Payout	\$ 14,268	\$ 3,452	\$ 17,720
Contracted Longevity Pay	\$ 4,500	\$ 500	\$ 5,000
Highway Overtime	\$ 14,600	\$ 0	\$ 14,600
Fitness Stipend	\$ 1,800	\$ 2,700	\$ 4,500
Uniform Allowance	\$ 4,000	\$ 0	\$ 4,000
Highway Professional Training	\$ 900	\$ 0	\$ 900
Dues & Subscriptions	\$ 800	\$ 0	\$ 800
Gas and Diesel Fuel	\$ 25,000	\$ (3,000)	\$ 22,000
Highways and Bridges	\$ 14,000	\$ 0	\$ 14,000
Culverts and Guardrails	\$ 7,000	\$ 0	\$ 7,000
Machinery Maintenance	\$ 26,000	\$ 2,000	\$ 28,000
Highway Construction	\$ 55,000	\$ (3,000)	\$ 52,000
Highway Line Painting	\$ 15,600	\$ 1,400	\$ 17,000
Snow and Ice Removal	\$ 80,000	\$ 0	\$ 80,000
Street Lights	\$ 17,000	\$ 3,000	\$ 20,000
Solid Waste Transfer Station	\$117,516	\$ 2,700	\$120,216

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Hazardous Waste Disposal	\$ 3,000	\$ 0	\$ 3,000
Cemetery Department	\$ 33,000	\$ 0	\$ 33,000
Cemetery Tree Removal	\$ 14,000	\$ 1,000	\$ 15,000
Mill & Card Pond Weed Removal	\$ 13,000	\$ (13,000)	\$ 0
Group Purchasing	\$ 900	\$ 0	\$ 900
<i>Total Public Works & Facilities</i>	<i>\$711,365</i>	<i>\$ 5,243</i>	<i>\$716,608</i>

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 2023, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Board of Health	\$ 3,000	\$ (525)	\$ 2,475
Board of Health Salary	\$ 15,000	\$ 525	\$ 15,525
Community Health	\$ 27,100	\$(23,100)	\$ 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
<i>Total Human Services</i>	<i>\$ 77,100</i>	<i>\$ (23,100)</i>	<i>\$ 54,000</i>

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 2023, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Library	\$ 50,135	\$ 1,244	\$ 51,379
Parks and Recreation	\$ 14,000	\$ 9,850	\$ 23,850
Historical Commission	\$ 200	\$ 0	\$ 200
Vision Committee	\$ 1,435	\$ 0	\$ 1,435
<i>Total Culture and Recreation</i>	<i>\$ 65,770</i>	<i>\$ 11,094</i>	<i>\$ 76,864</i>

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 2023, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Interest & Fees Short/Long Term	\$ 5,000	\$ 0	\$ 5,000
Sewer Capital Costs	\$ 37,379	\$ (438)	\$ 36,941
Town Hall Bldg Loan	\$142,800	\$(142,800)	\$ 0
Multi-Purpose Loan	\$137,796	\$ 35,125	\$172,921
Multi-Purpose Loan FY23	\$ 0	\$ 44,142	\$ 44,142
Total Debt & Interest	\$322,975	\$ (63,971)	\$259,004

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 2023, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Veterans District	\$ 6,000	\$ 100	\$ 6,100
Total Intergovernmental Expenses	\$ 6,000	\$ 100	\$ 6,100

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 2023, *or take any other action in relation thereto:*

[Approved by the Finance Committee]

	<u>FY 22</u>	<u>+/-</u>	<u>FY 23</u>
Berkshire County Retirement	\$154,015	\$14,708	\$168,723
Health Insurance	\$207,674	\$ 0	\$207,674
Medicare & FICA Tax	\$ 18,000	\$ 1,000	\$ 19,000
Reserve Fund	\$ 20,000	\$ 0	\$ 20,000
Conservation Trust	\$ 300	\$ 0	\$ 300
Unemployment Insurance	\$ 1,000	\$ 0	\$ 1,000
Total Unclassified Expenses	\$400,989	\$ 15,708	\$416,697

Special Financial Article

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

Article 23: To see if the Town will vote to accept the layout of Merritt Way as a public town way in the location ordered by the Select Board and depicted on a plan of land dated March 24, 2022 , prepared by Foresight Land Services, and entitled Easement Plan of 15 Feet Right-of-Way “Merritt Way”, a copy of which is on file with the Town Clerk as required by law, and further to authorize the Select Board to acquire, by gift, purchase, or eminent domain, rights in the land within the layout

sufficient to use said way for all purposes for which public ways are used in the Town of West Stockbridge, and to appropriate from certified free cash the sum of \$15,000 for the purpose of acquiring such rights and paying all costs incidental and related thereto, *or to take any other action relative thereto.*

Article 24: To see if the Town will vote to appropriate from certified free cash the sum of \$7,100.00, for the purpose of purchasing and equipping new computers for the Police Department, including all incidental and related costs, *or take any other action in relation thereto.*

Article 25: To see if the Town will vote to appropriate from certified free cash the sum of \$8,000.00 for the purpose of funding a traffic study on Great Barrington Road, including all incidental and related costs, *or take any other action in relation thereto.*

Article 26: To see if the Town will vote to appropriate from certified free cash the sum of \$12,000.00 for the purpose of funding one new mower for the Department of Public Works, including all incidental and related costs, *or take any other action in relation thereto.*

Article 27: To see if the Town will vote to appropriate from certified free cash the sum of \$58,000.00 for the purpose of purchasing and equipping a new vehicle for the Police Department, including all incidental and related costs, *or take any other action in relation thereto.*

Article 28: To see if the Town will vote to appropriate from certified free cash the sum of \$40,000.00 for the purpose of purchasing and equipping a new truck for the Department of Public Works, including all incidental and related costs, *or take any other action in relation thereto.*

Article 29: To see if the Town will vote to appropriate from certified free cash the sum of \$10,000.00 for the purpose of funding the design and engineering of the Town-owned property on Moscow Road, located near the Public Restrooms, including all incidental and related costs, *or take any other action in relation thereto.*

Article 30: To see if the Town will vote to appropriate from certified free cash the sum of \$8,000.00 for the purpose of conducting a feasibility study for a possible road extension of Harris Street to Moscow Road, including all incidental and related costs, *or take any other action in relation thereto.*

Article 31: To see if the Town will vote to set aside the following amounts, to be held in reserve in the Community Preservation Fund to be set aside for FY2023 or later years, *or take any other action in relation thereto:*

Housing Reserve	\$11,079
Open Space Reserve	\$11,079
Historic Resources Reserve	\$11,079
Administrative Expenses	\$3,500

Article 32: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$295,439 for the purpose of funding a resurfacing of Maple View Drive, Smith Road, Woodruff Road and Wilson 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 the Maple View Drive, Smith Road, Woodruff Road and Wilson Road paving project. (Requires 2/3rds vote to pass)

Article 33: To see if the Town will vote to amend the vote taken under Article 31 at the Annual Town Meeting of May 8, 2017, to appropriate an additional \$35,000 from certified free cash for the purpose of repairing the roof of the Town's Wastewater Treatment Plant including all incidental and related costs, *or take any other action in relation thereto.*

Article 34: To see if the Town will vote to appropriate certified free cash the sum of \$105,500 for the purpose of purchasing a rotating biological contactor unit for the Wastewater Treatment Plant, including all incidental and related costs, *or take any other action in relation thereto.*

(NOTE: The intent is to replenish this amount with funds received from the American Rescue Plan Act awarded to the Town)

Article 35: To see if the Town will vote to transfer from certified free cash the sum of \$35,022 and appropriate the same amount to the Stabilization Fund, *or take any other action in relation thereto.*

Article 36: To see if the Town will vote to transfer from certified free cash the sum of \$35,022 and appropriate the same amount to the Capital Stabilization Fund, *or take any other action in relation thereto.*

Special Bylaw Articles

Article 37: To see if the Town will vote to amend Chapter 8 of the General Bylaws of the Town of West Stockbridge, entitled Community Preservation Committee, as on file and available for viewing in the Town Clerk's Office, as follows, *or take any other action in relation thereto:*

1. Section 8-1 Establishment, item A, by replacing the words "nine voting members" with "seven voting members".
2. Section 8-1 Establishment, item A-5, by deleting the entire wording and replacing it with the following;

"One individual with interest or expertise in Housing, appointed by the Select Board for an initial term of two years and thereafter for a term of three years."

3. Section 8-1 Establishment, item A-6, by deleting the entire paragraph and replacing it with the following;

"Two members of the general public, who are not Town employees or currently holding elected or appointed positions, as designated by the Select Board. One member will be appointed to an initial term of two years, and thereafter for a term of three years. The other member will be appointed for a three-year term."

Article 38: To see if the Town will vote to amend the General Bylaws of the Town of West Stockbridge, as on file and available for viewing in the Town Clerk's Office, by making several ministerial changes and typographical corrections, as follows, *or take any other action in relation thereto:*

All Chapters	All Sections	Change: Building Inspector To: Building Commissioner, in each instance in which it occurs
<u>Chapter</u> 1	<u>Section</u> 1-8	Non-Criminal Disposition Add to end of paragraph: Fee Schedule 1 st Offense \$50 2 nd Offense \$100 3 rd Offense \$300 And all subsequent offenses
20	20-1	Finances – Audit An audit of the accounts of the Town shall be made semi-annually annually beginning with the closure of Fiscal Year 1999 on June 30, 1999, as provided by M.G.L. c. 44, sec 35.
20	20-11	Finances – Collection of Parking Citations The Board of Selectmen Select Board shall appoint a hearings parking clerk, who shall hear all grievances and collect said fines.
45	45-1	Officers and Employees – Town Moderator Pursuant to the provisions of M.G.L. c. 41, there shall elected be elected one Moderator for a term of one year.
45	45-13	Officers and Employees – Appointed Officers Add the following to the chart: Alternate Building Inspector 1 year Asst. Wire Inspector 1 year
65	65-1	Town Meeting – Date & Location of Annual Town Meeting The Annual Town Meeting shall be held on the first Monday evening in May of each year at the Village School Auditorium Town Hall .
65	65-11	Town Meeting – Warrant Closing Date Selectmen Select Board shall announce a date to close acceptance of any articles to appear on the Warrant for a Special Town Meeting and so notify the Town Clerk.
80	Title	Alarm Systems Replace the Title of “Alarm Systems” with “Emergency Alarm Systems”
80	80-1	Alarm Systems – Timing Device Required Delete this entire section “Timing Device Required”

- 80 80-3 (A) Alarm Systems – Permit Required; fees; revocation
The Select Board ~~is hereby authorized~~ may authorize the Police Department to be the permit granting authority to grant a revocable permit to any owner, lessee, or occupant of property located in the Town to operate, maintain, install or modify an automatic emergency alarm system.
- 95 95-1 Building Construction – Required
Said permits shall be issued by the ~~Select Board~~ Building Commissioner in multiple copies so that one may be given to the builder, one to the Assessor and the Finance Director, one to the Board of Health, one to the Planning Board and one to be filed by the Select Board.
- 95 95-6 Building Construction – Enforcement; violations and penalties
Failure to comply with this bylaw shall subject the offending property owner to a ~~fine not exceeding \$10.~~ fine as described in Chapter 1, section 1-8 per c. MGL 40, Sec. 21D.
- 180 Newspaper Dispensing Devices
Delete entire Chapter
- 240 240-2 Vehicles and Traffic – Notice of violation; penalties
Such violation may be punishable by a ~~fine of \$10.~~ fine as described in Chapter 1, section 1-8 per MGL c. 40, Sec. 21D.

Article 39: To see if the Town will vote to amend the Zoning Bylaws of the Town of West Stockbridge, as on file and available for viewing in the office of the Town Clerk, as follows, *or take any other action in relation thereto:*

1. Correct the number of days for the Zoning Board of Appeals decisions from 120 to 100 in Section 7.6 to read as follows;

7.6 Decisions by the Board

The decision of the Board of Appeals shall be made within ~~120 days~~ 100 days after the date of filing of an appeal, applications or petition with the Town Clerk, except in regard to special permits as provided in Section 6.3 of this bylaw. Failure by the Board to act within said 100 days shall be deemed to be the grant of relief, application or petition sought, except in regard to special permits.

2. Delete the second sentence of the Zoning Bylaws, Chapter 127, section 11.1.1:

11.1.1

Any change to the Zoning Map of the Town or to the Table of Uses set forth in Section 4.11 of this bylaw shall be made only at an Annual Town Meeting and not at a Special Town Meeting.

[Note: This article requires a 2/3rds vote for approval]

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

Article 40: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$110,400 for the purpose of funding the FY 2023 Sewer Department Operation and Maintenance Budget to be offset, in full, by user receipts, *or take any other action in relation thereto.*

Article 41: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$74,450 for the purpose of funding the FY 2023 Water Department Operation and Maintenance Budget to be offset, in full, by user receipts, *or take any other action in relation thereto.*

Revolving Funds

Article 42: 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 '22</u>	<u>+/-</u>	<u>FY '23</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
<i>Total Revolving Fund</i>	<u>\$ 8,200</u>	<u>\$0</u>	<u>\$ 8,200</u>

or take any other action in relation thereto.

[Approved by the Finance Committee]

Citizen Petition

Article 43: To see if the Town will vote to authorize the following changes to the Zoning Bylaws, or take any other action in relation thereto.

Section 9.1.1 (b) would be amended by adding the words in **RED** to read:

“It is the intent of these bylaws to enable small-scale and local marijuana-related business activity. For all districts, **except the MOD**, special permits for cultivation of marijuana may only be granted when the size and amount of cultivation for an individual or corporate entity does not exceed a “Tier One” scale of cultivation activity, presently defined by 935 CMR 500.000, except that a craft cooperative shall be limited to three noncontiguous cultivation sites in the Town of West Stockbridge, each of which is limited to a Tier 1 canopy (5,000 square feet). **In the MOD only, special permits for all Tiers for outdoor cultivation may be granted where the MOD overlays with areas of the preexisting Manufacturing District.**”

To address potential concerns about odor, Section 9.1.4 entitled “Outdoor cultivation of marijuana” would be amended by adding the following new subsection h.

h. Reasonable odor mitigation may be required as directed by the SPGA.

Finally, to effectuate these changes, all references in the Zoning Bylaws to the Marijuana Retail Overlay District or MROD would be changed to the Marijuana Overlay District or MOD (In Sections 3.1, where it is first used, 3.2.3 where it is first defined, 4.11 Table of Uses, Principal, 4.11 Table of Uses, Accessory, and 5.6 Table of Dimensional Requirements.) and in 4.11 Table of Uses number 38 and 39 under MOD would be changed from NO to SPP.

[Note: This article requires a 2/3rds vote for approval]

SECTION 3
Zoning Districts

3.1. Establishment of districts. [Amended 2-27-2017 STM by Art. 2; 1-14-2019 STM by Art. 1; 9-18-2019 STM by Art. 1]

For the purpose of this bylaw, the Town of West Stockbridge is hereby divided into the following districts:

R-1	One-Acre Residence
R-3	Three-Acre Residence
R-D	Residence
C	Commercial
M	Manufacturing
F-P	Floodplain Districts
W-A	Wetland Area
VCOD	Village Core Overlay District
 MROD	Marijuana Retail Overlay District
PVOD	Photovoltaic Overlay District

3.2. Location of districts; Zoning Map.

The location and boundaries of these districts shall be as shown on the Zoning Map of West Stockbridge, Massachusetts, dated March 1998, bearing the signatures of the members of the Planning Board, and on file in the office of the Town Clerk, which map, with all explanatory matter thereon, is hereby made a part of this bylaw.

3.2.1 Floodplain Districts (F-P) and Wetland Area (W-A) shall be considered as overlying other districts as generally shown on the Zoning Map of West Stockbridge as a recognition of the special hazards which exist in such areas and shall include the following:

1. The Floodplain District includes all special flood hazard areas designated as Zones A, A1-30 on the Town of West Stockbridge Flood Insurance Rate Maps, dated June 1, 1982, on file with the Town Clerk, Planning Board and Building Inspector.
2. Wetlands are shown on the map prepared by Robert G. Brown & Associates, Inc. entitled "Zoning Map - West Stockbridge, Massachusetts," dated June 7, 1978.

3.2.2 The Village Core Overlay District (VCOD) is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of those other districts. Except as so modified or superseded, the regulations of the underlying district remain in effect. **[Added 2-27-2017 STM by Art. 2]**

3.2.3 The Marijuana Retail Overlay District (MROD) is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of those other districts. Except as so modified or superseded, the regulations of the underlying district remain in effect. **[Added 1-14-2019 STM by Art. 1]**

3.2.4 The Photovoltaic Overlay District (PVOD) is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of those other districts. Except as so modified or superseded, the regulations of the underlying district remain in effect. **[Added 9-18-2019 STM by Art. 1]**

3.3. District boundary lines.

3.3.1 The district boundary lines shall be as shown on the Zoning Map and indicated by the dimensions entered thereon.

3.3.2 For the purpose of interpretation of district boundaries as shown on the Zoning Map, the following rules shall apply:

3.3.3 Boundaries which appear to follow the center lines of streets, railroads, or streams shall be construed to follow such lines.

3.3.4 Boundaries indicated as following shorelines of lakes or ponds shall be construed to follow such shorelines.

3.3.5 Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

3.3.6 Boundaries which appear to run parallel to the features indicated above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

3.3.7 Where a district boundary appears to parallel a street line and no dimension is given, the boundary shall be interpreted as being 200 feet from said street line.

3.3.8 Where a district boundary line divides a lot in single ownership at the time such district is established, the Board of Appeals may permit by special permit the extension of the regulations for either portion of the lot not to exceed 20 feet beyond the district line into the remaining portion of the lot.

3.3.9 In cases of uncertainty or disagreement concerning the exact locations of a district boundary line or where physical features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered herein, the district boundary shall be determined by the Board of Appeals.

Principal Use	District						R-1	PVOD
	R-3	R-D	C	M	MR OD			
36. Mixed use, subject to the specific requirements set forth in Subsection 4.11.3.6	NO	NO	SPP (1)	NO			NO	
37. Retail sales of medical and adult use (i.e., recreational) marijuana	NO	NO	NO	NO	SPS		NO	
38. Cultivation of marijuana for commercial purposes	SPP	NO	NO	SPP	NO SPP see Note 1		SPP	See Sub-section 4.11.3.7.
39. Marijuana manufacturing and production of marijuana-based products	NO	NO	NO	SPP	NO SPP see Note 1		NO	
40. Marijuana testing facility	NO	NO	NO	SPP	NO		NO	
41. Marijuana transportation business	NO	NO	NO	SPP	NO		NO	
42. (Reserved)								
43. Large-scale ground-mounted solar energy system	NO	NO	SPP	SPP			NO	NO
44. Medium-scale ground-mounted solar energy system	NO	NO	SPP	SPP			NO	YES

4.11.2 Table of Accessory Uses. [Amended 1-14-2019 STM by Art. 1; 1-14-2019 STM by Art. 4; 9-18-2019 STM by Art. 1]

Note 1 - No cultivation or manufacturing where the MOD overlays the Commercial Zone.

Accessory Use	District						PVOD
	R-3	R-D	C	M	M/ROD	R-1	
19. Marijuana microbusiness, engaged within a dwelling or in an accessory building by a resident of the premises involving no on-premises sales of products, articles, or goods made on or off the premises to consumers and conforming to Subsection 4.11.3.3 hereof	SPP	NO	NO	SPP	SPP	SPP	
20. Marijuana craft cooperative, engaged within a dwelling or in an accessory building by a resident of the premises involving no on-premises sales of products, articles, or goods made on or off the premises to consumers and conforming to Subsection 4.11.3.3 hereof	SPP	NO	NO	SPP	SPP		
21. Large-scale ground-mounted solar energy system	NO	NO	SPP	SPP		NO	NO
22. Medium-scale ground-mounted solar energy system	NO	NO	SPP	SPP		NO	YES
23. Small-scale ground-mounted solar energy system	SPP	SPP	SPP	SPP		SPP	YES
24. Roof-mounted solar energy system	YES	YES	YES	YES		YES	YES

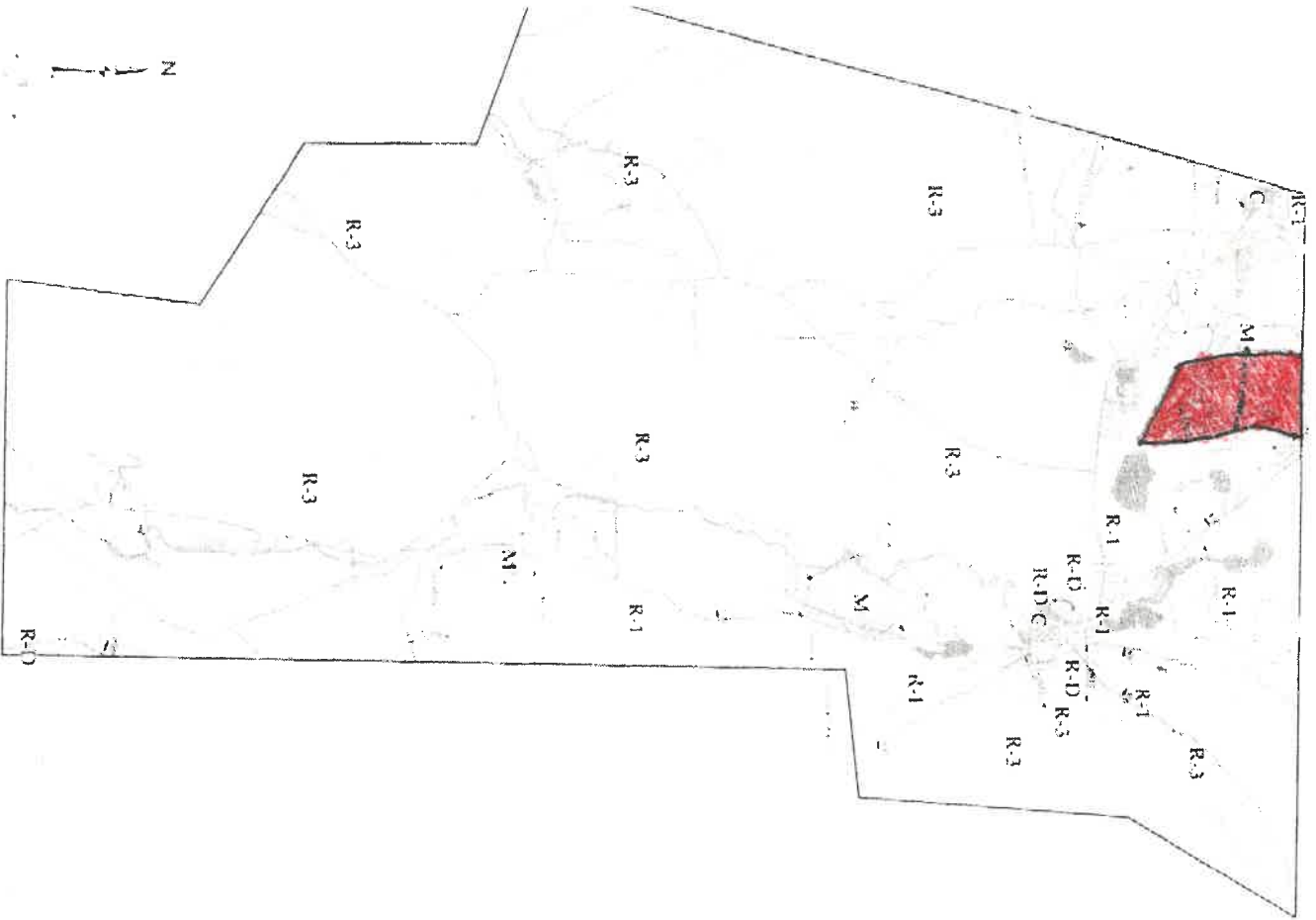
4.11.3 Special requirements.

5.6. Table of Dimensional Requirements. [Amended 2-27-2017 STM by Art. 2; 1-14-2019 STM by Art. 1; 1-14-2019 STM by Art. 4; 9-18-2019 STM by Art. 1]

District	Minimum Area (acres)	Lot Frontage (feet)	Yard Minimum			Maximum Building Height		Maximum Coverage by Building
			Front	Side	Rear	Stories	Feet	
Residence R-1	1	150	40	25	40	2.5	35	10%
Residence R-3	3	225	40	25	40	2.5	35	10%
Residence R-D	1/2	100	30	15	20	2.5	35	25%
Commercial C	1/2	100	30	15	40	2.5	35	30%
Manufacturing M	3	225	100	15	50	2.5	35	20%
VCOD	0.10	50	5 (1,2,3)	3 (3,4)	15 (3)	2.5	35	75%
MROD	1/2	100	30	15	40	2.5	35	30%

FOOTNOTES

1. The five-foot setback is only applicable "as of right" to buildings or uses with less than 4,500 square feet gross floor area.
2. The front setback may be reduced by special permit, as provided for by Section 4.10, to less than five feet where a sidewalk exists along the street and at least one entrance to the building is located along the sidewalk.
3. For buildings or uses greater than 4,500 square feet in gross floor area, the setback requirements of the underlying Commercial District shall apply, except that the underlying Commercial District setback requirements may be reduced by special permit as provided for by Section 4.10.
4. Total setback of both sides shall be equal to six feet. The total may be all on one side, all on the other side, or divided in any proportion.
5. Ground-mounted solar photovoltaic installations shall meet yard setback requirements, except that setback requirements may be reduced by special permit as a part of the special permit granted for the underlying use.
6. Solar energy systems shall not be included in calculations for lot coverage or impervious surface.



- ZONING DISTRICTS**
- R-1 Single-Family Residential
 - R-3 Single-Family Residential
 - R-D Single-Family Residential
 - M Medium Density Residential
 - C Commercial
- OVERLAY DISTRICTS**
- 1 Historic District
 - 2 Flood Hazard
 - 3 Wetlands



Town of
West Stockbridge
Massachusetts


MAKLUANA O'NEILL DESIGN

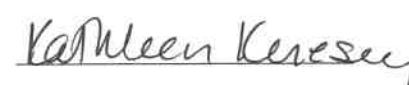
100 State Street, Suite 200
West Stockbridge, MA 01091
Tel: 413-528-1111
Fax: 413-528-1112
www.makluana.com

Article 44: To do and transact any other business necessary to be done by the Town.

Given under our hands this 24th day of March 2022.

West Stockbridge Select Board


Eric Shimelonis, *Chair*


Kathleen Keresey


Roger Kavanagh

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: 3/29/22