

Town of Lanesborough, Massachusetts
Minutes of the Annual Town Meeting
June 14, 2016
Fiscal Year 2017

The Annual Town Meeting was held on June 14, 2016, at the Lanesborough Elementary School. Moderator, Robert A. Reilly called the meeting to order at 6:00 p.m. The head table was introduced which consisted of the Board of Selectmen, the Town Manager, Finance Committee members, the Town Clerk, the Town Secretary and Town Counsel. The Pledge of Allegiance was recited. Betsy Bean, Frances Kelly and Shirley Zurrin checked in registered voters. There were 74 registered voters in attendance.

Mr. Reilly called for a moment of silence for those who have passed and for the victims of the recent tragedy in Orlando, Florida.

Mr. Reilly, Moderator, moved for non-residents to be able to speak. No objection, so moved.

MOTIONS ON ARTICLES

ARTICLE 1. To elect the necessary Town Officers on one ballot;

One Selectman for three years;
Two Finance Committee members for three years;
One Lanesborough School Committee member for three years;
One Northern Berkshire Vocational Regional School Committee member for three years;
One Planning Board member for five years;
One Library Trustee for three years;
One Library Trustee for one year;
One Cemetery Commissioner for three years;
One Moderator for one year;

Mr. Reilly, Moderator moved to pass over Article 1. No objection, so moved.

ARTICLE 2. To fix the compensation of all elected Town Officers as provided by M.G.L. c. 41, s. 108, as amended, and to hear the budget, act thereon and raise and appropriate, borrow or transfer from available funds a sum or sums of money to defray charges and expenses of the Town for the ensuing year, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town raise and appropriate the sum of \$10,681,150, and transfer an additional \$230,826 from offset receipts from the Baker Hill Road District, for a total of \$10,911,976, for the maintenance and operation of the Town in Fiscal Year 2017 as recommended by the Finance Committee and printed in the recently published 2015 Annual Town Report on pages 21 to 27, including debt and interest, and to fix the salary of all elected officials, as printed in the Warrant, seconded.

Moderator Reilly went through the Operating Budget line numbers. Lines numbers held were as follows:

135 – Town Accountant

Robert Barton asked why there was a higher amount in the FY2016 budget of \$53,816 as opposed to the FY2017 amount of \$50,918. Town Manager Paul Sieloff explained that this was due to the overlap of the new and now retired Town Accountant for training purposes.

158 – Tax Title Expense

Don Dermeyer asked if the Town received income from this line item. Town Manager Sieloff stated that this is what the Town pays for attorney fees.

159 – Town Secretary

Don Dermyer asked why there was a 10% increase over last year. Town Manager Sieloff stated that there were 2 salaries within the salary line. The Assistant Town Secretary received more hours which accounted for some of the increase and the skill set of the current Town Secretary warranted an increase which was supported by the Finance Committee.

169 – Wired West Collaborative

Don Dermyer asked what the Town is receiving for the \$1,800 that is budgeted. Town Manager Sieloff stated that there is a membership fee of \$1,000 per year and the remainder of the money is for reimbursements for travel expenses to attend meetings. Mr. Sieloff stated that there is a possibility that this money will not be spent next year with the Charter Communications Broadband expansion.

177 – Berkshire Spring

Don Dermyer asked for an explanation for this line item. Town Manager Sieloff stated that it is the expense for monthly required testing of the water.

224 – Fire Department Officers' Stipends

Board of Selectmen Chair John Goerlach moved to transfer \$10,000 from Landfill Monitoring [Account #439] to Fire Department Officers' Stipends [Account #224], seconded.

Al Terranova, Finance Committee Chair, stated that the Finance Committee did not recommend this item as the Committee did not know how to administer funds or where to get the money from and that the Fire Department Association agreed it was an item for the FY2018 budget. Mr. Terranova stated that the Finance Committee did agree with a \$5,000 stipend for the Fire Chief but not the firefighters. Finance Committee member Ray Jones stated that the money was for firefighters to become certified. Mark Shiek asked if there would be enough in the Landfill Monitoring account if it is lowered by this amount. Town Manager Sieloff stated that there would be. Vote: Ayes have it.

330 – Mount Greylock Regional School

Paul Dupuis of Noppet Road asked how many students were school choice and how many were tuition and how much did the school receive for these students. Superintendent Doug Dias stated that 10% of students were school choice (\$590,895) and there were 45 tuition students (\$351,000). Robert Barton asked why there was a difference between the figures recommended by the Town Manager and the Finance Committee. Town Manager Sieloff stated that it was due to the new debt exclusion for the school construction project.

436 – All Town Mowing

Don Dermyer asked if this was part of the Highway Department. Town Manager Sieloff stated that it was used to hire summer employees to mow Town properties and is also used to pay for supplies and gas for mowing.

439 – Landfill Monitoring

No questions posed.

510 – Health Inspector

Robert Barton asked why there was an increase. Town Manager Sieloff stated that a new employee was hired and they were giving the position more hours to help in the Town Clerk's office.

650 – Park Maintenance

A residents asked why there was money needed if All Town Mowing takes care of mowing property. Tim Sorrell, Chair of the Recreation Committee stated that it was for repairing fences, sand for baseball fields and other park maintenance.

710 – Retirement of Debt – Principle & Interest

Don Dermyer asked how much of this amount is for the Elementary School and if it is a declining balance. Town Manager Sieloff stated that approximately \$400,000-\$450,000 was for the school and it is a declining balance which has about \$1.2 Million to \$1.6 Million dollars remaining in total.

Vote: Ayes have it.

ARTICLE 3. To see if the Town will vote , pursuant to MGL c. 41, §21, to have the Board of Selectmen appoint the Cemetery Commissioners of the Town , or take any other action relative thereto, subject to the approval of an official ballot question on the next election warrant at the annual town election, to read as follows:

SHALL THE TOWN VOTE TO HAVE ITS SELECTMEN APPOINT CEMETERY COMMISSIONERS OF THE TOWN? YES _____ NO _____

or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 3 as printed in the Warrant for this meeting, second by Ron Tinkham.

Town Manager Sieloff stated that making the positions appointed allows for a screening process to make sure that proper candidates are chosen. Select Board Chair John Goerlach asked Mary Reilly, current chair of the Cemetery Commissioners, her opinion. Mrs. Reilly stated that there are pros and cons either way and it did not matter to her what the Town decided. Vote: Ayes have it.

ARTICLE 4. To see if the Town will vote to appropriate for the operation of the Ambulance Enterprise **\$41,000.00** for salaries and expenses, to be raised as follows: Departmental Receipts - **\$32,423.00**; Retained Earnings - **\$8,577.00** or take any other action relative thereto.

Al Terranova, Finance Committee Chair moved that the Town vote to approve Article 4 as printed in the Warrant for this meeting, seconded by Ron Tinkham. Vote: Ayes have it.

ARTICLE 5. To see if the Town will vote to appropriate for the operation of the Sewer Enterprise **\$34,805.00** for expenses and budgeted surplus and that **34,805.00** be raised from user fees, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 5 as printed in the Warrant for this meeting, seconded by Ron Tinkham. Vote: Ayes have it.

ARTICLE 6. To see if the Town will vote to appropriate and transfer from funds to be received from the Baker Hill Road District, the sum not to exceed **\$230,826.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2017 pursuant to the provisions of M.G.L. Chapter 44, Section 53E, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 6 as printed in the Warrant for this meeting, seconded by Ron Tinkham. Town Counsel, Jeffrey Blake stated that this money was included in Article 2. John Goerlach moved to pass over Article 6, seconded by Henry Sayers. Vote: Ayes have it.

ARTICLE 7. To see if the Town will vote to re-authorize the following revolving fund accounts through the receipt of fees, fines, grants, gifts, donations, and other receipts in accordance with M.G.L. Chapter 44, Section 53 E 1/2 and to authorize expenditures as noted for each account, or take any other action relative thereto.

REVOLVING FUND	AUTHORIZED TO SPEND FUND	REVENUE SOURCE	USE OF FUND	FY 2017 SPENDING LIMIT
LACTV2 Cable Commission	Town Manager	Franchise Fees	Operations	\$10,000.00
Fire and Building Inspectors Code Enforcement & Training Services	Fire & Building Inspectors	Building Permit Fees	Training	\$2,500.00
Lanesborough Agricultural Commission	Agricultural Commission	Donations	Agricultural Projects	\$5,000.00
Police Department Canine Fund	Police Chief	Donations	Canine Care	\$5,000.00
Lanesborough Tree and Forest	Tree and Forest Committee	Donations	Tree Preservation Projects	\$3,000.00
Special Education Services	Town Accountant	Town of New Ashford	Programs	\$20,000.00
Hazardous Materials Team	Fire Chief	Billings	Hazardous Materials Reimbursement	\$5,000.00

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 7 as printed in the Warrant for this meeting, seconded. Don Dermeyer asked why the Revenue Source for the Fire and Building Inspectors Code Enforcement & Training was Building Permit Fees. Fire Chief Charles Durfee stated that it is through fines imposed by the Fire Department. Vote: Ayes have it.

ARTICLE 8. To see if the Town will vote to transfer **\$20,000.00** from Free Cash into the Stabilization Fund, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 8 as printed in the Warrant for this meeting, seconded. Don Dermeyer asked how much money was currently in the Stabilization Fund. Town Manager Sieloff stated approximately \$650,000.00. Mr. Dermeyer asked how they came up with \$20,000. Town Manager Sieloff stated State Auditors recommend that there be approximately \$1,000,000 in this account so the Town should put money in this fund each year. Mr. Dermeyer asked how much money is in Free Cash. Town Manager Sieloff stated \$312,000. Vote: Ayes have it (by 2/3vote).

ARTICLE 9. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$20,000.00**, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to appropriate and transfer from Free Cash the sum of **\$20,000** to pay the Town's contribution to the Other Post-Employment Benefits Liability Trust Fund, seconded. Vote: Ayes have it.

ARTICLE 10. To see if the Town will vote to appropriate the sum of **\$80,000.00** for the purchase of a highway truck, with or without a trade, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of **\$60,000.00** for said appropriation under applicable sections of Chapter 44 of the General Laws, and further to transfer from Free Cash **\$20,000.00** for said appropriation; or take any other action relative thereto.

Al Terranova, Finance Committee Chair moved that the Town vote to approve Article 10 as printed in the Warrant for this meeting, seconded. Tim O'Brien stated that he believed that this vehicle was being financed by the Mall. Town Manager Sieloff stated that the Town

leased/purchased a vehicle two years ago and the Mall is making the payments on it. Mr. O'Brien stated that he has seen a vehicle which the Town has traded in being used by private contractor. Mr. O'Brien asked why the Town is trading in vehicles which are still being used. DPW Director William Decelles stated that the Town needs very dependable vehicles in the winter for plowing and it also was costing too much for repairs. Vote: Ayes have it (by 2/3 vote).

ARTICLE 11. To see if the Town will vote to appropriate the sum of **\$44,000.00** for the purchase of a Police Vehicle, with or without a trade, and further to transfer from the Baker Hill Road District Fund the sum of **\$22,000.00** and transfer from Free Cash **\$22,000** for said appropriation; or take any other action relative thereto.

Al Terranova, Finance Committee Chair moved that the Town vote to approve Article 11 as printed in the Warrant for this meeting, seconded. Vote: Ayes have it.

ARTICLE 12. To see if the Town will vote to transfer **\$14,000.00** from Free Cash for the purchase of a snowmobile, with or without a trade, for the use of the Fire Department, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 12 as printed in the Warrant for this meeting, seconded. Barbara Hassan asked why this needs to be replaced. Fire Chief Charles Durfee stated that it is replacing a 2002 snowmobile and that the Department covers over 16,000 acres and averages 6 rescues each year. Vote: Ayes have it.

ARTICLE 13. To see if the Town will vote to appropriate and transfer from Free Cash the sum of **\$8,000.00**, to fund a study and grant application for a possible water system upgrade at Berkshire Village Water Cooperative, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 13 as printed in the Warrant for this meeting, seconded by Henry Sayers. Tim O'Brien asked why the Town is spending this money. Town Manager Paul Sieloff stated that the Town is linked with Berkshire Village because the Town owns the water source and Berkshire Village is looking to get \$1,000,000 to \$1,500,000 in Federal money to expand the municipal water line. The engineering fee is approximately \$16,000. Finance Committee members Ron Tinkham and Ray Jones stated that Finance Committee opposed this Article. Berkshire Village resident Kacy Westwood stated that the Town has an obligation to provide water to Berkshire Village. Mr. O'Brien stated that the Town is not the water supplier. Don Dermeyer stated that it is the Water District's responsibility. Water Commissioner Chair Lee Hauge stated that the Water District is in favor of this proposal but it has taken the position not to spend money to extend the water line. Berkshire Village resident Sheila Parks stated that many residents cannot put in a well on their property because they do not have enough land to do so and cannot afford the upkeep and repairs of the spring. Lori DiLego, President of Berkshire Village Water Co-op stated that the Berkshire Village Co-op pays twice as much in fees to test the water and also pays for the upkeep and maintenance of the spring. Ms. DiLego stated that the system is old and they are eager to join the Lanesborough Water District and appreciate the Town offering to help pay for the engineering fee. Barbara Hassan asked if all members of Berkshire Village were in favor of joining the Water District. Ms. Dilego stated that she has presented forms which were signed by residents to Mr. Sieloff showing over 2/3 of residents are in favor. Vote: Ayes have it.

ARTICLE 14. To see if the Town will vote to authorize the Treasurer to make expenditures from the Transportation Bond Bill for the repair and maintenance of roadways in Lanesborough in anticipation of revenue and allow for the carry over of the funds from year to year until expended, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 14 as printed in the Warrant for this meeting, seconded. Charles Oranelles from 178 North Main Street asked which roads are being paved this year. Town Manager Sieloff stated Sunrise Street, Stormview Road, Old State Road and Orebed Road. Vote: Ayes have it.

ARTICLE 15. To see if the Town will vote to appropriate and transfer from Free Cash **\$200,000.00** to be used by the Assessor to reduce the tax rate for Fiscal Year 2017, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to appropriate and transfer from Free Cash \$200,000 to be used by the Assessors to reduce the tax rate for Fiscal Year 2017, seconded. Don Dermeyer asked how much money would remain in Free Cash after this transfer. Town Manager Sieloff stated that due to issues with the Berkshire Mall and Mount Greylock Regional High School this was needed to reduce the tax rate. Mr. Dermeyer believed the Town is reducing Free Cash too much. Vote: Ayes have it.

ARTICLE 16. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled “Massachusetts Department of Transportation Highway Division Ashuwillticook Rail Trail Extension in the City of Pittsfield and Town of Lanesborough, ”dated January 25, 2016, prepared by Fuss & O’Neill, said plans on file with the Town Clerk, as said plans may be amended, for rail trail purposes, including, but not limited to, the construction, alteration, maintenance, improvement, repair and/or replacement of the Ashuwillticook Rail Trail Extension; and, further, to see if the Town will vote to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money for these purposes and any expenses related thereto; on such terms and conditions as the Board of Selectmen deems appropriate; and, further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled “Massachusetts Department of Transportation Highway Division Ashuwillticook Rail Trail Extension in the City of Pittsfield and Town of Lanesborough,” dated January 25, 2016, prepared by Fuss & O’Neill, said plans on file with the Town Clerk, as said plans may be amended, for rail trail purposes, including, but not limited to, the construction, alteration, maintenance, improvement, repair and/or replacement of the Ashuwillticook Rail Trail Extension; and, further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, seconded. Tim O’Brien asked where this money would come from. Town Manager Sieloff stated that it will come out of Chapter 90 money and will probably be a few thousand dollars. Vote: Ayes have it (by 2/3 vote).

ARTICLE 17. To see if the Town will vote to accept the provisions of General Laws Chapter 138 Section 33B to allow for the sale of alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday or take any other action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 17 as printed in the Warrant for this meeting, seconded. No opposition. Votes: Ayes have it.

ARTICLE 18. To see if the Town will vote to adopt the following amendments to General Bylaws of the Town of Lanesborough, Chapter 13-Article A, Regulation and Control of Fire Detection and Fire Alarm Systems, as shown below with modified text in **bold**; and by adding a new section Chapter 13- Article B, Regulation and Control of Security Alarm Systems, as provided below; and re-lettering the current Chapter 13-Article B, “Ambulance Charges” to Chapter 13-Article C.

[Background and Purpose: The Town of Lanesborough finds that excessive false fire and security alarms unduly burden the Town’s Fire and Police Department’s limited public safety resources. The purpose of these bylaw amendments is to establish reasonable expectations of alarm users and to ensure that said users are responsible for false alarms.]

CHAPTER 13: FIRE AND SECURITY ALARM REGULATIONS

Ch. 13 – Article A. - Regulation and Control of Fire Detection and Fire Alarm Systems **utilizing external signaling means to alert the proper authorities, whether directly or indirectly.**

Note: The following definition does not apply to smoke detectors, nor carbon monoxide detectors, installed in buildings in accordance with Massachusetts State Building Code requirements for smoke detectors and carbon monoxide solely intended to alert the inhabitants in the event of fire, smoke, or carbon monoxide gas buildup, and required by law for every new or modified dwelling.

A. Definition:

“Fire Detection And Alarm Systems, with external signaling means to alert the proper authorities, whether directly or indirectly,” are those fire alarm devices installed in privately owned structures, residential, educational religious, commercial, industrial, which, when activated, result in an alarm of fire being transmitted **externally from the building. Such** Alarm transmittal may be by the sounding of an external alarm, alerting the general public; by automatic telephone call; **by purchased or contracted third party services**, by personal telephone call; by direct connection; or **by special internet application.** This section shall consist of the following paragraphs:

B. No fire detection and alarm system as defined, shall be installed without obtaining a permit from the Fire Chief. Owners of existing alarm systems maintained in the town shall, within 60 days of the enactment of this bylaw, **to** file for a permit.

C. The owner/owners of the property in which the fire detection and alarm system is installed shall furnish, in writing, to the Fire Chief, telephone numbers (other than the protected premises) with the names of **local** individuals, **who are authorized by the owner(s)** to respond to emergency calls and provide access to the structure. ~~Enough names and numbers shall be furnished to insure availability of at least one such individual at any hour of the day or night (unreasonable). This list shall be revised, as required, to be kept~~ **The owner of the property is responsible for keeping the list at the Fire Department current and accurate.**

D. No testing, repairing, altering, or other actions, which might result in the transmittal of an alarm to the Fire Department shall be performed without prior notification to the alarm monitoring ~~company station, and~~ the Fire Department, ~~and the Fire Department dispatch center, and/or.~~

E. Failure to comply with any of the requirements of Paragraphs B through D shall be punishable by a **service fee** of **\$100.00** assessed to the property owner and payable to the Town of Lanesborough, for deposit in the **General Fund**.

F. All installations will be inspected and **internally** tested prior to the permit being validated. Upon validation the installation may be connected **and wrap-around testing may accomplished in accordance with requirement D. above.**

G. Devices shall have lightning surge protection.

H. Devices shall not activate **alarms because** of power interruptions. Voice messages shall not exceed 15 seconds in duration. Devices shall not **call** more than twice for the same alarm. **Automated Devices shall hang-up after leaving an alarm message in order to not block other calls.**

I. Equipment shall be **tested and** serviced by a **certified technician** at least once every two years. Reports of such service shall be made **in writing** to the Chief of the Fire Department.

J. False Alarms of fire are those alarms transmitted; when no fire condition exists, and ~~are the~~ **as a result of negligence such as dusty detectors, dead batteries, excess cooking or fireplace smoke;** or defective equipment. The owner of any property **from** ~~in~~ which a false alarm occurs ~~is transmitted~~ shall incur **penalties** in accordance with the following schedule:

a. The first false alarms shall be free of charge and **will result in** a written warning, including the wording of this **Article**, from the Fire Chief to the property owner.

b. The second false alarm (within twelve (12) months of the date of first false alarm) **will result in a service fee** of \$100.00, **which** shall be assessed to the property owner **and will be** payable to the Town of Lanesborough for deposit in the General Fund.

c. The third false alarm **will result in** a service fee of \$200.00 and any subsequent false alarms (within twelve (12) months of the date of the first false alarm) **will result in a service fee** of \$300.00, **which** shall be assessed to the property owner **and will be** payable to the Town of Lanesborough for deposit in the General Fund.

This bylaw may be enforced by any means available at law or in equity, including but not limited to non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.

K. When the Fire Department responds to an alarm of fire by a fire alarm activation where the premises are unoccupied, and the department is unable to gain access to the structure, and is unable to contact any of the individuals listed for access; **then** the Fire Officer in command, **may** if he/she has reasonable concern or suspicion that a fire or other emergency exists within the structure, may make a forcible entry **into the building** to determine whether or not such conditions exist. The Fire Officer **in command** shall:

1. Notify the Police Department of this action.
2. Secure the premises insofar as feasible.
3. Continue efforts to contact the individuals listed as responsible for the structure.
4. Enter the action taken in the Fire Department report for that incident.

-----End of Article A-----

Ch. 13 – Article B. - Regulation and Control of Security Alarm Systems with external signaling means to alert the proper authorities, whether directly or indirectly.

A. Definitions

1. **SECURITY ALARM, with external signaling means to alert the proper authorities, whether directly or indirectly: A signaling device that emits a local audible, or visual signal indicating an alarm has been activated and/or transmits a remote or electronic signal indicating an alarm has been activated and is intended to, or is reasonably calculated to summon the Lanesborough Police Department, including, but not limited to, so called “burglar alarms,” “holdup alarms” and “panic alarms.”**

a. **A security alarm signaling device that only emits a local audible, or visual signal indicating an alarm has been activated and has no external communication shall be exempt from the provisions this article.**

b. **Motor vehicle alarms, and alarms on governmental buildings shall be exempt from the provisions this article.**

2. **FALSE ALARM: Activation of a Security Alarm resulting in a response by the Lanesborough Police Department where, after investigation, there is no actual or threatened criminal activity, emergency or harm to person or property. False Alarms include, but are not limited to, a Security Alarm activated by a mechanical failure, children, animals, a malfunction due to improper installation, negligence, or human error. Activation of a Security Alarm shall not be considered a False Alarm when it is caused by a power outage, earthquake, damage to a building, or severe weather conditions.**

3. **SECURITY ALARM PERMIT: a permit issued by the Police Department allowing the operation of an alarm system within the Town.**

B. Security Alarm Permit Requirements

- 1. No person shall use a Security Alarm system with external signaling means to alert the proper authorities, whether directly or indirectly, without first obtaining a permit for such alarm system from the Police Department. The fee for such permit, and any renewals, shall be \$25.00. Each Security Alarm permit shall be assigned a permit number for the user.**
- 2. When the possession or ownership of the structure where such Security Alarm system transferred, the new owner obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Security Alarm Permits are not transferable.**
- 3. The Security Alarm Permit holder must report updated contact information to the Police Department within thirty (30) days of the change.**
- 4. If a Security Alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants or lessees, separate permits are required for each structure and/or tenant.**
- 5. The service fee for a person's failure to register a Security Alarm with the Police Department shall be \$100.00.**

C. Duties of Alarm Users

- 1. It is the duty of Security Alarm System owners to:**
 - a. Maintain the premises and the Security Alarm system(s) in a method that will reduce or eliminate false alarms;**
 - b. Provide and maintain the Security Alarm monitoring company information and the permit information to the Police Department.**
 - c. When notified by the Lanesborough Police Department or alarm monitoring company of an alarm: to respond, or have a representative respond to the Security Alarm System location within a reasonable amount of time.**
 - d. Not manually activate a Security Alarm for any reason other than an occurrence of an event that the Security Alarm system was intended to report.**
 - e. Ninety (90) days after this bylaw becomes effective, all Security Alarm installation companies shall on all new and upgraded installations, use only Security Alarm panels that meet SIA Control Panel Standard CP-01.**
 - f. Ensure that the Security Alarm company has current contact information for the user to ensure that appropriate contact is made in the event of an emergency.**

D. Records

- 1. Whenever a Security Alarm is activated in any manner with the result that there is a response to the location of the Security Alarm by the Lanesborough Police Department, a record of the Security Alarm response shall be made and kept by the Lanesborough Police Department, and notice shall be posted at the property within two (2) days. If such alarm is a False Alarm, the notice shall so specify.**

E. False Security Alarms; service fees

- 1. It shall be in violation of this bylaw to activate a Security Alarm for the purpose of summoning law enforcement when no crime is being committed or attempted on the premises.**
- 2. It shall be unlawful for a False Alarm to occur more than three times in a calendar year.**

3. Beginning with the fourth False Alarm in a calendar year, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$50 per subsequent occurrence to the Town of Lanesborough.

4. Starting with the fifth False Alarm and up to and including the ninth False Alarm in a calendar year, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$100 per False Alarm occurrence. Starting with the tenth False Alarm in a calendar year, the service fee shall be \$200 per False Alarm occurrence.

5. Notice of such service fee shall be posted at the premises or mailed to the owner, tenant or responsible person in control of such premises within two (2) days. The service fee shall be paid to the Town of Lanesborough within 30 days of notice. After 30 days, interest shall accrue at the maximum statutory rate as provided for in Section 21E of Chapter 40 of the Massachusetts General Laws under the provisions of Section 57 of Chapter 59 of the Massachusetts General Laws.

6. This section may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.

F. Automatic shut off devices; service fees

1. Any audible Security Alarm installed after the effective date of this Bylaw, shall be equipped with an automatic shut off device that shall shut-off the audible component of the alarm within thirty (30) minutes of activation. Within six months of the effective date of this bylaw, all installed security alarms, will be so equipped.

2. In the event of a response by the Lanesborough Police Department to a Security Alarm in violation of this section, the owner, tenant or responsible person in control of such premises shall pay a service fee of \$50 to the Town of Lanesborough.

3. Notice of such violation and service fee shall be posted at the premises or mailed to the owner or person in control of such premises within two (2) days, and, if the violation is not corrected within 30 days of said notice, each day thereafter shall be deemed a separate violation, until such Security Alarm is brought into compliance.

4. The service fee shall be paid to the Town of Lanesborough within 30 days of each subsequent notice. After 30 days, interest shall accrue at the maximum statutory rate as provided for in Section 21E of Chapter 40 of the Massachusetts General Laws under the provisions of Section 57 of Chapter 59 of the Massachusetts General Laws.

5. This section may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.

G. Appeals

1. Assessments of fees or penalties may be appealed in writing to the Chief of Police by filing a written notice of appeal. Upon receipt of an appeal, the Chief of Police or his designee(s) shall hold a hearing on the fees or penalties imposed and reverse, affirm or modify the imposed fees and penalties. A written decision on the appeal shall issue within twenty (20) days.

H. Confidentiality

1. The Town recognizes that it is subject to the requirements of the Public Records Law, Section 10 of Chapter 66 of the Massachusetts General laws. However, in the interests of public safety, it is the intention of the Town, to the

extent permitted by law, to maintain confidentially personal information and infrastructure information regarding Security Alarms, including, but not limited to, that information specifically identifying the location, operations or other proprietary information contained in the information it receives.

I. Government Immunity

1. Notwithstanding any of provisions of this by-law, the Town, its departments, officials, officers, agents and employees shall be under no duty or obligation, either express or implied, of response or the adequacy, operation or maintenance of any Fire or Security Alarm or of the alarm monitoring facilities at Police or Fire Departments. Any and all liability resulting from the Town's failure to respond to a notification is hereby disclaimed; governmental immunity, as provided by law, is retained. Fire and Security Alarm owners and users in Town shall acknowledge that fire and law enforcement response may be influenced by factors such as, but not limited to: the availability of police and fire units, staffing levels, the priority of calls, weather, traffic and emergency conditions.

J. Severability

The invalidity of any individual section(s) of this by-law shall not affect the validity of the by-law as a whole.

Al Terranova, Finance Committee Chair, moved that that the Town vote to approve Article 18 as printed in the Warrant for this meeting, seconded. Selectmen Robert Ericson, Fire Chief Charles Durfee and Police Chief Timothy Sorrell answered questions posed by residents. Barbara Hassan made a Motion to change the language within the Article from "any renewal" to "any modifications or upgrades", seconded. Ayes have it for language modifications. Vote: Ayes have it.

ARTICLE 19. To see if the Town will vote to become a member of the Berkshire County Mosquito Control Project for a five year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law; or take any action relative thereto.

Al Terranova, Finance Committee Chair, moved that the Town vote to approve Article 19 as printed in the Warrant for this meeting, seconded by Ron Tinkham. Michelle Johnson asked what the cost would be to the Town. Town Manager Sieloff stated that they did not have a final annual cost but it is estimated at \$15,000 which would be deducted from State Aid received by the Town. Finance Committee Chair Terranova stated that this Article was without any recommendation of the Finance Committee. Finance Committee member Ron Tinkham stated that he would like input from the Board of Health. Town Manager Sieloff stated that the Health Agent is in favor and it is a very professional group. Residents asked what types of chemicals would be used. Select Board Chair John Goerlach stated that the group does not randomly spray chemicals but goes to problem areas but he believes it is done with hazardous chemicals. Ray Jones stated that it would not be enough exposure to cause health problems. Sheila Parks asked how many other communities were involved. Town Manager Sieloff stated that there are 8 or 9 communities currently involved. Robert Ericson stated that the group will just map out areas in the first year. A resident believed that a 5 year commitment is too long and residents should be able to opt out in their neighborhoods. Barbara Hassan asked if they can come on private property. Mr. Ericson stated they cannot without permission. Ms. Hassan would like the Board of Health to be involved. Michelle Johnson stated that residents need more information. Vote: Nays have it.

The election, or action on Article 1, will take place on Tuesday, June 21, 2016, and the polls will be open at noon and close at 8:00 P.M.

Adjournment

A motion was made and seconded to adjourn meeting. Meeting adjourned at 8:12 p.m.

Respectfully submitted,
Ruth A. Knysh, Town Clerk