

Town of Lanesborough, Massachusetts
Minutes of the Special Town Meeting
November 14, 2017
Fiscal Year 2018

The Special Town Meeting was held on November 14, 2017, 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, Finance Committee members, the Town Manager, the Town Clerk, the Town Secretary and Town Counsel and the Pledge of Allegiance was said. Betsy Bean, Fran Kelly and Shirley Zurrin checked in registered voters. There were 130 registered voters in attendance.

Mr. Reilly, Moderator, asked for a moment of silence for those who have passed during the past year.

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

MOTIONS ON ARTICLES

ARTICLE 1. 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.

Motion made by Selectman Henry Sayers to move the Article as printed in the Warrant, seconded by Selectman John Goerlach.

Berkshire County Mosquito Control Project Representative Christopher Horton gave a Power Point Presentation. Residents asked about if there was an environmental impact study available. Mr. Horton stated that the chemicals used are approved by the Environmental Protection Agency (EPA). Don Dermeyer asked how long the Town had to commit to this project. Mr. Horton stated that it is a 5 year commitment by the Town at a cost of \$14,800 per year. Barbara Hassan asked how residents would be notified if a technician would be on their property. Mr. Horton stated that they will do their best to notify residents if they are going to be on their property but that they have statutory authority to do so if the owner of the property cannot be contacted. Christopher Dodig asked if the Town is doing this due to control the mosquito population or has it gotten worse. Mr. Sayers stated both. The mosquitos have gotten worse over the years and they are doing this to try to control it. Mr. Horton stated that West Nile Virus has been detected in all Towns that have joined the project. Nat Karnes asked if the Board of Health or Conservation Commission had signed off on this program. Mr. Sieloff stated that the Board of Health did support this. Raymond Jones stated that the Mosquito Authority will use less chemicals then if treated by an individual resident.

Vote: Ayes have it.

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow **\$4,500.00** for the Berkshire County Mosquito Control Project, or take any other action relative thereto.

Motion made by Selectman Robert Ericson to vote to transfer from Free Cash \$4,500 for the Berkshire County Mosquito Control Project, or take any other action relative thereto, seconded by Selectman Henry Sayers.

Vote: Ayes have it.

ARTICLE 3. To see if the Town will vote to accept the amended Mount Greylock Regional Agreement as proposed by the Mount Greylock Regional School Committee, a copy of which has been filed with the Board of Selectmen and is on a file in the office of the Town Clerk, or take any action in relation thereto.

Motion made by Selectman John Goerlach to move the Article as printed in the Warrant, seconded by Selectman Henry Sayers.

Lanesborough Elementary School Committee Chair Regina DiLego have a brief summation. Residents posed questions to School Board Members and Town Counsel. A resident asked which

two members of the Finance Committee opposed the Article. Raymond Jones stated that he and Rebecca Flood were the two members of the Finance Committee who opposed the Article and Mr. Jones gave a brief statement as to why he was opposed. Finance Committee member Ronald Tinkham gave a brief statement as to why he supported the Article.

Jennifer DeChaine made a motion to set the motion of voting to secret ballot, seconded. Vote: Nays have it. [61 nays – 49 ayes.] No secret ballot.

Vote on original motion: Ayes have it.

ARTICLE 4. To see if the Town will vote to accept the provisions of G.L. c. 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the town to anyone other than a marijuana establishment at a rate not greater than three per cent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the Commissioner of Revenue at the same time and in the same manner as the sales tax due to the Commonwealth, or take any other action relative thereto.

Motion made by Selectman John Goerlach to move the Article as printed in the Warrant, seconded by Selectman Henry Sayers.

A resident asked how the Town arrived at the 3% number. Town Counsel Jeffrey Blake stated that it was statutory.

Vote: Ayes have it.

ARTICLE 5. To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw by adding the following section:

**SECTION VII – SPECIAL OVERLAY DISTRICTS
C. SOLAR OVERLAY DISTRICT**

1. **PURPOSE OF DISTRICT.** The purpose of this district is to provide for streamlined permitting at the local, state, and utility level for large scale solar photovoltaic installations located on land owned by the Town of Lanesborough or the Lanesborough Village Fire and Water District.
2. **APPLICABILITY.** This district is comprised of the following Assessors Parcels, Map 105, Lots 55 & 60, Map 106 Lot 14.1, Map 107 Lot 44, Map 112 Lot 55, Map 212 Lot 21, Map 227 Lot 3, Map 228 Lots 19, 21, 22, & 24, Map 227 Lot 3, Map 235 Lot 21.
3. **PERMITTED USES AND PROCEDURE.** Large Scale Solar Photovoltaic Installations are permitted within the district by right, subject to a site plan review from the Planning Board. In performing site plan review the Planning Board shall evaluate the proposal for compliance with SECTION VIII (N) SOLAR PHOTOVOLTAIC INSTALLATIONS.

And further to see if the Town will vote to amend the Town of Lanesborough Zoning Map of Lanesborough, Massachusetts, dated November 13, 2012 to reflect the Solar Overlay District.

(2/3 vote required)

Motion made by Selectman Robert Ericson to move the Article as printed in the Warrant, seconded by Selectman Henry Sayers.

Vote: Ayes have it by 2/3 vote.

ARTICLE 6. To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw by amending the "Zoning Map of Lanesborough, Massachusetts," dated November 13, 2012 as follows;

Rezoning the "Limited Business" district on the western side of North Main Street (US ROUTE 7) and the eastern side of Town Brook to "Business".

Rezoning the "Residential and Agricultural" district south of Miner Road and north of Bull Hill Road on the western side of South Main Street (US ROUTE 7) to "Business" for a distance of 300 feet west of the centerline of the South Main Street State Highway layout.

As shown on a Map on file with the Town Clerk and the Board of Selectmen.

(2/3 vote required)

Motion made by Selectman Henry Sayers to move the Article as printed in the Warrant, seconded.

Planning Board member Joseph Trybus gave a summation as to how the Planning Board arrived with this proposal. Planning Board member Jeffrey Dechaine stated that this creates a business corridor and provides continuity. Barbara Hassan stated that she is concerned about the residents that are currently living within this new proposed district and how it will negatively impact them and their property values. James Neureuther asked if abutters were notified. Planning Board member Ronald Tinkham stated that an ad was placed in the newspaper and a public hearing was held.

Vote: Nays have it.

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to convey a certain parcel of land located off Quarry Road, being Assessor's Map 218, Lot 8, containing 0.87 acres, more or less, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, or take any other action relative thereto.

(2/3 vote required)

Motion made by Selectman John Goerlach to move the Article as printed in the Warrant, seconded by Selectman Henry Sayers.

Planning Board Chair Jamie Szczepaniak stated that no recommendation was made by the Planning Board for this Article as was stated in the Warrant.

Town Manager Sieloff stated that this Article gives the Board authority to sell the property. An appraisal will be performed, all abutters will be notified of the Town's intention to sell and it will be advertised so that all residents will know when it goes up for sale.

Vote: Ayes have it.

ARTICLE 8. To see if the Town will vote to accept as public ways the roadways known as Hobomack Avenue (Portion) (Wabasso Street to Roanoke Street), Iroquois Street (Portion) (Narragansett Avenue to Hobomack Avenue), Lacona Street (Portion) (Narragansett Avenue to Hobomack Avenue), Bangor Street (Portion) (Narragansett Avenue to Hobomack Avenue), Umbagog Street and Roanoke Street as heretofore laid out by the Board of Selectmen and shown on plans of land entitled "Survey of Land in Lanesborough, Massachusetts Prepared for Town of Lanesborough for the Purpose of Taking Easements 'Bangor Street' 'Umbagog Street' 'Roanoke Street' 'Hobomack Avenue,'" dated August 18, 2017, prepared by Taconic Land Consultants (Sheet 1 of 2) and "Survey of Land in Lanesborough, Massachusetts Prepared for Town of Lanesborough for the Purpose of Taking Easements 'Lacona Street' 'Iroquois Street' 'Hobomack Avenue,'" dated August 18, 2017, prepared by Taconic Land Consultants (Sheet 2 of 2), and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in said roads for all purposes for which public ways are used in the Town of Lanesborough, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plans, or take any other action relative thereto.

Motion made by Selectman Robert Ericson to move the Article as printed in the Warrant, seconded.

Lee Hauge asked why these particular streets were chosen. Town Manager Sieloff stated that it was a recommendation from the DPW Director and accepting these streets will increase State Aid to the Town. Town Manager Sieloff stated that more street acceptances will likely be brought at the next Special Town Meeting. Don Dermeyer asked what would happen if a property owner on one of the streets does not wish to participate. Town Counsel Jeffrey Blake stated that the Town could then take the street by eminent domain at a Town Meeting. Town Manager Sieloff stated that if these roads are accepted they would be included as part of the Town's Capital Plan.

Vote: Ayes have it by 2/3 vote.

ARTICLE 9: To see if the Town will vote to accept as public ways the roadways known as Squanto Road and Hobomack Avenue (Portion) (Roanoke Street to Pontoosuc Lake) as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Survey of Land in Lanesborough, Massachusetts Prepared for Town of Lanesborough for the Purpose of Taking Easements Squanto Road Hobomack Avenue,”” dated August 30, 2017, prepared by Taconic Land Consultants, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in said roads for all purposes for which public ways are used in the Town of Lanesborough, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plan, or take any other action relative thereto.

Motion made by Selectman Henry Sayers to move the Article as printed in the Warrant, seconded.

Vote: Ayes have it by 2/3 vote.

ARTICLE 10: To see if the Town will vote to accept as a public way the roadway known as George Street as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “Survey of Land in Lanesborough, Massachusetts Prepared for Town of Lanesborough for the Purpose of Taking Easements ‘George Street,’” dated August 25, 2017, prepared by Taconic Land Consultants, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in said road for all purposes for which public ways are used in the Town of Lanesborough, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plan, or take any other action relative thereto.

Motion made by Selectman John Goerlach to move the Article as printed in the Warrant, seconded.

Vote: Ayes have it by 2/3 vote.

Adjournment

A motion was made and seconded to adjourn meeting. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Ruth A. Knysh
Town Clerk