

**Town of Lanesborough, Massachusetts**  
**Minutes of the Special Town Meeting**  
**November 7, 2020**

The Special Town Meeting was held on November 7, 2020 outside at the Lanesborough Elementary School. Moderator, Christopher Dodig called the meeting to order at 12:00 p.m. Fran Kelly, Betsy Bean, Shirley Zurrin and Diane Chamberland checked in registered voters. There were 105 registered voters in attendance.

Electronic voting devices were dispensed at check in and will be used for all votes. The Moderator gave instructions along with a trial run.

The head table was introduced which consisted of Select Board Members John Goerlach, Gordon Hubbard, Michael Murphy, the Town Manager Kelli A. Robbins, Town Clerk Ruth Knysh, Town Secretary Diane Stevens and Town Counsel Jeffrey Blake. Finance Committee members Jodi Szczepaniak-Locke, Stephen Wentworth, Ron Tinkham, Kevin Towle and Robert Reilly.

Moderator Dodig played a recording of the National Anthem. He noted a quorum was met and the warrant properly posted. It was voted unanimously to waive the reading of the warrant and to allow visitors to speak.

**ARTICLE 1.** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, containing 2.083 acres, more or less, being Assessor's Map 223, Parcel 5, located on Silver Street, described in a deed recorded with the Berkshire North Registry of Deeds in Book 1355, Page 845, and to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, the sum of \$31,500 to fund said acquisition; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this article, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, or take any other action relative thereto.

2/3 vote required.

A motion was made and seconded to indefinitely postpone. Vote: Ayes have it.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of **\$160,000** to purchase and install four (4) fire hydrants on Summer Street and in Berkshire Village, including all costs incidental and related thereto, or take any other action relative thereon.

A motion was made and seconded to indefinitely postpone. Vote: 42 Yes, 59 No, Nays have it. After further discussion, a motion was made and seconded to table. 19 Yes, 75 No, Vote: Nays have it.

More discussion – the Moderator called the question. Vote: 55 Yes - 42 No

Vote: Ayes have it.

**ARTICLE 3.** To see if the Town will vote to rescind the action take under Article 4 of the June 9, 2020 Annual Town Meeting and, to appropriate and transfer from Free Cash the sum of **\$25,432.46** for the purchase and equipping of a Police Vehicle, with or without a trade, including all costs incidental and related thereto, or take any other action relative thereto.

A motion was made and seconded to amend Article 3 as follows: To see if the Town will vote to rescind the funding source of Article 4 of June 9, 2020 raise and appropriate in the amount of \$25,432.46 and replace it with appropriate from free cash \$25,432.46. Vote: Ayes have it.

A motion was made and seconded to vote on the amended article. Vote: Ayes have it.

**ARTICLE 4.** To see if the Town will vote to rescind the action taken under Article 14 of the June 9, 2020 Annual Town Meeting and, to appropriate and transfer **\$44,000.00** from Free Cash to pay for the repair of the sidewalks on the grounds of the Lanesborough Elementary School, including all costs incidental and related thereto, or take any other action relative thereto.

Vote: Ayes have it.

**ARTICLE 5.** To see if the Town will vote to authorize payment of bills of prior fiscal years and as funding therefor, to raise and appropriate or transfer from available funds a sum of money for such purposes, or take any action relative thereto. Motion made to raise and appropriate \$1,335.50.

Lanesborough Fire & Water District - 3 bills each in the amount of \$176.00	
Berkshire Regional Planning Commission -	<u>\$807.50</u>
	Total \$1,335.50

9/10 vote required.

Vote: Ayes have it.

**ARTICLE 6.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of \$50,000.00, 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.

Vote: Ayes have it.

**ARTICLE 7.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of \$42,900.00 for the purchase of 60KW Generator and a 200 AMP transfer switch, including all costs incidental and related thereto, for the emergency powering of the Fire Department, or take any other action relative thereto.

Vote: Ayes have it.

**ARTICLE 8.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of \$50,000.00 for the removal of dangerous and dead trees along the public roads and ways, including all costs incidental and related thereto, or take any other action relative thereto.

Vote: Ayes have it.

**ARTICLE 9.** To see if the Town will vote to authorize the Board of Selectmen to grant a permanent easement, for overhead wires and a guy wire, and a temporary easement, for selective clearing, as show on a plan entitled “MassDOT” Proposed Project #608485 Pittsfield/Lanesborough,” dated September 2, 2020, which plan is on file with the Town Clerk, as said plan may be amended, to the Commonwealth of Massachusetts in connection with improvement work to Cheshire Road (Route 8), for such consideration, including nominal consideration, and on such terms and conditions as the Board of Selectmen shall determine are in the best interests of the Town; and further to authorize the Board of Selectmen to execute any and all documents to carry out the intent of this Article, or take any other action relative thereto.

Vote: Ayes have it.

**ARTICLE 10.** To see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 59, Section 38H, to authorize the Board of Selectmen, on behalf of the Town of Lanesborough, to approve 5 agreement (s) for payment in lieu of taxes (PILOT Agreements), as negotiated by the Principal Assessor, each for a term of 20 years, with the own/lessee/operator of metered ground-mounted solar photovoltaic energy generating facilities located at the following sites:

1. 550 North Main Street
2. 405 South Main Street phase 1.0
3. Partridge Road/Mall Road Map and lot 248 – 26 & 34
4. 405 South Main Street phase 2.0
5. 248 North Main Street

upon such terms as the Board of Selectmen shall deem to be in the best interest of the Town, and further to authorize the Board of Selectmen to take such actions as may be necessary to carry out the vote taken hereunder, or take any other action relative thereto.

Motion made and seconded to amend Article 10 as follows: To see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 59, Section 38H, to authorize the Board of Selectmen and the Planning Board, on behalf of the Town of Lanesborough, to approve 5 agreement (s) for payment in lieu of taxes (PILOT Agreements), as negotiated by the Principal Assessor each for a term of 20 years, with the own/lessee/operator of metered ground-mounted solar photovoltaic energy generating facilities located at the following sites:

1. 550 North Main Street
2. 405 South Main Street phase 1.0
3. Partridge Road/Mall Road Map and lot 248 – 26 & 34
4. 405 South Main Street phase 2.0
5. 248 North Main Street

Upon such terms as the Board of Selectmen shall deem to be in the best interest of the Town, and further to authorize the Board of Selectmen to take such actions as may be necessary to carry out the vote taken hereunder, or take any other action relative thereto.

Vote: Ayes have it

Motion made and seconded to vote on the amended article: Ayes have it.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$15,420.29 to lease a vehicle for the Police Department, including all costs incidental and related thereto, or take any other action relative thereto.

Motion made and seconded to approve as printed in the warrant and to fund said appropriation, raise and appropriate.

2/3 vote required.

Vote: Ayes have it.

**ARTICLE 12. Zoning Bylaw Change**

**MODERNIZATION OF LIGHT INDUSTRY USE CLASSIFICATION**

To see if the Town will vote to amend the Table of Permitted uses in SECTION IV - USE REGULATIONS, C. DISTRICTS PERMITTED USES, by deleting the strikethrough text and adding the bold text as follows, or take any other action relative thereto:

INDUSTRIAL USES	R	R-A	B	LB	MR	I
<p><del>Light manufacturing such as of clothing, portable electric appliances, leather goods, machinery parts and accessories, small tools and plastic processing such as molding and extruding, provided no power forges are employed, no basic materials are processed, and no more than one hundred horsepower be used as total capacity in electric motive power for each one thousand square feet of floor area employed for such purposes</del></p> <p><b>Light and Advanced Manufacturing: The production of physical products for wholesale employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes with no evidence of manufacturing processes evident outside the premises from any odor, smoke, dust, electrical disturbance, or noise. May include advanced manufacturing utilizing computer aided design (CAD), reverse engineering, enhanced prototyping and simulations; computer integrated manufacturing; and production that employs computer numerically controlled</b></p>			<b>PBP</b>			✓

<b>(CNC) equipment, robotics, laser, plasma, waterjet and other automated equipment.</b>						
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A 2/3 vote is required.  
Vote: Ayes have it.

**ARTICLE 13.** To see if the Town will vote to amend SECTION X – ADMINISTRATION AND ENFORCEMENT by adding the following provision to the C. VIOLATION.

3. If the Zoning Enforcement Officer believes any party within the Town of Lanesborough to be in violation of part of this bylaw or permits issued under its authority, the Zoning Enforcement Officer may issue a written warning to that party ordering corrective action to remedy said violation within a reasonable time. Violations may be enforced through any lawful means in law or in equity including, but not limited to, by indictment or on complaint brought in the district court or by non-criminal disposition as provided in G.L. Chapter 40, Section 21D by the Zoning Enforcement Officer. The penalty for any violation of this bylaw shall be a fine in the amount of \$100 per day per violation. If more than one, each condition violated shall constitute a separate offense.

Vote: Ayes have it

**ARTICLE 14.** To see if the Town will vote to amend Section 1X.D of the Lanesborough Zoning By-Law by inserting the following text as Section 1X.D.5, or take any action relative thereto:  
MEMBERSHIP.

- a. The Zoning Board of Appeals shall consist of three (3) members appointed by the Board of Selectmen. Appointments shall be for three-years terms, so arranged that the term of (1) member shall expire each year. The Zoning Board of Appeals shall annually elect a Chair and a Clerk.
- b. The Board of Selectmen shall also appoint, in like manner for like terms, one (1) associate members, who may be designated by the Chair of the Zoning Board of Appeals until said vacancy is filled by the Board of Selectmen.
- c. Any member or associate member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing.

2/3 vote required.

Vote: Ayes have it.

**ARTICLE 15.** To see if the Town will amend Chapter 20: Junk and Dilapidated Motor Vehicles by removing the stricken language and replacing with the language in bold immediately following the stricken language as follows:

- A. No unregistered and/~~or~~ dilapidated motor vehicles or part thereof shall be permitted to stand for more than thirty (30) days on any premises unlicensed under Massachusetts General Laws, Chapter 140, Section 57, unless said vehicle or part is not visible from any adjoining property or public way, or is covered with a suitable approved cover. It is the - ~~Board of Selectmen~~ **Police Chief or his/her designee**, whose judgement shall be final, who will determine whether such unregistered motor vehicle is dilapidated for the purpose of this ~~By-law~~ **bylaw** and what covers are suitable.
- B. Any person or entity who violates this ~~By-law~~ **bylaw** shall be liable by a fine of \$50.00 for the first offense, \$200.00 for second offense and \$300.00 for any subsequent offense **by means of non-criminal disposition G.L. 40, § 21D**, and each day shall be a separate and distinct violation.

Vote: Ayes have it.

The meeting adjourned at 2:53 pm.

Respectfully submitted,

Ruth A. Knysh  
Town Clerk

