

**WARRANT FOR ANNUAL TOWN MEETING
TOWN OF LANESBOROUGH
COMMONWEALTH OF MASSACHUSETTS
FISCAL YEAR 2023**

BERKSHIRE, ss.

May 6, 2022

To any of the Police Officers of the Town of Lanesborough:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lanesborough, qualified to vote in Town affairs, to meet at the Lanesborough Elementary School property, 188 Summer Street in said Lanesborough on May 21, 2022 at 12:00 p.m., then and there to act on the following Articles of business, Article 2 through 19 and action on Article 1, will take place on Tuesday, June 21, 2022, at the Town Hall at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 p.m.

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

Board of Selectmen, one, three-year term

Finance Committee, two, three-year terms

Library Trustee, one, three-year term

Planning Board, one, five-year term

Planning Board, one, four-year term

Northern Berkshire Vocational Regional School District, one, three-year term

ARTICLE 2. To fix the compensation of all elected Town Officers as provided by G.L. c. 41, § 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.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 3. 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 carryover of the funds from year to year until expended, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 4. To see if the Town will vote to **appropriate** for the operation of the Ambulance Enterprise **\$183,100.00**, to be raised as follows: raise and appropriate **\$77,100.00** and **\$106,000.00** to be raised from user fees, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 4Yes-1 No)

ARTICLE 5. To see if the Town will vote to appropriate **\$132,000.000** for the Ambulance Enterprise for the purpose of hiring ambulance staffing, to be raised as follows: raise and appropriate **\$132,000.000**; or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 3 Yes-1 No-1 abstention)

ARTICLE 6. To see if the Town will **transfer and expend** from Ambulance Enterprise retained earnings the amount of **\$15,000.00** to cover unforeseen costs for Ambulance Enterprise for FY22, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 7. To see if the Town will vote to **appropriate** for the operation of the Sewer Enterprise **\$66,860.00**, for expenses and budgeted surplus, to be raised as follows: Departmental Receipts-**\$66,860.00** - or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 8. To see if the Town will vote to **appropriate** for the operation of the Local Access Television Enterprise Fund **\$16,700.00** to be raised as follows: raise and appropriate **\$1,700.00** to record Planning Board meetings and **15,000.00** to be raised from user fees, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 9. To see if the Town will vote to **appropriate and transfer** from funds to be received from the Baker Hill Road District, the sum of **\$247,177.00** to the Baker Hill Road District Police Salaries and Expenses Account for Fiscal Year 2023 pursuant to the provisions of G.L. Chapter 44, Section 53E, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 10. To see if the Town will vote **to appropriate and transfer** from Free Cash the sum of **\$47,823.45** to pay the Department of Public Works Director for unused sick leave and vacation upon retirement in accordance with the terms of the employment agreement between the Town and the Department of Public Works Director, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 11. To see if the Town will vote to adopt and accept the provisions of Section 20 of Chapter 32B of the *Massachusetts General Laws*, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the *Massachusetts General Laws*.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 12. To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$50,000.00** to pay the Town’s contribution to the Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 13. To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$43,000.00** to pay for costs associated with a Sewer Compliance Study that was completed in FY22, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 2 Yes-3 No)

ARTICLE 14. To see if the Town will vote to transfer from the Baker Hill Road District Fund the sum of **\$30,000.00** for the purchase and equipping of a police vehicle in the amount of **\$30,000.00** with or without a trade; or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

ARTICLE 15. To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any other action in relation thereto.

An Act Relative to the Select Board of the Town of Lanesborough:

SECTION 1. Notwithstanding any general or special law to the contrary, the executive body of the town of Lanesborough, previously known as the Board of Selectmen, shall be known as the Select Board and shall have the powers and authority of a Board of Selectmen under any general or special law; provided, that the members of the Select Board, previously known as Selectmen, shall be known as Select Board members

SECTION 2. Notwithstanding sections 21 and 32 of chapter 40 of the General Laws, section 5 of chapter 40A of the General Laws or any general or special law to the contrary, the select board of the town of Lanesborough may amend the general by-laws and zoning by-laws of the town by majority vote to revise all references to the board of selectmen and its members to select board and select board member, respectively, in accordance with section 1.”

SECTION 3. This act shall take effect upon its passage.

(Board of Selectmen – Yes)

ARTICLE 16. To see if the Town will vote to adjust the exemption amount and eligibility factors for the property tax exemption for senior citizens pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause 41C, by reducing the age of eligibility from 70 years to 65 years and by increasing the current amount of the exemption from \$500.00 to \$1,000.00, to be effective for the fiscal year beginning July 1, 2022, or take any other action relative thereto.

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

Article 17. To see if the Town will submit a letter to the State Legislature and Members of Congress urging them to support local communities financial efforts for fire departments, ambulance, and emergency management services.

(Board of Selectmen – Yes)

Article 18: To see if the Town will vote to transfer property at North Main Street (Parcel 105, Lot 60), containing 19 acres, more or less, described in a deed recorded with the Berkshire North Registry of Deeds in Book 1281, Page 385, from the Board of Selectmen held for the purpose of a Town Senior/Community Center to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, and, further, to authorize the Board of Selectmen to convey said property and to execute such documents and instruments necessary or convenient in furtherance of this article, or take any other action relative thereto.

Requires a 2/3rd Vote

(Board of Selectmen – Yes)

(Finance Committee – 5-0)

CITIZEN PETITIONS (1)

ARTICLE 19. To see if the Town will vote on the Citizen’s Petition attached to this warrant as Exhibit A.


Remainder of this page deliberately left blank.

The business meeting at which Articles 1 through 19 will be acted upon will commence at 12:00 PM, May 21, 2022 at Lanesborough Elementary School property, 188 Summer Street in said Lanesborough.

You are hereby directed to serve this Warrant by posting True Attested copies thereof in three public places and convenient places in the Town, at least seven days before the time of holding said meeting.

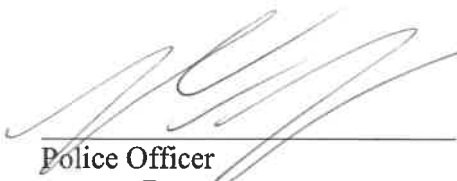
TOWN OF LANESBOROUGH BOARD OF SELECTMEN

 John Goerlach, Chair

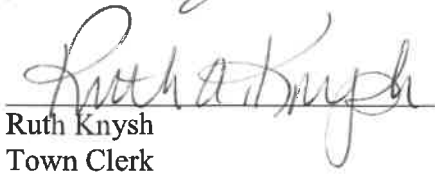
 Gordon Hubbard

 Michael P. Murphy

I have posted true and attested copies of said Warrant at the Lanesborough Post Office, the Lanesborough Town Hall and the Bob's Country Kitchen.


Police Officer

5/6/22
Date


Ruth Knysh
Town Clerk

4/26/22
Date

EXHIBIT A

ARTICLE ____: To see if the Town will vote to petition the Massachusetts General Court for special legislation, as set forth below, to allow for a recall election by law, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

An Act establishing recall elections in the town of Lanesborough.

SECTION 1. Any holder of elective office in the Town of Lanesborough may be recalled by the registered voters of Lanesborough as herein provided.

SECTION 2. Any ten (10) registered voters of the Town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to said voters a sufficient number of copies of printed form petition blanks addressed to the Select Board demanding such recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds for the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petition shall be entered in the record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk on or before the first (1st) workday following twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the Town Clerk shall be signed by a least five (5%) percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Within twenty- four (24) hours of receipt of the petition the Town Clerk shall submit the petition to the registrars of voters in the town and the registrars shall within fourteen (14) days certify thereon the number of signatures which are names of registered voters of the Town. If their certification shows the petition to be insufficient, the Town Clerk shall return the petition to the voters seeking the recall, without prejudice, however, to the filing of a new affidavit for the same purpose.

SECTION 3. If the petition shall be found and certified by the Town Clerk, to be sufficient, he/she shall submit the same with this certification to the Select Board within seven (7) days and the Board shall within seven (7) days give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be held on a date to be fixed by

them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certification that a sufficient petition has been filed, provided, however, that if any other town election is scheduled to occur within one-hundred (100) days of said certificate, the Board of Selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the elections shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself/herself and, unless he/she specifically request otherwise in writing, the Town Clerk shall place his/her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same shall be in accordance with the provisions of law relating to elections unless otherwise provided in this act

SECTION 5. The incumbent shall continue to perform the duties of his/her office until the recall election. If then re-elected he/she shall continue in the office for the remainder of his/her unexpired term subject to recall as before, except as provided in section 7. If not re-elected in the recall election, he/she shall be deemed removed from office upon the qualification of his/her successor, who shall hold office during the unexpired term. If the successor fails to qualify within seven (7) days after receiving written certified notification of his/her election, the incumbent shall thereupon be deemed recalled and the office vacant

SECTION 6. Ballots used in a recall election shall submit the following propositions in order indicated:-

For the removal of (Name Officer)

Against the recall of (Name of Officer)

Under the proposition shall appear the word "candidates", the direction to voters required by MGL Chapter 54, Section 42, and beneath this the names of candidates nominated as herein before provided. Except as otherwise required by this Chapter, ballots shall take such form as the Town Clerk shall deem appropriate and shall not be inconsistent with ballots utilized in other municipal elections.

If a two-thirds majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be deemed elected. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of the Town within six (6) months after he/she takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him/her shall be appointed to any town office within one (1) year after such recall or such resignation: