

**WARRANT FOR ANNUAL TOWN
MEETING TOWN OF
LANESBOROUGH
COMMONWEALTH OF
MASSACHUSETTS FISCAL
YEAR 2025**

BERKSHIRE, ss.

June 11, 2024

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 June 11, 2024 at 6:00 p.m., then and there to act on the following Articles of business, Article 2 through 34 and action on Article 1, will take place on Tuesday, June 18, 2024, 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, one, two-year term,
Library Trustee, one, three-year term,
Planning Board, one, five-year terms, one, one-year term,
Moderator, 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.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 3: To see if the Town will vote to **appropriate** for the operation of the Sewer Enterprise **\$67,860.00** for expenses and budgeted surplus, to be raised as follows: Departmental Receipts - \$67,860.00 – or take any other action relative thereto.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 4: To see if the Town will vote to rescind authorized and unissued debt as follows:

<u>Town Meeting Vote</u>	<u>Project</u>	<u>Total Debt Authorization</u>	<u>Amount to be Rescinded</u>
ATM 6-8-2021 Article 8	Sewer Study	\$30,000.00	\$30,000.00

(Select Board – 2-0-0)
(Finance Committee– 4-0-0)

ARTICLE 5: To see if the Town will vote to **appropriate** for the operation of the Ambulance Enterprise **\$188,559.00**, to be raised from Ambulance Enterprise user fees, and to **appropriate and transfer** from funds received from the Baker Hill Road District, the sum of **\$6,000.00** to the Ambulance Enterprise for Fiscal Year 2025 pursuant to the provisions of G.L. Chapter 60, Section 77C, or take any other action relative thereto.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 6: To see if the Town will vote to **appropriate** for the operation of the Local Access Television Enterprise Fund **\$37,700.00** for salaries and expenses including installation of equipment in community room, to be raised as follows: Departmental Receipts - **\$31,000.00**; Local Access Television Enterprise Fund Retained Earnings - **\$6,700.00**; or take any other action relative thereto.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 7: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$15,000.00** for the purchase and installation of equipment in the Town Hall Community Room, including all costs incidental or relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 8: To see if the Town will **transfer and expend** from the Local Access Television Enterprise Fund Retained Earnings **\$434.00** to cover unforeseen costs for the Local Access Television Enterprise for Fiscal Year 2024, or take any other action relative thereto.

(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 9: To see if the Town will vote to appropriate and transfer from Free Cash such sums of money as may be necessary to pay prior year bills; or take any other action relative thereto.

Fastenal Company:	\$ 73.00
Edward Ferris:	\$ 1,400.00

Housatonic Basin Sampling & Testing:	\$ 160.00
Valley Green Shredding, LLC:	\$ 152.06
Berkshire Engineering, Inc:	\$ 160.00
Arthur P. Jones & Associates Inc:	\$ 2,001.00
Total:	<u>\$ 3,946.06</u>

4/5th vote required
 (Select Board – 2-0-0)
 (Finance Committee – 4-0-0)

ARTICLE 10: To see if the Town will vote to appropriate the sum of **\$65,000.00** for the purchase and equipping of a Police Vehicle, with or without a trade, and further to transfer from the Baker Hill Road District Fund the sum of **\$32,500.00** and transfer from Free Cash **\$32,500.00** for said appropriation; or take any other action relative thereto.

(Select Board – 2-0-0)
 (Finance Committee – 4-0-0)

ARTICLE 11: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$40,000.00** to lease additional space for the Police Department, including purchase of furniture and any renovations, including all costs incidental and relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)
 (Finance Committee – 4-0-0)

ARTICLE 12: To see if the Town will vote to **raise and appropriate** the sum of **\$70,000.00** for the hiring of an additional full-time Officer in the Police Department, or take any other action relative thereto.

(Select Board – 2-0-0)
 (Finance Committee – 2-1-1)

ARTICLE 13: To see if the Town will vote to **appropriate** the sum of **\$65,000.00** for the replacement of a 1987 Highway Chipper, with or without a trade, including all costs incidental and related thereto, and to fund said appropriation transfer from those amounts approved at the FY24 Annual Town Meeting Article 7 LES Parking Lot Repaving, or take any other action relative thereto.

(Select Board – 2-0-0)
 (Finance Committee – 3-1-0)

ARTICLE 14: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$125,000.00** for the replacement of a 2014 one-ton Highway Dump Truck, with or without a trade, including all costs incidental and relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)
 (Finance Committee – 3-1-0)

ARTICLE 15: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$40,000.00** for the purchase and equipping of a Highway Paver, including all costs incidental and relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)

(Finance Committee – 4-0-0)

ARTICLE 16: To see if the Town will vote to **appropriate \$30,000.00** for the replacement of exterior doors and door frames at the Lanesborough Elementary School and to fund said appropriation transfer from those amounts approved at the FY24 Annual Town Meeting Article 7 LES Parking Lot Repaving.

(Select Board – 2-0-0)

(Finance Committee – 4-0-0)

ARTICLE 17: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$15,000.00** for supplies, planning and equipment in the Senior Park, including all costs incidental and relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)

(Finance Committee – 3-1-1)

ARTICLE 18: To see if the Town will vote to **appropriate and transfer** from Free Cash the sum of **\$11,000.00** for the removal of out dated electrical wiring in Town Hall, including all costs incidental or relative thereto, or take any other action relative thereto.

(Select Board – 2-0-0)

(Finance Committee – 4-0-0)

ARTICLE 19: 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.

(Select Board – 2-0-0)

(Finance Committee – 4-0-0)

ARTICLE 20: To see if the Town will vote to appropriate and transfer **\$50,000.00** from Free Cash into the Stabilization Fund, or take any other action relative thereto.

(Select Board – 2-0-0)

(Finance Committee – 4-0-0)

ARTICLE 21: To see if the Town will vote to amend Article 1 Town Meetings Section 138-2 of the Town of Lanesborough General Bylaws by adding a new Section 138-2A as follows:

All citizens' petitioned warrant articles submitted pursuant to MGL c. 39, § 10, for inclusion on any Town Meeting warrant must be delivered to the Select Board's office no later than 45 calendar days prior to the date of such Town Meeting.

ARTICLE 22: To see if the Town will vote to delete, in its entirety, Section 21-7 **Removal of Members**, from the Town of Lanesborough General Bylaw; or take any other action relative thereto.

ARTICLE 23: To see if the Town of Lanesborough, MA will vote to accept Massachusetts General Laws Chapter 59, Section 5, Clause 41D to adjust the eligibility factors/amounts for the property tax exemptions for senior citizens which provides that the amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B and Forty-first C, shall be increased annually by an amount equal to the increase in the Consumer Price Index (CPI) published by the United States Department of Labor, Bureau of Labor Statistics annually beginning January 1, 2025.

ARTICLE 24: To see if the Town will vote to accept as a public way the roadway known as Bridge Street (Portion), between South Main Street (Route 7) and Meadow Lane, as heretofore laid out by the Select Board and shown on a plan of land entitled "Plan of Road in the Town of Lanesborough Berkshire County," dated September 20, 2023, prepared by Samuel A. White, Jr., PLS, on file with the Town Clerk, and to authorize the Select Board to acquire by gift, purchase, and/or eminent domain the fee to and/or easements in Bridge Street (Portion) 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.

ARTICLE 25: To see if the Town will vote to (a) authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, the fee to and/or permanent and/or temporary easements for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, bridges, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Bridge Street Over Town Brook Bridge Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land, and land adjacent to and within 200 feet of said parcels, said parcels located on or near Bridge Street and shown more particularly on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Bridge Street Over Town Brook Bridge No. L-03-010 (CAJ)," revised through September 21, 2023, prepared by Garofalo & Associates, Inc., said plans on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan; (b) **appropriate and transfer** for Fiscal Year 2024 from Free Cash the sum of **\$12,000.00** for said acquisitions, including all costs incidental or relative thereto; and, further (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any other action relative thereto.

2/3rds vote required
(Select Board – 2-0-0)
(Finance Committee – 4-0-0)

ARTICLE 26: ACCEPT DEED(S) IN LIEU OF FORECLOSURE – BANGOR STREET AND ALGONQUIN STREET

To see if the Town will vote to accept a deed(s) in lieu of foreclosure from the Helen S. Koziara Revocable Trust, or from the then current owner(s), pursuant to the provisions of G.L. Chapter

60, Section 77C, to two parcels of property as follows: (1) land at Bangor Street, Lanesborough, identified as Assessors Map 113-88, said property described in a deed recorded with the Berkshire North Registry of Deeds in Book 1491, Page 573; and (2) land at Algonquin Street, Lanesborough, identified as Assessors Map 114-5, said property described in a deed recorded with the Berkshire North Registry of Deeds in Book 1491, Page 573, which are subject to tax taking(s) held by the Treasurer/Collector for unpaid real estate taxes, said parcels to be under the care, custody, control and management of the Select Board for general municipal purposes, and to authorize the Select Board to accept and record the deed(s), provided the Select Board determines that the deed(s) and the acceptance shall comply with the provisions of G.L. Chapter 60, Section 77C, or take any other action relative thereto.

- Majority vote

ARTICLE 27: To see if the Town will vote to accept Chapter 64G Section 3A of the Massachusetts General Laws to impose a local excise tax of six percent of the total amount of rent for each occupancy.

ARTICLE 28: To see if the Town will vote to accept Chapter 64G section 3D (a) of the Massachusetts General Laws to impose a 3% impact fee on "professionally managed" short term rentals.

ARTICLE 29: To see if the Town will vote to accept Chapter 64G section 3D(b) of the Massachusetts General Laws to impose a 3% impact fee on short term rentals in two- or three-family dwellings.

ARTICLE 30: To see if the Town will vote to accept Chapter 59, Section 5, Clause 22H – FULL of the Massachusetts General Laws to provide a full tax exemption for surviving parents or guardians of (1) military personnel (including members of the National Guard on active duty) who went missing in action during active duty and are presumed to have died, or (2) military personnel (including members of the National Guard on active duty) or veterans who died as a proximate result of injuries sustained or contracted during active duty service. Effective for the 2025 Fiscal Year and is not retrospective.

ARTICLE 31: To see if the Town will vote to transfer available funds from the Ambulance Department within the General Fund for FY2024 to the Ambulance Gift Account; or take any other action relative thereto.

ARTICLE 32: To see if the Town will vote in accordance with the provisions of Chapter 77 of the Acts of 2023 to rescind the vote taken under Article 5 of the Fiscal Year 2024 Annual Town Meeting creating a Special Opioid Settlement Stabilization Fund and dedicating 100% of the opioid litigation settlement funds received by the Town to such fund pursuant to G.L. c. 40, §5B, such funds henceforth to be placed in a special revenue fund to be expended without further appropriation for all of the purposes allowed by law, including those outlined in applicable opioid litigation settlement documents and further to transfer all funds currently held in the Special Opioid Settlement Stabilization Fund to said special revenue fund; or take any action thereon or in relation thereto.

ARTICLE 33: ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Town of Lanesborough Zoning Bylaw, Section 165-41(c)(2) by deleting the provision in its entirety and replacing with the below.

~~(2) A detached accessory dwelling unit shall be limited to 900 square feet gross floor area and may be increased to 1/3 of the gross floor area of the principal dwelling on the site if it is larger but in no instance exceed 1,200 square feet gross floor area.~~

(2) A detached accessory dwelling unit shall be no larger than 2,500 square feet and comply with all applicable standards in § 165-12 Dimensional requirements.

2/3rds vote required

ARTICLE 34: CITIZENS PETITION (1)

In accordance with the Articles of the Constitution of the Commonwealth, the Lanesborough Select Board is hereby directed to petition the General Court for passage of the act relative to the Town Select Board, providing as follows:

Section 1: Notwithstanding any general or special law to the contrary, the number of members on the Lanesborough Select Board shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members following Town Election.

Section 2: At the first Annual Town Election to occur following the passage of this act by the Massachusetts General Court, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number of votes shall serve a two (2) year term and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the term of Select Board expire, successors shall be elected for terms of three (3) years.

Section 3: This act shall take effect upon its passage, or take any other action relative thereto.

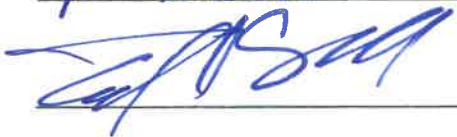
The business meeting at which Articles 2 through 34 will be acted upon will commence at 6:00 p.m., Tuesday, June 11, 2024 at Lanesborough Elementary School, 188 Summer Street in said Lanesborough. The election, or action on Article 1, will take place on Tuesday, June 18, 2024, at 83 North Main Street, Lanesborough and the polls will be open at noon and close at 8:00 p.m.

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 SELECT BOARD:

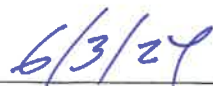
 Michael Murphy, Chair

 John Goerlach

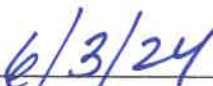
 Timothy Sorrell

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

 6/3/24
Date

 Ruth Knysh
Town Clerk

 6/3/24
Date