

Town of Egremont, MA
Annual Town Meeting

May 2, 2017

The Egremont Annual Town Meeting of May 2, 2017 at the Mt. Everett High School Cafeteria in Sheffield, MA was called to order at 7:12 pm by Moderator Tom Gage. The Moderator attested to the proper service of the warrant and the presence of a quorum. Town officers were introduced, the pledge was recited, and a moment of silence was observed. One hundred thirty two voters were present. The Moderator gave instructions for the meeting.

At this meeting the following actions took place:

Board of Selectman Bruce Turner thanked Moderator Tom Gage and Fire Chief William Turner for their years of service to the town. William Turner spoke briefly to the recent improved ISO rating, gained from the hard work of the dedicated members of the Egremont Volunteer Fire Department. Helen Krancer, Chairman of the Egremont Planning Board, thanked Mark Holmes for his years of service to the town as a member of the Planning Board.

Egremont resident Charles Proctor inquired about the ballot question regarding winter maintenance on private roads that will be on the upcoming local ballot. No comments followed his inquiry.

ARTICLE 1: No reports given under this Article

ARTICLE 2: Motion made and seconded to authorize the Board of Selectmen to appoint any member of the Board of Selectmen respectively, to another office or position for the term provided by law, if any, otherwise for a term not to exceed one year, in accordance with Section 4A of Chapter 41 of the General Laws.

Motion carried by majority show of hands vote.

ARTICLE 3: Motion made and seconded to raise and appropriate (unless otherwise noted) monies to defray charges and expenses to the Town, to set the salaries of elected officials, include salaries of certain Town officers and employees, debt and interest, and to provide for a reserve fund, all beginning July 1, 2017 for the ensuing twelve months.

Holds were put on the following items: 1)N, M, 4)A, B, 5)B, 6) C,B, 12)A, B. Motion made and seconded to approve line items not held. Motion carried by majority show of hands vote.

With the exception of Section 12, there was a short discussion on held items. Those items were voted on and carried by majority show of hands vote. Separate vote of Section 12 A & B (Schools Operating and Transport & Capital Costs) was taken. The motion was defeated by a hand count of 45 - 59.

1. OFFICIALS AND BOARDS	\$ 355,677.00
A. Accounting Officer Expense	1,500.00
B. Accounting Officer	12,480.00
C. Agricultural Commission	100.00
D. Assessors Clerical	2,500.00
E. Assessor's Consulting	30,558.00
F. Assessor's Expense	3,050.00
G. Assessor #1 Salary	4,825.00
H. Assessor #2 Salary	4,825.00
I. Assessor #3 Salary	4,825.00
J. Board of Appeals Expense	100.00
K. Board of Health Expense	5,000.00
L. Board of Health Director	25,680.00
M. Bd. of Health Agent Wages	0.00
N. Public Health Services	12,738.00
O. Bd. Of Health Food Inspector	0.00
P. Building Inspector Salary	28,310.00
Q. Asst. Building Inspector	1,500.00
R. Conservation Comm. Expense	1,945.00
S. Conservation Agent (New)	1,000.00
T. Constable's Salary	645.00
U. Finance Committee Expense	400.00
V. Inspectors' Expenses	2,866.00
W. Personnel Director	9,938.00
X. Planning Board Expense	2,800.00
Y. Planning Board Wages	400.00
Z. Sel. Office Administrator	60,265.00
AA. Selectmen Office Expense	11,300.00
BB. Selectman #1 Salary	5,390.00
CC. Selectman #2 Salary	5,001.00
DD. Selectman #3 Salary	5,001.00
EE. Sustainability Coordinator	6,591.00
FF. Sustainability Coord expenses	350.00
GG. Town Clerk Expense	3,500.00
HH. Town Clerk Salary	9,910.00

II. Town Hall Office Clerk	23,976.00
JJ. Treasurer/Collector Expense	11,495.00
KK. Treasurer/Collector Salary	53,313.00
LL. Treasurer/Collector Clerk	1,500.00

2. TOWN EXPENSES

\$ 230,663.00

A. Animal Control Officer	2,554.00
B. Animal Control Expenses	1,000.00
C. Audit	7,370.00
D. Board of Registrars Salary	50.00
E. Compactor Operation	82,710.00
F. Compactor Operator Salary	0.00
G. Compactor Substitute Wages	4,300.00
H. Computer Expenses	50,346.00
I. Computer Administrator	6,200.00
J. Drug and Alcohol Tests	360.00
K. Egremont Newsletter	3,000.00
L. Election Wages	4,000.00
M. Group Purchasing	860.00
N. Geographic Information System	4,300.00
O. High Speed Internet	2,500.00
P. Email Archiving/back-up	2,500.00
Q. Historical Commission Expense	1,650.00
R. Inspector of Animals	500.00
S. Legal Expenses	2,000.00
T. Legal Fees	14,000.00
U. Litigation	5,000.00
V. Moderator	324.00
W. Public Health Services	2,500.00
X. School Committee	2,079.00
Y. School Crossing Guard	500.00
Z. So. Berk. Chamber Commerce	260.00
AA. Town Engineer	4,450.00
BB. Town Report	500.00
CC. Town Telephone	9,600.00
DD. Veteran's Benefits	15,000.00
EE. Zoning Bylaws Printing	200.00
FF. Exempt Employee wage pool (New)	0.00

3. TOWN MAINTENANCE

\$ 197,241.00

A. Bldg Maint. General Exp.	16,680.00
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B. Bldg Maint. Utility Exp.	37,300.00
C. Building Maintenance Wages	12,672.00
D. Maintenance Superintendent	46,272.00
E. Cemetery Maintenance	100.00
F. French Park Maintenance	4,690.00
G. French Park Trails	1,000.00
H. French Park Overtime Wages	5,300.00
I. French Park Wages	11,953.00
J. Public Lighting	5,500.00
K. Building Improvements	8,300.00
L. Police Building Expenses	5,475.00
M. Tree Work	20,000.00
N. Tree Warden	5,999.00
O. Cemetery Exp & Maint	16,000.00
4. HIGHWAYS	\$ 549,670.00
A. Const. & Maint. Wages	5,000.00
B. Construction & Maintenance	180,800.00
C. Vehicle Maintenance/Repairs	55,000.00
D. Highway Union	151,170.00
E. Superintendent Salary	62,700.00
F. Snow & Ice Removal	70,000.00
G. Snow & Ice Removal Wages	25,000.00
5. LIBRARY	\$ 34,878.00
A. Expenses	12,625.00
B. Librarian's Salary	21,149.00
C. Library Substitute Wages	1,104.00
6. POLICE	\$377,789.00
A. Chief Expenses	5,132.00
B. Chief Salary	66,150.00
C. Collective Bargaining	262,196.00
D. Department Expenses	10,879.00
E. Police Wages-Secretary	17,102.00
F. Vehicle Expenses	16,330.00
7. FIRE AND EMERGENCY	\$ 96,866.00
A. Dispatch Facilities	10,316.00
B. Emergency Management	1,600.00
C. Emergency Management Wages	2,500.00

D. Fire Department Expense	50,000.00
E. Draft Hydrants	2,000.00
F. Firefighters Stipend	26,500.00
G. Forest Fires	1,000.00
H. Street Number 911	200.00
I. Blackboard Connect alert	2,250.00
J. So Berk Reg Emergency Plan	500.00

8. DEBT AND INTEREST **\$ 134,226.00**

A. Interest Short Term Debt	10,000.00
B. Police Facility	33,000.00
C. Fire Truck	62,340.00
D. Backhoe	28,886.00

9. HUMAN SERVICES **\$ 31,042.00**

A. Brien Center/Mental Health	2,203.00
B. Berk South Community Center	2,000.00
C. Community Health Programs	1,250.00
D. Berk. Comm. Action Council	1,000.00
E. Construct, Inc.	1,000.00
F. Council on Aging	8,111.00
G. Eagle Fund	0.00
H. Egremont Garden Club	200.00
I. Elizabeth Freeman Center	500.00
J. Fairview Hospital	1,500.00
K. Housatonic Valley Assoc	250.00
L. Hospice Care	750.00
M. Railroad Street Youth Project	1,500.00
N. So. Berk. Elderly Transport	10,378.00
P. Literacy Network of So. Berk.	400.00

10. INSURANCE **\$ 530,927.00**

A. Health/Dental	238,408.00
B. Pension	156,360.00
C. Property & Casualty	103,934.00
D. Social Security/Medicare	15,000.00
E. Unemployment	10,000.00
F. Longevity Pay	2,225.00
G. Sick Leave (new)	5,000.00

11. RESERVE FUND **\$ 25,000.00**

12. SCHOOLS	0.00 **
A. Operating & Transport	0.00
B. Capital Costs	0.00

****School budget defeated by 45 - 59 hand count****

13. School Bond Payment	52,566.00
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TOTAL LINE ITEM BUDGET AT MEETING \$ 2,616,545.00

Article 4: Motion made and seconded to raise from The Egremont Water Department the sums of money listed below to operate the Egremont Water Department, said sums to be expended under the direction of the Water Commissioners:

A. Water Debt	\$104,350.00
B. Water Operating Exp	25,000.00
C. Salaries/Wages	61,403.00
D. Utilities	12,000.00
E. Office Expenses	1,500.00
F. Water System Maint., Repair, Replacement, Upgrade	25,000.00
G. Audit	3,630.00
H. Insurance	17,416.00
I. Software/Engineer Design Work	1,517.00
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	\$251,816.00

Necessary funds to be raised as follows:

Water Dept. Revenues	210,000.00
Transfer from Water Free Cash	31,394.00
Tax Levy Subsidy	10,422.00

Motion carried by a majority show of hands vote.

Article 5: Motion made and seconded to authorize the Town to apply for and accept grants for the Water Department to conduct engineering and design work to replace approximately 1200' of water line on Route 23.
Motion carried by a majority show of hands vote.

Article 6: Motion made and seconded to transfer from Free Cash the sum of \$19,000.00 for the Water Department to re-surface a portion of the driveway to the Water Plant.
Motion carried by a majority show of hands vote.

Article 7: Motion made and seconded to transfer from Free Cash the sum of \$25,000.00 for necessary repairs to Town Hall.
Motion carried by a majority show of hands vote.

Article 8: Motion made and seconded to transfer from Free Cash the sum of \$9,000.00 to paint the salt shed at Town Hall.
Motion carried by a majority show of hands vote.

Article 9: Motion made and seconded to transfer from Free Cash the sum of \$8,500.00 to make necessary repairs to ensure the safety of park users at French Park.
Motion carried by a majority show of hands vote.

Article 10: Motion made and seconded to transfer from Free Cash the sum of \$30,000.00 to purchase a new or used Tractor for the Highway Department.
Motion carried by a majority show of hands vote.

Article 11: Motion made and seconded to raise and appropriate the sum of \$45,000.00 to make repairs to the Surplus Highway Truck.
Motion was amended and seconded to sell Surplus Highway Truck as surplus or scrap at the discretion of the Board of Selectman.
Amended motion carried by majority show of hands vote.

Article 12: Motion made and seconded to transfer from Free Cash the sum of \$35,153.00 to purchase a new 4-wheel drive police vehicle.
Motion carried by majority show of hands vote.

Article 13: Motion made and seconded to transfer from Free Cash the sum of \$9,000.00 to purchase street name signs as required by Federal Highway Administration code.

Motion carried by majority show of hands vote.

Article 14: Motion made and seconded to Raise and Appropriate the sum of \$5,000.00 to pay to the Friends of Prospect Lake to help with costs of weed control at Prospect Lake.

Motion carried by majority show of hands vote.

Article 15: Motion made and seconded to transfer from Free Cash the sum of \$4,000.00 to update a portion of the town's MACRS historic listings.

Motion carried by majority show of hands vote.

Article 16: Motion made and seconded to transfer from Free Cash the sum of \$1,000.00 to restore books and ledgers in the Archives room.

Motion carried by majority show of hands vote.

Article 17: Motion made and seconded to transfer from Free Cash the sum of \$15,000.00 to the special GASB stabilization fund.

Motion carried by majority show of hands vote.

Article 18: Motion made and seconded to transfer from Certified Free Cash the sum of \$55,000.00 to the Stabilization Fund.

Motion carried by majority show of hands vote.

Article 19: Motion made and seconded to authorize the Board of Selectmen to enter into a net metering credit purchase agreement with a solar photovoltaic generating facility for not to exceed a term of twenty (20) years and to take all actions necessary to negotiate, implement, perform all legal and business diligence and administer such agreement.

Motion carried by majority show of hands vote.

Article 20: Motion made and seconded for the Town to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges.

Motion carried by majority show of hands vote.

Article 21: Motion made and seconded to approve M.G.L. Chapter 59, Section 5, Clause 54 exempting from taxation personal property accounts in which the total valuation as determined by the Board of Assessors falls below \$3,000.00. Motion carried by a majority show of hands vote.

Article 22: Motion made and seconded for the Town to use revolving funds for the following programs and purposes:

- A. French Park (\$2,000.00)
- B. Home Composting Bins (\$500.00)
- C. Zoning Board of Appeals (\$1,000.00)
- D. Dog Fund (\$1,000.00)
- E. Inspector Wages (\$15,000) (exception: Building Inspector and Health Inspector)
- F. Compostable Materials (\$500.00)
- G. Recycling Proceeds (\$5,000.00)
- H. Planning Board (\$2,500.00)

which revolving funds together shall not exceed the sum of \$27,500.00, which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipt received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with the provisions of M.G.L. Chapter 44, Section 53E1/2 as amended by Section 72 and 73 of the Acts of 1994 of the Massachusetts General Laws, provided however that said expenditures for all revolving funds shall not exceed the receipts for such funds.

Motion carried by majority show of hands vote.

Article 23: Motion made and seconded to amend the general by-laws of the town by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E 1/2.

General Bylaw 24

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection

with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E $\frac{1}{2}$.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E $\frac{1}{2}$ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,

B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

D. The expenses of the program or activity for which each fund may be used,

E. Any restrictions or conditions on expenditures from each fund;

F. The fiscal years each fund shall operate under this by-law.

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Fiscal Years
French Park	Board of Selectmen and Buildings & Grounds	Donations received for use of the park	Expenses to operate the park	No wages	Fiscal Year 2019 and subsequent
Home Compost Bins	Board of Selectmen and Sustainability Coordinator	Proceeds from sale of bins	Purchase of new bins to replenish supply		Fiscal Year 2019 and subsequent
Zoning Board of Appeals	Zoning Board of Appeals	Special permit application fees	Expenses associated with special permit applications/hearings (advertising, mailings)	No wages	Fiscal Year 2019 and subsequent
Dog License & donations fund	Town Clerk	Fees charged for licensing of dogs & donations for use of Dog Park	Purchase of dog licenses, expenses related to issuing dog licenses, fees to Town Clerk, expenses at dog park (i.e poop removal, fence repairs, etc.)	No wages	Fiscal Year 2019 and subsequent
Inspector Wages	Wiring, Plumbing, Fire and Gas	Fees charged and received	Salaries or wages of inspectors performing	Does not include	Fiscal Year 2019 and

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Fiscal Years
	Inspectors	by the inspectors for electrical, gas & plumbing inspections	electrical, gas and plumbing inspections and other serviced related to those inspections	Building or Health Inspectors or their expenses	subsequent
Compostable Materials	Green Committee and Sustainability Coordinator	Charges for selling compostable materials	Purchase of new compostable materials: plates, cups, plastic wear, table covers, etc.	No wages	Fiscal Year 2019 and subsequent
Recycling Proceeds	Board of Selectmen and Sustainability Coordinator	Proceeds from sale of containers, papers, metals	Expenses related to trash and recycling programs. Purchase of equipment related to trash and recycling programs.		Fiscal Year 2019 and subsequent
Planning Board	Planning Board	Special permit application fees	Expenses associate w/ special permit applications/ hearings (advertising, mailings)		Fiscal Year 2019 and subsequent
French Park Dog Park	Board of Selectmen and Trustees of French Park	Donations from users of the dog park	Expenses related to the dog park: repairs, poop removal, containers	No wages	Fiscal Year 2019 and subsequent

Motion carried by majority show of hands vote

Article 24: Motion made and seconded to accept MGL Chapter 40 Section 22F to authorize "any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of person, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with the Town of Egremont, and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department.

Motion carried by majority show of hands count.

Article 25: Motion made and seconded to amend the Town's Zoning Bylaw, Table of Contents to add Section 4.3.7, "Temporary Moratorium on Marijuana Retail Sale".

4.3.7. TEMPORARY MORATORIUM ON MARIJUANA RETAIL SALE

4.3.7.1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a Marijuana Legalization Initiative (Question 4) law regarding recreational use of marijuana. The resultant law (new M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed), which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and requires a Cannabis Control Commission (CCC) to issue regulations regarding the licensing of commercial activities by March 15, 2018 for eventual retail sale and licensing beginning January 2018. The legislature has revised the date for dissemination of regulations and licensing to July 2018.

Currently non-medical Marijuana is not addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission will provide guidance on local regulation of recreational marijuana licensing, sales, taxing, etc. The regulation of recreational marijuana raises legal, planning, and public safety issues, and the Town needs time to study and consider forthcoming Massachusetts regulations, to assess their impact on local zoning, and to propose potential amendments to the Zoning Bylaw. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for retail sale of recreational marijuana so as to allow sufficient time to address the effects of such structures and uses in the

Town and to enact bylaws that are consistent with state regulations.

4.3.7.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for marijuana retail sale, including dispensing, processing, cultivating and other activities related to sale, storage and distribution of marijuana. The moratorium shall be in effect through January 2019, or six months after the effective date of the Cannabis Control Commission regulations, whichever is later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Motion carried by the required 2/3 vote by a hand count of 50 - 8.

Meeting adjourned 9:35 p.m.

Respectfully submitted,

Juliette S. Haas
Town Clerk

A true copy.
Attest.

Juliette S. Haas
Egremont Town
Clerk
5/16/2017

