

**THE ANNUAL TOWN MEETING WILL BE HELD AT
FIRE STATION #2, 207 SANDISFIELD ROAD**

**MINUTES FOR THE ANNUAL TOWN MEETING
May 13, 2023**

ARTICLE 1: To see if the Town will vote to accept the reports of the Town Officers.

Motion made and appropriately seconded.

ARTICLE 1: Passed with majority vote.

ARTICLE 2: To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as amended for Fiscal Year 2024 as follows, or take any other action thereon:

Moderator.....	\$ 150.00 per year
Town Clerk.....	26,520.00 per year
Select Board Member	4,000.00 per year
Select Board Chair	5,000.00 per year
Planning Board Member.....	.250.00 per year
Planning Board Chair.....	.350.00 per year
Board of Health Member250.00 per year
Board of Health Chair.....	.350.00 per year
Board of Assessors.....	2,294.00 per year
School Committee Chair.....	.500.00 per year
School Committee Member400.00 per year
Library Trustee.....	.100.00 per year
Constables.....	15.30 per hour

Motion made and appropriately seconded.

ARTICLE 2: Passed with majority vote.

ARTICLE 3: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds for General Government Operating purposes the following sums, or any other sum(s) for the following Fiscal Year 2024 expenses/accounts, or take any other action thereon.

#	Description	FY23 Approved	FY24 Requested	Increase/ Decrease
	General Government			
1	Moderator Expenses	100.00	100.00	0.00
2	Moderator Stipend	150.00	150.00	0.00
3	Select Board Expenses	15,000.00	10,000.00	(5,000.00)
4	Select Board Stipends	13,000.00	13,000.00	0.00
5	Admin Asst to TM & SB	35,776.00	41,600.00	5,824.00
6	Town Manager Salary	78,795.00	85,000.00	6,205.00
7	Town Manager Expenses	1,692.00	1,000.00	(692.00)
8	Legal Services	15,000.00	16,000.00	1,000.00
9	Employee Incentive	7,000.00	9,000.00	2,000.00

10	Finance Committee Expenses	475.00	475.00	0.00
11	Finance Committee Clerk	1,500.00	1,500.00	0.00
12	Finance Committee Stipends	1,350.00	1,350.00	0.00
13	Reserve Fund	20,000.00	30,000.00	10,000.00
14	[blank]			
15	Principal Assessor Salary	37,920.00	31,200.00	
16	Assessor Clerk Salary	14,820.00	15,264.60	444.60
17	Board of Assessors Stipends	6,882.00	6,882.00	0.00
18	Assessors Expense	15,719.00	15,719.00	0.00
19	Assessors Tri Recert	10,000.00	15,000.00	5,000.00
20	Treas/Tax Coll Salary	52,000.00	53,560.00	1,560.00
21	Asst. Treas/Tax Coll Salary	8,700.00	9,214.40	514.40
22	Treas/Tax Coll Expenses	12,162.31	16,626.00	4,463.69
23	Treasurer Tax Lien	24,000.00	24,000.00	0.00
24	Treasurer Payroll Service	9,000.00	9,000.00	0.00
25	Town Accountant Salary	26,223.80	27,010.51	786.71
26	Town Accountant Expenses	8,278.46	8,261.95	(16.51)
27	Technology Expense	7,654.00	7,666.00	12.00
28	Webmaster Salary	5,000.00	0.00	(5,000.00)
29	Building Dept. Expenses	1,675.00	0.00	(1,675.00)
30	Town Clerk Salary	29,640.00	26,520.00	(3,120.00)
31	Town Clerk Expenses	7,054.00	5,600.00	(1,454.00)
32	Asst. Town Clerk	8,320.00	8,320.00	0.00
33	Election Workers	7,050.00	2,000.00	(5,050.00)
34	Conservation Commission Expenses	1,041.00	1,041.00	0.00
35	Conservation Commission Clerk	1,885.93	1,885.93	0.00
36	Conservation Commission Stipends	1,350.00	1,350.00	0.00
37	Planning Board Expenses	1,150.00	1,150.00	0.00
38	Planning Board Clerk	1,596.00	1,596.00	0.00
39	Planning Board Stipends		1,350.00	
40	Zoning Board Clerk	1.00	1.00	0.00
41	Zoning Board Expenses	500.00	500.00	0.00
	Subtotal	489,460.50	499,893.39	10,432.89
	<i>Percent change</i>			2.13%
	DPW & Facilities			
42	Highway Maintenance	98,392.00	28,392.00	(70,000.00)
new	Highway Materials		65,000.00	65,000.00
43	Highway Snow/Ice Removal	141,000.00	141,000.00	0.00
44	Highway Machinery Maintenance	90,000.00	75,000.00	(15,000.00)
new	Tree Warden Stipend		3,000.00	3,000.00
45	Tree Warden Expenses	41,500.00	41,500.00	0.00

46	Highway Salaries	276,989.00	287,918.14	10,929.14
47	Highway Snow/Ice Overtime	35,373.00	35,373.00	0.00
48	Highway Con Consultant	10,000.00	10,000.00	0.00
49	Highway Admin. Assist. Salary	16,640.00	16,640.00	0.00
50	Cust Twn Buildings Salary	10,900.00	11,227.00	327.00
51	[blank]			
52	HW mowing/cem maint.	17,250.00	17,250.00	0.00
53	Street Lighting	4,800.00	4,800.00	0.00
54	Solid Waste Disposal	45,000.00	30,000.00	(15,000.00)
55	Solid Waste Disposal Salary	23,000.00	15,703.38	(7,296.62)
56	Op Maint & Repair Town Buildings	6,900.00	12,000.00	5,100.00
57	Utilities	47,000.00	47,000.00	0.00
58	Op Maintenance Salary	5,000.00	12,000.00	7,000.00
59	Vehicle Fuel Account	50,000.00	60,000.00	10,000.00
60	Cemetery Comm Expenses	4,000.00	1,650.00	(2,350.00)
61	Cemetery Comm Salary	1,500.00	650.00	(850.00)
	Subtotal	925,244.00	916,103.52	(9,140.48)
	<i>Percent change</i>			<i>-0.99%</i>
	Protection, Persons & Property			
62	Police Dept. Expenses	15,963.05	16,476.05	513.00
63	Police Dept. Salary	59,883.17	52,804.00	(7,079.17)
new	Police Chief Stipend		5,304.50	5,304.50
64	BC Sherrif Control	11,061.23	11,393.07	331.84
65	Fire Dept. Maintenance	36,878.10	36,878.10	0.00
66	Fire Chief Stipend	13,122.20	11,037.60	(2,084.60)
67	Ambulance Maintenance	23,076.00	23,076.00	0.00
68	Fire Ambulance Training	7,054.00	7,054.00	0.00
69	Fire House Rental - Legion	3,788.51	3,864.28	75.77
70	Fire House Rental - Rt. 57	6,367.24	6,494.60	127.36
71	ALSS Intercept Service	16,320.00	16,320.00	0.00
72	Fire/EMS Compensation	34,033.26	60,000.00	25,966.74
73	Public Safety Officer	59,703.00	67,081.20	7,378.20
74	ER Mgt. Revolving	2,800.00	2,800.00	0.00
75	Inspector of Animals Salary	520.00	600.00	80.00
76	Animal Control/Dog Exp	600.00	600.00	0.00
77	Animal Control/Dog Sal	855.00	855.00	0.00
78	S. Berk Reg. ER Plan Com	500.00	500.00	0.00
	Subtotal	292,524.76	323,138.40	30,613.64
	<i>Percent change</i>			<i>10.47%</i>
	Education			
79	School Operations	1,483,340.00	1,547,355.00	64,015.00

new	Voc-Tech Student		29,320.00	
80	School Committee stipend	1,300.00	1,300.00	0.00
	Subtotal	1,484,640.00	1,577,975.00	93,335.00
	<i>Percent change</i>			6.29%
	Human Services			
81	Veterans Benefits	43,000.00	44,290.00	1,290.00
82	Veterans Service District	4,051.00	5,220.64	1,169.64
83	Board of Health Expenses	600.00	600.00	0.00
84	Board of Health Clerk	1,560.00	1,560.00	0.00
new	Board of Health Inspector		6,440.00	
85	Board of Health Stipends	800.00	850.00	50.00
86	Public Health Nurse	2,100.00	2,100.00	0.00
87	Berkshire Mental Health	450.00	0.00	(450.00)
88	Community Health Program	1,000.00	0.00	(1,000.00)
89	Council on Aging Expenses	3,150.00	3,150.00	0.00
new	Council on Aging Stipends		1,350.00	1,350.00
90	Elderly Transportation	5,000.00	0.00	(5,000.00)
91	Berk Reg. Planning Com	729.00	841.97	112.97
	Subtotal	62,440.00	66,402.61	3,962.61
	<i>Percent change</i>			6.35%
	Culture & Recreation			
92	Yanner Park		11,413.85	11,413.85
93	Library Expenses	7,900.00	8,095.00	195.00
94	Librarian Salary	14,576.64	16,640.00	2,063.36
95	Library Trustees Stipends	300.00	300.00	0.00
96	Memorial Day Parade	3,000.00	3,000.00	0.00
97	Cultural Council Expenses	500.00	500.00	0.00
98	Historical Commission Expenses	2,500.00	250.00	(2,250.00)
99	Recreation Committee Expenses	7,000.00	7,600.00	600.00
new	Recreation Committee Stipends		1,350.00	1,350.00
	Subtotal	35,776.64	47,798.85	12,022.21
	<i>Percent change</i>			33.60%
	Fixed Costs			
100	Unemployment Insurance	7,700.00	7,700.00	0.00
101	Berkshire Cty. Retirement	123,730.00	105,647.00	(18,083.00)
102	Employee Benefits	155,986.60	161,450.64	5,464.04
103	Medicare	10,546.80	12,200.00	1,653.20
104	Insurance and Bonds	73,455.00	70,000.00	(3,455.00)
	Subtotal	371,418.40	356,997.64	(14,420.76)
	<i>Percent change</i>			-3.88%
	Total Operating	3,661,504.30	3,788,309.41	126,805.11

	<i>Percent change</i>			3.46%
	Town Operating minus FRRSD	2,176,864.30	2,210,334.41	33,470.11
	<i>Percent change</i>			1.54%

Motion made and appropriately seconded.

Motion made to amend and add new line after line 66 and appropriately seconded - new line after line 66 : Fire EMS admin \$2700

Motion made to amend and appropriately seconded - change line 62 from \$513.00 to \$540.00

Amendment passed unanimously.

Motion made to amend and appropriately seconded - change line 63 from \$52,804.00 to \$54,578

Amendment does not pass.

Amended Total Operating Budget to read \$3,791,036.40 instead of \$3,788,309.41 - an increase of \$2,700

ARTICLE 3: Passed as amended unanimously

ARTICLE 4: To see if the Town will vote pursuant to the provisions of Section 53E½ of Chapter 44 of the General Laws to amend the annual spending limits for the revolving funds appearing in Chapter IV, Financial Affairs, Section 6(F) of the General Bylaws of the Town, with such expenditure limits to be applicable from fiscal year to fiscal year, unless Town Meeting votes to change the same prior to the start of such fiscal year, or take any other action thereon:

- a) Board of Health – Town Sanitary Inspector \$ 7,500.00
- b) Building Dept. – Town Plumbing Inspector 2,500.00
- c) Building Dept. – Town Building Inspector 12,000.00
- d) Building Dept. – Town Wiring Inspector 2,500.00
- e) Building Dept. – Town Gas Inspector 2,500.00
- f) Transfer Station Sticker – Board of Selectmen 75,000.00

Motion made and appropriately seconded.

ARTICLE 4: Passed unanimously

ARTICLE 5: To see if the Town will vote to appropriate the sum of \$8,000, or any other sum, from Free Cash, to fund the training of four (4) Emergency Medical Technicians (EMTs), or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 5: Passed unanimously

ARTICLE 6: To see if the Town will vote to appropriate the sum of \$2,500, or any other sum, from Free Cash, to fund a Recreation Committee sponsored community Pig Roast, or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 6: Passed with 1 opposed

ARTICLE 7: To see if the Town will vote to appropriate the sum of \$14,200, or any other sum, from Free Cash, to fund improvements to the town's cemeteries, or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 7: Passed unanimously

ARTICLE 8: To see if the Town will vote to appropriate the sum of \$14,262.50, or any other sum, from Free Cash, to fund the purchase of an additional power-angle, vortex plow for the Department of Public Works, or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 8: Passed by majority

ARTICLE 9: To see if the Town will vote to appropriate the sum of \$11,650.00, or any other sum, from Free Cash, to fund additional FY24 cyclical inspections on behalf of the Board of Assessors, or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 9: Passed unanimously

ARTICLE 10: To see if the Town will vote to appropriate the sum of \$87,495.32, or any other sum, from Free Cash, to pay for FY23 deficit spending for snow and ice removal, or to take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 10: Passed unanimously

ARTICLE 11: To see if the Town will vote to transfer the sum of \$85,000.00, or any other sum, from Free Cash to the Capital Improvement Plan Stabilization Account, or take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 11: Passed unanimously

ARTICLE 12: To see if the Town will vote to appropriate the sum of \$174,000, or any other sum, from the Capital Improvement Plan Stabilization Account, to fund purchase of a 2-3 yard, wheeled loader for the Department of Public Works, including all costs incidental and related thereto, or to take any other action thereon.

Requires a 2/3 vote

Motion made and appropriately seconded.

ARTICLE 12: Passed by 2/3 majority

ARTICLE 13: To see if the Town will vote to appropriate the sum of \$35,000, or any other sum, from the Capital Improvement Plan Stabilization Account, to fund the purchase of two tractor attachments, a ditch and bank mower and a turbine blower, for the Department of Public Works, or to take any other action thereon.

Requires a 2/3 vote

Motion made and appropriately seconded.

ARTICLE 13: Passed by 2/3 majority

ARTICLE 14: To see if the Town will vote to appropriate the sum of \$120,000, or any other sum, from the Capital Improvement Plan Stabilization Account, to fund capital projects for town facilities, including repair and prevention of water damage to the Library, new roof and chimney at Old Town Hall, and driveway motion lighting and a standby generator for Town Hall, or to take any other action thereon.

Requires a 2/3 vote

Motion made and appropriately seconded.

ARTICLE 14: Passed by 2/3 majority

ARTICLE 15: To see if the Town will vote to appropriate the sum of \$60,100.75, or any other sum, from the Ambulance Stabilization Fund, to purchase a Power Stretcher Lift, or to take any other action thereon.

Requires a 2/3 vote

Motion made and appropriately seconded.

ARTICLE 15: Passed by 2/3 majority

ARTICLE 16: To see if the town will vote to appropriate the sum of \$57,298.00, or any other sum, from Free Cash, to reduce the tax levy for the Fiscal Year 2024, beginning on July 1, 2023, or take any other action thereon.

Motion made and appropriately seconded.

ARTICLE 16: Passed unanimously

ARTICLE 17: To see if the Town will adopt M.G.L. c. 60, § 62A: Municipalities; payment agreements, to be inserted into the Town By-laws under Chapter IV, Financial Affairs, as Section 7; or take any other action thereon.

Section 7: Payment Agreements for Properties in Tax Title

- A. Pursuant to the provisions of M.G.L. c. 60, sec. 62A, the Treasurer/Collector will pursue and establish a written payment agreement with any person(s) entitled to redeem in tax title ("redeemer").
- B. All tax title categories are eligible for payment.

- C. Any agreement must require a minimum payment by the redeemer at the inception of the agreement of 25 percent of the total amount needed to redeem the parcel.
- D. Each agreement shall be for a term of five years and shall waive 50 percent of the interest that has accrued on the tax title account.

Motion made and appropriately seconded.

ARTICLE 17: Passed unanimously

ARTICLE 18: To see if the Town will amend Chapter III, Section 6 of the Town Bylaws to read as follows, or take any other action thereon.

Current:

Section 6. A. There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter, appointed by the Moderator of the Town for a term of three (3) years. Beginning in 1990 and continuing every third year thereafter, the Moderator shall appoint one (1) member of the Finance Committee.. The Moderator shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The Moderator shall remove Finance Committee members for cause. The Moderator will submit in writing to the Board of Selectmen, recommendations for the removal of finance committee members from said committee. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Moderator's recommendation for removal of a finance committee member.

Option 1:

Section 6. A. There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter. Finance Committee members shall be appointed to three (3) year terms by a three (3) member Appointment Committee consisting of: the Moderator, a Select Board member, and a Finance Committee member of the Town. Upon the expiration of any Finance Committee member's three-year term, the Appointment Committee shall appoint one (1) or two (2) members, as needed, of the Finance Committee to a new term. The Appointment Committee shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The Moderator shall remove Finance Committee members for cause. The Appointment Committee will submit in writing to the full Board of Selectmen, recommendations for the removal of finance committee members from said committee. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Appointment Committee's recommendation for removal of a finance committee member.

Option 2:

Section 6. A. There shall be a five (5) member Finance Committee consisting of registered voters. At the first Annual Town Meeting for the election of such members after the effective date of this bylaw, the following offices shall appear on the Annual Election ballot; two (2) candidates for a term of three (3) years, two (2) candidates for a term of two (2) years, and one (1) candidate for a term of one (1) year. Thereafter, when the term of any member expires, the successor shall be elected to serve for three (3) years. The Moderator shall fill all vacancies by appointing a registered voter to serve until the next annual Town Meeting at which time the vacancy shall be filled by election for the remainder of the term.

Motion made and appropriately seconded

Motion made to amend Option 1 and appropriately seconded

ARTICLE 18: Option 1 amended to read :

Option 1:

Section 6. A. There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter. Finance Committee members shall be appointed to three (3) year terms by a three (3) member Appointment Committee consisting of: the Moderator, a registered voter, and a Finance Committee member of the Town. Upon the expiration of any Finance Committee member's three-year term, the Appointment Committee shall appoint one (1) or two (2) members, as needed, of the Finance Committee to a new term. The Appointment Committee shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The Moderator shall remove Finance Committee members for cause. The Appointment Committee will submit in writing to the full Board of Selectmen, recommendations for the removal of finance committee members from said committee. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Appointment Committee's recommendation for removal of a finance committee member.

Amendment passed unanimously

Motion made to amend Option 1 and appropriately seconded

ARTICLE 18: Option 1 amended to read :

Option 1:

Section 6. A. There shall be a five (5) member Finance Committee consisting of registered voters or taxpayers of the Town of Sandisfield, no more than one of which may not be a registered voter. Finance Committee members shall be appointed to three (3) year terms by a three (3) member Appointment Committee consisting of: the Moderator, a full time resident and if a full time resident is not available a tax payer would be eligible, and a Finance Committee member. Upon the expiration of any Finance Committee member's three-year term, the Appointment Committee shall appoint one (1) or two (2) members, as needed, of the Finance Committee to a new term. The Appointment Committee shall fill all vacancies by appointing a registered voter or taxpayer to serve the un-expired term. The Moderator shall remove Finance Committee members for cause. The Appointment Committee will submit in writing to the full Board of Selectmen, recommendations for the removal of finance committee members from said committee. At a regular meeting of the Board of Selectmen, said body will vote to accept/reject the Appointment Committee's recommendation for removal of a finance committee member.

Amendment passed with majority

ARTICLE 18: Option 1 Passed as amended unanimously

ARTICLE 19: To see if the Town will amend Chapter VIII of the Town Bylaws by replacing Section 11 with the following language, or take any other action thereon.

Section 11. Upon complaint in writing to the Selectmen or Chief of Police, the owner of any open area upon which dilapidated motor vehicle and/or parts thereof has been allowed to stand thereon shall remove said dilapidated motor vehicle and/or parts within four (4) weeks of being informed of said complaint by the Selectmen or Chief of Police from any premises unlicensed under Chapter 140, Section 57 of the Massachusetts General Laws. The Selectmen's judgment shall be final as to determining whether or not a motor vehicle is junked or dilapidated. Whoever

violates any of the provisions of this bylaw shall pay a fine not to exceed \$20.00 for each offense. Each dilapidated motor vehicle or part thereof that has been allowed to stay on the premises beyond the four (4) week period may constitute a separate offense, and each continuing day of such violation may also be considered a separate offense. Property shall be considered an “open area” for purposes of this bylaw if the vehicles and/or parts are plainly visible to abutters or from a public or private way. To comply with the bylaw, owners shall screen such vehicles from the abutting properties and/or public or private ways by a combination of opaque structures, such as fencing or ornamental walls, and landscaping.

Motion made and appropriately seconded

ARTICLE 19 : Passed with majority

ARTICLE 20: To see if the Town will vote to approve the transfer of the care, custody, management, and control of town-owned property located on Beech Hill Road, consisting of 105 acres of land +/- and identified as Assessor’s Parcel 416-0-30, from the board or commission presently so holding it to the Select Board for the purposes of disposition, conveyance or transfer, and that such disposition, conveyance or transfer by the Select Board is authorized on such terms and conditions as the Select Board deems to be in the Town’s best interest; or take any other action thereon.

Requires a 2/3 vote

Motion made and appropriately seconded

ARTICLE 20 : Passed with 2/3 majority

ARTICLE 21: To see if the Town will amend Chapter II, Section 2a of the Town Bylaws by striking the words “shall serve without pay”; or take any other action thereon.

Section 2a) The Planning Board, established under Chapter 41, Section 81A of the General Laws, shall have (5) permanent members. At the first Annual Town Meeting for the election of such members; one candidate for a term of five (5) years, one candidate for a term (4) years, one candidate for a term of three (3) years, one candidate for a term of two (2) years, one candidate for a term of one (1) year, and at each succeeding Town Meeting one member shall be elected for a term of five (5) years. Members ~~shall serve without pay~~, shall choose their own officers, and shall be sworn to the faithful performance of their duties. Vacancies shall be filled by the Selectmen in accordance with Chapter 41, Section 11 of the General Laws, which appointees shall serve until the next annual Town Meeting at which time the vacancy shall be filled by election for the remainder of the term.

Motion made and appropriately seconded

ARTICLE 21 : Passed with majority

ARTICLE 22: To see if the town will amend Chapter II, Town Meeting, of the General Bylaws by adding Section 21 to read as follows, or take any other action thereon.

Section 21

The procedure for posting the Caucus Call shall conform with the directions for posting other Town Warrants. The Town shall hold a Town Caucus on the First Monday in March of each year, and place on the annual election ballot the names of the two nominees for each office having the most number of votes.

Motion made and appropriately seconded

ARTICLE 22 : Passed with majority

ARTICLE 23: To see if the Town will vote to amend the Town Bylaws by adding to Chapter VIII a new Section 18 as follows, or take any other action thereon:

Section 18 Short Term Rental of Residential Property

A. Purpose:

The purpose of this section to protect and promote the health, safety and well-being of Sandisfield residents and visitors, to ensure that the primary use of residential properties remains residential, and to ensure that the short-term rental of residential units will not be a detriment to the character and livability of the surrounding residential neighborhood by establishing a process by which short-term rental units shall be registered for such use and operated under the regulations set forth hereinafter.

B. Definitions:

As used in this Section, the following terms shall have the definitions indicated:

Owner. Any person or entity who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

Short-Term Rental (“STR”). The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for a duration fewer than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Short-term rental operator. The person or persons offering a dwelling unit, or a bedroom therein, of which they are the legal owner(s).

Operator-occupied Short-Term Rental. The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is the primary residence of its owner.

C. Registration and Regulations:

1. Registration

No person shall operate a Short-Term Rental without having first obtained a Certificate of Registration from the Sandisfield Town Clerk. An application for a Certificate of Registration shall be on a form provided by the Town and shall contain the Department of Revenue identification number or proof of exemption under G.L. c. 64G. The Operator shall provide the Town with a certificate of registration issued by the Department of Revenue in accordance with section 67 of Chapter 62C of the General Laws.

The annual registration fee for such Certificate of Registration shall be set by the Board of Selectmen.

The application for the Certificate of Registration shall include following information:

- a. Proof that the dwelling unit to be offered as a short-term rental unit or one of the dwelling units within the building containing the unit to be offered as a short-term rental unit is the operator’s primary residence or that there is a local agent in charge within a twenty-five (25) mile radius of the short-term rental unit to manage the short-term rental unit. Such proof shall include:
 - (i) An affidavit signed under the pains and penalties of perjury stating that the applicant either owns or has the legal ability to operate a short-term rental unit at the address.

- (i) If the unit is not owner-occupied or owner-adjacent, a copy of a contract or other legal agreement between the owner and the local agent in charge that is contracted to provide management services to the unit.
- b. If the short-term rental unit is located within a condominium project, written approval from the appropriate condominium association officer or manager for operation of a short-term rental at that location.
- c. The name or the Booking Agent, if any (such as a Realtor).
- d. A copy of the Operator's Certificate of Registration with the Massachusetts Department of Revenue.
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:
 - (i) Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s.26F
 - (ii) A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Prior to issuance or renewal of a local certificate of registration, the Operator shall verify that the dwelling units are service by a septic system or by a well.
 - 1. If services by a septic system:
 - (i) A private wastewater system must be pumped or certified when they register and then every three years and be on record in the Sandisfield Board of Health.
 - (ii) A valid maintenance agreement on file if served by an Innovative/ Alternative system.
 - 2. If served by a well:
 - (i) Well water used for drinking or cooking (potable) purposes must be tested upon the initial registration to ensure that it is safe to use for personal consumption. The results are to be attached to the registration form.
 - (ii) The number of off-street parking spaces provided.

2. Regulations

2.1 All short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.

2.2 Short-term rental operators shall remain compliant with state laws and regulations regarding fees, taxes, registration, and insurance.

2.3 A short-term rental shall be limited to parking of one (1) vehicle per lawful bedroom in the short-term rental.

2.4 Events that include tents or amplified music require the customary licenses or permits.

2.5 The number of bedrooms made available for STRs within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.

2.6 The number of occupants of a short-term rental shall also not exceed the legal occupancy of the dwelling unit.

2.7 An owner of more than one property in Sandisfield may use only one property at a time as a short-term rental. For purposes of this provision, a person having a beneficial interest in a property shall be considered an “owner”.

2.8 In the event that there are three or more violations within a twelve-month period, the right to renew registration shall be denied by vote of the Board of Selectmen.

2.9 Short Term Rentals may be subject to inspection by Sandisfield Board of Health, Fire Department, and/or the Sandisfield Building Inspector. There shall be an initial inspection upon registration by the Sandisfield Fire Department and the Sandisfield Building Inspector.

3. Additional Requirements

3.1 Commercial meetings and uses are prohibited in short-term rentals.

3.2 The short-term rental operator or their agent shall maintain an up-to-date log of all occupants that occupy the short-term rental, which shall contain the occupants' names, ages, principal residence address, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by Town officials with authority to regulate use of the STR, including the Town's Board of Health in case of emergency. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the short-term rental at all times.

3.3. Marketing Information. Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

D. Enforcement

Failure to provide updated contact information will result in a violation of this bylaw and may result in the denial of a registration renewal.

Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies shall result in fines or in the denial of a registration renewal. Appeals of these penalties may be made within ten business days to the Sandisfield Municipal Hearing officer.

Whoever violates any provision of this bylaw or a regulation promulgated hereunder shall be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

E. Severability

If any provision in this Section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Motion made and appropriately seconded

Motion to table and appropriately seconded

ARTICLE 23: Tabled unanimously

ARTICLE 24: To see if the Town will vote to amend the Zoning Bylaws to address the regulation of Short Term Rentals as defined in MGL, Part I, Title IX, Chapter 64G, Section 1 to ensure observance of health and safety standards and compliance with applicable MGL by adding Section 11 as follows, or take any other action thereon.

Section 11 Short Term Rental of Residential Property

Purpose and Intent:

Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations are intended to:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize potential public safety and health risks.
3. Deter commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions:

For this Chapter, the following terms shall have the definitions indicated

Owner. Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

Short-Term Rental. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Owner Occupied. IS when the property owner remains onsite during the rental period.

Non-owner Occupied. Is when the property owner is not on-site during the rental period.

X.X.X Registration and Regulations

1. Registration – All short-term rentals must register annually with the Sandisfield Town Clerk.

A registration fee is required as determined by the Board of Selectmen. The following information must be provided:

- a. Owner Name;
 - i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
 - ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.
- b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Sandisfield residents or Town government.
- c. Booking Agent, if any (such as a Realtor).
- d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health

and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:

- i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s.26F
- ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.

f. Indication of service by a septic system;

- i. number of bedrooms rated under permit
- ii. A private wastewater system must be pumped or certified when they register and then every three years and be on record in the Sandisfield Board of Health.
- iii. A valid maintenance agreement on file if served by an Innovative/ Alternative system.

j. Indication of service by a well;

- a. if served by a well:
 - i. Well water used for drinking or cooking (potable) purposes must be tested upon the initial registration to ensure that it is safe to use for personal consumption. The results are to be attached to the registration form.

k. Number of off-street parking spaces provided.

2. Regulations:

2.1 The following residential property is prohibited from being offered as a short-term rental:

- a. Residential property owned by a corporation (other than an LLC);
- b. residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;
- c. units that meet the definition of “Professionally Managed Units” under M.G.L. Chapter 64G, Section 1.

2.2 A short-term rental is not allowed on any property with outstanding taxes or violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

2.3 A short-term rental is required to have a local manager or responsible party who will respond within two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so shall result in imposed fines.

2.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

2.5 Events that include tents or amplified music or which would customarily require a license or permit are prohibited.

2.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines shall be applied on a daily basis until brought into compliance

2.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

2.8 Trash removal shall be the responsibility of the owner/operator.

2.9 Short Term Rentals may be subject to inspection by Sandisfield Board of Health, Fire Department, and/or the Sandisfield Building Inspector. There shall be an initial inspection upon registration by the Sandisfield Fire Department and the Sandisfield Building Inspector.

a. Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Sandisfield website.

2. 10 Failure to provide updated contact information will be a failure to comply with this bylaw and will result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

2.11 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies shall result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Sandisfield Municipal Hearing officer.

2.12 Only one non-owner occupied dwelling can be used as a STR per building lot.

3. In the event that there are three or more violations within a twelve-month period, the right to renew registration shall be denied by vote of the Board of Selectmen.

4. Additional Requirements

4.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be inspected and/or certified in the past three years. This information must be on file in the Sandisfield Board of Health and filed with the application for a permit.

4.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Sandisfield Board of Health.

4.3 Commercial meetings and uses are prohibited in short-term rentals.

4.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Sandisfield Board of Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

7. No excessive noise between the hours of 10:00 p.m. and 8:00 a.m.

8. Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

9. Penalties

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator shall be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

Requires a 2/3 vote

Motion made and appropriately seconded

Motion made to amend the bylaw as provided by the handout and appropriately seconded

ARTICLE 24: amended to read :

A. Purpose and Intent:

Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations are intended to:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize potential public safety and health risks.
3. Deter commercial interests from buying housing to use primarily as short-term rental businesses.

B. Definitions

As used in this section the following terms shall have the definitions indicated

Owner. Any person or entity who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

Short-Term Rental (STR). The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Owner Occupied. IS when the property owner remains onsite during the rental period.

Non-owner Occupied. Is when the property owner is not on-site during the rental period.

C. Registration and Regulations

1. Registration – All short-term rentals must register annually with the Sandisfield Town Clerk.

A registration fee is required as determined by the Board of Selectmen. The following information must be provided:

- a. Owner Name;

- i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
 - ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.
- b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Sandisfield residents or Town government.
- c. Booking Agent name, if any (such as a Realtor).
- d. A Copy of the Operators Certificate of Registration with the Massachusetts Department of Revenue.
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:
 - i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s.26F
 - ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Indication of service by a septic system;
 - i. number of bedrooms rated under permit
 - ii. A private wastewater system must be pumped or certified when they register and then every three years and be on record in the Sandisfield Board of Health.
 - iii. A valid maintenance agreement on file if served by an Innovative/ Alternative system.
- g. Indication of service by a well;
 - a. if served by a well:
 - i. Well water used for drinking or cooking (potable) purposes must be tested upon the initial registration to ensure that it is safe to use for personal consumption. The results are to be attached to the registration form.
- h. Number of off-street parking spaces provided.

2. Regulations:

2.1 The following residential property is prohibited from being offered as a short-term rental:

- a. Residential property owned by a corporation (other than an LLC);
- b. Dwelling Units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;
- c. units that meet the definition of “Professionally Managed Units” under M.G.L. Chapter 64G, Section 1.

2.2 A short-term rental is not allowed on any property with outstanding taxes or violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

2.3 A short-term rental is required to have a local manager or responsible party who will respond within two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so shall result in imposed fines.

2.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

2.5 STR events that include tents or amplified music or which would customarily require a license or permit are prohibited.

2.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines shall be applied on a daily basis until brought into compliance

2.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

2.8 Trash removal shall be the responsibility of the owner/operator.

2.9 Short Term Rentals may be subject to inspection by Sandisfield Board of Health, Fire Department, and/or the Sandisfield Building Inspector. There shall be an initial inspection upon registration by the Sandisfield Fire Department and the Sandisfield Building Inspector.

a. Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Sandisfield website.

2.10 Only one non-owner occupied dwelling can be used as a STR per building lot.

3. In the event that there are three or more violations within a twelve-month period, the right to renew registration shall be denied by vote of the Board of Selectmen.

4. Additional Requirements

4.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be inspected and/or certified upon registration and every three years thereafter. This information must be on file in the Sandisfield Board of Health and filed with the application for a permit.

4.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Sandisfield Board of Health.

4.3 Commercial meetings and uses are prohibited in short-term rentals.

4.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the name, address and phone number(s) of occupants present during each rental period. The records must be produced upon demand by the Sandisfield Board of

Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

4.5 No excessive noise between the hours of 10:00 p.m. and 8:00 a.m.

4.6 Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

D. Enforcement

1.1 Failure to provide updated contact information will be a failure to comply with this bylaw and will result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

1.2 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies shall result in fines and/or in the the denial of a registration renewal. Appeals of these penalties may be made within ten business days to the Sandisfield Municipal Hearing officer.

2.0 If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator shall be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

Requires a 2/3 vote

Amendment passed unanimously

ARTICLE 24: Passed as amended with 2/3 majority

ARTICLE 25: To see if the Town will vote to accept the provisions of G.L. c.64G, §3A, authorizing imposition of the so-called local room occupancy tax on the rental of rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, at the rate of 6% of the total value of such occupancy, to take effect on July 1, 2023, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 25: Passed with majority



True Copy Attest: Town Clerk