

**Office of the Town Clerk
Dolores Harasyko
P. O. Box 163
Sandisfield, MA 01255**

**RESULTS OF THE ANNUAL TOWN MEETING
May 12, 2012**

The meeting was called to order at 10:03 a.m. by Moderator John Skrip, Jr. with a moment of silence for our armed forces and veterans and for loved ones that have passed away this year, most recently Walter Wink, followed by the Pledge of Allegiance. There were 68 registered voters present along with Town Council Jeremia Pollard. The Finance Committee unanimously approved all articles contingent on Proposition 2 ½ passing at the Town Election on Monday unless otherwise noted. Selectmen Patrick Barrett addressed the meeting with a recap of the work done this past year. He stated that they are working on putting committees together to look into long term plans for the towns infrastructure, Open Space Plan, and working with Grant Writer Alice Boyd. He then acknowledged Clare English for her many years of service to the town. Results are as follows:

- Article 1. The Town voted unanimously to accept the reports of the Town Offices.
- Article 2. The Town voted unanimously to vote to raise and appropriate for the Moderator \$300: \$150 for Salaries and \$150 for Expenses.
- Article 3. The Town voted unanimously to raise and appropriate \$1.00 for Administrative Costs for a Grant Writer.
- Article 4. The Town voted by majority to accept the provision of Massachusetts General Laws Chapter 59, section 5K, allowing the Selectmen to establish a program to allow persons over the age of 60 to volunteer to provide services to the Town of Sandisfield in exchange for a reduction in their real property tax obligations. The Finance Committee recommended this by majority.
- Article 5. The Town voted unanimously to raise and appropriate for the General Government \$30,608: \$23,803 for Salaries and \$6,805 for Expenses.
- Article 6. The Town voted unanimously to raise and appropriate \$22,295 for salary of the Administrative Assistant to the Board of Selectmen.
- Article 7. The Town voted unanimously to raise and appropriate \$400 for Finance Committee Expense. The Finance Committee recused themselves from this article.
- Article 8. The Town voted unanimously to raise and appropriate for the Board of Assessors \$49,836.08: \$39,236.08 for Salaries and \$10,600 for Expenses.
- Article 9. The Town voted unanimously to raise and appropriate \$6,900 for the Massachusetts Department of Revenue Mandated Triennial Recertification Expense.
- Article 10. The Town voted unanimously to raise and appropriate for the Treasurer's Office \$23,196: \$15,900 for Salaries and \$7,286 for Expenses.

- Article 11. The Town voted unanimously to raise and appropriate \$5,000 for the Treasurer's Tax Lien Expense.
- Article 12. The Town voted unanimously to raise and appropriate \$3,500 for a Town Audit.
- Article 13. The Town voted unanimously to raise and appropriate for the Tax Collector \$11,764: \$5,797 for Salaries and \$5,967 for Expenses.
- Article 14. The Town voted unanimously to raise and appropriate \$1,000 for Computer Technical Support for Town Office Computers.
- Article 15. The Town voted unanimously to raise and appropriate for the Town Clerk \$28,724: \$18,849 for Salaries and \$9,875 for Expenses.
- Article 16. The Town voted unanimously to raise and appropriate for the Town Clerk \$3,500 for a New Fireproof File Cabinet.
- Article 17. The Town voted unanimously to raise and appropriate for the Conservation Commission \$2,700: \$1,700 for Salaries and \$1,000 for Expenses.
- Article 18. The Town voted unanimously to raise and appropriate \$2,000 for Conservation Consultation Fees.
- Article 19. The Town voted unanimously to raise and appropriate for the Planning Board \$3,010.20: \$1,489.20 for Salaries and \$1,521 for Expenses.
- Article 20. The Town voted unanimously to raise and appropriate for the Zoning Board of Appeals \$300: \$50 for Salaries and \$250 for Expenses.
- Article 21. The Town voted by majority to raise and appropriate for Highways & Bridges Maintenance \$193,957: \$113,957 for Salaries and \$80,000 for Expenses and Equipment.
- Article 22. The Town voted unanimously to raise and appropriate for Snow and Ice Removal \$265,401: \$102,507 for Salaries and \$162,894 for Expenses and Equipment.
- Article 23. The Town voted unanimously to raise and appropriate for Machinery Maintenance \$88,225: \$8,225 for Salaries and \$80,000 for Expenses and Equipment.
- Article 24. The Town voted unanimously to raise and appropriate for the Tree Account \$10,000 for Expenses.
- Article 25. The Town voted unanimously to accept and spend any monies for Chapter 90 that has been approved by the Mass Highway Department for projects approved by the Mass Highway Department.
- Article 26. The Town voted unanimously to raise and appropriate \$1,307,170 for School Operations.
- Article 27. The Town voted unanimously to raise and appropriate for the School Committee \$1,300 for Salaries.
- Article 28. The Town voted unanimously to raise and appropriate \$53,971 for Debt Service on the School Building Bonds.
- Article 29. The Town voted unanimously to appropriate for the Library Account \$12,355: \$9,855 for Salaries and \$2,500 for Expenses; and to meet that appropriation raise \$9,026.26, transfer \$2,000 from the revolving Dog Licensing Fees, transfer \$1,189.54 from State Aid to Libraries, transfer \$113.92 from Municipal Equalization Grant to Libraries, and transfer \$25.28 from the Non-Resident Grant to Libraries.

- Article 30. The Town voted unanimously to raise and appropriate \$900 for the Massachusetts Catalog Library System for our Town Library.
- Article 31. The Town voted unanimously to raise and appropriate \$3,263.64 for the Veteran's Service District.
- Article 32. The Town voted unanimously to raise and appropriate \$50,000 for Veterans' Benefits.
- Article 33. The Town voted unanimously to raise and appropriate \$1 for Veterans' Death Benefits.
- Article 34. The Town voted unanimously to raise and appropriate \$10,967 for the Custodian of Town Buildings Salary.
- Article 35. The Town voted unanimously to raise and appropriate for Mowing and Maintenance of town properties and cemeteries \$9,000: \$1,000 for Salaries and \$8,000 for Expenses and Equipment.
- Article 36. The Town voted unanimously to raise and appropriate for the Protection of Persons and Property \$57,155: \$40,255 for Salaries and \$16,900 for Expenses.
- Article 37. The Town voted unanimously to raise and appropriate for the Protection of Persons and Property \$1,500 for a New Computer.
- Article 38. The Town voted unanimously to raise and appropriate for the Protection of Persons and Property \$3,000 for Precinct Pro Software.
- Article 39. The Town voted unanimously to raise and appropriate \$7,938.04 for services provided by the Berkshire County Sheriffs' Communication Center.
- Article 40. The Town voted unanimously to raise and appropriate \$33,270 for the Fire & EMS Compensation Salaries.
- Article 41. The Town voted unanimously to raise and appropriate for the Fire Department and Ambulance Maintenance \$37,969; \$7,542 for Salaries and \$30,427 for Expenses.
- Article 42. The Town voted unanimously to raise and appropriate \$4,500 for the purchase of a New Computer and Fire Department Computer Training.
- Article 43. The Town voted unanimously to raise and appropriate \$1.00 for Forest Fire Salaries.
- Article 44. The Town voted unanimously to raise and appropriate \$16,964 for New Equipment for Fire Department and Ambulance Expenses.
- Article 45. The Town voted unanimously to raise and appropriate for Training of Fire Department and Ambulance Members \$4,022 for Expenses.
- Article 46. The Town voted unanimously to raise and appropriate \$2,400 for Route 8 Fire House Rental Expenses.
- Article 47. The Town voted unanimously to raise and appropriate \$4,000 for Route 57 Fire House Rental Expenses.
- Article 48. The Town voted unanimously to raise and appropriate \$6,000 for Ambulance Billing Fee Expenses.
- Article 49. The Town voted unanimously to raise and appropriate \$5,250 for ALSS Paramedic Intercept Expenses.
- Article 50. The Town voted unanimously to raise and appropriate \$2,600 for Street Light Expenses.

- Article 51. The Town voted unanimously to raise and appropriate for the Building Inspector \$2,303.
- Article 52. The Town voted unanimously to raise and appropriate for Emergency Management \$2,900 for Expenses.
- Article 53. The Town voted unanimously to raise and appropriate for the Inspector or Animals \$500 for Salaries.
- Article 54. The Town voted unanimously to raise and appropriate for the Dog Officer \$2,700: \$1,500 for Salaries and \$1,200 for Expenses.
- Article 55. The Town voted unanimously to raise and appropriate for Solid Waste Disposal \$60,000 for Expenses.
- Article 56. The Town voted unanimously to raise and appropriate for the Board of Health \$5,292.34: \$2,975.34 for Salaries and \$2,317 for Expenses.
- Article 57. The Town voted unanimously to raise and appropriate the sums of money as may be necessary to pay the Expenses of the various departments as follows:
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|---|----------|
| Lee Regional Visiting Nurse Association..... | \$ 3,087 |
| Community Health Program..... | 1,000 |
| Brien Mental Health Services of the Berkshires..... | 110 |
- Article 58. The Town voted unanimously to raise and appropriate \$2,000 for Interest for Loans.
- Article 59. The Town voted unanimously to raise and appropriate \$98,736 for the Stabilization Fund.
- Article 60. The Town voted unanimously to raise and appropriate for the Operation and Maintenance of Town Property \$61,000: \$60,000 for Expenses and \$1,000 for Salaries.
- Article 61. The Town voted unanimously to raise and appropriate \$300 for Good Will Gifts.
- Article 62. The Town voted by majority to raise and appropriate the following sums of money for the expense accounts of:
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| Memorial Day Parade..... | \$ 1,130 |
| Council on Aging..... | 2,933 |
| Elderly Transportation..... | 2,417 |
| Sandisfield Cultural Council..... | 250 |
| Recreation Commission..... | 6,000 |
| Technology Committee..... | 1,550 |
| 250 th Anniversary Committee..... | 5,000 |
| Website..... | 200 |
- Article 63. The Town voted unanimously to raise and appropriate the sums of money as may be necessary to pay the expenses of the following accounts:
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|---|-----------|
| Berkshire County Retirement Fund..... | \$ 57,570 |
| Town Employee Benefits..... | 33,207 |
| Unemployment Insurance..... | 1,200 |
| Town's Share Group Insurance..... | 40,000 |
| Town's Share Medicare..... | 7,200 |
| Insurance Premiums & Bonds for Town Officers..... | 50,850 |
- Article 64. The Town voted unanimously to raise and appropriate \$613.32 for the Berkshire Regional Planning Commission.

Article 65. The Town voted unanimously to raise and appropriate \$500 for Southern Berkshire Regional Emergency Planning Commission.

Article 66. The Town voted unanimously to raise and appropriate \$10,000 for the Reserve Fund.

Article 67. The Town voted unanimously to fix the salary of all elective officers of the Town as provided by Section 108 of Chapter 41, and Section 108A of chapter 41, General Laws as amended:

Moderator.....	\$ 150.00 per year
Town Clerk.....	6,921.00 per year
Treasurer.....	9,450.00 per year
Tax Collector.....	5,797.00 per year
Selectmen.....	5,538.00 per year
Assessors.....	2,249.00 per year
Auditor.....	5.00 per hour
School Committee Chairman.....	500.00 per year
School Committee Member.....	400.00 per year
Library Trustee.....	25.00 per year
Constables.....	13.69 per hour

Article 68. The Town voted unanimously to authorize the use of revolving funds for the following programs and purposes:

a. Town Sanitary Inspector	\$ 7,500
b. Town Plumbing Inspector	2,500
c. Town Building Inspector	4,500
d. Town Wiring Inspector	2,500
e. Town Gas Inspector	2,500
f. Dog Licensing Fees	2,500
g. Dump Sticker Fees	25,000
h. Legal Ad Fees	2,000

which revolving funds together shall not exceed the sum of forty-nine thousand dollars (\$49,000), 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 receipts 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 Chapter 44 Section 53 E1/2 of the General Laws, provided however, that said expenditures for all revolving funds shall not exceed the receipts for such funds.

Article 69. The Town voted by majority to appropriate \$50,000 from Free Cash to reduce the FY2013 Tax Rate.

Article 70. The Town voted unanimously to authorize the Board of Selectmen to accept a gift of property located at Richard Road (18 acres) – map and parcel 410-20 and West (0.22 acres) – map and parcel 412-34.02.

Article 71. The Town voted by majority to amend Article 71 to read “To see if the Town will vote to authorize the Board of Selectmen to look into the future of Town Management.

Amended

Article 71. The Town voted by majority to authorize the Board of Selectmen to look into the future of Town Management and to appoint a committee for this purpose.

Article 72. The Town voted by majority to amend the Town of Sandisfield By-laws by adding Section 14, entitled Right to Farm By-law under Chapter VIII, Miscellaneous provisions, to read as follows:

SANDISFIELD RIGHT TO FARM BY-LAW

Section 1 Purpose and Intent

The Town of Sandisfield finds that farming is an essential and valued activity, which provides fresh food, clean-air, economic diversity, local employment, and open spaces to all the citizens of our town. This by-law is intended to encourage the pursuit of traditional New England scale agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Sandisfield. The purpose is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This by-law shall apply to all jurisdictional areas within the Town.

This by-law restates with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the constitution and General Laws and Regulations including but not limited to Article 97, of the Constitution, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; (The Zoning Act) Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

Section 2 Definitions

“Farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture or accessory thereto. Commercial shall be defined by the minimum acreage requirement or the gross sales and program payment requirement specified in Massachusetts General Law Chapter 61A Section 3, as amended “Farm” shall include youth related agricultural activities, such as but not limited to 4-H, irrespective of minimum acreage or gross sales and program payment requirements.

For the purpose of this by-law and without limiting the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts under Article 97 of the Constitution and all applicable Massachusetts General Laws, the term “farming” or “agriculture” shall not include factory farming or industrial agricultural as defined below:

“Factory Farming” is a facility where large numbers of animals are raised in overcrowded and confined conditions, such as concentrated animal feeding operations.

“Industrial Agriculture” is a system of growing crops where a single crop is grown on hundreds or thousands of acres where heavy use of chemical fertilizers and pesticides is necessary for crop production.

The residents of Sandisfield declare that factory farming and industrial agriculture, as defined above, are not in accordance with the character of the community and are not supported by this by-law.

“Farming” or “agriculture” shall include, but not be limited to the following:

farming in all its branches and the cultivation and tillage of the soil;

dairying;

orchards;

production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;

growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;

raising of livestock including horses;

keeping of horses as a commercial enterprise;

keeping and raising of poultry, sheep, goats, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees, and fur-bearing animals, (excluding mink)

“Farming” shall encompass activities including, but not limited to, the following:

operation and transportation of slow-moving farm equipment over roads within the Town;

control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;

application of manure, fertilizers and pesticides;

conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;

processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;

maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;

on-farm relocation of earth and the clearing of ground for farming operations;

revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenation and maintaining pastures; herding of livestock from area

to area, including along roads.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Sandisfield. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections this by-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any such practice, consideration shall be given to both traditional customs and procedures as well as to new practices and innovations. Moreover, nothing in this Right to Farm by-law shall be deemed as acquiring any interest in land. The protections contained in the by-law do not replace any applicable zoning or legal restrictions associated with agricultural operations.

Section 4 Notification to Real Estate Buyer

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Sandisfield requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

It is the policy of the Town of Sandisfield to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Sandisfield means that one should expect and accept such conditions as a norm and necessary aspect of living in Sandisfield.

Written notification may occur in one of several ways including but not limited to a disclosure for, addendum to a Purchase and Sale Agreement and should include an acknowledgement by the buyer that they have received notification.

Within 30 days after this by-law becomes effective the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this by-law becomes effective the Board of Selectmen shall prominently place in the town hall the above disclosure.

Within 30 days after this by-law becomes effective the Tax Collector shall include a copy of the above disclosure with responses to request for Municipal Lien Certificates.

Section 5 Resolution of Complaints

Any person having a complaint about a farm activity or practice is encouraged to seek an

amicable resolution to the complaint, including talking directly with the involved farmer. Such person may, notwithstanding pursuing and other available remedy, request resolution assistance for the Board of Selectmen. Such a request does not suspend the time within which to pursue any other available remedies. The Board of Selectmen may appoint a panel of at least three individuals, to include representation for farmers, or refer such request to a Sandisfield Agricultural Commission, should one exist. Said panel or Agricultural Commission shall review and facilitate the resolution of such a request. And report its recommendations to the Board of Selectmen within the agreed upon time frame.

Section 6 Severability Cause

If any part of the by-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this by-law. The Town of Sandisfield hereby declares the provision of this by-law to be severable.

Article 73: To see if the Town will vote to amend the Town of Sandisfield By-law for Driveways, Chapter IX of Zoning, Section 6. Special Provisions as follows:

C. DRIVEWAYS

1. "Driveway" is defined as any road used for vehicular access from a public road to a public or private building. Access roads used only occasionally such as those used to access a field for haying, are not intended to be included in these by-laws.
2. Should terrain or other conditions make these driveway bylaws exceedingly difficult or impossible to follow, a solution must be developed and approved by consulting with the Sandisfield Building Inspector. If a solution cannot be developed in this manner, than the Sandisfield Board of Selectmen will determine the solution.
3. Driveway entrance into public or private road shall be situated so driver has a minimum sight line of 100 feet in each direction when entering any of Sandisfield's roads.
4. No driveway entrance shall be located closer than 75 feet to any intersection.
5. No portion of a driveway including its cut, fills, culverts, etc. shall come closer than 10 feet to any abutting property.
6. Driveways coming down to a public road shall have a grade no steeper than 12% within the first 50 feet from the edge of the traveled roadway.
7. Any new or additional driveway entering onto a paved road must have a paved concrete or asphalt apron at least 4 inches thick, not less than **20** feet wide and not less than **10** feet long connecting the driveway and road.
8. Driveways shall be a minimum of **15** feet wide with a surface of 6 inches of well-compacted gravel within the first 50 feet from the edge of the traveled roadway.
9. Driveways shall be adequately crowned to direct surface water runoff to appropriate gutters within the first 50 feet from the edge of the traveled roadway.
10. Driveway gutters and culverts shall be of adequate size and location to handle all anticipated surface runoff, and shall be directed to follow previous natural runoff pattern and shall in no instance be changed to flow onto adjacent property or roads, private or public.

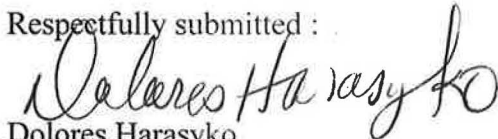
11. Driveway cuts and fills shall be no steeper than 1 foot rise to 2 feet run.
12. Cuts and fills must be stabilized with vegetation or stone covering and protected from erosion with straw mulch and hay bales and or stabilization fabric until vegetation or stone covering is effectively in place.
13. All driveway plans must be inspected and approved by the Sandisfield Highway Superintendent with respect to necessary culverts, paved apron and site lines.
14. All driveway excavation and construction must follow the approved plan and be inspected and approved by the Sandisfield Building Inspector. The property owner is responsible for notifying the proper Town Authorities at least 48 hours before any inspection is due.
15. All driveways must have house number posted before final approval is given. Number must be posted with 911 regulations.

Article 74. The Town voted by 2/3 (32 in favor, 10 opposed) that the town appropriates \$200,000 to pay costs of constructing road improvements in the Town, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$200,000 under and pursuant to Chapter 44, Sections 7(5) and 7(6) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that no funds shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing pursuant to this vote from the limitations on total property taxes imposed upon the Town by Chapter 59, Section 21C of the General Laws (also known as Proposition 2 1/2).

The Finance Committee does not support this article.

Meeting adjourned at 12:38 p.m.

Respectfully submitted :



Dolores Harasyko
Town Clerk