

WARRANT FOR THE ANNUAL TOWN MEETING
May 12, 2012

To the Constable of the Town of Sandisfield

Greetings:

In the name of the Commonwealth of Massachusetts, you are required to notify and warn the inhabitants of said town, qualified to vote in elections and town affairs, to meet at the Town Hall (3 Silverbrook Road) Saturday, May 12, 2012 at 10:00 am for the transaction of town business and on Monday, May 14, 2012 at 10:00 am until 8:00 pm for elections of officers.

- Article 1. To see if the Town will vote to accept the reports of the Town Officers.
- Article 2. To see if the Town will vote to raise and appropriate for the Moderator \$300 or any other sum: \$150 or any other sum for Salaries and \$150 or any other sum for Expenses.
- Article 3. To see if the Town will vote to raise and appropriate \$1.00 or any other sum for Administrative Costs for a Grant Writer.
- Article 4. To see if the Town will 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, or take any other action relative thereto.
- Article 5. To see if the Town will vote to raise and appropriate for the General Government \$30,608 or any other sum: \$23,803 or any other sum for Salaries and \$6,805 or any other sum for Expenses.
- Article 6. To see if the Town will vote to raise and appropriate \$22,295 or any other sum for salary of the Administrative Assistant to the Board of Selectmen.
- Article 7. To see if the Town will vote to raise and appropriate \$400 or any other sum for Finance Committee Expenses.
- Article 8. To see if the Town will vote to raise and appropriate for the Board of Assessors \$49,836.08 or any other sum: \$39,236.08 or any other sum for Salaries and \$10,600 or any other sum for Expenses.
- Article 9. To see if the Town will vote to raise and appropriate \$6,900 or any other sum for the Massachusetts Department of Revenue Mandated Triennial Recertification Expense.

- Article 10. To see if the Town will vote to raise and appropriate for the Treasurer's Office \$23,196 or any other sum: \$15,900 for Salaries and \$7,286 or any other sum for Expenses.
- Article 11. To see if the Town will vote to raise and appropriate \$5,000 or any other sum for the Treasurer's Tax Lien Expense.
- Article 12. To see if the Town will vote to raise and appropriate \$3,500 or any other sum for a Town Audit.
- Article 13. To see if the Town will vote to raise and appropriate for the Tax Collector \$11,764 or any other sum: \$5,797 or any other sum for Salaries and \$5,967 or any other sum for Expenses.
- Article 14. To see if the Town will vote to raise and appropriate \$1,000 or any other sum for Computer Technical Support for Town Office Computers.
- Article 15. To see if the Town will vote to raise and appropriate for the Town Clerk \$28,724 or any other sum: \$18,849 or any other sum for Salaries and \$9,875 or any other sum for Expenses.
- Article 16. To see if the Town will vote to raise and appropriate for the Town Clerk \$3,500 or any other sum for a New Fireproof Cabinet.
- Article 17. To see if the Town will vote to raise and appropriate for the Conservation Commission \$2,700 or any other sum: \$1,700 or any other sum for Salaries, and \$1,000 or any other sum for Expenses.
- Article 18. To see if the Town will vote to raise and appropriate \$2,000 or any other sum for Conservation Consultation Fees.
- Article 19. To see if the Town will vote to raise and appropriate for the Planning Board \$3,010.20 or any other sum: \$1,489.20 or any other sum for Salaries, and \$1,521 or any other sum for Expenses.
- Article 20. To see if the Town will vote to raise and appropriate for the Zoning Board of Appeals \$300 or any other sum: \$50 or any other sum for Salaries, and \$250 or any other sum for Expenses.
- Article 21. To see if the Town will vote to raise and appropriate for Highways & Bridges Maintenance \$193,957 or any other sum: \$113,957 or any other sum for Salaries, and \$80,000 or any other sum for Expenses and Equipment.

- Article 22. To see if the Town will vote to raise and appropriate for Snow and Ice Removal \$265,401 or any other sum: \$102,507 or any other sum for Salaries, and \$162,894 or any other sum for Expenses and Equipment.
- Article 23. To see if the Town will vote to raise and appropriate for Machinery Maintenance \$88,225 any other sum: \$8,225 or any other sum for Salaries, and \$80,000 or any other sum for Expenses and Equipment.
- Article 24. To see if the Town will vote to raise and appropriate for the Tree Account \$10,000 or any other sum for Expenses.
- Article 25. To see if the Town will vote 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. To see if the Town will vote to raise and appropriate \$1,307,170 or any other sum for School Operations.
- Article 27. To see if the Town will vote to raise and appropriate for the School Committee \$1,300 or any other sum for Salaries.
- Article 28. To see if the Town will vote to raise and appropriate \$53,971 or any other sum for Debt Service on the School Building Bonds.
- Article 29. To see if the Town will vote to appropriate for the Library Account \$12,355 or any other sum: \$9,855 or any other sum for Salaries and \$2,500 or any other sum 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. To see if the Town will vote to raise and appropriate \$900 or any other sum for the Massachusetts Catalog Library System for our Town Library.
- Article 31. To see if the Town will vote to raise and appropriate \$3,263.64 or any other sum for the Veteran's Service District.
- Article 32. To see if the Town will vote to raise and appropriate \$50,000 or any other sum for Veterans' Benefits.
- Article 33. To see if the Town will vote to raise and appropriate \$1 or any other sum for Veterans' Death Benefits.
- Article 34. To see if the Town will vote to raise and appropriate \$10,967 or any other sum for the Custodian of Town Buildings Salary.

- Article 35. To see if the Town will vote to raise and appropriate for Mowing and Maintenance of town properties and cemeteries \$9,000 or any other sum: \$1,000 or any other sum for Salaries and \$8,000 or any other sum for Expenses and Equipment.
- Article 36. To see if the Town will vote to raise and appropriate for the Protection of Persons and Property \$57,155 or any other sum: \$40,255 or any other sum for Salaries and \$16,900 or any other sum for Expenses.
- Article 37. To see if the Town will vote to raise and appropriate for the Protection of Persons and Property \$1,500 or any other sum for a New Computer.
- Article 38. To see if the Town will vote to raise and appropriate for the Protection of Persons and Property \$3,000 or any other sum for Precinct Pro Software.
- Article 39. To see if the Town will vote to raise and appropriate \$7,938.04 or any other sum for services provided by the Berkshire County Sheriffs' Communication Center.
- Article 40. To see if the Town will vote to raise and appropriate \$33,270 or any other sum for the Fire & EMS Compensation Salaries.
- Article 41. To see if the Town will vote to raise and appropriate for the Fire Department and Ambulance Maintenance \$37,969 or any other sum: \$7,542 or any other sum for Salaries and \$30,427 or any other sum for Expenses.
- Article 42. To see if the Town will vote to raise and appropriate \$4,500 or any other sum for the purchase of a New Computer and Fire Department Computer Training.
- Article 43. To see if the Town will vote to raise and appropriate \$1.00 or any other sum for Forest Fire Salaries.
- Article 44. To see if the Town will vote to raise and appropriate \$16,964 or any other sum for New Equipment for Fire Department and Ambulance Expenses.
- Article 45. To see if the Town will vote to raise and appropriate for Training of Fire Department and Ambulance Members \$4,022 or any other sum for Expenses.
- Article 46. To see if the Town will vote to raise and appropriate \$2,400 or any other sum for Route 8 Fire House Rental Expenses.

- Article 47. To see if the Town will vote to raise and appropriate \$4,000 or any other sum for Route 57 Fire House Rental Expenses.
- Article 48. To see if the Town will vote to raise and appropriate \$6,000 or any other sum for Ambulance Billing Fee Expenses.
- Article 49. To see if the Town will vote to raise and appropriate \$5,250 or any other sum for ALSS Paramedic Intercept Expenses.
- Article 50. To see if the Town will vote to raise and appropriate \$2,600 or any other sum for Street Light Expenses.
- Article 51. To see if the Town will vote to raise and appropriate for the Building Inspector \$2,303 or any other sum.
- Article 52. To see if the Town will vote to raise and appropriate for Emergency Management \$2,900 or any other sum for Expenses.
- Article 53. To see if the Town will vote to raise and appropriate for the Inspector of Animals \$500 or any other sum for Salaries.
- Article 54. To see if the Town will vote to raise and appropriate for the Dog Officer \$2,700 or any other sum: \$1,500 or any other sum for Salaries and \$1,200 or any other sum for Expenses.
- Article 55. To see if the Town will vote to raise and appropriate for Solid Waste Disposal \$60,000 or any other sum for Expenses.
- Article 56. To see if the Town will vote to raise and appropriate for the Board of Health \$5,292.34 or any other sum: \$2,975.34 or any other sum for Salaries and \$2,317 or any other sum for Expenses.
- Article 57. To see if the Town will vote to raise and appropriate the sums of money, or any other sums, as may be necessary to pay the Expenses of the various departments as follows:
- | | |
|---|----------|
| Lee Regional Visiting Nurse Association..... | \$ 3,087 |
| Community Health Program..... | 1,000 |
| Brien Mental Health Services of the Berkshires..... | 110 |
- Article 58. To see if the Town will raise and appropriate \$2,000 or any other sum for Interest for Loans.
- Article 59. To see if the Town will vote to raise and appropriate \$98,736 or any other sum for the Stabilization Fund.
- Article 60. To see if the Town will vote to raise and appropriate for the Operation and Maintenance of Town Property \$61,000 or any

other sum: \$60,000 or any other sum for Expenses and \$1,000 or any other sum for Salaries.

Article 61. To see if the Town will vote to raise and appropriate \$300 or any other sum for Good Will Gifts.

Article 62. To see if the Town will vote to raise and appropriate the following sums of money, or any other sums, for the expense accounts of:

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. To see if the Town will vote to raise and appropriate the sums of money, or any other sums, as may be necessary to pay the expenses of the following accounts:

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 and Premiums & Bonds for Town Officers...	50,850

Article 64. To see if the Town will vote to raise and appropriate \$613.32 or any other sum for the Berkshire Regional Planning Commission.

Article 65. To see if the Town will vote to raise and appropriate \$500 or any other sum for Southern Berkshire Regional Emergency Planning Commission.

Article 66. To see if the Town will vote to raise and appropriate \$10,000 or any other sum for the Reserve Fund.

Article 67. To see if the Town will vote 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. To see if the Town will vote 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 Federal Laws, provided however, that said expenditures for all revolving funds shall not exceed the receipts for such funds, or to take any other action relative thereto.

Article 69. To see if the Town will vote to appropriate \$50,000 or any other sum from Free Cash to reduce the FY 2013 Tax Rate.

Article 70. To see if the Town will vote 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 Street (0.22 acres) - map and parcel 412-34.02 or take any other action relative thereto.

Article 71. To see if the Town will vote to authorize the Board of Selectmen to look into the feasibility of hiring a town manager or take any other action relative thereto.

Article 72. To see if the Town will vote 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.

or take any other action relative thereto.

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 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.
or take any other action relative thereto.

Article 74. To see if the Town will vote to raise and appropriate, and/or transfer from available funds and/or authorize the Town Treasurer to borrow the sum of \$200,000, or any other sum, to construct road improvements to New Hartford Road, or to take any other action relative thereto.

To vote by ballot on May 14, 2012 for Town Officers and terms thereof as follows:

- One Moderator for one year
- One Selectman for three years
- One Treasurer for two years
- One Auditor for one year
- One Assessor for three years
- One School Committee Member for three years
- One Board of Health Member for three years
- One Planning Board Member for five years
- One Library Trustee for five years

To vote by ballot on the following:

QUESTION 1. Proposition 2 ½ Debt Exclusion.

Shall the Town of Sandisfield be allowed to assess an additional \$150,000 in real estate and personal property taxes for the purposes of balancing the fiscal year 2013 budget beginning July first, two thousand and twelve?

Yes _____ No _____

QUESTION 2. Shall the Town of Sandisfield be allowed to exempt from the limitations of Proposition two and one-half, so-called, the amounts required to pay

for the bond issued in order to pay costs of road improvements on New Hartford Rd., and for the payment of all other costs incidental and related thereto?

Yes _____ No _____

The Town Hall (3 Silverbrook Road) will open at 10 am Saturday, May 12, 2012 for the Town Meeting and the polls will be open on Monday, May 14, 2012 at 10 am at the Town Hall (3 Silverbrook Road) for Town Elections and shall be closed at 8 pm.


You are directed to serve this warrant by posting true and attested copies thereof at three public places within the Town of Sandisfield seven days at least before the time of said Town Meeting.

You are directed to serve this Warrant by posting true and attested copies thereof at three Public places within the Town of Sandisfield fourteen days at least before the time of said Town Meeting.

Hereof fail not and make due return of the warrant with your doings thereon to the Town Clerk at or before the time of holding said Town Meeting.

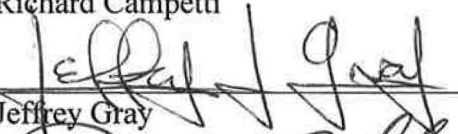


Patrick Barrett

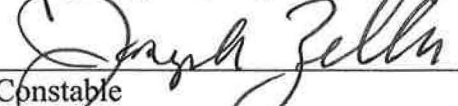


Richard Campetti


Selectmen of the Town of Sandisfield



Jeffrey Gray



Constable



Date Method of Service



Attest: Town Clerk