WARRANT FOR THE ANNUAL TOWN MEETING May 16, 2009

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 16, 2009 at 10:00 am for the transaction of town business and on Monday, May 18, 2009 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 \$1,000 or any other sum for Administrative Costs for a Grant Writer.
Article	4.	To see if the Town will vote to raise and appropriate for the General Government \$29,592 or any other sum: \$23,389 or any other sum for Salaries and \$6,203 or any other sum for Expenses.
Article	5.	To see if the Town will vote to raise and appropriate \$18,176 or any other sum for the Administrative Assistant to the Board of Selectmen.
Article	6.	To see if the Town will vote to raise and appropriate \$400 or any other sum for Finance Committee Expenses.
Article	7.	To see if the Town will vote to raise and appropriate for the Board of Assessors \$46,793 or any other sum: \$37,193 or any other sum for Salaries and \$9,600 or any other sum for Expenses.
Article	8.	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	9.	To see if the Town will vote to raise and appropriate for the Treasurer's Office \$17,850 or any other sum: \$12,100 for Salaries and \$5,750 or any other sum for Expenses.

- Article 10. To see if the Town will vote to raise and appropriate \$4,000 or any other sum for the Treasurer Tax Lien Expense.
- Article 11. To see if the Town will vote to raise and appropriate \$3,000 or any other sum for a Town Audit.
- Article 12. To see if the Town will vote to raise and appropriate for the Tax Collector \$12,569 or any other sum: \$5,464 or any other sum for Salaries and \$7,105 or any other sum for Expenses.
- Article 13. 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 14. To see if the Town will vote to raise and appropriate for the Town Clerk \$17,056 or any other sum: \$10,137 or any other sum for Salaries and \$6,919 or any other sum for Expenses.
- Article 15. To see if the Town will vote to raise and appropriate for the Conservation Commission \$2,700 or any other sum: \$1,500 or any other sum for Salaries, and \$1,200 or any other sum for Expenses.
- Article 16. To see if the Town will vote to raise and appropriate \$1.00 or any other sum for Conservation Consultation Fees.
- Article 17. To see if the Town will vote to raise and appropriate for the Planning Board \$1,100 or any other sum: \$500 or any other sum for Salaries, and \$600 or any other sum for Expenses.
- Article 18. To see if the Town will vote to raise and appropriate for the Zoning Board \$300 or any other sum: \$50 or any other sum for Salaries, and \$250 or any other sum for Expenses.
- Article 19. To see if the Town will vote to raise and appropriate for Highways & Bridges Maintenance \$179,842 or any other sum: \$107,342 or any other sum for Salaries, and \$72,500 or any other sum for Expenses and Equipment.
- Article 20. To see if the Town will vote to raise and appropriate for Snow and Ice Removal \$263,973 or any other sum: \$101,079 or any other sum for Salaries, and \$162,894 or any other sum For Expenses and Equipment.
- Article 21. To see if the Town will vote to raise and appropriate for Machinery Maintenance \$60,426 any other sum: \$6,426 or any other sum for Salaries, and \$54,000 or any other sum for Expenses and Equipment.

- Article 22. To see if the Town will vote to raise and appropriate for the Tree Account \$4,000 or any other sum for Expenses.
- Article 23. To see if the Town will vote to accept any monies for Chapter 90 that have been approved by the Mass Highway Department for projects approved by the Mass Highway Department.
- Article 24. To see if the Town will vote to raise and appropriate \$1,037,128 or any other sum for School Operations.
- Article 25. To see if the Town will vote to raise and appropriate for the School Committee \$1,300 or any other sum for Salaries.
- Article 26. To see if the Town will vote to raise and appropriate \$66,572 or any other sum for Debt Service on the School Building Bonds.
- Article 27. To see if the Town will vote to appropriate for the Library Account \$11,725 or any other sum: \$9,125 or any other sum for Salaries and \$2,600 or any other sum for Expenses; and to meet that appropriation raise \$8,583.06, transfer \$1,000 from the revolving Dog Licensing Fees, transfer \$1,875 from State Aid to Libraries, transfer \$231 from Municipal Equalization Grant to Libraries, and transfer \$35.94 from the Non-Resident Grant to Libraries.
- Article 28. To see if the Town will vote to raise and appropriate \$3,586 or any other sum for the Veteran's Service District.
- Article 29. To see if the Town will vote to raise and appropriate \$20,000 or any other sum for Veterans' Benefits.
- Article 30. To see if the Town will vote to raise and appropriate \$1 or any other sum for Veteran's Death Benefits.
- Article 31. To see if the Town will vote to raise and appropriate \$10,752 or any other sum for the Custodian of Town Buildings Salary.
- Article 32. To see if the Town will vote to raise and appropriate for Mowing and Maintenance of town properties and cemeteries \$11,000 or any other sum: \$1,000 or any other sum for Salaries and \$10,000 or any other sum for Expenses and Equipment.
- Article 33. To see if the Town will vote to raise and appropriate for the Protection of Persons and Property \$45,182 or any other sum: \$29,053 or any other sum for Salaries and \$16,129 or any other sum for Expenses.

- Article 34. To see if the Town will vote to raise and appropriate for the Berkshire County Sheriffs' Communication Center \$7,265 or any other sum for Expenses.
- Article 35. To see if the Town will vote to authorize the Board of Selectmen or it's authorized designee to apply for and accept the COPS Hiring Recovery Program Grant which provides funding for a full time Police Officer for the first three years, and commits the Town to fund the fourth year; or take any other action in relation thereto. A copy of the COPS Hiring Recovery Program Grant is available for review at the Town Clerk's office.
- Article 36. To see if the Town will vote to raise and appropriate for the Fire Department and Ambulance Maintenance \$34,751 or any other sum: \$7,107 or any other sum for Salaries and \$27,644 or any other sum for Expenses.
- Article 37. To see if the Town will vote to raise and appropriate \$5,000 or any other sum for Fire Department Computer Training.
- Article 38. To see if the Town will vote to raise and appropriate \$500 or any other sum for Forest Fire Salaries.
- Article 39. To see if the Town will vote to raise and appropriate \$15,014 or any other sum for New Equipment for Fire Department and Ambulance Expenses.
- Article 40. To see if the Town will vote to raise and appropriate for Training of Fire Department and Ambulance Members \$3,419 or any other sum for Expenses.
- Article 41. To See if the Town will vote to raise and appropriate \$2,000 or any other sum for Route 8 Fire House Rental Expenses.
- Article 42. To see if the Town will vote to raise and appropriate \$3,000 or any other sum for Route 57 Fire House Rental Expenses.
- Article 43. To see if the Town will vote to raise and appropriate \$3,000 or any other sum for Ambulance Billing Fee Expenses.
- Article 44. To see if the Town will vote to raise and appropriate \$5,000 or any other sum for ALSS Paramedic Intercept Expenses.
- Article 45. To see if the Town will vote to raise and appropriate \$3,500 or any other sum for Street Light Expenses.
- Article 46. To see if the Town will vote to raise and appropriate for the Building Inspector \$2,149 or any other sum.

- Article 47. To see if the Town will vote to raise and appropriate for Emergency Management \$2,250 or any other sum for Expenses.
- Article 48. To see if the Town will vote to raise and appropriate for the Inspector of Animals \$500 or any other sum for Salaries.
- Article 49. 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 50. To see if the Town will vote to raise and appropriate for Solid Waste Disposal \$65,000 or any other sum for Expenses.
- Article 51. To see if the Town will vote to raise and appropriate for the Board of Health \$2,800 or any other sum: \$1,607 or any other sum for Salaries and \$1,193 or any other sum for Expenses.
- Article 52. 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\$	2,940
Community Health Program	1,000
Brien Mental Health Services of the Berkshires	108

- Article 53. To see if the Town will raise and appropriate \$500 or any other sum for Interest for Loans.
- Article 54. To see if the Town will vote to raise and appropriate \$91,521 or any other sum for the Stabilization
- Article 55. To see if the Town will vote to raise and appropriate for the Operation and Maintenance of Town Property \$53,108 or any other sum: \$52,108 or any other sum for Expenses and \$1,000 or any other sum for Salaries.
- Article 56. To see if the Town will vote to raise and appropriate \$300 or any other sum for Good Will Gifts.
- Article57.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......\$ 1,500
Council on Aging......\$ 1,500
3,000
Elderly Transportation.....Elderly Transportation......2,417
250

Recreation Commission.....

5.000

	Technology Committee 1,950
Article 58.	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.\$ 46,333Town Employee Benefits.26,971Unemployment Insurance.500Town's Share Group Insurance.29,000Town's Share Medicare.6,450Insurance and Premiums & Bonds for Town Officers47,500
Article 59.	To see if the Town will vote to raise and appropriate \$524 or any other sum for the Berkshire Regional Planning Commission.
Article 60.	To see if the Town will vote to raise and appropriate \$500 or any other sum for Southern Berkshire Regional Emergency Planning Commission.
Article 61.	To see if the Town will vote to raise and appropriate \$10,000 or any other sum for the Reserve Fund.
Article 62.	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 yearTown Clerk.6,522.00 per yearTreasurer.6,180.00 per yearTax Collector.5,464.00 per yearSelectmen.5,538.00 per yearAssessors.2,205.00 per yearAuditor.5.00 per hourSchool Committee Chairman.500.00 per yearLibrary Trustee.25.00 per yearConstables.12.88 per hour
Article 63.	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 a. Town Gas Inspector 2,500

- Town Gas Inspector Dog Licensing Fees Dump Sticker Fees e.
- f.
- 2,500 2,500 15,000 g.

h. Legal Ad Fees 2,000

which revolving funds together shall not exceed the sum of thirty-nine thousand dollars (\$39,000), 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 64. To see if the Town will vote to appropriate \$50,000 or any other sum from Free Cash to reduce the FY 2010 Tax Rate.
- Article 65. To see if the Town will vote to amend the Town of Sandisfield Bylaws under Chapter III, Town Officers, by removing Section 3.G, which reads as follows:

School Committee: There shall be five (5) members of the School Committee elected as follows: Beginning at the 1965 Annual Town Meeting and continuing every third year thereafter, there shall be elected one (1) member to the School Committee for term of three (3) years. At all other Annual Town Meetings there shall be elected two (2) members to the School Committee for a term of three (3) years.

and replacing it with Section 3.G:

School Committee: There shall be three (3) members of the School Committee, their terms of office so arranged that one expires each year on the date of the annual Town Meeting at which time a successor shall be elected for a three year term.

Or take any other action in relation thereto.

Article 66. To see if the Town will vote to amend the Town of Sandisfield Bylaws under Chapter VIII, Miscellaneous Provisions, by removing Section 6, which reads as follows:

Owners or keepers of unlicensed dogs as of June 1 of each license year, shall be subject to a fine of \$20.00. By order of the Board of Selectmen, dogs shall be restrained from running at large as shall be prescribed by order of the Selectmen. The penalty for each violation shall be a fine of \$20.00

and replacing it with Section 6:

Owners or keepers of unlicensed dogs as of June 1st of each license year, shall be subject to a fine of \$25 per dog. Owners or keepers of dogs whom have failed to vaccinate against rabies shall be subject to a fine of \$50 per dog. By order of Board of Selectmen, dogs shall be restrained from running at large. The penalty for each violation of not restraining the dog/s shall be a fine of \$25 per dog. The penalty shall be separate from and in addition to any penalties or remedies at law provided under the Massachusetts General Laws.

Or take any other action in relation thereto.

- Article 67. To see if the Town will vote to accept General Laws Chapter 40, Section 57, allowing the Town to adopt a bylaw to deny, revoke, or suspend local licenses for failure to pay municipal taxes or charges; or take any other action in relation thereto.
- Article 68. To see if the Town will vote to amend the Town of Sandisfield Bylaws by adding Section 13, entitled "Local Licenses and Permits; Denial, Revocation or Suspension for Failure to Pay Municipal Taxes or Charges." under Chapter VIII, Miscellaneous Provisions, pursuant to General Laws Chapter 40, Section 57, to read as follows:
 - (a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, thereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
 - (b) The licensing authority may deny, revoke or suspend any licensing or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is

given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A of the Massachusetts General Laws in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eight-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and on; children work permits, section sixty-nine of chapter one hundred and fortynine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one, marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eight-one of chapter one hundred and forty. Or take any other action in relation thereto.

Article 69. 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:

Town of Sandisfield Right to Farm By-law

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1;

Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Sandisfield restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment"). This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sandisfield by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- 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; and
- keeping and raising of poultry, swine, cattle, sheep, 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.

"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, 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; and
- on-farm relocation of earth and the clearing of ground for farming operation
- construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

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 of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law. This by-law does not supersede local, state or federal laws or regulations.

Section 4 Effective Date

This by-law becomes effective upon approval at Town Meeting, subject to filing with the Massachusetts Attorney General for review and all lawful requirements of posting and publishing pursuant to G. L. c. 40, § 32.

Section 5 Disclosure

The following notice shall be prominently posted on the town hall notice board and be made available for inspection and copying at the office of the Town Clerk.

"It is the policy of this community 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 notice is to inform buyers or occupants that the property they are about to buy or occupy lies within a town where farming activities occurs. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town of Sandisfield may be affected by commercial agricultural operations"

Section 6 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Agricultural Commission. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural commission or its agent, which shall review and facilitate the resolution of the grievance to the Board of Health review and facilitate the resolution of the grievance to the Board a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance to the Board of Health review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 7 Severability Clause

If any part of this 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 provisions of this By-law to be severable.

Or take any other action in relation thereto.

To vote by ballot on May 18, 2009 for Town Officers and terms thereof as follows:

One Moderator for one year One Selectman for three years One Auditor for one year One Assessor for three years One School Committee Member 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

The Town Hall (3 Silverbrook Road) will open at 10 am Saturday, May 16, 2009 for the Town Meeting and the polls will be open on Monday, May 18, 2009 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.

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

Richard Campetti

Victor Hryckvich

Selectmen of the Town of Sandisfield