



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NEW MARLBOROUGH
ANNUAL TOWN MEETING
WARRANT

BERKSHIRE: ss

To: William West, Constable of the Town of New Marlborough

Greetings :

In the name of the Commonwealth of Massachusetts, you are hereby required to warn and notify the inhabitants of the Town of New Marlborough, qualified to vote in Town affairs, to meet at the field behind the New Marlborough Central School at 44 Hartsville Mill River Road in Mill River Village on Saturday, the 22nd day of May, 2021, at 9:00 in the morning, then and there to act on the following articles:

Article 1: To hear and act upon the reports of the Town Officers or any committee of the Town.

Article 2: To see if the Town will vote to authorize the Board of Selectmen to act as agents of the Town in accordance with Chapter 40, Section 2 of the General Laws for the purpose of bringing suit or suits in the name of the Town and on its behalf, and to adjust, litigate, defend, compromise, settle, and execute any and all documents pursuant to any settlement on behalf of the Town for such amounts as the Selectmen shall determine in their decision to be proper and in the best interest of the Town, or take any other vote in relation thereto.

Article 3: To see if the Town will vote to authorize the Town, with the approval of the Board of Selectmen, to seek and accept any grants, or take any other vote in relation thereto.

Article 4: To see if the Town will vote to authorize the Board of Selectmen to appoint any member or members thereof to other office(s) or position(s) for a term as provided by law (if any), or otherwise for a term not to exceed one year and to fix the salary and compensation in accordance with Chapter 41, Section 4A of the General Laws, or take any other vote in relation thereto.

Article 5: To see if the Town will vote to authorize the Board of Health to appoint an agent for the Board of Health who may be a member of the Board of Health, under the provisions of Chapter 41, Section 4A of the General Laws, subject to the approval of the Board of Selectmen, or take any other vote in relation thereto.

Article 6: To see if the Town will vote to authorize the Conservation Commission to appoint an agent for the Conservation Commission, who may be a member of the Conservation Commission, under the provisions of Chapter 41, Section 4A of the General Laws, subject to the approval of the Board of Selectmen, or take any other vote in relation thereto.

Article 7: To see if the Town will vote to authorize any Town Board to appoint any member thereof to another office or position, subject to the approval of the Board of Selectmen, for a term as provided by law (if any), or otherwise for the term not to exceed one year, and to fix the salary and compensation in accordance with Chapter 41, Section 4A of the General Laws, or take any other vote in relation thereto.

Article 8: To see if the Town will vote to accept any and all money appropriated by the Executive Office of Transportation and Massachusetts Highway Department, subject to the approval of the Board of Selectmen, said sums to be used for the purpose of repairing roads, or take any other vote in relation thereto.

Article 9: To see if the Town will vote to accept any and all money appropriated by the Executive Office of Veterans Affairs and appropriate said amounts, subject to the approval of the Board of Selectmen, to the Veterans Benefits Trust Fund for the purpose of paying veteran benefits under Chapter 115 of the General Laws, or take any other vote in relation thereto.

Article 10: To see if the Town will vote to affix the salaries of various elected Town Officers, or take any other vote in relation thereto.

	FY 2022	+/-	FY 2021
Board of Selectmen (each, 3 members)	\$ 2,970.00	\$ 120.00	\$ 2,850.00
Town Moderator	\$ 145.00		\$ 145.00
Town Clerk	\$ 39,321.00	\$ 1,645.00	\$ 37,676.00
Board of Assessors (chairman)	\$ 2,200.00		\$ 2,200.00
Board of Assessors (each, 2 members)	\$ 1,900.00		\$ 1,900.00
Board of Health (chairman)	\$ 450.00		\$ 450.00
Board of Health (each, 2 members)	\$ 400.00		\$ 400.00
Cemetery Commissioners (chairman)	\$ 175.00	\$ 25.00	\$ 150.00
Cemetery Commissioners (each, 2 members)	\$ 150.00	\$ 25.00	\$ 125.00
Constable	\$ 475.00		\$ 475.00
Tree Warden	\$ 1,250.00		\$ 1,250.00
Library Trustees (chairman)	\$ 120.00		\$ 120.00
Library Trustees (each, 2 members)	\$ 100.00		\$ 100.00
School Comm Reps (each, 2 members)	\$ 825.00		\$ 825.00

General Government

Article 11: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto: (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 Moderator	\$ 145.00	\$ -	\$ 145.00
2 Selectmen Salaries	\$ 8,910.00	\$ 360.00	\$ 8,550.00
3 Selectmen Expenses	\$ 4,650.00	\$ 500.00	\$ 4,150.00
4 Contingency	\$ 2,500.00	\$ -	\$ 2,500.00
5 Conservation Commission Expenses	\$ 1,900.00	\$ 450.00	\$ 1,450.00
6 Conservation Commission Clerical	\$ 900.00	\$ -	\$ 900.00
7 Town & Labor Counsel	\$ 15,000.00	\$ -	\$ 15,000.00
8 Town Administrator Salary	\$ 49,759.00	\$ 9,551.00	\$ 40,208.00
9 Administrative Secretary Salary	\$ 35,378.00	\$ 1,526.00	\$ 33,852.00
10 Human Resources Position	\$ 15,360.00	\$ 15,360.00	\$ -
11 Website	\$ 4,095.00	\$ 120.00	\$ 3,975.00
12 Finance Committee Expenses	\$ 250.00	\$ (250.00)	\$ 500.00
13 Finance Committee Clerical	\$ 750.00	\$ -	\$ 750.00
14 Accounting Officer Salary	\$ 20,472.00	\$ 1,095.00	\$ 19,377.00
15 Accounting Officer Expenses	\$ 4,515.00	\$ -	\$ 4,515.00
16 Assessors Salaries	\$ 6,000.00	\$ -	\$ 6,000.00
17 Assessors General Expenses	\$ 1,010.00	\$ 160.00	\$ 850.00
18 Assessors Tax Map Update	\$ 2,500.00	\$ -	\$ 2,500.00
19 Assessors Property Cards Online	\$ 1,680.00	\$ 20.00	\$ 1,660.00
20 Assessors Clerk Salary	\$ 23,585.00	\$ 1,017.00	\$ 22,568.00
21 Assessors Computer Contract	\$ 4,886.00	\$ 31.00	\$ 4,855.00
22 Assessors Revaluation Account	\$ 17,500.00	\$ 1,000.00	\$ 16,500.00
23 Tax Collector Computer Service	\$ 7,440.00	\$ (40.00)	\$ 7,480.00
24 Tax Collector Department Salaries	\$ 29,267.00	\$ 1,487.00	\$ 27,780.00
25 Tax Collector Expenses	\$ 6,415.00	\$ -	\$ 6,415.00
26 Treasurer Department Salaries	\$ 26,538.00	\$ 2,532.00	\$ 24,006.00
27 Treasurer Expenses	\$ 3,000.00	\$ 414.00	\$ 2,586.00
28 Treasurer Software	\$ 4,495.00	\$ -	\$ 4,495.00
29 Town Clerk Salary	\$ 39,321.00	\$ 1,645.00	\$ 37,676.00
30 Town Clerk Expenses	\$ 1,000.00	\$ -	\$ 1,000.00
31 Town Records Preservation	\$ 2,500.00	\$ -	\$ 2,500.00
32 Election Expenses	\$ 3,050.00	\$ (780.00)	\$ 3,830.00
33 Election Compensation	\$ 995.00	\$ (5.00)	\$ 1,000.00
34 Street Listing	\$ 800.00	\$ -	\$ 800.00
35 Agricultural Commission Expenses	\$ -	\$ (250.00)	\$ 250.00
36 Planning Board Expenses	\$ 900.00	\$ -	\$ 900.00
37 Planning Board Clerical	\$ 1,350.00	\$ (150.00)	\$ 1,500.00

38 Board of Appeals	\$ 50.00	\$ (250.00)	\$ 300.00
39 Clerical	\$ 9,543.00	\$ 273.00	\$ 9,270.00
40 Town Hall Expenses	\$ 36,500.00	\$ (3,000.00)	\$ 39,500.00
41 Town Hall Custodian	\$ 9,307.00	\$ 547.00	\$ 8,760.00
42 Town Officers Bonds	\$ 1,000.00	\$ -	\$ 1,000.00
43 Printing	\$ 1,700.00	\$ (200.00)	\$ 1,900.00
Total Article 11	\$ 406,916.00	\$ 33,163.00	\$ 373,753.00

Highways/Public Works

Article 12: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto: (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 Roads and Bridges Salaries	\$ 369,098.00	\$ 19,690.00	\$ 349,408.00
2 Roads and Bridges Expenses	\$ 196,500.00	\$ (36,500.00)	\$ 233,000.00
3 Fuel: Propane & Diesel	\$ 43,000.00	\$ (2,900.00)	\$ 45,900.00
4 Winter Roads	\$ 266,334.00	\$ -	\$ 266,334.00
5 Street Lights	\$ 5,500.00	\$ -	\$ 5,500.00
6 Highway Department Expenses	\$ 27,186.00	\$ (6,615.00)	\$ 33,801.00
7 Machinery Expense	\$ 78,000.00	\$ -	\$ 78,000.00
8 Cemetery Officers Stipends	\$ 475.00	\$ 75.00	\$ 400.00
9 Cemetery Salaries	\$ 40,682.00	\$ 1,386.00	\$ 39,296.00
10 Cemetery Expenses	\$ 2,600.00	\$ (300.00)	\$ 2,900.00
Total Article 12	\$ 1,029,375.00	\$ (25,164.00)	\$ 1,054,539.00

Article 13: To see if the Town will vote to raise and appropriate the amount of \$10,000.00, or any other amount, for the purpose of procuring Highway Engineering Consultant services to review the proposed five year work plan and prioritization of roadway capital projects, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 14: To see if the Town will vote to raise and appropriate the amount of \$4,115.00, or any other amount, for the purpose of purchasing and installing air conditioning in the Highway Garage office and break-room, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Schools

Article 15: To see if the Town will vote to raise and appropriate the amounts recommended for the following purposes, or take any other vote in relation thereto. (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 SBRSD Operating and Transportation	\$ 2,675,158.00	\$ (166,058.00)	\$ 2,841,216.00
2 SBRSD Capital (Includes Bond)	<u>\$ 110,709.00</u>	<u>\$ (11,677.00)</u>	<u>\$ 122,386.00</u>
Total Article 15	\$ 2,785,867.00	\$ (177,735.00)	\$ 2,963,602.00

Article 16: To see if the Town will vote to raise and appropriate the sum of \$1,650.00, or any other amount, for School Committee Representatives Compensation, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Culture and Recreation

Article 17: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto. (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 Library Expenses	\$ 49,170.00	\$ 1,313.00	\$ 47,857.00
2 Library Salaries	\$ 67,758.00	\$ 2,822.00	\$ 64,936.00
3 Library Trustees Stipends	\$ 320.00	\$ -	\$ 320.00
4 Historical Commission Clerical	\$ 300.00	\$ -	\$ 300.00
5 Historical Commission Expenses	\$ 700.00	\$ -	\$ 700.00
6 Umpachene Falls Park Expenses	\$ 3,500.00	\$ 500.00	\$ 3,000.00
7 Care of Village Green	\$ 3,465.00	\$ (624.00)	\$ 4,089.00
8 Cultural Council Expenses	\$ 1,250.00	\$ -	\$ 1,250.00
9 Memorial Day	<u>\$ 500.00</u>	<u>\$ (200.00)</u>	<u>\$ 700.00</u>
Total Article 17	\$ 126,963.00	\$ 3,811.00	\$ 123,152.00

Protection of Persons and Property

Article 18: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto. ***(Line 3 is Not Recommended by the Finance Committee. All other line items in Article 18 are Recommended by the Finance Committee.)***

	FY 2022	+/-	FY 2021
1 Police Department Salaries	\$ 202,708.00	\$ 17,549.00	\$ 185,159.00
2 Police Reform Bridge Academy	\$ 4,138.00	\$ 4,138.00	\$ -
3 Police Department Expenses	\$ 34,325.00	\$ 4,325.00	\$ 30,000.00
4 Police Department Rental	\$ 6,000.00	\$ -	\$ 6,000.00
5 Constable Stipend	\$ 475.00	\$ -	\$ 475.00
6 Constable Expenses	\$ -	\$ (50.00)	\$ 50.00
7 Fire Protection	\$ 66,250.00	\$ 2,250.00	\$ 64,000.00E
8 Fire Fighters Stipends	\$ 36,500.00	\$ -	\$ 36,500.00
9 Fire Department Clerical	\$ 1,700.00	\$ -	\$ 1,700.00
10 NM Rescue Clerical	\$ 7,214.00	\$ 142.00	\$ 7,072.00
11 Building Inspector Expenses	\$ 3,315.00	\$ -	\$ 3,315.00
12 Building Department Salaries	\$ 24,431.00	\$ (446.00)	\$ 24,877.00
13 Alternate Building Inspector Compensation	\$ 750.00	\$ 250.00	\$ 500.00
14 Building Inspector Software	\$ 3,010.00	\$ -	\$ 3,010.00
15 Emergency Management Stipend	\$ 4,450.00	\$ -	\$ 4,450.00
16 Emergency Management Expenses	\$ 2,000.00	\$ -	\$ 2,000.00
17 Animal Control Officer Stipend	\$ 6,000.00	\$ -	\$ 6,000.00
18 Animal Control Officer Expenses	\$ 3,065.00	\$ 65.00	\$ 3,000.00
19 Animal Inspector Compensation	\$ 3,500.00	\$ 1,500.00	\$ 2,000.00
20 Animal Inspector Expense	\$ 525.00	\$ (300.00)	\$ 825.00
21 Tree Warden Salary	\$ 1,250.00	\$ -	\$ 1,250.00
22 Tree Work	\$ 27,000.00	\$ 2,000.00	\$ 25,000.00
23 911 Coordinator Expenses	\$ -	\$ (100.00)	\$ 100.00
24 Emergency Notification System	\$ 2,700.00	\$ 118.00	\$ 2,582.00
25 Berkshire County Communications	\$ 11,237.00	\$ 327.00	\$ 10,910.00
Total Article 18	\$ 452,543.00	\$ 31,768.00	\$ 420,775.00

Article 19: To see if the Town will vote to raise and appropriate the amount of \$2,700.00, or any other amount, for the purchase of tasers for the Police Department, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 20: To see if the Town will vote to transfer the amount of \$22,800.00, or any other amount, from the New Marlborough Rescue/Comstar Reserved Account, and to appropriate said amount, or any other amount, to the New Marlborough Rescue Expense Account for the purpose of the operation of the ambulance, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 21: To see if the Town will vote to transfer the amount of \$38,823.00, or any other amount, from the New Marlborough Rescue/Comstar Reserved Account, and to appropriate said amount, or any other amount, to the New Marlborough Rescue Stipend Account for the purpose of staffing the ambulance, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Health and Human Services

Article 22: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto. (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 Household Hazardous Waste	\$ 2,065.00	\$ 180.00	\$ 1,885.00
2 Board of Health Salaries	\$ 1,250.00	\$ -	\$ 1,250.00
3 Board of Health Expenses	\$ 1,300.00	\$ -	\$ 1,300.00
4 Board of Health Clerical	\$ 6,500.00	\$ -	\$ 6,500.00
5 Board of Health Software Expense	\$ 2,100.00	\$ -	\$ 2,100.00
6 Transfer Station Expenses	\$ 98,000.00	\$ 13,000.00	\$ 85,000.00
7 Transfer Station Salaries	\$ 30,078.00	\$ 1,302.00	\$ 28,776.00
8 Visiting Nurse Association	\$ 2,750.00	\$ 170.00	\$ 2,580.00
9 Group Purchasing (former BRGP)	\$ 2,920.00	\$ 2,120.00	\$ 800.00
10 Council on Aging Transportation	\$ -	\$ (5,834.00)	\$ 5,834.00
11 Council on Aging Expenses	\$ 6,400.00	\$ 6,150.00	\$ 250.00
12 Commission on Disabilities Expenses	\$ 100.00	\$ (125.00)	\$ 225.00
13 Senior Tax Workoff Expenses	\$ 50.00	\$ (100.00)	\$ 150.00
14 Housing Committee Expenses	\$ 350.00	\$ 350.00	\$ -
15 ADA Coordinator	\$ 1,500.00	\$ -	\$ 1,500.00
Total Article 22	\$ 155,363.00	\$ 17,213.00	\$ 138,150.00

Debt and Interest

Article 23: To see if the Town will vote to raise and appropriate the amounts recommended, or any other amounts, for the following purposes, or take any other vote in relation thereto. (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 2015 Fire Truck	\$ 66,000.00	\$ (2,200.00)	\$ 68,200.00
2 2019 Grader	\$ 42,900.00	\$ (1,300.00)	\$ 44,200.00
Total Article 23	\$ 108,900.00	\$ (3,500.00)	\$ 112,400.00

Unclassified Expenses

Article 24: To see if the Town will vote to raise and appropriate the recommended amounts, or any other amounts, for the following purposes, or take any other vote in relation thereto. (Recommended by the Finance Committee)

	FY 2022	+/-	FY 2021
1 Berkshire County Retirement	\$ 176,814.00	\$ 12,949.00	\$ 163,865.00
2 Town Insurances	\$ 64,485.00	\$ -	\$ 64,485.00
3 Group Health Insurance	\$ 225,777.00	\$ 12,565.00	\$ 213,212.00
4 Insurance Reimbursement	\$ 4,000.00	\$ -	\$ 4,000.00
5 Longevity Stipend	\$ 4,000.00	\$ 500.00	\$ 3,500.00
6 Medicare	\$ 18,872.00	\$ 1,300.00	\$ 17,572.00
7 Veterans District	\$ 6,577.00	\$ (52.00)	\$ 6,629.00
8 Veterans Benefits Trust Chapter 115	\$ 10,000.00	\$ -	\$ 10,000.00
9 Berkshire Regional Planning	\$ 1,203.00	\$ -	\$ 1,203.00
10 Reserve Fund	\$ 50,000.00	\$ -	\$ 50,000.00
11 Nonexempt Employee Contingency	\$ 1,500.00	\$ -	\$ 1,500.00
Total Article 24	\$ 563,228.00	\$ 27,262.00	\$ 535,966.00

Article 25: To see if the Town will vote to raise and appropriate the sum of \$ 150,000.00, or any other amount, for the purpose of funding the Stabilization Fund, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 26: To see if the Town will vote to raise and appropriate the amount of \$8,000.00 for the purpose of supporting the work of the Regional School District Planning Board in its study of the financial and educational advisability of options for consolidating the Southern Berkshire Regional School District and the Berkshire Hills Regional School District, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 27: To see if the Town will vote to raise and appropriate the sum of \$40,000.00 or any other amount, and appropriate said amount, or any other amount, to the Roads Projects Account for the purpose of repairing town roads, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 28: To see if the Town will vote to raise and appropriate the sum of \$37,758.00, or any other amount to the Highway Roller account, for the purpose of upgrading the purchase of a used roller to a new roller, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 29: To see if the Town will vote to raise and appropriate the amount of \$32,000.00, or any other amount, to the Library Repairs Account for the purpose of repairs to the Town Library, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 30: To see if the Town will vote to raise and appropriate the amount of \$30,000.00, or any other amount, to the Transfer Station Capital Account for the purpose of making capital improvements to the Transfer Station, or take any vote in relation thereto. (Recommended by the Finance Committee)

Article 31: To see if the Town will vote to raise and appropriate the amount of \$16,000.00, or any other amount, to the Fire Department ATV account for the purpose of purchasing an all-terrain vehicle, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 32: To see if the Town will vote to transfer the amount of \$75,000.00, or any other amount, from Free Cash and appropriate said amount to the Highway Department Tractor Account for the purpose of purchasing a tractor and mower, or take any other vote in relation thereto. (Recommended by the Finance Committee)

Article 33: To see if the Town will vote to transfer the sum of \$295,000.00, or any other amount, from the Stabilization Account and appropriate said amount, to the Highway 10 Wheel Truck Account, for the purpose of purchasing a 10 Wheel dump truck with snow plow/wing and sander, and to authorize the Board of Selectmen to sell or trade in the 2009 Mack Dump Truck, or to take any other vote in relation thereto. (Recommended by the Finance Committee) **2/3 Vote Required**

Article 34: To see if the Town will vote to raise, by borrowing, the amount of \$210,000.00, or any other amount, and appropriate said amount to the Capital Road Projects Account for the purpose of repairing Hatchery Road, contingent upon the passage of a Proposition 2 ½ debt exclusion ballot question and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, or to take any other vote in relation thereto. **(Not Recommended by the Finance Committee) 2/3 Vote Required**

Article 35: To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2021 without further appropriation for the revolving funds established in the General By-Laws for certain departments, boards, committees, agencies, or other officers in accordance with MGL Chapter 44, Section 53E ½ as follows, or take any other vote in relation thereto:

<u>Authorized Revolving Funds</u>	<u>FY 2022 Spending Limit</u>
Plumbing Inspector	\$ 7,500.00
Gas Inspector	\$ 5,000.00
Electrical Inspector	\$ 30,000.00
Board of Health	\$ 17,000.00
Tax Title Fees	\$ 25,000.00

Article 36: To see if the Town will vote to amend Section 8 of the Town's General Bylaws by adding the following language, or take any other vote in relation thereto:

SECTION 8A CAPITAL PLANNING COMMITTEE

8A.1 The Town shall have an appointed Capital Planning Committee consisting of five members with staggered three year terms. In the first year of appointments, two terms shall be for three years, two terms shall be for two years, and one term shall be for one year. All subsequent terms shall be for three years. Appointments shall be made by the Board of Selectmen. The positions shall be filled from among volunteers who are members of the Town and have financial planning knowledge and experience. Current members of the Finance Committee and Board of Selectmen may serve as non-voting, ex-officio members of the Committee and shall not count towards a quorum.

- 8A.2** The Committee will annually review, develop, and maintain a multi-year Capital Improvement Plan that identifies and balances the Town's capital infrastructure needs with controlled tax growth and available funding sources. For the purpose of this bylaw, "A Capital Improvement" is defined as any acquisition or lease, tangible asset, or project that costs at least \$10,000 and has a useful life equal to or greater than five years as determined by the Committee. The Committee will also review proposals for the construction of municipal buildings and acquisition of land or personal property.
- 8A.3** The Committee shall consider all available funding sources and make recommendations or offer guidelines as to which sources to use and under what circumstances to best meet the capital infrastructure needs of the Town. In doing so the Committee shall look forward at least five years in developing its plan.
- 8A.4** The Committee will develop an Annual Capital Funding Plan for the next fiscal year for presentation to the Finance Committee and Board of Selectmen by January 15th of each year. The Committee will publish an annual report to be included in the Town's Annual Report.

Article 37: To see if the Town will vote to amend the Section 9 of the Town's General Bylaws by deleting the ~~strike through language~~ and adding the language in ***bold italics***, or take any other vote in relation thereto:

SECTION 9 UNREGISTERED AND DILAPIDATED MOTOR VEHICLES, *BOATS AND TRAILERS*

- 9.1** ~~Upon complaint, in writing, and signed by six (6) or more persons who own land in the Town of New Marlborough, to the Selectmen or Chief of Police the owner of the premises upon which unregistered and dilapidated motor vehicles and/or parts thereof has been allowed to stand thereon shall remove said unregistered and dilapidated motor vehicles and/or parts within four (4) weeks of being informed of said complaint by the Selectmen or the 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 determine whether or not a motor vehicle is junked or dilapidated.~~

Purpose. The purpose of this regulation is to protect property values and the aesthetic character of the community.

- 9.2 ~~Whoever violates any of the provisions of this By-law shall pay a fine not to exceed ten (10) dollars 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 for vehicle or part, and each continuing day of such violation may also be considered a separate offense. (Adopted Special Town Meeting 07.29.1966, Approved AG 09.08.1966)~~

No person shall keep or allow to stand exposed to open view from public ways any abandoned, wrecked, junked or unregistered motor vehicles, boat or trailer.

- 9.3 *An Unregistered Vehicle must be effectively concealed on, or permanently removed from, private property within fourteen (14) days after two written complaints are received by the Board of Selectmen, one from an abutter and one from a resident of the Town of New Marlborough. An appeal can be made to the Select Board within 30 days of the complaint and said Selectmen, whose judgment shall be final, determine the Unregistered Vehicle is or are abandoned, wrecked, junked and detrimental to the general appearance of the neighborhood and must be concealed or removed.*
- 9.4 *The owner of the property on which an Unregistered Vehicle is located can, in good faith, appeal to the Select Board for additional time, not to exceed ninety (90) days, to remove the Unregistered Vehicle from their property. The Select Board may, but is not obligated to, provide an extension of time to remove an Unregistered Vehicle.*
- 9.5 *Failure to comply with a concealment order or with a removal order of the Select Board pursuant to this protective bylaw within the specified period shall be punishable by a fine of two hundred fifty dollars (\$250.00), plus ten dollars (\$10.00) for each successive date of continuing violation.*
- 9.6 *Compliance with this bylaw will be enforced in the manner provided in MGLA Chapter 40, Section 21D. The enforcement agent shall be someone appointed by the Board of Selectmen.*

Article 38: To see if the Town will vote to amend the Section 17 of the Town's General Bylaws by deleting the ~~strike-through language~~ and adding the language in ***bold italics***, or take any other vote in relation thereto:

SECTION 17 ***ANIMAL CONTROL***

17.1 Dog Control

No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, ~~to run-~~ to run- at-large within the town. No person shall permit such dog beyond the confines of the property of the owner or keeper unless such dog is on a leash and under physical control of said owner or keeper.

This bylaw shall not apply to private property for which the owner or keeper of a dog has permission to have such dog off-leash, provided the dog is under the direct supervision of a person who has the ability to properly control the dog's actions.

A dog that is working, hunting or at such events as field trails or training is exempt from this bylaw for the period of time the dog is engaged in the work, hunting or event, provided the dog is under the direct supervision of a person who has the ability to properly control the dog's action.

This bylaw shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules regulations apply.

- 17.2 The Animal Control Officer shall enforce the provisions of bylaw 17.1. Violators of the ~~bylaw~~ ***Section 17.1*** shall be fined Twenty-Five Dollars (\$25) for the first offense and Thirty-Five (\$35) for the second and each subsequent offense. (ATM 05.04.15)

17.3 ***Animal Control Officer***

The Animal Control Officer shall enforce all applicable sections of MGL c. 140. Except as specifically modified in this article, the provisions of the applicable sections of MGL c. 140 shall be incorporated into and apply to this article, as well as any other section of Massachusetts General Laws referenced herein.

Article 39: To see if the Town will vote to amend the Town's General Bylaws by adding the following Section 21 Curb Cut Regulations, or take any other vote in relation thereto:

SECTION 21 CURB CUT REGULATIONS

21.1 Purpose. The purposes of this regulation are to:

- Enhance public safety and welfare by reducing storm water runoff onto a Town Road (as defined in Section 12.13) or a future Town Road.
- Clarify the responsibilities of developers/builders/residents who wish to cross or perform work within a Town Road.
- Manage storm water runoff and control erosion created by development of private property and to minimize the adverse impact of this development on any Town Road or a future Town Road.
- Ensure that ditches, culverts and catch basins are maintained so there is no adverse impact on a Town Road or a future town Road.

21.2 Applicability. This regulation applies to all new driveways on a Town Road, to any modifications to a driveway on any Town Road or, and to any other curb cut on any Town Road. This regulation is not applicable to private roads.

21.3 Any proposed curb cut, or modification of an existing curb cut must be approved by the Highway Superintendent who may issue a Curb plan which depicts property bounds, Town Right(s) of Way, location of all proposed work and area of disturbance, current and finish grades and setbacks. To be approved, the new or modified curb cut must meet the following criteria:

1. Storm water runoff generated by development shall be managed, to the extent possible, and recharged on-site, outside of the Town Road.
2. The maximum width of driveway where it meets/crosses a Road shall be no less than 8' and no wider than 16' exclusive of radius with street (unless a wider width is needed to accommodate Requirement 6 below).
3. The driveway, at its intersection with the Road, must provide a leveling-off area with a slope no greater than 10% for the first 20' from the edge of the Road or top of curb, if present.
4. The driveway shall intersect a Road at an angle as close to 90° as possible, but no less than 60°.

5. Driveway layout shall accommodate access by emergency vehicles with a 24' wheelbase and 11' of vertical clearance.
6. The driveway shall meet site distance at intersection with the Road and shall not create traffic or pedestrian safety hazards to its users or the public.
7. The number of curb cuts shall be limited to one per lot. Additional curb cuts will require a Special Permit.
8. All erosion and storm water flow during and after construction must not impact the Town Road. The cost of any cleanup will fall upon the applicant.
9. Any deviation or modification from the approved driveway plan must be justified and approved by the Highway Superintendent.
10. Should an engineer-stamped plan or plans for appeals, waivers or As-Built be deemed necessary by the Town, the cost of the plans will fall upon the applicant.
11. Farm roads, logging roads or temporary construction roads must be permitted. All reasonable care shall be taken to ensure no negative impact to the Road including but not limited to: damage to the Road surface or other infrastructure, undermining of the roadway or debris tracked onto the Road. The cost to repair any damage or cleanup will fall upon the applicant.
12. A Curb Cut Permit will not be issued until the Highway Superintendent or his designee approves the Curb Cut Application and confirms the work has been completed in conformance with these requirements. The Highway Superintendent or the Select Board may impose a fine of \$100.00 for the first day and \$50.00 per day thereafter, for any construction undertaken in violation of this bylaw. Fines are to be administered by the Highway Superintendent under Chapter 21 of Massachusetts General Laws, non-criminal ticketing. Fines can be waived at the discretion of the Highway Superintendent or the Select Board.

21.4 Special Considerations

1. Work on so-called "Scenic Roads" is subject to Massachusetts General Laws, Chapter 40, Section 15C.
2. Issue of Curb Cut Permit and/or Right Of Way Permit shall not constitute approval of any other required permit nor supersede applicable Federal, State or Local regulations.
3. Commercial/Industrial driveways or curb cuts must be submitted on a scaled plan and stamped by a professional engineer.
4. Any driveway work within jurisdiction areas of the Wetlands Protection Act requires Conservation Commission permission.

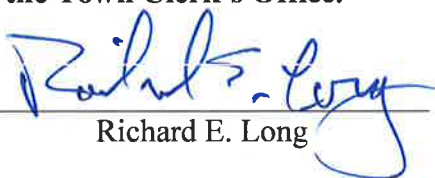
Moreover, you are hereby directed to serve this warrant by posting copies of the same in five (5) or more public places within the Town, to include the Transfer Station and the Town Website, at least seven (7) days before the time of said meeting.

Given under our hands this 11th day of May, 2021

The original signed copy is on file in the Town Clerk's Office.



Tara B. White, Chair



Richard E. Long



Mark S. Carson

BOARD OF SELECTMEN

Pursuant to the Warrant, I certify that, at least seven (7) days before the time of said meeting, I have posted true and attested copies of this Warrant at:

Mill River Post Office, Mill River Village
Southfield Post Office, Southfield Village
New Marlborough Town Library, Mill River Village
Transfer Station, New Marlborough Village
and the Town Website as directed by vote of the Town of New Marlborough.

A true copy, Attest :



Date: 5/11/2021

William West
New Marlborough Constable