



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NEW MARLBOROUGH
OFFICE OF THE BOARD OF SELECTMEN
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Michele McAuley Shalaby, Chair
Nathaniel H. Yohalem
Tara B. White
Board of Selectmen

**Minutes
Board of Selectmen
Wednesday, April 17, 2019
8:00 a.m.**

Board Members Present: Michele McAuley Shalaby, Chair
Nathaniel H. Yohalem (via telephone)
Tara B. White

Others Present: Mari Enoch, Town Administrator
Rebecca Schreiber
Lucinda Shmulsky
Sandy Fusco-Walker

The meeting of the Board of Selectmen convened at 8:03 a.m.

A motion was made, seconded and so voted to allow Nathaniel H. Yohalem to participate via telephone, via roll call.

Tara B. White	Aye
Michele McAuley Shalaby	Aye

Review and Approve Minutes of April 8 and 11, 2019

The minutes will be held until the next meeting.

Hear and Act on Jeremy Stanton's Request to put Mobile Home on Property located at 92 County Road

Mari read New Marlborough's Protective Bylaw 5.1 referring to travel trailer and mobile homes. The bylaw allows an owner to erect a mobile home on his property to be occupied as temporary living quarters for one year provided a dwelling is under construction and the mobile home is in compliance with the sanitary code of the State of Massachusetts. Jeremy Stanton is requesting permission to have a mobile home on his property at 92 County Road while he builds his home. Mari has spoken with the Building Commission, Owen Wright, who will be the enforcer of the bylaw. Jeremy will also work with the

Board of Health, Scott McFarland, to insure there is compliance of the sanitary code. After one year, if construction is not complete, permission may be extended if construction is continuing in good faith.

A motion was made, seconded and so voted to grant permission to Jeremy Stanton to put a mobile home on the property located at 92 County Road, in accordance with New Marlborough Bylaw 5.1. Travel Trailer Mobile Home

Tara B. White	Aye
Michele McAuley Shalaby	Aye
Nathanial H. Yohalem	Aye

Discuss Process for Special Permit Extensions at 540 Mill River Southfield Road and Knight Road

Mari distributed a letter from the applicant, Park Avenue Solar Solutions LLC, who was issued a special permit for a solar project on 540 and 646 Mill River Southfield Road on April 23rd, 2018. According to the New Marlborough bylaw, Special Permits lapse in one year if substantial construction has not taken place. The letter from Park Ave requests an extension of one year and acknowledges a delay by Massachusetts Department of Energy (MA DOER) relating to the Statement of Qualifications. Town Counsel has advised that a special permit may be extended at a duly posted Board of Selectmen's meeting with notice to the abutters. The Board agreed to act on the request at the April 22 meeting after it was acknowledged that abutters have been notified of the extension request by certified mail.

Finalize and Vote on FY20 Budget and Annual Town Meeting Warrant

Mari has updated the budget sheet from last Thursday's meeting and has made one change. Because 2020 will be a leap year, some line items needed a small increase to accommodate the extra day's wages in the year. The only difference between the Finance Committee budget and the Board of Selectmen's budget is \$6,916; \$5,700 of it is the voting tabulator (approved by the Board but not by the Finance Committee); \$2,600 is Highway Expenses (recommended by the Board but not by the Finance Committee); \$1,016 is the leap year funding. Mari pointed out the figure of \$114,601 which is the increase in recurring town operating costs; an additional \$1,432 is the increase to the school operating budget. The school budget number is based on the proposed new formula as that is the high number. The total increase (excluding debt) in recurring costs is \$116,033. There is an additional \$234,080 proposed for one time expenses and the budget sheet shows an increase of \$22,985 in debt. If all revenues are the same as last year, the town should create excess capacity greater than \$50,000.

A motion was made, seconded and so voted to adopt the FY 2020 budget as presented.

Tara B. White	Aye
Michele McAuley Shalaby	Aye

Nat lost phone reception and did not vote.

Mari then spoke on the warrant which is near completion. A summary of the warrant and discussion follows:

Articles 1-9 refer to housekeeping items and are the same as last year.

Nat then rejoined the meeting by phone.

Article 10 – sets the salaries of elected Town officers (The \$1,000 for the Town Clerk's compensation for certification may or may not be listed separately; Mari will consult with Town Counsel on any change.

Article 11 - \$357,868 for General Government. The ADA Coordinator is new this year.

Article 12 – \$5,700 for the voting tabulator, however, the wording may change from Town Clerk to Town Elections.

Article 13 – \$996,913 for Highways/Public Works; the Finance Committee is not recommending Line 7 (Highway Department Expenses).

Article 14 – \$35,000 for right-of-way for the four bridge replacements.

Article 15 – \$19,980 for the Cemetery repair and maintenance.

Article 16 – \$2,865,681 for the School budget (numbers based on proposed assessment amendment)

Article 17 – \$1,650 for the School Committee Representatives Compensation.

Article 18 – \$119,627 for Culture and Recreation. New line items are Historical Commission Clerical and Historical Commission Expenses

Article 19 – \$11,000 for the engineering services needed to stabilize the river bank in Umpachene Falls Park.

Article 20 – \$375,475 for Protection of Persons and Property – includes the increase in Police wages and shifts. The new line item is the Alternate Building Inspector compensation.

Article 21 and 22 transfer monies from Comstar Rescue to New Marlborough Rescue Expenses (\$28,850) and New Marlborough Rescue Stipend (\$27,250) which does not affect the Town's bottom line.

Article 23 – \$2,400 to update the Hazardous Mitigation Plan.

Article 24 – \$10,000 for Tree Maintenance Projects.

Article 25 – \$126,118 for Health and Human Services; new line item is Commission on Disabilities Expenses

Article 26 – \$161,392 for Debt and Interest.

Article 27 – \$524,242 for Unclassified Expenses, which includes employee benefits.

Article 28 – \$150,000 (raise and appropriate) for Stabilization.

Articles 29, 30 and 31 – all Free Cash transfers: \$219,000 for Road Projects, \$115,000 for paving of the Highway Yard and \$140,000 for the 2019 Highway Truck account for a 19.5 GVW highway truck with complete snow and ice removal package.

Article 32 – asks to transfer \$25,000 from the Town Hall Renovations account to a new account, Town Hall Workspace Improvements for the purpose of improving the working conditions in Town Hall. There was a discussion clarifying that these improvements are for the benefits of the employees and can include heat, air conditioning, ventilation, kitchen, bathrooms, and storage.

Article 33 – establishes the FY20 spending limits for the authorized revolving funds of the plumbing, gas, electric, board of health revolving funds and the tax title fees. The electrical revolving fund has been increased to \$10,000 anticipating the number of solar projects to be implemented in 2020.

Article 34 and 35 – accept the provisions of MGL, Chapter 64L, Section 2(A) and MGL Chapter 64G, Section 3(A) imposing a 0.75 % meals excise tax and an occupancy excise tax, both to take effect on the first day of the calendar quarter following 30 days after the vote. As the local occupancy tax percentage can be set at a number up to 6%, Mari asked the Board to officially agree on the proposed percentage. The Board agreed to propose the occupancy tax at 6%.

Note: As it was now 9:00, the Board interrupted the Board of Selectmen’s Meeting for the Public Hearing on the application for the transfer of the Gedney Farm liquor license.

The Board returned to this meeting at approximately 9:25.

Article 36 – asks for approval to amend the Regional Agreement of the Southern Berkshire Regional School District’s Section of Apportionment of Costs. This must be approved by the other four district towns to take effect.

Article 37 – this is a new article which would allow a part-time Building Commission to practice or engage in the business within the area over which he has jurisdiction.

Article 38 – allow the Board of Selectmen to enter into a Tax Agreement for any solar photovoltaic facilities located in Town for a term up to twenty (20) years, subject to terms and conditions set by the Board.

Article 39 – authorizes the Board to enter into a ten (10) year contract with a qualified vendor selected by MASS DEP, through a competitive bid process for recycling processing services.

Mari interjected that she did not put in an article to allow the Town to enter into an agreement with Pitney Bowes for a five year lease on a postage machine. The Board

agreed instead to pursue a three year lease on the postage machine. Therefore, no article on the warrant was needed.

Articles 40, 41, 42 and 43 – Lay out portions of various roads, The Board has reviewed plans in previous Board of Selectmen meetings. The layouts are required for the four bridge projects funded by MASS DOT (Campbell Falls, Lumbert Cross, Canaan Southfield and Norfolk Roads).

Articles 44, 45, 46 and 47 – Obtain the rights of way by either donations, purchase or eminent domain for the four bridge projects. The easements are in the planning stage with design at 25%; therefore, changes may result. The rights of way require a 2/3 vote from the Town.

Articles 48-57 – deal with either Town general bylaws or zoning bylaws. Articles 48-54 are the general bylaws prohibiting marijuana specific establishments. There can be no amendments as they were approved with this language on a written ballot. The warrant articles include Counsel's summary as printed on the ballot.

Article 56 asks for the existing alarm regulations to be adopted as bylaw with the addition of section 19.5 KnoxBox requiring all new alarm system users to install an approved KnoxBox. Existing alarm system users have twelve (12) months in which to install a KnoxBox.

Mari also put in a placeholder to adopt a bylaw addressing secret ballot voting at town meetings, as proposed by Laura Endicott. The language submitted reads "a secret ballot may be called at the Moderator's discretion, additionally 25% of participants may call for a secret ballot." Town Counsel suggested if this bylaw is approved, it not go into effect until the Attorney General's office approved it. The Board felt the proposed bylaw was unclear, the language was minimal, and more research should be done. Additionally, there may be others ways to achieve the goal, such as electronic voting. The Board agreed to table it until a later time. Laura will be notified of this decision.

As discussed in a previous meeting, the Commission on Disabilities requested two substantive changes to its existing regulations by adopting a detailed set of bylaws. One change was to reduce the number of meetings it has each year but Town Counsel has opined that the State requires ten meetings per year, and the Town does not have the authority to reduce that number. Additionally, the Commission asked the number of members to be reduced from seven to five. The current regulation allows for the Select Board to appoint between 5-13 members and the Board can reduce the number to five when they make FY 20 appointments in June. Tom Stalker, Acting Chair of the Commission on Disabilities has been informed of these findings and agreed those were the only two changes of substance. The Board agreed not to include this proposed bylaw in the warrant.

Article 58 – Zoning Amendment proposed by the Planning Board that creates two zoning districts in the Town: Village Residential and Rural Residential. There will be

supplemental documents detailing the proposed bylaw changes, along with a one page summary and maps delineated the districts.

A motion was made, seconded and so voted to accept the warrant for the FY 2020 Annual Town Meeting and Election allowing Mari to make clerical and formatting changes.

Nathaniel H. Yohalem	Aye
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Tara B. White	Aye
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Michele McAuley Shalaby	Aye
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Nat authorized Mari to sign the warrant on his behalf as he was out of town and, at this point, left the meeting by disconnection of the phone.

There were no updates.

Public Comment

Lucinda Shmulsky, Becky Schreiber, and Sandy Walker asked some clarification questions about the warrant which were answered.

A motion was made, seconded and so voted to adjourn the meeting at 9:48.

Tara B. White	Aye
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Michele McAuley Shalaby	Aye
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Approved by:

Approved on: May 9, 2019

Nathaniel H. Yohalem
Board of Selectmen