



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 elections and affairs, to meet in the Town Hall, 807 Mill River Southfield Road, in Mill River Village, on Monday, the 13th day of May, 2024, to bring in their ballots to the election officers for the election of the following Town Officers:

Moderator for 1 year
Board of Selectmen for 3 years
Board of Assessors for 3 years
Planning Board for 5 years
Board of Health for 3 years
Board of Health for 1 year
Cemetery Commissioner for 3 years
Cemetery Commissioner for 1 year
Constable for 3 years
Library Trustee for 3 years
Finance Committee for 3 years
Finance Committee for 3 years
Finance Committee for 2 years
Tree Warden for 1 year

The polls open at twelve noon and will remain open continuously until seven o'clock in the evening of said day when they will be then closed.

The Town will furnish all ballots and the election will be conducted according to the Australian System as enacted by the General Court and in conformity with the Election Laws of the Commonwealth.

You are also hereby required to warn and notify the inhabitants of the Town of New Marlborough, qualified to vote in Town affairs, to meet in the Fire House at 205 Norfolk Road in Southfield Village, on Monday, the 6th day of May, 2024 at 7:00 in the evening, 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. *(Recommended by the Finance Committee)*

	FY 2025	+/-	FY 2024
Board of Selectmen (each, 3 members)	\$ 3,000.00	\$ -	\$ 3,000.00
Town Moderator	\$ 157.00	\$ 6.00	\$ 151.00
Town Clerk	\$ 50,032.00	\$ 6,984.00	\$ 43,048.00
Board of Assessors (chair)	\$ 2,200.00	-	\$ 2,200.00
Board of Assessors (each, 2 members)	\$ 1,900.00	-	\$ 1,900.00
Board of Health (chair)	\$ 450.00	-	\$ 450.00
Board of Health (each, 2 members)	\$ 400.00	-	\$ 400.00
Cemetery Commission (chair)	\$ 175.00	-	\$ 175.00
Cemetery Commission (each, 2 members)	\$ 150.00	-	\$ 150.00
Constable	\$ 510.00	\$ 18.00	\$ 492.00
Tree Warden	\$ 1,340.00	\$ 46.00	\$ 1,294.00
Library Trustee (chair)	\$ 120.00	-	\$ 120.00
Library Trustee (each, 2 members)	\$ 100.00	-	\$ 100.00
School Committee (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 2025	+/-	FY 2024
1 Moderator	\$ 157.00	\$ 6.00	\$ 151.00
2 Selectmen Salaries	\$ 9,000.00	\$ -	\$ 9,000.00
3 Selectmen Expenses	\$ 9,150.00	\$ 4,500.00	\$ 4,650.00
4 Contingency	\$ 3,500.00		\$ 3,500.00
5 Conservation Commission Expenses	\$ 2,711.00	\$ -	\$ 2,711.00
6 Conservation Commission Clerical	\$ 3,349.00		\$ 3,349.00
7 Town & Labor Counsel	\$ 20,800.00	\$ 310.00	\$ 20,490.00
8 Town Administrator Salary	\$ 62,572.00	\$ 8,799.00	\$ 53,773.00
9 Administrative Secretary Salary	\$ 44,600.00	\$ 6,201.00	\$ 38,399.00
10 Website	\$ 2,500.00	\$ (330.00)	\$ 2,830.00
11 Finance Committee Expenses	\$ 250.00	-	\$ 250.00
12 Finance Committee Clerical	\$ 750.00	-	\$ 750.00
13 Accounting Officer Salary	\$ 24,749.00	\$ 2,282.00	\$ 22,467.00
14 Accounting Officer Expenses	\$ 5,280.00	\$ 408.00	\$ 4,872.00
15 Assessors Salaries	\$ 6,000.00	-	\$ 6,000.00
16 Assessors General Expenses	\$ 4,210.00	\$ 150.00	\$ 4,060.00
17 Assessors Clerk Salary	\$ 30,791.00	\$ 5,481.00	\$ 25,310.00

	FY 2025	+/-	FY 2024
18 Assessors Contracts	\$ 42,830.00	\$ 13,270.00	\$ 29,560.00
19 Tax Collector Computer Service	\$ 8,925.00	\$ 185.00	\$ 8,740.00
20 Tax Collector Department Salaries	\$ 32,998.00	\$ 4,537.00	\$ 28,461.00
21 Tax Collector Expenses	\$ 7,335.00	\$ 60.00	\$ 7,275.00
22 Treasurer Department Salaries	\$ 34,525.00	\$ 5,610.00	\$ 28,915.00
23 Treasurer Expenses	\$ 3,200.00	\$ 100.00	\$ 3,100.00
24 Treasurer Software	\$ 7,682.00	\$ 132.00	\$ 7,550.00
25 Town Clerk Salary	\$ 50,032.00	\$ 6,984.00	\$ 43,048.00
26 Town Clerk Expenses	\$ 2,500.00	\$ 325.00	\$ 2,175.00
27 Town Records Preservation	\$ 2,500.00	-	\$ 2,500.00
28 Election Expenses	\$ 3,400.00	\$ 52.00	\$ 3,348.00
29 Election Compensation	\$ 1,517.00	\$ 241.00	\$ 1,276.00
30 Street Listing	\$ 840.00	40.00	\$ 800.00
31 Planning Board Expenses	\$ 900.00	-	\$ 900.00
32 Planning Board Clerical	\$ 1,050.00	\$ (950.00)	\$ 2,000.00
33 Board of Appeals	\$ 50.00	-	\$ 50.00
34 Clerical	\$ 10,816.00	\$ 496.00	\$ 10,320.00
35 Town Hall Expenses	\$ 45,500.00	\$ 6,200.00	\$ 39,300.00
36 Town Hall Custodian	\$ 10,600.00	\$ 535.00	\$ 10,065.00
37 Town Officers Bonds	\$ 1,200.00	\$ 200.00	\$ 1,000.00
38 Printing	\$ 2,500.00	\$ 500.00	\$ 2,000.00
Total Article 11	\$ 501,269.00	\$ 66,324.00	\$ 434,945.00

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 2025	+/-	FY 2024
1 Roads and Bridges Salaries	\$ 468,000.00	\$ 56,634.00	\$ 411,366.00
2 Roads and Bridges Expenses	\$ 219,850.00	\$ -	\$ 219,850.00
3 Fuel: Propane & Diesel	\$ 88,500.00	\$ -	\$ 88,500.00
4 Winter Roads	\$ 266,334.00	-	\$ 266,334.00
5 Street Lights	\$ 7,000.00	\$ 200.00	\$ 6,800.00
6 Highway Department Expenses	\$ 42,211.00	\$ 9,000.00	\$ 33,211.00
7 Machinery Expense	\$ 98,000.00	\$ -	\$ 98,000.00
8 Cemetery Officers Stipends	\$ 475.00	\$ -	\$ 475.00
9 Cemetery Salaries	\$ 47,298.00	\$ 2,368.00	\$ 44,930.00
10 Cemetery Expenses	\$ 3,900.00	-	\$ 3,900.00
Total Article 12	\$ 1,241,568.00	\$ 68,202.00	\$ 1,173,366.00

Schools/Education

Article 13: To see if the Town will vote to raise and appropriate the amounts recommended for the purpose of paying the Town’s assessed share of the Southern Berkshire Regional School District budget, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

	FY 2025	+/-	FY 2024
1 SBRSD Operating and Transportation	\$ 2,650,013.00	\$(41,869.00)	\$ 2,691,882.00
2 SBRSD Capital (Includes Bond)	<u>\$ 116,245.00</u>	<u>\$ (4,698.00)</u>	<u>\$ 120,943.00</u>
Total Article 13	\$ 2,766,258.00	\$(46,567.00)	\$ 2,812,825.00

Article 14: To see if the Town will vote to raise the sum of \$8,800.00 and appropriate said amount, or any other amount, to the Vocational Education account for the purpose of providing vocational education to town students as required by State law, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 15: 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 16: 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 2025	+/-	FY 2024
1 Library Expenses	\$ 68,201.00	\$ 3,587.00	\$ 64,614.00
2 Library Salaries	\$ 91,727.00	\$ 17,381.00	\$ 74,346.00
3 Library Trustees Stipends	\$ 320.00	-	\$ 320.00
4 Historical Commission Clerical	\$ 300.00	-	\$ 300.00
5 Historical Commission Expenses	\$ 200.00	\$ (500.00)	\$ 700.00
6 Umpachene Falls Park Expenses	\$ 4,000.00	\$ (1,000.00)	\$ 5,000.00
7 Care of Village Green	\$ 4,285.00	\$ 1,100.00	\$ 3,185.00
8 Cultural Council Expenses	\$ 2,000.00	\$ 500.00	\$ 1,500.00
9 Memorial Day	<u>\$ 1,000.00</u>	<u>\$ 200.00</u>	<u>\$ 800.00</u>
Total Article 16	\$ 172,033.00	\$ 21,268.00	\$ 150,765.00

Protection of Persons and Property

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 2025	+/-	FY 2024
1 Police Department Salaries	\$ 302,220.00	\$ 23,421.00	\$ 278,799.00
2 Police Reform Bridge Academy	\$ 0.00	\$ (3,696.00)	\$ 3,696.00
3 Police Department Expenses	\$ 58,924.00	\$ 6,483.00	\$ 52,441.00
4 Police Department Rental	\$ 0.00	\$ (6,000.00)	\$ 6,000.00
5 Fire House Lease	\$ 18,000.00	\$ 18,000.00	\$ 0.00
6 Constable Stipend	\$ 510.00	\$ 18.00	\$ 492.00
7 Fire Protection	\$ 86,400.00	\$ 6,900.00	\$ 79,500.00
8 Fire Fighters Stipends	\$ 59,080.00	\$ 22,580.00	\$ 36,500.00
9 Fire Department Clerical	\$ 2,400.00	\$ 640.00	\$ 1,760.00
10 NM Rescue Clerical	\$ 8,400.00	\$ 758.00	\$ 7,642.00
11 Building Inspector Expenses	\$ 2,500.00	\$ -	\$ 2,500.00
12 Building Department Salaries	\$ 25,269.00	\$ 1,008.00	\$ 24,261.00
13 Alternate Building Inspector Comp	\$ 250.00	\$ (250.00)	\$ 500.00
14 Building Inspector Software	\$ 3,420.00	\$ -	\$ 3,420.00
15 Emergency Management Stipend	\$ 4,982.00	\$ 169.00	\$ 4,813.00
16 Emergency Management Expenses	\$ 2,100.00	\$ -	\$ 2,100.00
17 Animal Inspector Compensation	\$ 4,285.00	\$ 145.00	\$ 4,140.00
18 Animal Inspector Expense	\$ 925.00	\$ 100.00	\$ 825.00
19 Tree Warden Salary	\$ 1,340.00	\$ 46.00	\$ 1,294.00
20 Tree Work	\$ 40,000.00	\$ 9,000.00	\$ 31,000.00
21 Emergency Notification System	\$ 3,053.00	\$ 253.00	\$ 2,800.00
22 Berkshire County Communications	\$ <u>12,279.00</u>	\$ <u>357.00</u>	\$ <u>11,922.00</u>
Total Article 17	\$ 636,337.00	\$ 79,932.00	\$ 556,405.00

Article 18: To see if the Town will vote to raise the amount of \$19,268.00, or any other amount, and appropriate said amount, or any other amount, to the Firefighter/EMT Paid Shift Account, and transfer the amount of \$32,000.00, or any other amount, from the New Marlborough Rescue/Comstar Reserved Account, and to appropriate said amount, or any other amount to the Firefighter/EMT Paid Shift Account, for the purpose of staffing the Fire Department and Ambulance during the day, or take any vote in relation thereto. *(Recommended by the Finance Committee)* [FY 24 amount raised \$30,000; decrease of \$10,732; amount transferred \$32,000; increase of \$0]

Article 19: To see if the Town will vote to transfer the amount of \$33,300.00, 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 emergency ambulance service, or take any other vote in relation thereto. *(Recommended by the Finance Committee)* [FY 24 amount \$28,250.00; increase of \$5,050.00]

Article 20: To see if the Town will vote to transfer the amount of \$53,015.00, 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)* [FY 24 amount \$ 40,900.00, increase of \$12,115.00]

Health and Human Services

Article 21: 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 2025	+/-	FY 2024
1 Household Hazardous Waste	\$ 2,015.00	-	\$ 2,015.00
2 Board of Health Officer Stipends	\$ 1,250.00	-	\$ 1,250.00
3 Board of Health Expenses	\$ 1,400.00	\$ 100.00	\$ 1,300.00
4 Board of Health Clerical	\$ 6,964.00	\$ 236.00	\$ 6,728.00
5 Board of Health Software Expense	\$ 2,380.00	\$ -	\$ 2,380.00
6 Transfer Station Expenses	\$ 143,500.00	\$ 3,500.00	\$ 140,000.00
7 Transfer Station Salaries	\$ 37,409.00	\$ 4,404.00	\$ 33,005.00
8 Southern Berkshire Public Health	\$ 2,750.00	-	\$ 2,750.00
9 Group Purchasing	\$ 3,630.00	\$ 30.00	\$ 3,600.00
10 Council on Aging Director Stipend	\$ 3,588.00	\$ 1,000.00	\$ 2,588.00
11 Council on Aging Expenses	\$ 14,700.00	\$ 7,975.00	\$ 6,725.00
12 Commission on Disabilities Expenses	\$ 100.00	-	\$ 100.00
13 Senior Tax Work-off Expenses	\$ 150.00	-	\$ 150.00
14 Housing Committee Expense	\$ 350.00	-	\$ 350.00
15 ADA Coordinator	\$ 1,500.00	-	\$ 1,500.00
Total Article 21	\$ 221,686.00	\$ 17,245.00	\$ 204,441.00

Debt and Interest

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 2025	+/-	FY 2024
1 2015 Fire Truck	\$ 59,400.00	\$ (2,200.00)	\$ 61,600.00
2 2019 Grader	\$ 39,000.00	\$ (1,300.00)	\$ 40,300.00
3 Hatchery Road	\$ 41,728.00	\$ (864.00)	\$ 42,592.00
4 Capital Road Projects	\$ 55,486.00	\$ (348.00)	\$ 55,834.00
Total Article 22	\$ 195,614.00	\$ (4,712.00)	\$ 200,326.00

Unclassified Expenses

Article 23: 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 2025	+/-	FY 2024
1 Berkshire County Retirement	\$ 200,326.00	\$ 2,406.00	\$ 197,920.00
2 Town Insurances	\$ 98,000.00	\$ 2,500.00	\$ 95,500.00
3 Group Health Insurance	\$ 282,305.00	\$ 34,797.00	\$ 247,508.00
4 Insurance Reimbursement	\$ 3,000.00	-	\$ 3,000.00
5 Longevity Stipend	\$ 500.00	(3,250.00)	\$ 3,750.00
6 Medicare	\$ 26,498.00	\$ 2,698.00	\$ 23,800.00
7 Veterans District	\$ 10,898.00	\$ 1,761.00	\$ 9,137.00
8 Veterans Benefits Trust Chapter 115	\$ 6,000.00	-	\$ 6,000.00
9 Berkshire Regional Planning	\$ 1,334.00	\$ 33.00	\$ 1,301.00
10 Reserve Fund	\$ 50,000.00	-	\$ 50,000.00
11 Nonexempt Employee Contingency	\$ 1,000.00	-	\$ 1,000.00
12 Human Resources Director	<u>\$ 4,500.00</u>	<u>\$ (9,711.00)</u>	<u>\$ 14,211.00</u>
Total Article 23	\$ 684,361.00	\$ 31,234.00	\$ 653,127.00

Article 24: To see if the Town will vote to raise and appropriate the sum of \$200,000.00, 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)* [FY 24 amount \$150,000.00, increase of \$50,000.00]

Article 25: To see if the Town will vote to transfer the sum of \$180,000.00 or any other amount, from the Stabilization account, and appropriate said amount, or any other amount, to the 2025 Highway Plow/Dump Truck account for the purpose of purchasing a 22,000 GVW Highway Truck with complete snow and ice removal package, and to authorize the Select Board to sell or trade in the 2015 Ford F550, or take any other vote in relation thereto. *(Recommended by the Finance Committee)* **(2/3 vote required)**

Article 26: To see if the Town will vote to transfer the sum of \$85,000.00 or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the 2025 Highway One Ton Truck account for the purpose of purchasing and equipping a one ton crew cab Highway Superintendent's pickup truck, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 27: To see if the Town will vote to transfer the sum of \$72,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Transfer Station Capital Improvements account, for the purpose of making improvements to the transfer station, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 28: To see if the Town will vote to transfer the sum of \$25,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Roadside Mower account for the purpose of purchasing a flair mower head for the 2015 roadside mower shared with the Town of Sheffield, half of the cost to be reimbursed by the Town of Sheffield, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 29: To see if the Town will vote to transfer the sum of \$20,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Cemetery Projects account for the purpose of paying for costs associated with the removal of trees in the Town cemeteries, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 30: To see if the Town will vote to transfer the sum of \$10,000.00 or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Police Department Relocation account for the purpose of paying costs associated with the relocation of the Police Department from the Town Hall to the Fire House, or take any other vote in relation thereto. *(Recommended by the Finance Committee)*

Article 31: To see if the Town will vote to transfer the sum of \$5,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Umpachene Falls Erosion Project account for the purpose of further protecting the riverbank in Umpachene Falls Park, 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 sum of \$5,000.00, or any other amount, from Free Cash, and appropriate said amount, or any other amount, to the Southfield Historic District account for the purpose of providing consultant services to obtain a National Register of Historic Places designation for the Village of Southfield, 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 \$1,457.00 from Free Cash, and appropriate said amount to the South County Recovery Center account to be expended in accordance with the Massachusetts State Subdivision for Statewide opioid settlement funds; funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery, or take any other vote relative thereto.

Article 34: To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2025 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 53E½ as follows, or take any other vote in relation thereto:

<u>Authorized Revolving Funds</u>	<u>FY 2025 Spending Limit</u>
Plumbing Inspector	\$ 10,000.00
Gas Inspector	\$ 10,000.00
Electrical Inspector	\$ 25,000.00
Board of Health	\$ 18,000.00
Tax Title Fees	\$ 25,000.00

Article 35: To see if the Town will vote to accept the provisions of MGL Chapter 64 G, section 3A, and impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, short term rental, or motel located within the Town of New Marlborough at a rate of 6%, said excise tax to take effect on July 1, 2024, or take any other vote in relation thereto.

Article 36: To see if the Town will vote to accept the provisions of MGL Chapter 64 G, section 3D(a), and impose a short term rental community impact fee in the amount of 3%, said impact fee to take effect on July 1, 2024, as it applies to each transfer of occupancy of a “professionally managed unit” which is defined as one of two or more short-term rental units in New Marlborough not located in a single-or two-or three family dwelling that includes the operator’s (owner’s) primary residence, and further defined that short term rentals may be considered professionally managed for this purpose whether or not an intermediary is involved, or take any other vote in relation thereto.

Article 37: To see if the Town will vote to accept MGL Chapter 59 Section 5, Clause 41C to replace the previous acceptance of Chapter 59, Section 5 Clause 41B relating to Elderly Exemptions and adjust the following factors contained in the Clause 41C provisions: 1) reduce the requisite age of eligibility to 65 years; 2) increase the abatement dollar amount to up to \$1,000 3) increase the gross receipts limit to \$20,000 if single and \$30,000 if married; 4) increase the whole estate limit to \$40,000 if single and \$55,000 if married; and 5) by further excluding from the determination of whole estate up to two dwelling units, or take any other vote in relation thereto.

Article 38: To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024, or take any other vote in relation thereto.

Article 39: To see if the Town will vote to accept portions of Keyes Hill Road as public ways, as heretofore laid out by the Board of Selectmen and shown on the plans entitled "New Marlborough Keyes Hill Road-2024 Proposed Layout" dated March 4, 2024, prepared by Greenman-Pedersen, Inc., as said plan may be amended, and on file with the Town Clerk, for all purposes for which public ways are used in the Town of New Marlborough, and any drainage, utility, access, and/or other easements related thereto, all as shown on the plans, or take any other vote in relation thereto.

Article 40: To see if the Town will vote to authorize the Board of Selectmen to acquire the following land parcels or modifications of these parcels, or other required parcels; and/or, the rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements for the construction of a new bridge on Keyes Hill Road.

In Fee:	Total number of parcels:	Area (square feet):
Temporary Easement	3	+/- 9,789
Permanent Easement	4	+/- 3,623

Further that the Selectmen may acquire these parcels, or modifications of these parcels, or other required parcels, through all legal means. This includes donations, purchase, or eminent domain. The subject parcels are currently identified on proposed plans drafted by Greenman-Pedersen, Inc, dated March 22, 2024, titled “Plan and Profile of Keyes Hill Road over Umpachene River in the Town of New Marlborough, Berkshire County, Preliminary Right of Way Plans”, or take any other vote in relation thereto. **(2/3 Vote required)**

Article 41: To see if the Town will vote to adopt the proposed zoning amendments to the Town of New Marlborough’s Protective By-Laws to regulate Short Term Rentals by adding Section 24 as follows, or take any other vote in relation thereto. **(2/3 Vote required)**

§24 PROTECTIVE (ZONING) BYLAW CONCERNING SHORT TERM RENTALS

24.1 PURPOSE:

Berkshire communities are seeing a proliferation of properties dedicated to short-term rental (“STR”) usage, including individual investors converting housing stock specifically for STR investment and scaled corporate ownership and management which, if allowed to expand without limitation, could impact the character of New Marlborough (the “Town”). The purpose of this Section 24 is to (i) define a STR; (ii) limit the commercialization of STR in the Town; (iii) require Owners of STR to comply with health and fire code requirements; (iv) minimize neighbor disruption and; (v) protect the quiet rural character of the Town.

24.2 DEFINITIONS

“Caretaker” A local person, including an Owner, who will be responsible for the operation of a STR in the absence of the Owner. A Caretaker may not be a corporate entity that manages more than four (4) STR for more than two (2) Owners.

“Owner” Any person whom alone or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; is a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, a limited liability company (“LLC”), a corporation, or a trust.

“Short Term Rental” The rental of a whole or a portion of a primary or secondary residential dwelling unit in exchange for payment, as residential accommodations for a period of thirty (30) consecutive days or less. The definition of STR specifically excludes a licensed hotel or motel and seasonal or long-term rental of thirty-one (31) consecutive days or more.

“Owner-adjacent STR” The short-term rental of a dwelling unit that is not the Primary Residence of the Owner but is located on the same parcel of land as the Owner’s Primary Residence.

“Primary Residence” The home you live in the majority of the year.

24.3 REQUIREMENTS

24.3.1 Registration. A registration process will be defined and administered by the Town Clerk. An Owner must register a qualified STR property with the Town Clerk annually. Registration information must include the following:

- a. The Owner’s name and address. If the Owner is an LLC or a corporation, the names of each of the members of the LLC or the names of the officers and shareholders of the corporation must be identified.
- b. STR street address.
- c. Emergency contact information for the Owner.
- d. Emergency contact information for the Caretaker, if applicable.
- e. The number of bedrooms in a STR or an Owner-adjacent STR.
- f. Certification that the STR is equipped functional smoke detectors, carbon monoxide alarms and at least one visible, properly maintained and charged multi-purpose fire extinguisher on each floor of the STR.
- g. Certification that the water quality of well water systems are tested annually.
- h. An annual registration fee of \$250 will be assessed by the Town. The annual STR registration fee may be adjusted from time to time in the discretion of the Select Board.

- 24.3.2 Inspection.** A STR may be subject to a safety inspection by an authorized agent of the Town from time to time in the Town's discretion subject to reasonable notice. All records regarding these requirements must be maintained onsite and available for inspection.
- 24.3.3 Insurance.** An Owner must maintain liability insurance appropriate to cover the STR use.
- 24.3.4 Parking.** An Owner must comply with Section 7.3 of these Protective Bylaws. In addition, an Owner engaged in STR use must also provide at least one off street parking space per bedroom offered for STR use.
- 24.3.5 Instructions.** An Owner must provide written instructions electronically and in a prominent location in the STR regarding the following:
- a. Waste and recycling disposal.
 - b. Owner and/or Caretaker emergency contact information (phone number, cell phone number and email address).
 - c. The name, contact information and code for any monitored alarm system.
 - d. Locations of portable fire extinguishers.
 - e. Notice that dog owners, when in occupancy, must be able to produce a Rabies certificate.
 - f. Notice that dogs must be leashed when outdoors or otherwise restricted to a secure fence enclosure.
 - g. A request to not cause excessive noise after 10:00 pm or before 8:00 am. (Note: There is currently no Town bylaw regulating noise.)
- 24.3.6 Fire Safety.** A STR shall contain in each living space (bedrooms, living room, kitchen and all other rooms) functional smoke detectors, carbon monoxide alarms and at least one properly maintained and charged multi-purpose fire extinguisher per floor. All monitored alarms need to be registered annually with the Town.
- 24.3.7 Oversight.** An Owner or a Caretaker must be available to physically respond to an emergency at the STR within one hour.

24.4 RESTRICTIONS

- 24.4.1 Owner.** An Owner may not offer more than two (2) properties for STR use in the Town. One STR must be the Owner's primary residence or an Owner-adjacent STR.
- 24.4.2 Income Restriction.** STR is prohibited in dwelling units designated as affordable or otherwise income restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal law.
- 24.4.3 Occupancy.** Occupancy cannot exceed more than three persons (adults and children) per bedroom as defined by the Board of Health. Occupancy must comply with all state and local health and safety regulations.
- 24.4.4 Signage.** Signs on a property advertising STR are prohibited.
- 24.4.5 Outstanding Violations.** STR is not permitted in any property with any outstanding taxes or violations of building, fire, health or any other applicable code or Town bylaw.
- 24.4.6 Violations.** Parking violations shall be reported to the Police Department. Unleashed dogs shall be reported to the Animal Control Officer. All other violations shall be reported to the Select Board.

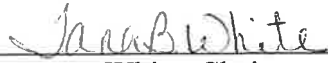
24.5 PENALTIES

- 24.5.1 Penalties.** If an Owner violates any provision of this bylaw, the Owner may be subject to civil penalties imposed by the Select Board in accordance with M.G.L Ch.40 Sect. 21D including the following:
- a. First offense - Verbal warning
 - b. Second offense - \$100
 - c. Third offense - \$200
 - d. Each day that a violation exists constitutes a separate offense.
- 24.5.2 Non-renewal.** In the event there are more than three violations of any of the provisions of this bylaw in a 12-month period, the Select Board may restrict Owner registration of an STR property.
- 24.5.3 Appeal.** A penalty may be appealed to the Select Board within 10 days of issuance.

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 17th day of April, 2024

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


Tara B. White, Chair


William West

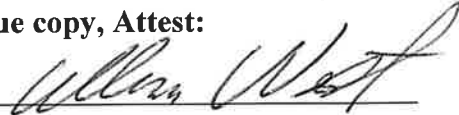

Elizabeth Dean

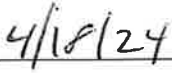
Select Board

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:

Town Hall, 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:


William West, New Marlborough Constable


Date

