



Town of
CLARKSBURG

111 RIVER ROAD CLARKSBURG, MA 01247

TOWN OFFICES (413) 663-7940

TOWN OF CLARKSBURG, MASSACHUSETTS

ANNUAL TOWN MEETING WARRANT

WEDNESDAY MAY 29th, 2024 @ 6:00 PM

AT CLARKSBURG ELEMENTARY SCHOOL 777 WEST CROSS RD CLARKSBURG, MA

COMMONWEALTH OF MASSACHUSETTS

Berkshire ss:

To any of the Police Officers of the Town of Clarksburg in the County of Berkshire:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote at Town Meeting, to meet at the Clarksburg Elementary School at 777 West Cross Road on WEDNESDAY MAY 29th, 2024 AT 6:00PM then and there to vote on the following articles to wit:

ARTICLE ONE: (majority vote):

To receive the printed annual report of the Town Officers for Fiscal Year 2023, or take any action in relation thereto.

ARTICLE TWO: (majority vote):

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in the Fiscal Year beginning July 1st, 2024 through June 30th, 2025, in accordance with the provisions of the Massachusetts General Laws (MGL), Chapter 44, Sections 4, 6A and 7, and to issue a note or notes therefor, in accordance with MGL Chapter 44, Section 17, or take any action in relation thereto.

ARTICLE THREE: (majority vote):

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1st, 2024 through June 30th, 2025, as permitted by MGL Chapter 44, Section 53F, or take any action in relation thereto.

ARTICLE FOUR: (majority vote):

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2025 for the revolving funds established in the revolving funds bylaw, in accordance with MGL Chapter 44, Section 53E ½, as set forth below, or take any action in relation thereto

Revolving Fund	FY25 Spending Limit
Board of Health	\$5,000
Gas Inspector	\$2,000
Wire/Electrical Inspector	\$4,000
Plumbing Inspector	\$4,000
<u>Cumulative limit for the</u>	
<u>Board of Health and</u>	
Inspector Funds	<u>\$15,000</u>
Police Department	\$ 5,000
Town Hall	\$ 5,000

ARTICLE FIVE: (majority vote): To see if the Town will vote to set the annual compensation for elected officials as follows:

	APPROPRIATED	RECOMMENDED
INDIVIDUAL STIPENDS	FY24	FY25
Selectboard Chair	\$600	\$600
Selectboard Members (\$500X2)	\$1000	\$1000
Planning Board Chair	\$300	\$300
Planning Board Members (\$250X4)	\$1000	\$1000
Board of Health Chair	\$280	\$280
Board of Health Members (\$230X2)	\$460	\$460
School Committee Chair	\$280	\$280
School Committee Members (\$230X2)	\$460	\$460
Rep. to McCann Tech Voc. School	\$230	\$230
Agricultural Comm Chair	\$ 0	\$100
Agricultural Comm Members (\$50X2)	\$0	\$100
TOTAL:	\$4610	\$4810

ARTICLE SIX: (majority vote):

To see if the Town will vote to raise and appropriate, or take from available funds in the Town Treasury the amount of \$2,967,609 to pay for charges, expenses and outlays for the School Department for the ensuing Fiscal Year July 1st, 2024 through June 30th, 2025, or take any action in relation thereto.

ARTICLE SEVEN: (majority vote):

To see if the Town will vote to raise and appropriate, or take from available funds in the Town Treasury the amount of \$363,220 to pay for the Town's share of the Northern Berkshire Vocational School District's budget for the ensuing Fiscal Year July 1st, 2024 through June 30th, 2025, or take any action in relation thereto.

ARTICLE EIGHT: (majority vote):

To see if the Town will vote to authorize the Selectboard to accept and expend any monies provided pursuant to MGL Chapter 90, or any other transportation program, and enter into contracts with the Massachusetts State Highway Department (a/k/a Massachusetts Department of Transportation) for the construction and maintenance of public highways for the ensuing year July 1st, 2024 through June 30th, 2025, or take any action in relation thereto.

ARTICLE NINE: (majority vote):

To see if the Town will vote to raise and appropriate, or take from available funds in the Town Treasury, the following sums of money for salaries, expenses, charges and other purposes including loan and debts, for the Fiscal Year beginning July 1st, 2024 through June 30th, 2025, or take any action in relation thereto.

ACCOUNT	FY2024	FY2025	\$INCREASE
NAME	APPROPRIATED	RECOMMENDED	\$DECREASE
LEGISLATIVE	\$100	\$100	-0-
EXECUTIVE	\$2200	\$2175	-\$ 25
FINANCE	\$147,603	\$176,629	\$29,026
OPERATIONS	\$166,923	\$182,231	\$15,308

ACCOUNT	FY2024	FY2025	\$INCREASE
NAME	APPROPRIATED	RECOMMENDED	\$DECREASE
LICENSING/			
REGISTRATION	\$ 26,119	\$ 25,981	-\$ 138
LAND USE/DEVELOPMENT	\$ 4,391	\$ 4,990	\$ 599
FACILITIES MANAGEMENT	\$ 57,450	\$ 59,850	\$ 2,400
PUBLIC SAFETY/INSPECT'N	\$153,557	\$160,548	\$ 6,991
PUBLIC WORKS	\$375,013	\$430,409	\$ 55,396
& RECREATION			
HUMAN SERVICES	\$154,648	\$144,084	-\$10,564
DEBT	\$246,898	\$ 44,490	-\$202,408
EMPLOYEE INSURANCE			
& BENEFITS	\$483,199	\$484,272	\$ 1073
LIABILITY INSURANCES	\$ 55,500	\$ 51,500	-\$4,000
SCHOOL STIPENDS	\$ 970	\$ 970	-0-
TRANSFERS OUT OPEB	\$ 500	\$ 500	-0-
TOTAL TOWN	\$1,881,754	\$1,767,759	-\$113,995
TOTAL SCHOOL DEPT	\$2,838,417	\$2,967,609	\$129,192
McCANN Tech Vocational	\$ 383,921	\$ 363,219	-\$ 20,703

ARTICLE TEN: (majority vote):

To see if the Town will vote to insert into the Towns bylaws a clause providing for the taking of oath/swearing in, of newly elected Officials, until after the Annual Town Meeting, or take any action in relation thereto.

ARTICLE ELEVEN: (majority vote):

To see if the Town will vote, pursuant to MGL Chapter 39, Section 14 and Chapter 41, Section 2 to increase the terms of the Town Moderator and the Town Tree Warden from one year terms to three year terms, provided that the change shall not take effect until, the 2025 Annual Town Election, at which the officers of Town Moderator and Town Tree Warden shall be elected for a term of three years each , or take any action in relation thereto.

ARTICLE TWELVE: (majority vote):

To see if the Town will vote to adopt the Right to Farm bylaw in the form attached to this Warrant, or take any action in relation thereto.

ARTICLE THIRTEEN: (majority vote):

To see if the Town will vote to appropriate for the expenses of the Town’s Sewer Enterprise Fund to be raised from sewer user fees, for the ensuing fiscal year beginning July 1, 2024 through June 30, 2025, as listed below in accordance with MGL Chapter 44 Section 53F ½, or take any action in relation thereto.

***Sewer Operations**

-Maintenance and Operations	\$ 53,000
-Intra-municipal service charges	\$ 20,295
-North Adams Usage Fee	\$255,516
-Capital Exp HWQD	\$ 92,131
Total Sewer Operations for FY24.....	\$ 420,942

ARTICLE FOURTEEN : (majority vote):

To see if the Town will transfer \$157,000 from the Sewer Enterprise Retained earnings to pay for expenses for sewer system repairs and upgrades to reduce Inflow and Infiltration (I&I) as required by the Massachusetts Dept. of Environmental Protection, or take any action in relation thereto.

ARTICLE FIFTEEN: (majority vote):

To see if the Town will vote to adopt Sections 3 thru 7 inclusive of Massachusetts General Laws (MGL) Chapter 44B, otherwise known as the Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; and to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or take any action in relation thereto.

ARTICLE SIXTEEN: (majority vote):

To see if the Town will vote to use \$113,371 from Free Cash from, as a match for an MSBA repair grant for roof replacement at Clarksburg Elementary School and place said amount into a School Roof Stabilization Account, or take any action in relation thereto.

ARTICLE SEVENTEEN: (majority vote):

To see if the Town will vote to take \$231,000 from Free Cash and deposit it into the Towns Stabilization Account, or take any action in relation thereto.

ARTICLE EIGHTEEN: (majority vote):

To see if the Town will vote to take \$142,000 from free cash for the purchase of a Truck with attachments for the DPW, or take any action in relation thereto.

ARTICLE NINETEEN: (majority vote):

To see if the Town will vote to take \$8,000 from Free Cash for the purchase of new Assessor software and operation for the Assessor's Office , or take any action in relation thereto.

ARTICLE TWENTY: (majority vote):

To see if the Town will vote to take \$72,000 from Free Cash to reduce the tax rate, or take any action in relation thereto.

ARTICLE TWENTY ONE: (majority vote):

To see if the Town will vote to amend Chapter 13 of the Town Bylaws, Article 1, entitled Dogs at Large, by adding two sections as follows, and renumbering existing sections 13-4 and 13-5 as 13-6 and 13-7, or take any action in relation thereto.

13-4 Registration and licensing of dogs

All dogs over the age of 6 months in the Town must be licensed in accordance with MGL Chapter 140, Section 137. The license period shall be January 1 through December 31 of each year. A late fee of \$10.00 will be charged after March 1st on all renewals.

13-5 Removal of Dog Litter

The owner or any person walking, or in control of a dog outside of the owner's, or persons property shall not allow or permit such dog to defecate (litter) upon any property, public or private, unless such person shall remove all litter so deposited by such dog and dispose of same in a sanitary manner before leaving the immediate premises. This provision shall not apply to a guide dog accompanying any blind person.

ARTICLE TWENTY TWO: (majority vote)

To see if the Town will vote to accept the altered layout of Pine Avenue as a public way, as heretofore altered by the Selectboard, to include within said layout the parcel of land shown as "Area to be Conveyed to Town of Clarksburg Area: 0.11 Acres+/-" on a plan entitled "Plan of Land", dated April 22, 2024, and prepared by Guntlow & Associates, Inc. and on file with the Town Clerk, and, further, to authorize the Selectboard to acquire , by purchase, gift and/or eminent domain and on such terms as the Selectboard deems appropriate, the fee in and to and/or a permanent easement in said parcel for all the purposes for which public ways are used in the Town of Clarksburg, including, without limitation, for utility purposes, or take any action in relation thereto.

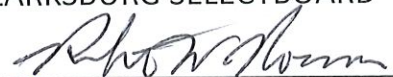
ARTICLE TWENTY THREE: (majority vote):

To see if the Town will vote to use up to \$5,000 from Free Cash for the purchase and replacement of the two exterior doors at the Community/Senior Center, or take any action in relation thereto.

To any of the Police Officers for the Town of Clarksburg, you are hereby directed to serve this Warrant by posting two or more attested copies of the same, in the Town of Clarksburg at least SEVEN (7) days before the time of holding said meeting

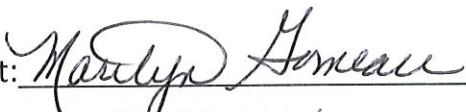
Given under our hands this 21st day of May 2024

CLARKSBURG SELECTBOARD

 Robert Norcross, Chair

 Daniel Haskins

 Colton Andrews

Attest:  Marilyn Gomeau, Town Clerk

Date: 5-22-2024

I have served the above warrant, therein directed, by posting two or more attested copies in two or more public places to wit: Clarksburg Town Hall/Website and the Clarksburg Elementary School in said Town of Clarksburg on this _____ day of May 2024

Chief of Police: _____ Date: _____

PROPOSAL for a RIGHT-TO-FARM BY-LAW, Town of Clarksburg, Massachusetts

Section 1: Purpose and Intent

This General By-law serves as a cornerstone for fostering a thriving agricultural community while ensuring harmonious coexistence with neighboring properties and local government entities. Its primary objectives are to promote, support, and sustain agricultural endeavors, enhance the economic landscape and overall well-being of the Town, and mitigate any potential conflicts arising from such activities.

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 Massachusetts 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 Clarksburg 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").

Section 2: Right-To-Farm Declaration

The Right-To-Farm is hereby recognized to exist within the Town of Clarksburg. The below described agricultural activities may occur on holidays, weekdays, 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 community and society in general. The benefits and protections of this By-law are intended to apply exclusively to commercial agricultural and farming operations conducted in accordance with generally accepted agricultural practices. 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, or private covenants.

Section 3: Definitions

A *"farm"* shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

"Farming" or "agriculture" shall include, but not be limited, to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, goats, ratites (such as emus, ostriches and rheas) and camelids (such as llamas, alpacas and camels), and other domesticated animals for food and other agricultural purposes, including fiber and fur-bearing animals and honey bees;
- fish hatcheries;
- growing and harvesting of Christmas trees
- cultivation of sugar maple trees for the production of maple products;

"Farming" or "agriculture" shall include, but not be limited, to the following activities:

- 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, pesticides, and herbicides with adherence to all Massachusetts General Laws pertaining to the applications of these materials and substances while adhering to all wetland and pollinator protection laws in effect.

- conducting agricultural-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operations; and
- construction and use of farm structures and fences.

Section 4 Disclosure Notification

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town requests selling landholders and/or their agents (and assigns) to provide written notice to prospective purchasers substantially as follows:

"It is the policy of the Town of Clarksburg to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

The Town will provide notification that the Town of Clarksburg is a Right-to-Farm Community by the following means:

- By posting a copy of the above disclosure notice and the Right-to-Farm By-law at the Clarksburg Town Hall, at the Clarksburg Public Library, and on the Town's official website.
- Notification language required by this section shall appear each year in the Agricultural Commission's report in the Town's Annual Report document.
- Copies of this disclosure notice and Right-to-Farm By-law will be made available for distribution upon request at the Clarksburg Town Hall.
- Road signage notifying the general public that Clarksburg is a Right-To-Farm Community will be placed on major thoroughfares near town borders pending State approval, if required, and subject to all regulations for such signage and any necessary budget approvals.
- Property owners should make efforts to inform prospective tenants or buyers that Clarksburg is a Right-to-Farm Community and direct prospective tenants or buyers to the above locations and sources for obtaining this notification language and By-law.
- Those seeking to purchase real estate within the Town of Clarksburg and requesting a statement of Municipal Lien from the Town pertaining to such purchase, will be furnished a copy of this Right-to-Farm By-law.

Section 5 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 Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on the nature of the grievance. 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 shall 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, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 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 Clarksburg hereby declares the provisions of this By-law to be severable.