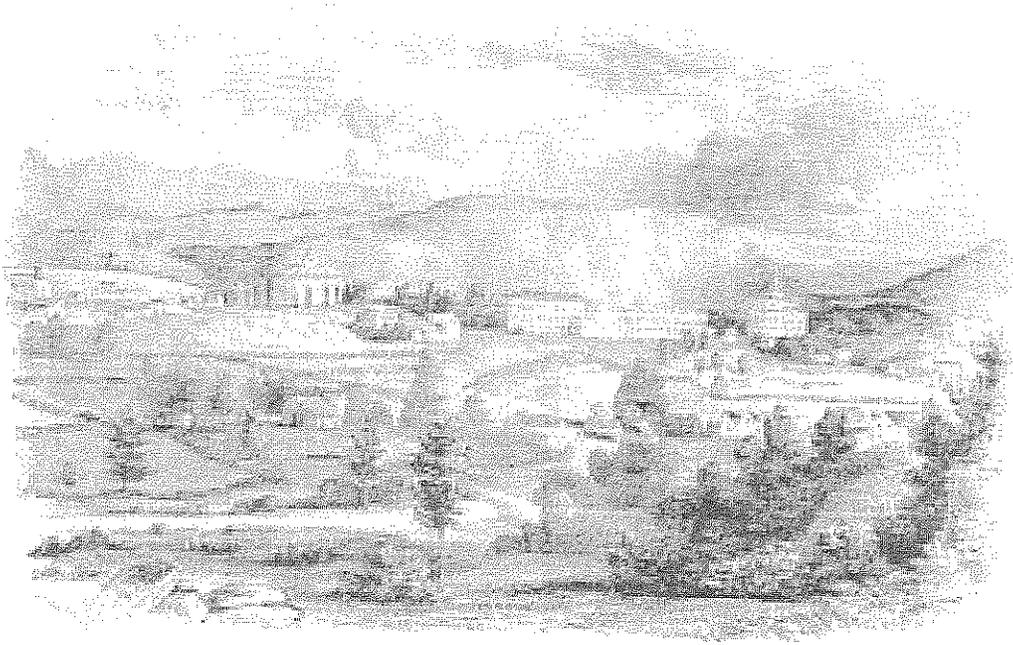


Town of Williamstown



2015 Annual Town Meeting

Warrant & Overview

May 19, 2015

MOTION CHART

Application of Rules is indicated by the Motion's Numerical Sequence

Motions	Debatable	Non-Debatable	Amendable	Non-Amendable	Second required	Second not required	Majority vote	2/3 vote	May reconsider	Cannot reconsider
1. Point of order		x				x				
2. Previous question										
Terminate Debate		x		x	x			x		x
3. Postpone Indefinitely	x			x	x		x		x	
4. Lay on Table		x		x	x			x	x	
5. Amendment	x		x		x		x		x	
6. Accept & Adopt	x		x		x		x		x	
7. Consider Article										
Out of Order	x		x		x			x		x
8. Reconsider	x			x	x		x			x
9. Adopt a Resolution	x		x		x		x			x
10. Adjourn to a Time										
Uncertain	x		x		x		x		x	
11. Adjourn		x		x	x		x			x

While a motion to amend is under discussion, a motion to postpone indefinitely displaces the previous motion, but a motion to adjourn cannot be taken up until the motion to amend is decided.

ANNUAL TOWN MEETING

FISCAL YEAR
JULY 1, 2015 to JUNE 30, 2016

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss:

To either of the Constables of the Town of Williamstown, in the County of Berkshire.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Williamstown qualified to vote in elections and Town affairs to meet at Williamstown Elementary School, 115 Church Street, in said Williamstown

TUESDAY, THE TWELVETH DAY OF MAY 2015 at SEVEN O'CLOCK A.M. for the following purpose:

To bring their votes to the election of officers for the election of all Town Officers

The polls will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M.

And furthermore to meet at Williamstown Elementary School, 115 Church Street, on TUESDAY, THE NINETEENTH DAY OF MAY 2015 AT SEVEN O'CLOCK P.M. for the following purpose:

To act on all Articles of this warrant, except Article 1, which has been acted upon at the above meeting for the election of officers.

ELECTION OF TOWN OFFICERS

Article 1. To choose one Selectmen for a three-year term; two Elementary School Committee (K-6) members for three-year terms; one Library Trustee for a three-year term; one Library Trustee for a two-year term; one Planning Board member for a five-year term; one Housing Authority member for a five-year term; and one Northern Berkshire Vocational Regional School member for a three-year term.

The election occurs on May 12, 2015 after this document has gone to press. Election results are posted on the town web site www.williamstown.net.

REPORTS OF TOWN COMMITTEES

Article 2. To see if the Town will vote to accept the reports of the Board of Selectmen, the Town Manager, and all other officers and committees, and act thereon.

TO APPLY UNRESERVED FUND BALANCE TO REDUCE THE TAX RATE

Article 3. To see if the Town will vote to transfer and appropriate the sum of **\$375,000** from the General Fund Unreserved Fund Balance to reduce the tax rate, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to transfer and appropriate the sum of \$375,000 from the General Fund Unreserved Fund Balance to reduce the tax rate.

The Board of Selectmen unanimously recommends the adoption of this article.

The Town customarily applies excess receipts and unused appropriations of the previous fiscal year (Unreserved Fund Balance a/k/a "Free Cash") to reduce the tax rate.

APPROPRIATION FOR DEBT SERVICE

Article 4. To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of **\$549,644** or any other sum, to pay interest and maturing debt, or take any other action in relation thereto.

<u>Purpose</u>	<u>Year Borrowed</u>	<u>Years Remaining</u>	<u>Initial Principal</u>	<u>FY2016 Principal and Interest</u>
DPW Garage	1997	2	1,800,000	\$100,550
Landfill Closure	1997	1	215,000	10,300
Sherman Chapel Repair	2001	4	132,800	8,111
Landfill Closure	2005	5	150,000	11,642
Elementary School	2005	10	4,200,000	272,274
Cable Mills	2015	10	1,102,961	146,767
				<hr/> \$549,644

The Community Preservation Committee unanimously recommends the adoption of this article.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$394,766 from taxation and that \$8,111 be appropriated from the Sherman Burbank Memorial Fund and that \$146,767 be appropriated from the Community Preservation Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

Each of the above items is a bond issue the Town has committed to repay over the number of years remaining as indicated.

GENERAL GOVERNMENT

Article 5. To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of **\$7,062,232** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

<u>Department</u>	<u>Fiscal Year</u> <u>2015</u>	<u>Fiscal Year</u> <u>2016</u>
Executive	\$276,771	\$293,836
Administration and Finance	1,878,576	1,928,642
Community Development	468,849	485,344
Public Safety	1,351,609	1,381,514
Public Works	2,045,235	2,077,474
Human Services	874,518	895,422
Total	<hr/> \$6,889,967	\$7,062,232

The Finance Committee unanimously recommends the Town vote to raise and appropriate \$6,855,692 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$2,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$5,240 be appropriated from the Sherman Burbank Memorial Trust.

The Board of Selectmen unanimously recommends the adoption of this article.

The General Government appropriation is a 2.5% increase over the current year.

LOCAL PUBLIC SCHOOLS (GRADES K-6)

Article 6. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$5,772,947** to pay charges, expenses and outlays of the School Department for the ensuing year or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$5,772,947 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

The elementary school appropriation is a 2.50% increase over the current year. The total elementary school budget is \$6,456,745 including \$683,798 of other non-appropriated funds, for a 2.39% total increase from FY15.

NORTHERN BERKSHIRE VOCATIONAL REGIONAL SCHOOL DISTRICT

Article 7. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$206,751** or any other sum, being Williamstown's share of the Northern Berkshire Vocational Regional School District 2015-2016 fiscal budget, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$206,751 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only a total amount.

	<u>FY2015</u>	<u>FY2016</u>
Minimum Contribution	\$257,022	\$175,129
Transportation Assessment	8,096	5,325
Capital Assessment	<u>27,492</u>	<u>26,297</u>
Total	\$292,610	\$206,751

The Williamstown assessment is a 29.3% decrease from FY15. Williamstown enrollment is 13 students out of a total enrollment of 526 compared to 19 of 539 students last year.

MOUNT GREYLOCK REGIONAL SCHOOL DISTRICT

Article 8. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$4,957,055** or any other sum, being Williamstown's share of the Mount Greylock Regional School District 2015-2016 fiscal budget, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$4,957,055 from taxation.

The Board of Selectmen unanimously recommends the adoption of this article.

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only a total amount.

	<u>FY15</u>	<u>FY16</u>
Minimum Contribution	\$2,662,747	\$2,562,912
Transportation Assessment	122,906	138,885
Capital Assessment	11,030	0
Additional Foundation	<u>\$1,928,856</u>	<u>\$2,255,258</u>
Total Assessment	\$4,725,539	\$4,957,055

The Williamstown assessment is \$231,516 (4.90%) more than FY15. Apportionment is based on a five-year rolling average of 295 Williamstown and 179 Lanesborough students. The Williamstown cost per student is \$16,804. The Lanesborough assessment is \$2,726,051 for an average cost of \$15,229 per Lanesborough student.

CAPITAL IMPROVEMENT PROGRAM

Article 9. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$740,000** or any other sum, for the following capital expenditures, or take any other action in relation thereto.

<u>Item</u>	<u>Department</u>	<u>Amount</u>
Hall Street Sidewalk Replacement	Highway	\$29,000
Hancock Road Mill/Overlay	Highway	426,000
Mowing Tractor – 44%	Highway	55,000
Pick-up Truck Replacement	Highway	<u>50,000</u>
		\$560,000
Window Replacement	Library	\$15,000
Mowing Tractor Replacement – 28%	Sewer	\$35,000
Mechanical Sewer Rodder	Sewer	<u>15,000</u>
		\$50,000
Elm Street Water Main Replacement	Water	\$80,000
Mowing Tractor Replacement – 28%	Water	<u>35,000</u>
		\$115,000

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$575,000 from taxation, that \$115,000 be raised and appropriated from Estimated Water Receipts, and that \$50,000 be raised and appropriated from Estimated Sewer Receipts.

The Board of Selectmen unanimously recommends the adoption of this article.

Highway Department and Library items are funded by the property tax. Sewer and Water Department items are funded by user fees.

FINANCE COMMITTEE RESERVE FUND

Article 10 To see if the Town will vote to raise and appropriate the sum of **\$75,000** for the Finance Committee Reserve Fund, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

The Reserve Fund is established under G.L. c. 40 § 6 to provide for extraordinary or unforeseen expenditures authorized by the Finance Committee.

TRANSFER TO STABILIZATION FUND

Article 11 To see if the Town will vote to transfer the sum of **\$750,000** from the General Fund Unreserved Fund Balance to the Stabilization Fund, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to transfer the sum of \$750,000 from Unreserved Fund Balance to the Stabilization Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

M. G. L. Ch. 40 s. 5B requires a two-thirds (2/3) vote to pass this article.

This article transfers \$750,000 to the Stabilization Fund to protect our recently achieved Aa1 bond rating. The Stabilization Fund is available for future needs. No taxes are raised by this transfer.

TO FUND OTHER POST EMPLOYMENT BENEFITS

Article 12. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance the sum of **\$75,000** to the Other Post Employment Benefits Liability Trust Fund, established under the provisions of M.G.L. Chapter 32B, Section 20, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to transfer the sum of \$75,000 from Unreserved Fund Balance to the OPEB Trust Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

Last year's \$75,000 appropriation continued the process to put the Town on a pay-as-you-go basis for Other Post-Employment Benefits, primarily the town's share of health insurance for retirees. This funding is important to our recently achieved Aa1 bond rating.

APPROPRIATION TO COMPENSATED BALANCES RESERVE FUND

Article 13. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance the sum of **\$10,000** to the Compensated Balances Reserve

Fund, established under the provisions of M.G.L. c. 40 s. 13D, or take any other action in relation thereto.

Finance Committee unanimously recommends the Town vote to transfer the sum of \$10,000 from Unreserved Fund Balance to Compensated Balances Reserve Fund.

The Board of Selectmen unanimously recommends the adoption of this article.

This appropriation sets aside funds to meet our legal obligation to pay accrued employee benefits upon separation from the Town's employment.

WILLIAMSTOWN CHAMBER OF COMMERCE

Article 14. To see if the Town will vote pursuant to G.L. c. 40 § 6A to raise and appropriate the sum of **\$42,683** for the Williamstown Chamber of Commerce to advertise the Town's resources, advantages, and attractions, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$42,683 for the Williamstown Chamber of Commerce.

The Board of Selectmen unanimously recommends the adoption of this article.

This is an increase of 7.18% from last year's \$39,824. The appropriation for the Chamber of Commerce to promote tourism is 10% of the Room Occupancy Excise Tax collected during the previous calendar year.

WILLIAMSTOWN YOUTH CENTER

Article 15. To see if the Town will vote to raise and appropriate the sum of **\$72,030** for the Williamstown Youth Center to provide youth recreation services, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$72,030 to support the Williamstown Youth Center.

The Board of Selectmen unanimously recommends the adoption of this article.

The Youth Center appropriation is a 2.5% increase over the current year.

PUBLIC LIBRARY REVOLVING FUND

Article 16. To see if the Town will vote pursuant to G.L. c. 44 § 53E½, to authorize the use of a revolving fund for the purpose of purchasing library supplies, services, and equipment, which fund shall be credited with receipts from all fees and fines collected under the authority and direction of the Library Trustees, such

expenditures not to exceed Twenty-Five Thousand (\$25,000) Dollars, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

The Library Revolving Fund allows the Board of Library Trustees to collect fines, copy machine fees, room rental fees, and other miscellaneous income and to spend those funds on library expenses at the discretion of the Trustees without further appropriation.

SEWER DEPARTMENT

Article 17. To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,149,493** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$1,089,493 from Estimated Sewer Receipts and the sum of \$60,000 from Sewer Fund Unreserved Fund Balance.

The Board of Selectmen unanimously recommends the adoption of this article.

The Sewer Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation.

WATER DEPARTMENT

Article 18. To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$914,010** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$864,010 from Estimated Water Receipts and the sum of \$50,000 from Water Fund Unreserved Fund Balance.

The Board of Selectmen unanimously recommends the adoption of this article.

The water rate will increase \$.06 per 100 cubic feet (748 gallons). Water Department is an Enterprise Fund. All expenses of the Department are paid by user fees, not taxation.

WATER RATE

Article 19. To see if the Town will, in accordance with § 7, Chapter 606 of the Acts and Resolves of 1941, vote to approve a municipal water rate of **\$3.85** per 100 cubic feet of water as fixed by the Board of Selectmen at their meeting of April 13 to be effective July 1, 2015, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to approve a municipal water rate of \$3.85 per 100 cubic feet.

The Board of Selectmen unanimously recommends the adoption of this article.

The water rate will increase \$.06 per 100 cubic feet (748 gallon) in FY16.

TRANSFER STATION DEPARTMENT

Article 20. To see if the Town will vote to appropriate from Estimated Transfer Station Receipts or other available funds the sum of **\$173,123** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$143,123 from Estimated Transfer Station Receipts and \$30,000 from Transfer Station Unreserved Fund Balance.

The Board of Selectmen unanimously recommends the adoption of this article.

For the first time since 2006 Transfer Station fees will increase in FY16. Annual sticker will increase from \$75 to \$85. Bags and other fees have remained the same since 2006. The Transfer Station Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation.

CHAPTER 90 HIGHWAY FUNDS

Article 21. To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Chapter 90 funds are distributed by the State for approved highway projects. The Town is required to spend the money before being reimbursed by the state. Since the Town cannot spend money it does not have, this article authorizes the Treasurer to borrow money in anticipation of receiving the Chapter 90 reimbursement from the Commonwealth.

TO PAY A PRIOR YEAR BILL

Article 22. To see if the Town will vote to raise and appropriate the sum of **\$9,768.96** to pay a prior year bill from the City of Pittsfield for a Mount Greylock Regional School District student to attend Taconic High School in 2012-2013, or take any other action in relation thereto.

M. G. L. Ch. 44 s. 64 requires a four-fifths (4/5) vote to pass this article.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$9,768.96 to pay a prior year bill from the City of Pittsfield.

The Board of Selectmen unanimously recommends the adoption of this article.

APPROPRIATION FOR ECONOMIC DEVELOPMENT

Article 23. To see if the Town will vote to raise and appropriate the sum of \$23,000 to be expended by the Board of Selectmen for economic development, or take any other action in relation thereto.

The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$23,000 for economic development.

The Board of Selectmen unanimously recommends the adoption of this article.

ACCEPTANCE BY GIFT OF SPRUCES PROPERTY

Article 24. To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, for general municipal purposes, a certain parcel of land containing approximately 4.20 acres, owned by one or more of the following parties: Spruces MHC LLC, which parcel is shown on the Williamstown Assessor's Map 111 as Parcel 025-000, and described in deeds recorded with the Northern Berkshire Registry of Deeds in Book 1069 Page 1014, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This is a parcel of land belonging to the owner of The Spruces Mobile Home Park across the Hoosic River from the Park.

SOUTH CENTER SCHOOL LEASE

Article 25.. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease agreement in accordance with the provisions of G.L. c 30B s. 16 to lease the former South Center School located at 32 New Ashford Road with a portion of Assessor Parcel 30-313 upon which the building is situated for the purpose of storing, displaying, and preserving Town historic artifacts and documents, for a term of up to fifty years under terms and conditions satisfactory to the Board of Selectmen, or take any other action relative thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

Williamstown Historical Museum's lease at the Milne Library expires in 2017. The Museum seeks a long term repository for the Town's historical artifacts. The South Williamstown Community Association has lost its tenant and their ability to financially support the operation and maintenance of the Town's building. Passage of this article will allow the Board of Selectmen to lease the South Center School.

SPRUCES REVOLVING FUND

Article 26. To see if the Town will vote pursuant to G.L. c. 44 § 53E½, to authorize the use of a revolving fund, for the purpose of operating and closing The Spruces Manufactured Housing Community, which fund shall be credited with receipts of all revenue, fines and fees collected during the operation of The Spruces, under the authority and direction of the Board of Selectmen, such expenditures not to exceed One Hundred Thousand (\$100,000) Dollars, or take any other action in relation thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

A revolving fund only for operating income and expenses of The Spruces was first authorized at the December 10, 2013 special town meeting. State law requires that such authorization be renewed annually until the park is closed in 2016.

AUTHORIZE STRUCTURED TAX AGREEMENT FOR GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

Article 27. To see if the Town will vote, pursuant to the provisions of G.L. c. 59 § 38H and c. 164, §1, or any other enabling authority, to approve, and authorize the Town Manager to negotiate and enter into a structured property tax agreement with SolarCity, Inc. or any successor lessee/operator of the solar photovoltaic energy generating facility to be installed on property located at 835 Simonds Road and shown on Assessors' Map 126 as parcel 90, for a certain sum and certain term of years and upon such terms and conditions as the Town Manager shall deem to be in the best interest of the Town; or take any other action relative thereto.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

A Structured Tax Agreement allows the Town to add a solar photovoltaic generating facility to its tax base while giving investors a predictable cost structure.

AMENDMENT TO THE AFFORDABLE HOUSING TRUST

Article 28. To see if the Town will vote to amend the Affordable Housing Trust Fund, §6 of the Code of the Town of Williamstown as follows:

§ 6-2 Composition and Tenure of Trustees

A. Establishment

There shall be a Board of Trustees consisting of at least five and no more than seven members who shall be appointed by the Board of Selectmen.

B. Composition

One of the Trustees shall be a member of the Board of Selectmen, one a member of the Williamstown Affordable Housing Committee, and three to five residents who would bring to the Trust relevant experience and expertise, such as in real estate, housing, banking, fund raising, or the like. Nothing in this subsection shall prevent the Board of Selectmen from appointing the town manager as an ex-officio additional member, without the power to vote.

The Board of Selectmen unanimously recommends the adoption of this article.

This article expands the Affordable Housing Trust Board of Trustees from five to not more than seven members.

CPA – COMMITTEE EXPENSES

Article 29. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation budget, and to appropriate from the Community Preservation Fund estimated annual revenues the sum of Ten Thousand Dollars (\$10,000) to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2016, or take any other action in relation thereto.

The Community Preservation Committee unanimously recommends the adoption of this article.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

COMMUNITY PRESERVATION – HISTORIC RESOURCES

Article 30. To see if the Town will vote to appropriate from the Community Preservation Fund estimated annual revenues, for historic resources purposes under the Community Preservation Act, the sum of Eleven Thousand Two Hundred Nineteen Dollars (\$11,219), which funds shall revert to the CPA fund if not expended by June 30, 2016, to fund a grant to the Williamstown Historical Museum to preserve, conserve, and

exhibit carefully selected works of historical importance from their collection, and to perform ongoing curatorial research dedicated to the care of the collection, all in accordance with the application submitted to and recommended by the Community Preservation Committee, or take any other action in relation thereto.

The Community Preservation Committee unanimously recommends the adoption of this article.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

COMMUNITY PRESERVATION – HISTORIC RESOURCES

Article 31. To see if the Town will vote to appropriate from the Community Preservation Fund estimated annual revenues, for historic resources purposes under the Community Preservation Act, the sum of Fifteen Thousand Four Hundred Dollars (**\$15,400**), which funds shall revert to the CPA fund if not expended by June 30, 2016, to fund a grant to The Trustees of Reservations for the restoration of furniture and woodwork at Field Farm in accordance with the application submitted to and recommended by the Community Preservation Committee, or take any other action in relation thereto.

The Community Preservation Committee recommends by a vote of 6-1-1 the adoption of this article.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen recommends by a vote of 3-0-1 the adoption of this article.

COMMUNITY PRESERVATION – OPEN SPACE/RECREATION

Article 32. To see if the Town will vote to appropriate from the Community Preservation Fund estimated annual revenues, for open space purposes under the Community Preservation Act, the sum of Twenty Seven Thousand Two Hundred Seven Dollars (**\$27,207**), which funds shall revert to the CPA fund if not expended by June 30, 2016, to fund a grant to Sand Springs Recreational Center, Inc. to improve accessibility and water safety at Sand Springs in accordance with the application submitted to and recommended by the Community Preservation Committee, or take any other action in relation thereto.

The Community Preservation Committee recommends by a vote of 5-2-1 the adoption of this article.

The Finance Committee unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

SIGN BY-LAW AMEMENDMENT

Article 33. To see if the Town will vote to amend the Williamstown Sign By-Law, §53 of the Code of the Town of Williamstown as follows:

§ 53-4.1.N Any illuminated window sign, with the exception of one “open” sign of constant illumination.

The Sign Commission unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This change would permit a business to display a single illuminated “Open” sign in a window.

SIGN BY-LAW AMENDMENT

Article 34. To see if the Town will vote to amend the Williamstown Sign By-Law, §53 of the Code of the Town of Williamstown as follows:

§ 53-7.5 by deleting the phrase “Village Business District Portable Signs.” And replacing with “Portable Business Signs”“

And

Deleting “in the Village Business Zoning District”

And

Deleting (A)(2) The signs shall be allowed only between May 1 and November 1.

And replacing with These permits shall be renewed on an annual basis.

Deleting (B)(1) The signs are allowed at establishments within the Village Business Zoning District as defined by Ch. 70 of the Code of the Town of Williamstown.

And renumbering the remaining section.

The Sign Commission unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This change would expand the sandwich board law passed last year to all businesses and would allow this sign type year round.

SIGN BY-LAW AMEMDMENT

Article 35. To see if the Town will vote to amend the Williamstown Sign By-Law, §53 of the Code of the Town of Williamstown as follows:

Add § 53-3.3.G One flag type banner, pole mounted along a single edge of fabric, stating “Open”, “Sale”, or “Welcome”. Said excepted banner shall not exceed 18 square feet and shall not obstruct a public way, vehicular site lines, or other means of egress. Banner is permitted by right to be displayed during business hours only.

And renumber the remaining sections of § 53-3.3.

Delete the existing § 53-4.1.B and replace with;

Banners. Banners, except as provided for in Articles III & VII of this chapter.

The Sign Commission unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This change would allow businesses to display flags that state "Open", "Sale", or "Welcome".

NON-CRIMINAL DISPOSITION MUNICIPAL BYLAW AMENDMENT

Article 36. To see if the Town will vote to amend Chapter 1, Article II, §1-5, Enforcing Official, as follows, or take any other action in relation thereto.

§1-5, change

Bylaw

Zoning Bylaw (Chapter 70)

Demolition Delay Bylaw (Chapter 24)

Enforcing Official

Director of Community Development

Director of Community Development

The Board of Selectmen unanimously recommends the adoption of this article.

The Department of Inspection Services has been renamed as Department of Community Development.

DEMOLITION DELAY BY-LAW AMENDMENT

Article 37. To see if the Town of Williamstown will amend the Demolition Delay Bylaw, Chapter 24-3 as follows;

Amend §24-3 Definitions as follows:

DELETE: DEMOLITION -- An act of pulling down, destroying, removing or razing a building or a portion of a building that results in a change of footprint; or commencing the work of total or substantial destruction with the intent of completing same.

REPLACE WITH: DEMOLITION – The removal of a full street facing façade or other act of pulling down, destroying, removing, dismantling or razing a structure, or commencing the work of total or substantial destruction with the intent of completing the same. "Substantial" herein shall mean either half the volume of the structure or half its assessed value, as determined by the Building Commissioner.

Amend § 24-4(C)(2)&(3) Procedure as follows;

REPLACE the phrases "90 days from the date of the Commission's determination." & "until 90 days after the completed demolition permit application is filed." **with the following;**

“until expiration of a delay period to be determined by the Commission. Said delay period shall not exceed 12 months from the date of the public hearing.”

Or take any other action in relation thereto.

The Historical Commission unanimously recommends the adoption of this article.

The Board of Selectmen takes no position by a vote of 3-1.

ZONING BY-LAW AMENDMENT

Article 38. To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend §70-1.4.G(2)(b)[4], §70-5.3.B(5), §70-5.3.C(5), §70-7.1.G(4)(b), §70-8.1(B) by deleting the term “Inspector of Buildings” and replacing with “Building Commissioner”

Amend §70-8.1(A) by deleting the term “Inspector of Buildings” and replacing with “Building Commissioner in consultation with the Planning Administrator”.

Amend §70-1.4.G(3), §70-1.4.G(3)(a), §70-3.2.A, §70-7.2.F(7)(h), §70-7.2.G(6)(a), §70-7.2.G(6)(b), §70-7.4.D(4)(a)[2], §70-7.4.D(6), §70-7.4.E(3)(b)[2], §70-8.1(C), §70-8.1(D)
By deleting the term “Inspector of Buildings” and replacing with “Planning Administrator”

Amend §70-5.1.A(2), §70-8.2(D)(1), & §70-8.2(D)(2)
by deleting the term “Town Planner” and replacing with “Planning Administrator”

Amend §70-7.2.F(10)(a), Amend §70-7.2.F(10)(a), §70-7.2.F(10)(c) by deleting the term “Building Inspector” and replacing with “Planning Administrator”

Amend §70-7.2.F(10)(d), by deleting the term “Building Inspector” and replacing with “Building Commissioner”

Amend §70-6.1.B(11) by deleting the following;
“Inspector of Buildings or, if subject to development plan review by the”

Amend §70-8.1 by deleting the existing text and replacing with the following;
The provisions of this chapter shall be administered and enforced by the Planning Administrator as defined by §70-9.

Amend §70-8.1.C by deleting the existing text and replacing with the following;
Violations and penalty. Violation shall be determined by the Planning Administrator by an investigation of the fact and inspection of the premises, after which he shall give

notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and shall order that any use of any premises contrary to the provisions of this chapter shall immediately cease. Whoever violates any provision of this chapter, or any of the conditions under which a permit is issued by the Building Commissioner, or permission is granted by the Board of Appeals, or any decision rendered by the Board of Appeals under the provision of this chapter, shall be liable to a fine as provided in the Noncriminal Disposition Bylaw for each violation. Each day of violation after such written notice will be considered a separate offense. If, after such notice, the premises continue to be used in a manner contrary to the provisions of this chapter, or if any such owner or occupant shall fail to obey any law, or if any such owner or occupant shall fail to obey any lawful order of the Planning Administrator in respect to any violation or use contrary to the provisions of this chapter, the Planning Administrator shall institute appropriate legal proceedings to enforce the provisions of this chapter or to restrain by injunction any violation thereof, or both.

Amend §70-9.2 by Deleting the following;

INSPECTOR OF BUILDINGS -- The Inspector of Buildings or other zoning enforcement authority, or his duly authorized representative, appointed by the Town Manager, and charged with the enforcement of this chapter.

And replace with the following;

BUILDING COMMISSIONER – That Town official designated by the Town Manager to carry out the responsibilities as assigned by Section 3 of Chapter 143 of the Massachusetts General Laws. The Building Commissioner shall act as the Planning Administrator if no other official is designated to that position.

PLANNING ADMINISTRATOR: The Director of the Community Development Department or other Town official designated by the Town Manager to carry out the duties assigned to that position in this chapter. The Planning Administrator shall act as the Zoning Enforcement Officer and is responsible for the enforcement of this chapter.

The Planning Board unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This proposal removes several positions from the existing bylaw that are currently staffed by the Community Development Department and consolidates them into two specific sets of responsibilities. The Planning Administrator will be the individual responsible for assisting citizens with the permitting process and enforcing the bylaw. It is intended that this role will be filled by the Director of the Community Development Department. The Building Commissioner is defined as the individual responsible for enforcing the state wide building code.

ZONING BY-LAW AMENDMENT - SOLAR BYLAW

Article 39. To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend §70-3.3B by adding the following use designation

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
§ 70-3.3B ACCESSORY USES								
Canopy Mounted Solar Photovoltaic Systems	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Building or roof mounted solar energy collection systems	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Small – Scale Ground Mounted Solar Photovoltaic Systems	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Medium – Scale Ground Mounted Solar Photovoltaic Systems	BA	Yes	BA	BA	No	Yes	Yes	BA
Large – Scale Ground Mounted Solar Photovoltaic Systems	No	Yes	No	No	No	Yes	Yes	No

Amend §70-3.3.C by adding the following use designation

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
§ 70-3.3.C OTHER USES								
Small – Scale Ground Mounted Solar Photovoltaic Systems	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Medium – Scale Ground Mounted Solar Photovoltaic Systems	BA	Yes	BA	BA	No	BA	Yes	BA
Large – Scale Ground Mounted Solar Photovoltaic Systems	No	BA	No	No	No	BA	Yes	No

§70-7H Solar Energy Systems

1) Purpose

The purpose of this bylaw is to promote the deployment of solar energy systems of all sizes by providing reasonable standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and in the case of large installations, to provide adequate financial assurance for their eventual decommissioning.

2) General requirements for all canopy mounted solar energy systems

(a) Utility Notification.

No grid-connected canopy mounted solar photovoltaic system shall be installed until evidence has been provided to the Building Commissioner as part of a building permit application that the owner has notified the utility company of the

customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(b) Design Standards

All canopy-mounted solar energy installations must fulfill the following requirements:

[1] Height limitations

[a] Maximum Height: Each canopy-mounted solar array (one or more solar panels that are joined as a unit), together with its supporting structure, may not exceed a height of 18 feet above the ground. In the case of movable or tracking mounts, height is measured at maximum design tilt.

[b] Minimum Clearance: Each canopy-mounted solar array together with its supporting structure must provide a minimum clearance of 13 feet to allow for emergency vehicle and maintenance vehicle access.

3) General requirements for all ground mounted solar energy systems

(a) Utility Notification.

No grid-connected ground mounted solar photovoltaic system shall be installed until evidence has been provided, to the Building Commissioner as part of a building permit application for systems permitted by right or to the Zoning Board of Appeals for systems permitted by special permit, that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(b) Design Standards

All ground-mounted solar energy installations must fulfill the following requirements:

[1] Height limitations

Each ground-mounted solar array (one or more solar panels that are joined as a unit), together with its supporting structure, may not exceed a height of 15 feet above the ground. In the case of movable or tracking mounts, height is measured at maximum design tilt.

[2] Dimension and Density Requirements

[a] Coverage area is calculated as the amount of impervious area created by the panel support structures.

[b] All ground-mounted solar photovoltaic installations shall conform to the minimum yards, building cover and open space requirements defined for the underlying district in §70-4.3.

[c] Building cover shall be calculated as measured at minimum design tilt

[d] The minimum required yard where abutting a residential district for an installation in Limited Industrial is reduced to 75 feet.

[3] Appurtenant Structures

All appurtenant structures to ground-mounted solar photovoltaic installations shall be subject to the district's regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

[4] Lighting

No lighting of the solar photovoltaic installation is permitted. Lighting of appurtenant structures is limited to that required for safety and operational purposes. All lighting shall be directed away from adjacent properties and shall comply with the requirements of 70-5.4.D.

4) **Requirements for large-scale ground-mounted solar photovoltaic installations**

In addition to the requirements of Section 70-7H(3), the additional requirements of this section shall apply to large-scale solar photovoltaic installations.

(a) Required documentation

The applicant shall submit documentation required by 70-8.2, Development Plan Review, and shall also submit the following documentation to the Zoning Board of Appeals or authority performing Development Plan Review.

[1] Plans showing the following;

- [a] Property lines, easements, and physical features, including roads, for the project site;
- [b] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- [c] Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- [d] Electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

- [e] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- [f] Name, address, and contact information for proposed system installer;
- [g] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- [h] The name, contact information and signature of any agents representing the project proponent

[2] Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

[3] Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

(b) Design Standards

In addition to the design standards of 70-7H.3(B), the following standards apply to large scale solar photovoltaic installations.

[1] Signage

A sign is required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation. All signage must comply with Chapter 53, Signs.

[2] Utility Connections

Reasonable efforts, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

[3] Safety and Environmental Standards

[a] Emergency Services

Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All

means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

[b] Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

[c] Fencing

The entire perimeter of a large scale solar photovoltaic system shall be fenced and gated for security purposes to a height of 6 feet or more. The use of razor wire is not permitted.

[d] Screening

All large scale solar photovoltaic installations shall be screened from the public way and any adjacent residential property by plantings of at least six feet in height and 90% opacity or in cases where this may not be feasible by an alternative deemed acceptable by the Zoning Board of Appeals or other Development Plan Review Authority.

[4] Monitoring and Maintenance

[a] Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, stormwater management, access, and integrity of security measures. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s)

[b] Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by either the Zoning Board of Appeals, if the original installation was permitted pursuant to a Special Permit, or other Development Plan Review Authority, for all other large-scale ground mounted solar installations.

[5] Abandonment or Decommissioning

[a] Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning

Administrator by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- [i] Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- [ii] Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- [iii] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Administrator may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

[b] Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Board of Appeals or other Development Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property to the extent it is duly authorized by law and physically remove the installation. As a condition of Site Plan or Special Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

(c) Special Permit approval criteria

Where a special permit is required for a large or medium scale solar photovoltaic installation, the Zoning Board of Appeals shall apply the following guidelines to its deliberations:

- [1] In acting on the special permit application, the Zoning Board of Appeals shall proceed in accordance with the procedures and timelines established for special permits in § 70-8.4D of this chapter.
- [2] In addition to the findings required by § 70-8.4D of this chapter, the Zoning Board of Appeals shall make the following finding, that the applicant has taken all reasonable measures to ensure the solar photovoltaic facility will not have an undue adverse impact on historic resources, scenic views, natural or man-made resources.

§70-8.2.A DEVELOPMENT PLAN REVIEW APPLICABILITY

(5) Creation of, or substantial alteration to a Large Scale Solar Photovoltaic Installation.

§70-9.2 DEFINITIONS

SOLAR PHOTOVOLTAIC INSTALLATIONS (LARGE-SCALE): Large-scale ground-mounted solar photovoltaic installations are composed of solar photovoltaic panels on ground-based mounting systems (poles or racks) where the combined total area of the solar panels is greater than 20,000 square feet.

SOLAR PHOTOVOLTAIC INSTALLATIONS (MEDIUM -SCALE): Medium-scale ground-mounted solar photovoltaic installations are composed of solar photovoltaic panels on ground-based mounting systems (poles or racks) where the combined total area of the solar panels is greater than 1,000 square feet and 20,000 square feet or less.

SOLAR PHOTOVOLTAIC INSTALLATIONS (SMALL -SCALE): Small-scale ground-mounted solar photovoltaic installations are composed of solar photovoltaic panels on ground-based mounting systems (poles or racks) where the combined total area of the solar panels is 1,000 square feet or less.

BUILDING OR ROOF-MOUNTED SOLAR ENERGY COLLECTION SYSTEM: Solar photovoltaic panel or array, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of heat that is mounted on a building or roof of a building.

CANOPY MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS: Canopy mounted solar photovoltaic installations are composed of solar photovoltaic panels on mounting equipment and its supporting structures designed to be installed over a parking lot or other access drives or vehicular maneuvering area.

The Planning Board unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This proposed bylaw amendment creates guidelines for installation of solar photovoltaic systems of all sizes. Large scale systems are regulated based on which zone they are located in. Roof mounted and small residential systems are permitted by right with no special restrictions.

ZONING BY-LAW AMENDMENT

Article 40. To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend §70-6.1.D(2) Spring Street Parking Requirements by removing the phrases “Spring Street Parking Requirements” & “properties fronting on Spring Street” and replace with the following;

“Village Business District Parking Requirements” & “properties located in the Village Business District.”:

The Planning Board recommends the adoption of this article by a vote of 4 to 1.

The Board of Selectmen unanimously recommends the adoption of this article.

This proposed article will remove the requirement for businesses to provide off-street parking in the Village Business District beyond Spring Street (Water, Latham, Meacham Streets). Dwelling units will continue to be subject to off-street parking requirements.

We, the undersigned, petition that the Town of Williamstown, place the following article on the Williamstown warrant for the Annual Town Meeting on Tuesday, May 19, 2015.

REDUCTION OF SINGLE USE BAGS

Article 41. A new bylaw for the Code of Williamstown, relating to regulating the use of plastic bags and paper carryout bags within the Town and promoting the use of reusable bags.

§ 1. PURPOSE AND INTENT

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the production and use of single-use bags have significant impacts on the environment, including, but not limited to:

- contributing to pollution of the land environment and waterways
- contributing to the potential death of marine and other wildlife;
- clogging storm drainage systems;
- littering Williamstown’s streets, parks, public places, and local waterways including reservoirs, lakes, the Hoosac River, and the Green River; and

WHEREAS, plastic bags are made from fossil fuels, a non-renewable resource; and

WHEREAS, the manufacture, use, and disposal of plastic bags and paper bags requires substantial energy consumption and contributes to greenhouse gases and other adverse environmental effects; and

WHEREAS, plastic bags are not biodegradable or compostable, and are commonly not recycled; and

WHEREAS, single-use paper and plastic bags create a burden to solid waste collection and recycling facilities; and

WHEREAS, the costs associated with the use and distribution of single-use paper and plastic bags are borne by retail establishments and passed on to the customer; and

WHEREAS, affordable, ecologically responsible alternatives, including reusable bags, are readily available from numerous sources and vendors; and

WHEREAS, over 100 municipalities throughout the United States, Canada, Europe, Africa, Latin America, and Asia have placed restrictions on and/or fees for carryout bags, including Brookline, Great Barrington, Manchester, Newton, Provincetown in Massachusetts, as well as Los Angeles, CA; Boulder, CO; Washington, DC; Dallas, TX; and Seattle, WA,

NOW THEREFORE, the Town of Williamstown hereby enacts the following bylaw to regulate the use of plastic carryout bags and paper carryout bags within the Town and to promote the use of reusable bags.

§2. DEFINITIONS.

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

ASTM D6400

The American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics" which includes those plastics and products made from plastics that are designed to be composted under aerobic conditions in municipal and industrial aerobic composting facilities.

ASTM D7081

ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment" which includes those plastics and products that are designed to be biodegradable under the marine environmental conditions of aerobic marine waters or anaerobic marine sediments, or both.

BIODEGRADABLE

Materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

CARRYOUT BAG

A bag provided by a store to a customer at the point of sale for the purpose of removing products purchased therein.

COMPOSTABLE PLASTIC BAG

A plastic bag that (1) conforms to the current ASTM D6400 specifications for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specifications by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "compostable."

CUSTOMER

Any person purchasing goods from a store.

MARINE DEGRADABLE PLASTIC BAG

A plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine degradable."

PERSON

Any natural person, firm, corporation, partnership, or other organization or group however organized.

POSTCONSUMER RECYCLED MATERIAL

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle.

PRODUCE BAG or PRODUCT BAG

A bag used by a consumer inside a business establishment to: (A) contain bulk items, such as produce, nuts, grains, candy, or small hardware items; (B) contain or wrap meat, fish, or frozen foods whether or not pre-packaged; (C) contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; or (D) contain unwrapped prepared foods or bakery goods.

RECYCLABLE

Material that can be sorted, cleansed, and reconstituted using available recycling collection programs in the Town of Williamstown for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

RECYCLABLE PAPER BAG means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.

RETAIL ESTABLISHMENT

Any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services

REUSABLE CARRYOUT BAG

A carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Section 5 of this chapter.

SINGLE-USE PLASTIC BAGS

Those bags, with or without handles, constructed of a film of high-density polyethylene (HDPE), low-density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), polypropylene (other than woven and non-woven polypropylene fabric) if said film is less than 4.0 mils (0.1016 mm) in thickness and which do not meet the ASTM D6400 and ASTM D7081 standard specifications.

§3. REGULATIONS AND PROHIBITIONS.

- (a) No retail establishment in the Town of Williamstown shall provide single-use plastic bags to customers.
- (b) If a retail establishment provides carryout bags, produce bags, or product bags to customers, the bags must be one of the following:
 - (1) Recyclable Paper Bag, or
 - (2) Reusable Carryout Bag, or
 - (3) Compostable Plastic Bag (meeting the specifications of ASTM D6400, as defined herein), or
 - (4) Marine Degradable Plastic Bag (meeting the specifications of ASTM 7081, as defined herein)
- (c) Nothing in this chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.
- (d) Any retail establishment that provides a recyclable paper bag, a compostable plastic bag, or a marine degradable plastic bag, with the exception of produce bags and product bags, to a customer must charge the customer 10 cents (\$0.10) for each bag provided, except as otherwise provided in Section 6 of this chapter.
- (e) No retail establishment shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) charge required in Subsection (a), except as otherwise provided in Section 6 of this chapter.
- (f) All monies collected by a retail establishment under this chapter will be retained by that retail establishment.
- (g) This regulation does not apply to bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items to clients.

§ 4. REUSABLE BAG STANDARDS

- (a) A retail establishment may provide or sell reusable carryout bags to its customers or to any person.
- (b) A reusable carryout bag must have a handle.
- (c) A reusable carryout bag must be constructed out of:
 - (1) cloth, other washable fabric, or other durable materials whether woven or non-woven; or
 - (2) recyclable plastic, with a minimum thickness of 4.0 mil.

- (d) A reusable carryout bag must meet the minimum reuse testing standard of 175 reuses carrying 16 pounds.

§ 5. EXEMPTIONS

- (a) All retail establishments must provide at the point of sale, free of charge, either reusable bags or recyclable paper bags or both, at the establishment's option, to any customer participating either in the Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to M.G.L. c. 111, or in the Supplemental Nutrition Assistance (SNAP) Program pursuant to M.G.L. c. 18.
- (b) The provisions of this chapter do not apply to bags used by a non-profit corporation or other charity as defined by M.G.L. c. 12 to distribute food, grocery products, clothing, or other household items to clients.

§ 6. ENFORCEMENT; VIOLATIONS AND PENALTIES.

- (a) The Town shall have the authority to enforce this chapter by:
 - (1) inspection and investigation;
 - (2) the issuance of violation notices and administrative orders; and/or
 - (3) civil and criminal court actions
- (b) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.
- (c) The following penalties shall apply:
 - (1) First offense: Warning
 - (2) Second offense: \$50
 - (3) Third offense: \$100
 - (4) Fourth and subsequent offense: \$200
- (d) The Town may suspend, revoke or deny any license or permit for violations of this chapter.
- (e) Whoever violates any provision of this chapter may be penalized by indictment or on complaint brought in the district court.

§ 7. SEVERABILITY; EFFECTIVE DATE.

- (a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.
- (b) This chapter shall take effect 6 months after its adoption.

We, the Board of Selectmen, wholeheartedly endorse the goal and intent of Article 41. We believe that the implementation needs to be reviewed and improved. We prefer to table the article and spend the next year shaping the implementation under the Board of Selectmen's leadership in partnership with various segments of the community and with full consideration of the discussion of town meeting.

We, the undersigned, petition that the Town of Williamstown, place the following article on the Williamstown warrant for the Annual Town Meeting on Tuesday, May 19, 2015.

REDUCTION OF POLYSTYRENE

Article 42. A new bylaw for the Code of Williamstown prohibiting the use and distribution of foam and rigid polystyrene in food service ware and packaging material and requiring the use and distribution of biodegradable, compostable, reusable, or recyclable products or materials in its place.

§ 1. FINDINGS AND INTENT

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance, classified by the National Toxicology Program (NTP) as "reasonably anticipated to be a human carcinogen" and also recognized by the NTP as a potential food and beverage contaminant that may "leach from polystyrene containers used for food products"; and

WHEREAS, polystyrene is made from fossil fuels, a non-renewable resource; and

WHEREAS, polystyrene manufacture, use, and disposal requires substantial energy consumption and contributes to greenhouse gases and other adverse environmental effects; and

WHEREAS, polystyrene is not biodegradable or compostable, and is generally not recyclable; and

WHEREAS, polystyrene is a common environmental pollutant that fragments into smaller pieces that harm or kill marine life and wildlife when they ingest them;

WHEREAS, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy"; and

WHEREAS, polystyrene is used as food service ware by food establishments and packing material by retail establishments operating in the Town; and

WHEREAS, disposable food service ware constitutes a portion of the litter in Williamstown's streets, parks and public places, which increases Town costs; and

WHEREAS, affordable and effective ways to reduce the negative environmental impacts of polystyrene products through the use of reusable, recyclable, biodegradable and/or compostable materials are available for most retail applications; and

WHEREAS, over 100 municipalities throughout the United States, Canada, Europe, and Asia have banned polystyrene food service ware, including Amherst, Brookline, Great Barrington, Somerville, and South Hadley in Massachusetts, as well as: Los Angeles, CA; Chicago, IL; Miami Beach, FL; Albany, NY; New York, NY; Portland, OR; and Seattle, WA,

NOW THEREFORE, the Town of Williamstown hereby enacts this bylaw to prohibit the use and distribution of foam and rigid polystyrene in food service ware and packaging material and require the use and distribution of biodegradable, compostable, reusable, or recyclable products or materials in their place.

§ 2. DEFINITIONS

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

ASTM STANDARD

Refers to materials meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

BIODEGRADABLE

Materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

COMPOSTABLE

Materials that will completely degrade into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, such that any customer or processor can easily distinguish the ASTM Standard compostable plastic from non-ASTM Specification compostable plastic.

DISPOSABLE FOOD SERVICE WARE

All containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This

includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

FOOD ESTABLISHMENT

An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

POLYSTYRENE

The term means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this chapter is referenced as "Foam Polystyrene." Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

The term also means and includes clear or solid polystyrene which is also known as "oriented," and referenced in this chapter as "Rigid Polystyrene." "Rigid Polystyrene" is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.

POLYSTYRENE LOOSE FILL PACKAGING

A void filled packaging product made of expanded polystyrene that is used as a packaging fill, commonly known as "packing peanuts."

PREPARED FOOD

Food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food establishment's premises within the Town of Williamstown. Prepared food may be eaten either on or off the premises, also known as "takeout food."

RECYCLABLE

Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

RETAIL ESTABLISHMENT

Any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services

REUSABLE

Materials that will be used more than once in its same form by a business establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that

are designed to be returned to the distributor and customer that is provided take-out containers. Reusable also includes durable containers, packages, or trays used on-premises or returnable containers brought back to the food establishment.

§ 3. PROHIBITED USE AND DISTRIBUTION OF DISPOSABLE FOOD SERVICE WARE AND POLYSTYRENE LOOSE FILL PACKAGING

- (a) Food establishments are prohibited from providing prepared food to customers in Foam Polystyrene or Rigid Polystyrene food service ware.
- (b) All food establishments using any disposable food service ware will use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on-premises.
- (c) Retail establishments are prohibited from selling or distributing foam polystyrene or rigid polystyrene food service ware to customers.
- (d) No manufacturer may dispense, sell, or offer for sale polystyrene loose fill packaging in the Town of Williamstown.

§ 4. EXEMPTIONS

- (a) Foods prepared or packaged outside the Town of Williamstown are exempt from the provisions of this chapter. Purveyors of food prepared or packaged outside the Town of Williamstown are encouraged to follow the provisions of this chapter.
- (b) Food establishments and retail establishments will be exempted from the provisions of this chapter for specific items or types of disposable food service ware if the Board of Health or its designee finds that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific application and/or that imposing the requirements of this chapter on that item or type of disposable food service ware would cause undue hardship.
- (c) Any person may seek an exemption from the requirements of this chapter by filing a request in writing with the Board of Health. The Board of Health may waive any specific requirement of this chapter for a period of not more than one year if the person seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, an “undue hardship” is a situation unique to the food establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment. A person granted an exemption must re-apply prior to the end of the one year exemption period and demonstrate continued undue hardship if the person wishes to have the exemption extended. The Board of Health’s decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.

- (d) Coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

§ 5. ENFORCEMENT: VIOLATIONS AND PENALTIES

- (a) The Board of Health shall have the authority to enforce this chapter by:
- (1) inspection and investigation;
 - (2) the issuance of violation notices and administrative orders; and/or
 - (3) civil and criminal court actions
- (b) Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in MGL c. 40, §21D. Each day of violation, after written notice, is a separate violation.
- (c) The following penalties shall apply:
- (1) First offense: Warning
 - (2) Second offense: \$50
 - (3) Third offense: \$100
 - (4) Fourth and subsequent offense: \$200
- (d) The Board of Health may suspend, revoke or deny any license or permit for violations of this chapter.
- (e) Whoever violates any provision of this chapter may be penalized by indictment or on complaint brought in the district court.

§ 6. SEVERABILITY: EFFECTIVE DATE

- (a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.
- (b) This chapter shall take effect 6 months after its adoption.

We, the Board of Selectmen, wholeheartedly endorse the goal and intent of Article 42. We believe that the implementation needs to be reviewed and improved. We prefer to table the article and spend the next year shaping the implementation under the Board of Selectmen's leadership in partnership with various segments of the community and with full consideration of the discussion of town meeting.

We, the undersigned, qualified voters of the Town of Williamstown, request that the Select Board include the article appearing below in the warrant for the annual town meeting of May 19, 2015.

ARTICLE: 43. Resolution Opposing the Northeast Energy Direct Pipeline and Supporting Renewable Energy

Whereas, Kinder Morgan, Inc., is proposing a large, high-pressure natural gas pipeline, called “Northeast Energy Direct” (NED), to run through Hancock, Lanesborough, and neighboring communities in Berkshire County; and

Whereas, NED would transport natural gas obtained through hydraulic fracturing, a drilling method associated with ground water contamination, air pollution, and serious environmental and public health risks; and

Whereas, NED would pass through farms, forests, wetlands, conservation lands, and under bodies of water, disrupting regional watersheds and ecological health as well as infringing on personal property rights; and

Whereas, NED presents a risk of leakage or rupture, which could result in significant damage to property and lives, while leaving communities responsible for emergency response and mitigation; and

Whereas, Massachusetts citizens may be subjected to a utility bill tariff to finance Kinder Morgan’s NED project, making ratepayers bear a financial burden for the pursuits of a private corporation; and

Whereas, our regional energy needs can be better served through investments in renewable energy, efficiency, repairs, and energy storage, together with our existing infrastructure, allowing us to meet our goals under the Massachusetts Global Warming Solutions Act of 2008; and

Whereas, we the citizens of Williamstown, Massachusetts, where 153 homes were destroyed during Tropical Storm Irene in 2011, understand the gravity of climate change and the urgency of addressing it through measures to transition off fossil fuels; therefore, be it

Resolved, that the people of Williamstown, Massachusetts:

1. Stand in opposition to the Kinder Morgan Northeast Energy Direct pipeline.
2. Stand in solidarity with the more than fifty Massachusetts and New Hampshire communities who oppose the NED pipeline and seek to ban its construction in our region.
3. Affirm the need for strengthened public policy at the local, state and federal levels to reduce greenhouse gas emissions, ban hydraulic fracturing, and improve the safety of the existing methods of transporting fossil fuels.
4. Encourage the development of renewable energy sources and their integration into the electricity supply market.
5. Shall cause a copy of this resolution to be presented to our governor and our state and federal legislative representatives.

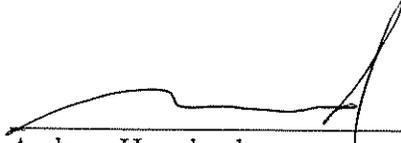
The Board of Selectmen unanimously recommends the adoption of this article.

And you are hereby directed to serve this Warrant by posting attested copies thereof in four or more public places, as well as the United States Post Office within the Town.

Hereof fail not and make return of this Warrant, with your doings to the Town Clerk on or before the time set for holding said meeting.

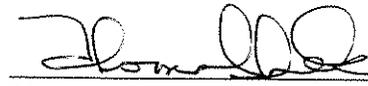


Ronald Turbin, chairman



Andrew Hogeland

Jane Patton, vice-chairman



Thomas Sheldon



Hugh Daley

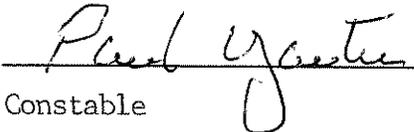
Williamstown Board of Selectmen

Date April 13, 2015

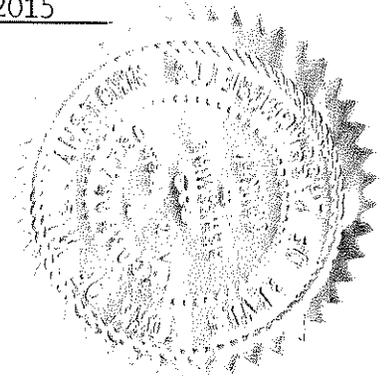
Berkshire, ss:

April 15, 2015

I hereby certify that I have posted attested copies of the above Warrant in four public places in the Town of Williamstown, and the Post Office at least seven days before said Annual Town Election and Town Meeting.



Constable



General Government Detail

	Adopted <u>2015</u>	Proposed <u>2016</u>	
EXECUTIVE			
Selectmen	\$6,950	\$5,530	
Town Manager	\$234,796	\$253,281	
Town Counsel	\$35,000	\$35,000	
Emergency Management	\$25	\$25	
	<hr/>	<hr/>	
	\$276,771	\$293,836	6.2%
ADMINISTRATION & FINANCE			
Insurance	\$112,188	\$115,150	
Finance Committee	\$797	\$800	
Town Accountant	\$197,279	\$198,730	
Assessors	\$148,690	\$153,689	
Finance Director/Treasurer-Collector	\$183,415	\$187,771	
Data Processing	\$66,727	\$69,919	
Town Clerk	\$83,348	\$90,561	
Registrars of Voters	\$20,201	\$19,456	
Employee Benefits	\$1,065,931	\$1,092,566	
	<hr/>	<hr/>	
	\$1,878,576	\$1,928,642	2.7%
COMMUNITY DEVELOPMENT			
Building Inspector	\$330,177	\$342,062	
Health Inspector	\$104,819	\$108,723	
Conservation Commission	\$11,064	\$11,757	
Agricultural Commission	\$1,000	\$1,000	
Planning Board	\$2,525	\$2,525	
Zoning Board of Appeals	\$3,990	\$3,900	
Historical Commission	\$500	\$500	
Sealer of Weights	\$6,769	\$6,769	
Dog Officer	\$8,005	\$8,108	
	<hr/>	<hr/>	
	\$468,849	\$485,344	3.5%
PUBLIC SAFETY			
Police Department	\$1,158,873	\$1,193,442	
Dispatch Services	\$180,732	\$181,724	
Forest Warden	\$6,413	\$6,348	
	<hr/>	<hr/>	
	\$1,346,018	\$1,381,514	2.6%
PUBLIC WORKS			
DPW Director	\$159,706	\$177,433	
Highway Department	\$1,212,252	\$1,214,579	
Snow and Ice	\$166,863	\$166,863	
Parks and Cemetery	\$253,870	\$258,918	
Facilities Management	\$191,759	\$197,862	
Burbank Chapel	\$5,290	\$5,240	
Recreation	\$11,516	\$11,722	
Forestry Department	\$43,978	\$44,858	
	<hr/>	<hr/>	
	\$2,045,235	\$2,077,474	1.6%
HUMAN SERVICES			
Council on Aging	\$255,352	\$261,378	
Veterans' Services	\$93,192	\$92,924	
Library	\$522,885	\$538,031	
Veterans' Graves & Holidays	\$3,090	\$3,090	
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	\$874,518	\$895,422	2.4%
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	\$6,889,967	\$7,062,232	2.50%

