

TOWN OF CLARKSBURG  
Clarksburg, Massachusetts 01247

ANNUAL TOWN MEETING  
WARRANT



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 in Town Meeting to meet at the Clarksburg Senior Center at 712 West Cross Road in said Town on **Wednesday, June 24, 2020** at 6:30 p.m. then and there to vote on the following articles to wit:

**FISCAL YEAR 2021 ARTICLES to be voted on:**

**All Articles Supported by  
Selectboard & Finance Committee**

**ARTICLE ONE: (majority vote)**

To receive the printed annual report of the Town Officers for Fiscal Year 2019, or take any action related 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 1<sup>st</sup>, 2020, in accordance with the provisions of Massachusetts General Laws (MGL), Chapter 44, Section 4, 6A and 7, and to issue a note or notes thereof in accordance with MGL, Chapter 44, Section 17, or take any action related thereto.

**ARTICLE THREE: (majority vote)**

To see if the Town will authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1<sup>st</sup>, 2020 as permitted by MGL, Chapter 44, Section 53F, or take any action related thereto.

**ARTICLE FOUR: (majority vote)**

To see if the Town will vote to take the sum of \$5,000.00 from available fines and forfeitures collected by the Clarksburg Police Department and deposited into a special revolving fund in accordance with the provisions of MGL Chapter 44, Section 53E ½. Said funds may be used by the Police Department for Police Officer training, equipment and fuel, or take any action related thereto.

**ARTICLE FIVE: (majority vote)**

To see if the Town will vote, in accordance with MGL Chapter 41, Section 108, to set the Annual Compensation for Elected Officials as follows:

	FY 2020	FY 2021
Moderator	\$ 100.00	\$ 100.00
Selectboard Chair	\$ 600.00	\$ 600.00
Selectboard Members (2 X \$500.00)	\$ 1,000.00	\$ 1,000.00
Planning Board Chair	\$ 300.00	\$ 300.00
Planning Board Members (4 X \$250.00)	\$ 1,000.00	\$ 1,000.00
Board of Health Chair	\$ 280.00	\$ 280.00
Board of Health Members (2 X \$230.00)	\$ 460.00	\$ 460.00
School Committee Chair	\$ 280.00	\$ 280.00
School Committee Members (2 X \$230.00)	\$ 460.00	\$ 460.00
Representative to McCann Tech School	\$ 230.00	\$ 230.00
Tree Warden	\$ 150.00	\$ 150.00
Town Clerk	\$ 10,526.00	\$ 10,789.00
Total	\$ 15,386.00	\$ 15,649.00

**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 \$2,507,086.00 to pay for charges, expenses, and outlays of the School Department for the ensuing Fiscal Year July 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021, or take any action related 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 \$371,727.00 to pay for the Town's share of the Northern Berkshire Vocational School District budget for the ensuing Fiscal Year July 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021, or take any action related 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 Fiscal Year July 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021, or take any action related thereto.

**ARTICLE NINE: (2/3 vote)**

To see if the Town will vote to authorize a borrowing of up to \$250,000.00 to purchase and equip a new DPW dump truck to replace the existing 2002 dump truck, or take any action related thereto.

**ARTICLE TEN: (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 loans and debts, for the ensuing Fiscal Year beginning July 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021, or take any action related thereto.

	FY 2020	FY 2021		
OPERATING	Appropriated	Requested	\$ Inc./(Dec.)	%Inc./(Dec.)
TOWN				
EXECUTIVE	\$ 2,300	\$ 2,300	\$ -	0.00%
FINANCE	\$ 95,619	\$ 115,884	\$ 20,265	21.19%
TOWN COUNSEL	\$ 10,000	\$ 10,000	\$ -	0.00%
ADMINISTRATION	\$ 148,343	\$ 152,029	\$ 3,686	2.48%
TOWN CLERK	\$ 13,706	\$ 15,069	\$ 1,363	9.95%
ELECTION & REGISTRATION	\$ 3,700	\$ 5,300	\$ 1,600	43.24%
CONSERVATION COMMISSION	\$ 940	\$ 940	\$ -	0.00%
PLANNING BOARD	\$ 3,176	\$ 3,190	\$ 14	0.44%
APPEALS BOARD	\$ 375	\$ 375	\$ -	0.00%
OPERATION OF TOWN HALL	\$ 35,418	\$ 37,000	\$ 1,582	4.47%
REPORTS & WARRANTS	\$ 1,500	\$ 1,500	\$ -	0.00%
COMMUNICATIONS (PHONE, INTERNET ETC.)	\$ 7,500	\$ 7,500	\$ -	0.00%
POLICE	\$ 95,792	\$ 95,931	\$ 139	1.01%
FIRE DEPARTMENT	\$ 17,685	\$ 18,215	\$ 530	3.00%
INSPECTION SERVICES	\$ 15,673	\$ 15,673	\$ -	0.00%
E911 EXPENSES	\$ 6,000	\$ 6,000	\$ -	0.00%
EMERGENCY MANAGEMENT EXPENSES	\$ 1,200	\$ 1,288	\$ 88	7.29%
ANIMAL CONTROL	\$ 1,242	\$ 2,770	\$ 1,528	123.04%
TREE WARDEN	\$ 150	\$ 150	\$ -	0.00%
ADA COMMISSION	\$ 1,250	\$ 1,250	\$ -	0.00%

	<b>FY 2020</b>	<b>FY 2021</b>		
	<b>Appropriated</b>	<b>Requested</b>	<b>\$ Inc./(Dec.)</b>	<b>%Inc./(Dec.)</b>
SCHOOL COMM. STIPENDS	\$ 970	\$ 970	\$ -	0.00%
HIGHWAY DEPARTMENT	\$ 245,802	\$ 245,075	\$ (727)	-0.30%
SNOW & ICE	\$ 52,500	\$ 52,500	\$ -	0.00%
STREETLIGHTS	\$ 21,000	\$ 21,000	\$ -	0.00%
LANDFILL MONITORING	\$ 4,950	\$ 5,450	\$ 500	10.10%
WATER SUPPLY MONITORING	\$ 700	\$ 700	\$ -	0.00%
SOLID WASTE DISTRICT	\$ 4,880	\$ 4,780	\$ (100)	-2.05%
CEMETERY EXPENSES	\$ 850	\$ 850	\$ -	0.00%
RECREATION AREA, EXPENSES	\$ 1,250	\$ 1,810	\$ 560	44.80%
BOARD OF HEALTH	\$ 4,245	\$ 4,350	\$ 105	2.47%
SENIOR CENTER	\$ 5,200	\$ 5,200	\$ -	0.00%
COUNCIL ON AGING	\$ 800	\$ 800	\$ -	0.00%
VETERANS' SERVICES	\$ 60,000	\$ 58,500	\$ (1,500)	-2.50%
LIBRARY	\$ 73,013	\$ 78,192	\$ 5,179	7.09%
MEM. & VETS DAY	\$ 800	\$ 800	\$ -	0.00%
HISTORICAL COMMISSION	\$ 250	\$ 500	\$ 250	100.00%
BEAUTIFICATION COMM.	\$ 75	\$ 75	\$ -	0.00%
DEBT SERVICE	\$ 310,353	\$ 343,171	\$ 32,818	10.57%
COUNTY RETIREMENT	\$ 156,545	\$ 158,982	\$ 2,437	1.56%
SUTA & FICA	\$ 17,000	\$ 22,000	\$ 5,000	29.41%
HEALTH & LIFE INSURANCE	\$ 196,400	\$ 197,179	\$ 779	.39%
GENERAL INSURANCE	\$ 50,773	\$ 44,273	\$ (6,500)	-12.80%
OPEB	\$ 500	\$ 500	\$ -	0.00%
<b>TOTAL TOWN</b>	<b>\$ 1,670,425</b>	<b>\$ 1,740,022</b>	<b>\$ 69,598</b>	<b>4.16%</b>

	<b>FY 2020</b>	<b>FY 2021</b>		
	<b>Appropriated</b>	<b>Requested</b>	<b>\$ Inc./(Dec.)</b>	<b>%Inc./(Dec.)</b>
<b>EDUCATION</b>				
CLARKSBURG ELEMENTARY SCHOOL	\$ 2,457,570	\$ 2,507,086	\$ 49,516	2.01%
NBVHS	\$ 345,051	\$ 371,727	\$ 26,676	7.73%
<b>TOTAL EDUCATION</b>	<b>\$ 2,802,621</b>	<b>\$ 2,878,813</b>	<b>\$ 76,192</b>	<b>2.72%</b>
<b>TOTAL REQUESTED</b>	<b>\$ 4,473,046</b>	<b>\$ 4,618,835</b>	<b>\$ 145,789</b>	<b>3.26 %</b>

**ARTICLE ELEVEN: (majority vote)**

To see if the Town will vote, pursuant to MGL Chapter 44, Section 53E ½ to take from fees from permit issuance(s) from various Inspectors and Boards, money collected by the Treasurer, to be recorded and deposited into a Special Revolving Account(s), a sum of not to exceed \$15,000.00 under MGL Chapter 44, section 53E ½ to be used for the payment of said Inspectors and Board Inspections, or take any action related thereto.

**ARTICLE TWELVE: (majority vote)**

To see if the Town will vote to appropriate for the expenses of the Sewer Enterprise Fund, to be raised from sewer user fees, for the ensuing Fiscal Year beginning July 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021, as listed below, in accordance with MGL Chapter 40, Section 39K, and Chapter 44, Section 53F ½, or take any action related thereto:

	<b>FY 2020</b>	<b>FY 2021</b>
Debt Service	\$ 21,225	\$ 19,740
<b>Sewer Operations</b>		
Maintenance & Operations	\$ 35,480	\$ 23,000
Inter-departmental Services	\$ 17,520	\$ 17,940
<b>Inter-Municipal Charges</b>		
City of North Adams Fee	\$ 197,301	\$ 209,139
Capital Expense Payment	\$ 38,757	\$ 40,447
<b>GRAND TOTAL SEWER:</b>	<b>\$ 310,283</b>	<b>\$ 310,266</b>

**ARTICLE THIRTEEN: (majority vote)**

To see if the Town will vote to transfer \$73,300.00 from the Sewer Enterprise Fund Free Cash to comply with the MassDEP Administrative Consent Order for the Hoosac Water Quality District Wastewater Treatment Plant permit, or take any action related thereto.

**ARTICLE FOURTEEN: (majority vote)**

To see if the Town will vote to transfer \$64,138.20 from Free Cash to pay off the Library Loan, or take any action related thereto.

**ARTICLE FIFTEEN: (majority vote)**

To see if the Town will vote to transfer \$98,000.00 from Free Cash to reduce the tax rate, or take any action related thereto.

**ARTICLE SIXTEEN: (majority vote)**

To see if the Town will vote to transfer \$250,000.00 from Free Cash to the Town Stabilization Fund, or take any action related thereto.

**ARTICLE SEVENTEEN: (2/3 vote)**

To see if the Town will vote to take an amount up to \$10,000.00 from the Sale of Lots & Burials Trust account for maintenance and repairs at the cemetery, or take any action related thereto.

**ARTICLE EIGHTEEN: (majority vote)**

To see if the Town will vote to adopt the following Dog Control Bylaws as implemented by the state as it relates to treatment, care, restraint, and fees.

Sec. 27-1 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used clearly requires a different meaning:

**ABUSIVE CONDITIONS**

When a dog does not have access to a shelter, or when a dog is restrained by a rope or chain that is less than 15 feet in length; or when a dog is living in an area that is contaminated, insect infested or littered by feces, broken glass, nails, sharp metal or wood objects, antifreeze or other harmful objects or poisonous substances; or when a dog does not have access to a proper supply of clean water and food.

**ANIMAL**

For the purposes of this chapter the reference to animal will refer to a dog or a cat or any other kind of animal including domestic fowl.

**ANIMAL CONTROL OFFICER**

Any person designated by the Selectboard to enforce the laws relating to animals.

**AT LARGE**

An animal unaccompanied by a person of adequate age and discretion to properly control its actions, and is unrestrained by a leash or chain not exceeding six feet in length.

**KENNEL**

One pack or collection of animals on a single premises, whether maintained for breeding, boarding, sale, training, holding or other purpose, and including any shop where animals are on sale, and also including every pack or collection of more than three animals six months old or over owned or kept by a person on a single premises irrespective of the purposes from which they are maintained.

**OWNER**



Any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody or control of, or harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered for 7 consecutive days or more.

**KEEP, HARBOR OR MAINTAIN**

Any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody or control of, or harboring one or more animals. A cat and/or dog and/or other animal shall be deemed harbored if it is fed or sheltered for 7 consecutive days or more.

**RESTRAINT**

Any leash, lead or other physical restraint.

**SHELTER**

Access by an animal at all times to an enclosed dog house, enclosed porch or garage.

Sec. 27-2 Licensing of dogs.

Every dog six months old or over in the town must be duly licensed.

The time between April 1st and the following March 31st shall be the license period, both dates inclusive. If a dog is moved into the Town after April 1st the owner shall have 60 days to license such dog.

Such dogs shall have a current rabies vaccination at time of licensing. The owner of said dog(s) must provide either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of section 145B, or has been certified exempt from such provisions as hereinafter provided, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

(a) The license fee for a dog that has not been spayed or neutered shall be \$12.

(b) The license fee for a dog that has been spayed or neutered shall be \$5. A registered veterinarian's certification or reasonable facsimile of same as proof of spaying or neutering shall be presented at the time of licensing.

(c) The fee for replacement of a lost dog tag shall be \$5 each.

(d) Late fee for licensing a dog after June 1st, \$10.

(e) No license fee shall be charged for any dog used by a public agency, police dogs, search and rescue dogs and drug-sniffing dogs.

(f) A copy of these regulations shall be made available with every license sold in the Town.

(g) All outstanding, dog-related, fines must be paid before a license will be issued.

(h) No license fee or part thereof shall be refunded because of subsequent death, loss, spaying or removal from the Town or other disposal of the dog.

Any owner or keeper of a dog not being a resident of the Town but remaining in the Town and keeping a dog within the Town for a period of more than 30 days shall become subject to the provisions of this chapter.

Sec. 27-3 Restraint of Animals.

Any owner or keeper of an animal shall not suffer or allow it to run at large, loose, or unattended in any street or public place within the Town or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission therefor.

Any animal found in violation of the previous paragraph may be seized by the Animal Control Officer or any duly appointed officer or representative of the Town and confined and impounded or it may be placed in the care of a kennel duly licensed therefore or a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse.

Any animal so found at large, loose, or unattended that cannot be safely seized may be destroyed by the Animal Control Officer or any duly appointed officer or representative of the Town.

Restraint of dogs in estrus (heat). All unsprayed female dogs must be confined or physically restrained while in estrus.

#### Sec. 27-4 Public nuisance. [Ord. of 3-14-2006]

The owner or keeper of any animal who intentionally allows any such animal to cause a nuisance by barking, howling or otherwise in a habitual, consistent or persistent manner that disrupts the peace of the neighborhood or is an annoyance to any seriously ill person residing in the vicinity shall be deemed a public nuisance.

#### Sec. 27-5 Kennels.

Every kennel in operation in the Town must be duly licensed. Persons seeking a license renewal must present their previous license, or others must present certification from the Building Inspector showing that all applicable requirements have been met. The fee for each license for a kennel shall be \$50.

#### Sec. 27-6 Vaccination against Rabies

Each owner or keeper of a dog, cat or ferret that is 6 months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies

#### Sec. 27-7 Impounding, release and disposition of animals.

(a) The Animal Control Officer or police officer or representative of the Town may cause an animal to be impounded for any one of the following reasons:

- (1) If found without a license when a license is required.
- (2) If found at large as set forth in § 27-3 alone.
- (3) For having bitten, injured or physically molested any person.
- (4) If a dangerous, potentially dangerous animal, or any dog bites or attacks a person or other domestic animal the animal may be impounded and quarantined for the proper length of time for rabies observation at the owner's expense.
- (5) Where, in the officer's opinion, a medical emergency exists or where the animal is living in unsanitary, unsafe or abusive conditions, the Animal Control Officer may take the animal to a veterinarian for treatment or have the veterinarian inspect the animal at the owner's property. Any owner or keeper of an animal who is found to be in violation of this section shall be responsible for the payment of the veterinarian's fee.
- (6) To restore peace when the owner or keeper of an animal is otherwise unavailable, unwilling, or physically unable to restrain his/her animal from causing a nuisance.



(b) Not later than three days after the impounding of any animal, the Animal Control Officer shall notify the owner or keeper. If the owner or keeper of the animal is unknown or, after reasonable efforts, is not contacted, notice shall be posted for 7 consecutive days in the location for the posting of public notices, which notice shall describe the animal and the place and time of taking. Animals impounded and unclaimed by the owner or keeper after such seven day period shall be disposed of in accordance with the provisions of MGL c. 140, s. 151A. Any person who owns or keeps an animal and who has received such notice that the animal has been impounded by the Animal Control Officer and does not within 7 days claim said animal shall pay a fine of \$100 to cover the board and disposal of such animal. The owner or keeper shall be described as a person who has in his or her possession, for 7 consecutive days in any calendar year, an animal, licensed or unlicensed, and cannot show to the satisfaction of the Animal Control Officer that such animal was sold, killed, given away or otherwise disposed of. If such animal is claimed within 7 days, said owner or keeper will pay a fine of \$50 per day for each day such animal is housed. All pound fees, veterinarian fees, fines and notification cost, if any, must be paid before the animal is released.

(c) Any animal which has been impounded and has not been reclaimed by the owner within 7 days shall be disposed of as provided by MGL c. 140 unless otherwise provided by this chapter. If the owner does not claim the animal during such period, the animal shall be disposed of in a humane manner to be determined by the Animal Control Officer, but shall not be turned over to a medical or research center for the purpose of experimentation. It is the intent that all costs, including medical care, associated with the impoundment of an animal for any reason in accordance with this chapter and Massachusetts General Law be the sole responsibility of the owner of the animal.

#### Sec. 27-8 Removal of animal litter.

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

#### Sec. 27-9 Collection of fines.

Each line item will be considered a separate violation.

Each day that any violation exists shall constitute separate violation under this provision.

Fine schedule: First offense: \$50. Second offense and each subsequent offense: \$100.

#### Sec. 27-10 Severability.

In the event that any portion of this chapter is declared null and void by a court of competent jurisdiction, such invalidity shall not affect any remaining portions.

**ARTICLE NINETEEN:**

To transact any other business that may legally come before said meeting.

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 10<sup>th</sup> of June, 2020.

CLARKSBURG BOARD OF SELECTMEN

Ronald Boucher Ronald Boucher, Chair  
Danielle Luchi Danielle Luchi  
Jeff Levanos Jeff Levanos

Attest: Carol Jammalo Carol Jammalo, Town Clerk  
Date: 6/15/20

I have served the above Warrant, therein directed, by posting two or more attested copies in two public places to wit: Clarksburg Town Hall and the Clarksburg Elementary School in said Town of Clarksburg on this 15 day of June, 2020.

Chief of Police Michael Wilkins Date: 6/15/20