

# TOWN OF WASHINGTON

Berkshire, S.S.

To either of the Constables of the Town of Washington 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 elections and in Town affairs, to meet in the Washington Town Hall at 8 Summit Hill Road on May 10, 2017 at 7:00 p.m., then and there to act on the following articles, to wit:

Article 1: To see if the town will vote to accept the following bylaw regarding Right to Farm to wit.

## **SECTION 12 RIGHT TO FARM**

### **12.1 Purpose and Intent**

The Town of Washington finds that farming is an essential and valued activity, which provides fresh food, clean-air, economic diversity, local employment, and open spaces to all the citizens of our town. This by-law is intended to encourage the pursuit of agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Washington. The purpose is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This by-law shall apply to all jurisdictional areas with the Town.

This by-law re-states with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the Constitution and General Laws and Regulations including but not limited to Article 97, of the Constitution, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; (The Zoning Act) Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

### **12.2 Definitions**

“**Farm**” shall include any parcel or contiguous parcels of and/or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. “**Farm**” shall include any youth related agricultural activities, such as but not limited to 4-H, irrespective of minimum acreage or gross sales and program payment requirements. For the purposes of this by-law and without limiting the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts under Article 97 of the Constitution and all applicable Massachusetts General Laws, the term “farming” or “agriculture” shall not include factory farming or industrial agricultural as defined below:

“**Factory Farming**” is a facility where large numbers of animals are raised in overcrowded and confined conditions, such as concentrated animal feeding operations or animal feeding operations.

“**Industrial Agriculture**” is a system of growing crops where a single crop is grown on hundreds or thousands of acres where heavy use of chemical fertilizers and pesticides is necessary for crop production.

**“Farming”** or “agriculture” shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil
- dairying;
- orchards
- production, cultivation, growing, and harvesting of any agricultural, aquaculture, floricultural, viticulture, or horticultural commodities;
- growing and harvesting of forest products upon forest land and any other forestry or lumbering operations;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, sheep, horses, goats, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and alpacas), and other domesticated animals for food and other agricultural purposes, such as bees and fish.

**“Farming”** shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agro-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- on-farm relocation of earth and the clearing of ground for farming operations;
- revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenation and maintaining pastures; and
- herding of livestock from area to area, including along roads.
- construction and use of structures and facilities for farming related storage, processing, and sale of products as permitted by local and state building codes and regulations; including construction and maintenance of fences.

### **12.3 Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Washington. The above-described agricultural activities may occur on holidays, weekday, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and flumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this by-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice,

in determining the reasonableness of the time, place, and methodology of such practice, consideration shall be given to both traditional customs and procedures as well as to new practices and innovations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land. The protections contained in this by-law do not replace any applicable zoning or legal restrictions associated with agricultural operations. The residents of Washington declare that factory farming and industrial agriculture, as defined above, are not in accordance with the character of the community and are not supported by this bylaw.

#### **12.4 Disclosure**

The following notice shall be prominently posted on the town hall notice board and be made available for inspection and copying at the office of the Town Clerk.

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This notice is to inform buyers or occupants that the property they are about to buy or occupy lies within a town where farming activities occurs. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town of Washington may be affected by commercial agricultural operations”

#### **12.5 Resolution of Complaints**

Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer. Such person may, notwithstanding pursuing any other available remedy, request resolution assistance from the Board of Selectmen. Such a request does not suspend the time within which to pursue any other available remedies. The Board of Selectmen may appoint a panel of (3) individuals, to include (1) member of the Board of Health, (1) member of the Planning Board or the building inspector, and (1) town resident representing the agricultural community, or refer such request to a Washington Agricultural Commission, should one exist. Said panel or Agricultural Commission shall review and facilitate the resolution of such a request and report its recommendations to the Board of Selectmen within the agreed upon time frame.

#### **12.6 Severability Clause**

If any part of this by-law for any reason is held to be unconstitutional or invalid, such decision shall not affect the remainder of this by-law. The Town of Washington hereby declares the provisions of this by-law to be severable.

Article 2: To see if the Selectmen shall be an agent for the Town in defense of any suits for, and on behalf of the Town, and to adjust all claims for damage against the Town, and to choose an agent, or pass any vote thereon.

Article 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2017 and ending June 30, 2018, and to issue a note or notes therefore payable

within one year, in accordance with Section 17, Chapter 44 of the General Laws, also temporary loans under Provision 6A, Chapter 44 of the General Laws.

Article 4: To see if the Town will vote to fix the annual salary and compensation of all elected officers of the Town as provided by Section 108, Chapter 41 of the General Laws, as amended, all salaries to be effective as of July 1, 2017:

a) Town Clerk -----	\$7,841.00
b) Tax Collector-----	\$4,062.00
c) Chairman, Assessors-----	\$3,659.00
d) Clerk, Assessors-----	\$3,293.00
e) 3 <sup>rd</sup> Member, Assessors-----	\$ 0.00
f) Chairman, Selectmen-----	\$2,487.00
g) Clerk, Selectmen-----	\$2,487.00
h) 3 <sup>rd</sup> Member, Selectmen-----	\$2,487.00
i) Moderator-----	\$ 71.00

Article 5: To see if the Town will vote to raise and appropriate the sum of \$26,387.00 for Elected Officers' salaries.

Article 6: To see if the Town will vote to raise and appropriate the sum of \$132,671.00 for general government accounts to be appropriated as follows:

a. Reserve Account -----	\$15,000.00
b. Town Counsel Yearly Retainer -----	\$ 3,000.00
c. Town Counsel's Expenses -----	\$ 150.00
d. Administrative Assistant Salary -----	\$20,802.00
e. Selectmen's Expenses -----	\$ 3,000.00
f. Planning Board Expenses -----	\$ 300.00
g. Berkshire County Regional Planning Commission-----	\$ 408.00
h. Town Treasurer's Expenses -----	\$ 3,500.00
i. Treasurer's Tax Title Expense -----	\$ 200.00
j. Appointed Treasurer Reimbursement-----	\$13,658.00
k. Treasurer and Accounting Officer Software -----	\$ 2,500.00
l. Tax Collector's Expenses -----	\$ 3,500.00
m. Assistant Tax Collector's Salary -----	\$ 4,649.00
n. Tax Collector's Tax Title Expenses -----	\$ 500.00
o. Town Clerk's Expenses -----	\$ 3,000.00
p. Records Preservation Account -----	\$ 2,500.00
q. Assessors' Expenses -----	\$ 2,000.00
r. Assessors Computer Services-----	\$ 2,663.00
s. Assessor's Consulting Services -----	\$12,608.00
t. Finance Committee's Expenses -----	\$ 200.00
u. Moderator's Expenses -----	\$ 20.00
v. Insurance -----	\$ 6,371.00
w. Town Reports and Postage -----	\$ 1,000.00
x. Interest on Short Term Notes -----	\$ 9,900.00
y. Accounting Officer Salary -----	\$13,502.00
z. Accounting Officer Expenses-----	\$ 200.00

aa. Clerk of Board of Registrars -----	\$ 100.00
bb. Medicare taxes for Town employees -----	\$ 4,000.00
cc. Tax map Maintenance -----	\$ 900.00
dd. Computer Support – Accessible Voting-----	\$ 1,000.00
ee. Conservation Commission-----	\$ 300.00
ff. Zoning Enforcement Officer’s Expense Account-----	\$ 1,000.00
gg. Zoning Board of Appeals Expenses-----	\$ 240.00

Article 7: To see if the Town will vote, pursuant to the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws, to authorize the Board of Selectmen to enter into an inter-municipal agreement with other cities, towns, and political subdivisions for the group purchasing of supplies, commodities, and services that the town is authorized by law to purchase, and to raise and appropriate the sum of \$600.00 as the town’s share of the expenses for the administration of the Berkshire Region Group Purchasing program for Fiscal Year 2018.

Article 8: To see if the Town will vote to raise and appropriate the sum of \$45,925.00 for Capital Costs of the Central Berkshire Regional School District to be appropriated as follows:

a) Becket-Washington School-----	\$42,140.00
b) Nessacus Middle School-----	\$ 1,074.00
c) Wahconah Regional High School – Renovation-----	\$ 1,490.00
d) Craneville Roof-----	\$ 165.00
e) Kittridge Windows-----	\$ 321.00
f) Craneville HVAC-----	\$ 42.00
g) Security Updates-----	\$ 362.00
h) Wahconah Regional High School -Sidewalk-----	\$ 170.00
i) Wahconah Regional High School Feasibility Study----	\$ 161.00

Article 9: To see if the Town will vote to approve the Central Berkshire Regional School District budget for the 2018 fiscal year, as adopted on March 23, 2017, by two thirds vote of the Regional School Committee, and to raise and appropriate the sum of \$623,214.00 for the operation of the Central Berkshire Regional School District to be appropriated as follows:

a) Minimum Contribution-----	\$441,236.00
b) Transportation Assessment-----	\$ 22,564.00
c) Basic Budget Balance-----	\$159,414.00

Article 10: To see if the Town will vote to raise and appropriate the sum of \$49,633.00 for Vocational Education Tuition to be appropriated as follows:

a) Vocational Education Tuition-----	\$ 36,000.00
b) Vocational Education Transportation-----	\$ 13,000.00
c) Vocational Education Vehicle Insurance-----	\$ 633.00

Article 11: To see if the Town will vote to raise and appropriate the sum of \$ 530,382.00 for the Highway Department to be appropriated as follows:

a) Salaries -----	\$135,200.00
b) Winter Road Overtime-----	\$ 12,787.00

c) Non-Winter Overtime-----	\$ 5,328.00
d) Road & Bridge Maintenance-----	\$ 65,000.00
e) Winter Snow & Ice Removal-----	\$105,000.00
f) Engineering Consultation-----	\$ 10,000.00
g) Tree Work-----	\$ 8,100.00
h) Fuel-----	\$ 20,000.00
i) Machinery Repair-----	\$ 30,000.00
j) General Maintenance, Tools & Supplies-----	\$ 22,000.00
k) Highway Department Operating Expenses-----	\$ 16,000.00
l) Highway Equipment Insurance-----	\$ 15,240.00
m) Health Dental, Life Insurance (town share)-----	\$ 53,130.00
n) Unemployment Account-----	\$ 5,000.00
o) Berkshire County Retirement-----	\$ 27,597.00

Article 12: To see if the Town will vote to raise and appropriate the sum of \$63,236.00 for health and safety accounts to be appropriated as follows:

a) Becket Fire Department – fire protection -----	\$ 10,000.00
b) Becket Firemen’s Association -----	\$ 250.00
c) Becket Ambulance Service-----	\$ 8,215.00
d) Police Salaries -----	\$ 10,927.00
e) Police Department Expenses -----	\$ 2,500.00
f) Police Department Telecommunication-----	\$ 4,044.00
g) Police Coverage for Pumpkin Walk -----	\$ 320.00
h) Police and Fire Department Insurance-----	\$ 6,655.00
i) Enhanced 911 -----	\$ 9,056.00
j) Dog Officer Reimbursements -----	\$ 400.00
k) Dog Officer Expenses -----	\$ 200.00
l) Animal Inspector -----	\$ 400.00
m) Board of Health Expenses -----	\$ 500.00
n) Health Agent (Berkshire Public Health Alliance)-----	\$ 2,100.00
o) Public Health Nurse-----	\$ 1,152.00
p) Building Inspector Salary -----	\$ 5,517.00
q) Building Inspector Expenses -----	\$ 1,000.00

Article 13: To see if the Town will vote to raise and appropriate the sum of \$26,800.00 for services to the Washington community to be appropriated as follows:

a) Sons and Daughters Reunion -----	\$ 500.00
b) Historical Commission -----	\$ 400.00
c) Veteran’s Aid -----	\$ 6,350.00
d) Veteran’s Services Inter-Municipal Agreement-----	\$ 2,250.00
e) Council on Aging -----	\$ 1,500.00
f) Donation to the Becket Athenaeum -----	\$ 8,300.00
g) Becket Athenaeum Capital-----	\$ 2,000.00
h) Washington TRACKS -----	\$ 2,000.00
i) Becket Beach-----	\$ 2,500.00
j) Wired West Fiscal Year 2018 Dues-----	\$ 1,000.00

Article 14: To see if the Town will vote to raise and appropriate the sum of \$37,842.00 for operation of the Solid Waste Transfer Station to be appropriated as follows:

- a) Operating Expenses----- \$26,000.00
- b) Attendant Labor----- \$ 8,405.00
- c) Southern Berkshire Solid Waste Municipal District--- \$ 1,937.00
- d) Facility Maintenance----- \$ 1,500.00

Article 15: To see if the Town will vote to raise and appropriate the sum of \$ 64,540.00 to pay notes and interest due on the following:

- a) School Bus ----- \$ 8,340.00
- b) Plow Truck ----- \$21,200.00
- c) Culverts----- \$35,000.00

Article 16: To see if the Town will vote to raise and appropriate the sum of \$ 32,514.00 for the following buildings, grounds, and equipment accounts:

- a) Town Buildings Operating Expenses----- \$13,000.00
- b) Town Hall Repair and Maintenance----- \$ 5,500.00
- c) Custodian Reimbursement----- \$ 3,488.00
- d) Maintenance Coordinator Reimbursement----- \$ 526.00
- e) Town Office Equipment and Support----- \$ 2,500.00
- f) Town Offices Supplies and Services----- \$ 1,000.00
- g) Historical Properties Repairs and Maintenance----- \$ 2,000.00
- h) Stained Glass Restoration – St. Andrew’s Chapel---- \$ 1,500.00
- i) Town Park----- \$ 2,500.00
- j) Cemetery Headstone Repairs----- \$ 500.00

Article 17: To see if the Town will vote to transfer the sum of \$45,000.00 from Free Cash in order to reduce the Fiscal Year 2018 tax rate.

Article 18: To see if the Town will vote to set up Revolving Funds pursuant to Chapter 44 Section 53E½ of the General Laws to account for the department receipts and corresponding expenditures in connection with operations of each of the following departments, provided that expenditures not exceed the receipts for said fund nor exceed the noted expenditure caps:

- a) Electrical Inspector: Expenditures not to exceed \$2,500.00
- b) Gas & Plumbing Inspector: Expenditures not to exceed \$2,000.00
- c) Fire Inspector: Expenditures not to exceed \$2,000.00
- d) St. Andrew’s Chapel Rentals and Maintenance: Expenditures not to exceed \$3,000.00
- e) Washington Town Park: Expenditures not to exceed \$6,000.00
- f) Washington Council on Aging Donations: Expenditures not to exceed \$2,000.00
- g) Washington Historical Commission: Expenditures not to exceed \$2,000.00

Article 19: To see if the Town will choose all other Town Officers not required by law to be chosen by ballot: 2 Field Drivers, 1 Pound Keeper, 2 Fence Viewers, 1 Surveyor of Lumber, 1 Measurer of Wood and Bark, 1 Sexton, and 1 Assistant Sexton. All nominations for the above mentioned officers to be made from the floor.

Article 20: To see if the town will vote to accept the following bylaw regarding Departmental Revolving Funds to wit.

## **Section 11: DEPARTMENTAL REVOLVING FUNDS**

### **11.1 Purpose**

This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

### **11.2 Expenditure Limitations**

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

**11.2.1** Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

**11.2.2** No liability shall be incurred in excess of the available balance of the fund.

**11.2.3** The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

### **11.3 Interest**

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

### **11.4 Procedures and Reports**

Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

### **11.5 Authorized Revolving Funds**

The following Table 11.1 establishes:

- A.** Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B.** The department or agency head, board, committee or officer authorized to spend from each fund,
- C.** The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for



which the fund is established that shall be credited to each fund by the Town Accountant,

- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law.

**Table 11.1 Authorized Revolving Funds**

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Restrictions or Conditions on Expenses Payable from Fund	<u>F</u> Other Requirements / Reports	<u>G</u> Fiscal Years
Wiring Inspection Services	Wiring Inspector	Fees charged and received by the Wiring Inspectors for electrical & wiring inspections	Wages of inspectors performing electrical inspections and contractual services related to those inspections		Quarterly reports shall be provided to the Select Board detailing properties inspected and fees collected	Fiscal Year 2018 and subsequent years
Gas & Plumbing Inspection Services	Gas & Plumbing Inspector	Fees charged and received by the Gas & Plumbing Inspectors for gas and plumbing inspections	Wages of inspectors performing gas and plumbing inspections and contractual services related to those inspections		Quarterly reports shall be provided to the Select Board detailing properties inspected and fees collected	Fiscal Year 2018 and subsequent years
Fire Inspection Services	Fire Chief	Fees charged and received by the Fire Chief for fire inspections	Wages of inspector performing fire inspections and contractual services related to		Quarterly reports shall be provided to the Select Board detailing properties inspected and fees collected	Fiscal Year 2018 and subsequent years

			those inspections			
St. Andrew's Chapel Fund	Chapel Commission chair	Fees charged and received by the Chapel Commission for chapel rentals, plus receipts from fund-raising activities and donations	Expenses directly related to St. Andrew's Chapel maintenance and improvements		An annual report shall be provided to the Select Board detailing fund revenues and expenditures for the fiscal year	Fiscal Year 2018 and subsequent years
Town Park Fund	Parks Commission chair	Fees charged and received by the Parks Commission for event rentals, plus receipts from fund-raising activities and donations	Expenses directly related to Town Park maintenance and improvements		An annual report shall be provided to the Select Board detailing fund revenues and expenditures for the fiscal year	Fiscal Year 2018 and subsequent years
Washington Council on Aging Fund	Council on Aging chair	Receipts from fund-raising activities and donations	Expenses directly related to public events and activities		An annual report shall be provided to the Select Board detailing fund revenues and expenditures for the fiscal year	Fiscal Year 2018 and subsequent years
Washington Historical Commission Fund	Washington Historical Commission chair	Receipts from fund-raising activities and donations	Expenses directly related to preserving & maintaining town historical documents & materials, plus maintenance and		An annual report shall be provided to the Select Board detailing fund revenues and expenditures for the fiscal year	Fiscal Year 2018 and subsequent years

			improvements to historical properties			
--	--	--	---------------------------------------	--	--	--

Article 21; To see if the Town will vote on the following question: Should the Tax Collector become an appointed Tax Collector of Town. Yes or No? Or take any action related thereto.

You are hereby directed to serve this warrant by posting attested copies hereof at each of the usual places for posting attested warrants of such nature seven days at least before the time and place of said meeting.

Hereof fail not to make due return of this warrant with doings thereof to the Town Clerk at the time and place of holding said meeting.

Given under our hands this 1st day of May 2017.

\_\_\_\_\_ Selectmen  
 \_\_\_\_\_ of  
 \_\_\_\_\_ Washington

I hereby certify that I have served this warrant by posting attested copies hereof at each of the usual places for posting such warrants.

\_\_\_\_\_ Constable  
 A True Copy Attest

jh 04/29/2017