

**ANNUAL TOWN MEETING**

**FISCAL YEAR  
JULY 1, 2011 to JUNE 30, 2012**

**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 TENTH OF MAY 2011 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 SEVENTEENTH DAY OF MAY 2011 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.

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**ELECTION OF TOWN OFFICERS**

**Article 1.** To choose two Selectmen for three year terms; one Elementary School Committee (K-6) member for a three year term; two Library Trustees for three year terms; one Planning Board member for a five year term; one Housing Authority member for a five year term; and one Housing Authority member for a three year term.

*The election occurs on May 10, after this document goes to press. Election results are posted on the town web site [www.williamstown.net](http://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 APPROPRIATE FREE CASH TO LOWER THE TAX RATE**

**Article 3.** To see if the Town will vote to transfer the sum of **\$259,495** 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 appropriate the sum of \$259,495 from the General Fund Unreserved Fund Balance.**

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

*The Town customarily applies excess receipts and unused appropriations from the previous fiscal year (Unreserved Fund Balance or "Free Cash") to lower 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 in the treasury, the sum of **\$479,514** 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>2011 Interest and Principal</u>
DPW Garage	1997	6	\$ 1,800,000	\$ 109,219
Landfill Closure	1997	5	\$ 215,000	\$ 16,668
Sherman Chapel Repair	2001	8	\$ 132,800	\$ 10,382
Landfill Closure	2005	9	\$ 150,000	\$ 13,650
Elementary School	2005	14	\$ 4,200,000	\$ 329,595
				<u>\$ 479,514</u>

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$469,132 from taxation and that \$10,382 be appropriated from the Sherman Burbank Memorial 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 in the treasury, the sum of **\$6,441,574** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

	<b>Fiscal Year <u>2011</u></b>	<b>Fiscal Year <u>2012</u></b>
Executive	\$253,784	\$248,549
Administration & Finance	\$1,701,020	\$1,763,728
Inspection Services	\$367,199	\$374,338
Public Safety	\$1,283,792	\$1,305,868
Public Works	\$1,962,598	\$1,984,582
Human Services	\$734,530	\$764,509
	<u>\$6,302,923</u>	<u>\$6,441,574</u>

**The Finance Committee unanimously recommends the Town vote to raise and appropriate \$6,226,984 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$9,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$6,290 be appropriated from the Sherman Burbank Memorial Trust.**

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

*The General Government budget is a 2.2% 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 **\$5,261,544** or any other sum, to pay interest and maturing debt, and 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 \$5,261,544 from taxation.**

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

*The total elementary school budget is \$6,045,799 including \$784,255 of other non-appropriated funds, a 2.2% total increase from FY11. As of January 2011 enrollment is 408 students, tracking approximately 20 fewer than FY10.*

**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 **\$366,466** or any other sum, being Williamstown’s share of the Northern Berkshire Vocational Regional School District 2011-2012 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 \$366,466 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 the total amount.

	<b>Fiscal Year <u>2011</u></b>	<b>Fiscal Year <u>2012</u></b>
Minimum Contribution	\$190,680	\$314,730
Transportation Assessment	\$6,765	\$11,639
Capital Assessment	\$41,639	\$40,097
	<u>\$239,084</u>	<u>\$366,466</u>

*The NBVRSD budget is a 53.3% increase over FY11. Enrollment is up from 14 to 23 students out of a total enrolment of 526.*

**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 **\$4,600,521** or any other sum, being Williamstown’s share of the Mount Greylock Regional School District 2011-2012 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 \$4,600,521 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 the total amount.

Minimum Contribution	\$2,708,335
Transportation Assessment	\$144,917
Capital Assessment	\$144,367
Additional Foundation	<u>\$1,591,902</u>
Total Assessment	\$4,600,521

*The FY12 assessment is equal to FY11. The total MGRSD assessment to the towns is \$7,111,581 including the Lanesborough assessment of \$2,511,060. Apportionment is based on 311 Williamstown and 201 Lanesborough students. The total budget including all other revenue is \$10,440,514. Total estimated enrollment is 618.*

**CAPITAL IMPROVEMENT PROGRAM**

**Article 9.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$631,248** or any other sum, for the following capital expenditures:

<u>Item</u>	<u>Dept</u>	<u>Amount</u>
N. Hoosac Road - Engineering & Constructior	Highway	\$ 271,248
Replace 2000 International Dump Truck	Highway	\$ 145,000
Replace 2003 Ford Dump Truck	Highway	\$ 62,000
		<u>\$ 478,248</u>
Cold Spring Road pump upgrades	Sewer	\$ 45,000
Replace 2002 Dodge Ram 1500 Pickup	Sewer	\$ 40,000
Water Meter Replacements	Sewer	\$ 14,000
		<u>\$ 99,000</u>
Replace 2002 Dodge Ram 1500 Pickup	Water	\$ 40,000
Water Meter Replacements	Water	\$ 14,000
		<u>\$ 54,000</u>

**The Finance Committee by a vote of 7-0-1 recommends the Town vote to raise and appropriate the sum of \$478,248 from taxation, that \$54,000 be raised and appropriated from Estimated Water Receipts, and that \$59,753 be raised and appropriated from Estimated Sewer Receipts and that \$39,247 be appropriated from Sewer Fund Unreserved Fund Balance.**

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

*Highway Department items are funded by the property tax and are 7/10% higher than last year. Sewer and Water Department items are funded by user fees. Sewer and water fees are not increased this year.*

**FINANCE COMMITTEE RESERVE FUND**

**Article 10.** To see if the Town will vote to raise and appropriate the sum of **\$50,000** 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 \$50,000 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.*

### STABILIZATION FUND

**Article 11.** To see if the Town will vote to raise and appropriate the sum of **\$25,000** for the Stabilization Fund, or take any other action in relation thereto.

*This article requires a 2/3 vote.*

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$25,000 for the Stabilization Fund.**

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

*This appropriation is a small step in restoring the \$150,000 taken from Stabilization in 2009. The Stabilization Fund is critical to maintaining the Town's Aa<sup>2</sup> bond rating by Moody's Investor Services.*

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### WILLIAMSTOWN CHAMBER OF COMMERCE

**Article 12.** To see if the Town will vote pursuant to G.L. c. 40 § 6A to raise and appropriate the sum of **\$33,492** 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 that the Town vote to raise and appropriate the sum of \$33,492 for the Williamstown Chamber of Commerce.**

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

*The appropriation for the Chamber of Commerce to promote tourism is 10% of the Room Occupancy Excise Tax collected during the previous calendar year. This is an increase from last year's \$24,292 which was also 10% of the previous year.*

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### WILLIAMSTOWN YOUTH CENTER

**Article 13.** To see if the Town will vote to raise and appropriate the sum of **\$65,648** 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 \$65,648 to support the Williamstown Youth Center.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0-1.**

*The Youth Center appropriation is a \$552 increase over the current year.*

**PUBLIC LIBRARY REVOLVING FUND**

**Article 14.** 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.*

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**SEWER DEPARTMENT**

**Article 15.** To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,086,834** 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 \$1,036,834 from Estimated Sewer Receipts and the sum of \$50,000 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. There is no increase in the sewer fees this year.*

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**WATER DEPARTMENT**

**Article 16.** To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$948,076** 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 by a vote of 7-1 recommends the Town vote to appropriate the sum of \$898,076 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 Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. There is no increase in the water fees this year.*

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### **WATER RATE**

**Article 17.** 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 **\$3.74** per 100 cubic feet of water as fixed by the Board of Selectmen at their meeting of April 11 to be effective July 1, 2011, or take any other action in relation thereto.

**The Finance Committee by a vote of 7-1 recommends the Town vote to approve a municipal water rate of \$3.74 per 100 cubic feet.**

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

*There is no increase in the water rate this year.*

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### **TRANSFER STATION DEPARTMENT**

**Article 18.** To see if the Town will vote to appropriate from Estimated Transfer Station Receipts or other available funds the sum of **\$207,010** 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 \$177,010 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.**

*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. The FY12 budget includes no increase in the sticker fee (\$75) or the price of bags (\$2.50 and \$1.25). The last increase in stickers and bags was July 1, 2006.*

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### **CHAPTER 90 HIGHWAY FUNDS**

**Article 19.** 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 those monies distributed by the State for approved highway projects. One requirement of the Chapter 90 program is that the Town spend the money before it receives it. 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.*

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## **CAPITAL PLANNING COMMITTEE**

**Article 20.** To see if the Town of Williamstown will vote to amend Chapter 20, Capital Planning Committee, of the Code of Williamstown by deleting the existing text and inserting the following, or take any other action in relation thereto.

20-1. The Finance Committee shall also serve as the Capital Planning Committee (the “Committee”).

20-2. Consideration of anticipated and proposed projects.

- A. The capital expenditure budget shall include all proposed appropriations for which sealed bids or proposals are required under Massachusetts General Law and for which borrowing is permissible under G. L. c. 44 § 7 or § 8 whether or not such borrowing is anticipated, except those expenditures whose only Town funding is from the Massachusetts Community Preservation Act (G. L. c. 44B).
- B. On or before the 15th of February in each year, the Town Manager shall prepare and submit to the Committee a capital expenditure budget for the ensuing fiscal year, and projections for not less than the following five fiscal years, and all supplementary information in such form and detail as the Committee may deem necessary or the town may require by bylaw.
- C. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the town.
- D. No appropriation shall be voted for a capital expenditure unless the proposed capital expenditure is considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission.

20-3. Preparation and submission of annual report.

The Committee shall submit its approved capital expenditure budget to the Annual Town Meeting for adoption by the town.

20-4. Use of budgeted funds.

Such capital expenditure budget, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals, but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects intended to be undertaken more than five years in the future.

20-5. Publishing of capital expenditure budget.

The Committee's recommended capital expenditure budget shall be published and made available in a manner consistent with the distribution of the Finance Committee's report.

**The Finance Committee unanimously recommends the adoption of this article.**

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

*This article restores oversight of the capital budget to the Finance Committee. All town infrastructure and building projects, except those funded only by the Community Preservation Act, must be included in the capital expenditure budget approved by the Finance Committee before submission to the Annual Town Meeting for its vote.*

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**REGIONAL SCHOOL DISTRICT STABILIZATION FUND**

**Article 21.** To see if the Town will vote to allow Mount Greylock Regional School District to establish a stabilization fund in accordance with G.L. c.71, § 16G ½, 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.**

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**LIEN FOR DELINQUENT SEWER CHARGES**

**Article 22.** To see if the Town will vote to accept G.L. c 83, § 16A through 16F to authorize the filing of a lien for delinquent sewer charges, 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 article permits the Town to impose a property lien to collect unpaid sewer bills, as has been the case for unpaid water bills since 1942.*

**EARLY SUNDAY SALE OF ALCOHOLIC BEVERAGES**

**Article 23.** To see if the Town will vote to accept G.L. c 138, sec. 33B to allow the local licensing authority to authorize the holder of an on-premises license to begin selling alcoholic beverages at 10:00 a.m. on Sundays and certain holidays, or take any other action in relation thereto.

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

*Under current law alcoholic beverages may not be served before 12 noon on Sunday. This article would allow the Board of Selectmen to authorize a license holder to sell as early as 10 a.m. on Sunday and certain holidays.*

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**ACCEPTANCE OF STATE GRANTS FOR MILNE LIBRARY CONSTRUCTION**

**Article 24.** To see if the Town will vote to authorize the Board of Trustees of the David and Joyce Milne Public Library to apply for, accept, and expend any state grants which may be available for library construction for a renovation and addition to its current library building, 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 purpose of this article is to assure the state grant making authority that the Board of Library Trustees has the support of the town.*

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**AUTHORIZE TRUSTEES TO APPROVE LIBRARY SCHEMATIC DESIGN**

**Article 25.** To see if the Town will vote to authorize the Board of Trustees of the David and Joyce Milne Public Library to approve the schematic design for the library construction project, or take any other action in relation thereto.

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

*The purpose of this article is to assure the state grant making authority that the Board of Library Trustees has the support of the town.*

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**COMMUNITY PRESERVATION – HISTORIC PRESERVATION**

**Article 26.** 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 Thirteen Thousand Four Hundred Eighty Dollars (**\$13,480**) to be expended under the direction of the Parks and Cemetery Superintendent with the assistance of the South Williamstown historical committee for

the preservation of historic gravestones at Southlawn Cemetery, or take any other action in relation thereto.

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

**The Historical Commission 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.**

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### **COMMUNITY PRESERVATION – HISTORIC PRESERVATION**

**Article 27.** 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 Twenty Thousand Eight Hundred Fifty Dollars (**\$20,850**) to be expended under the direction of the Parks and Cemetery Superintendent for the preservation of the 1753 House located at Field Park, or take any other action in relation thereto.

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

**The Historical Commission 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.**

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### **COMMUNITY PRESERVATION – HISTORIC PRESERVATION**

**Article 28.** 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 Two Hundred Twenty Three Thousand Two Hundred Dollars (**\$223,200**) and to transfer and appropriate from funds previously reserved for historic resources the sum of Twenty Six Thousand Eight Hundred Dollars (**\$26,800**) to fund a grant to Williamstown Community Preschool, Inc. for the preservation of the former Williamstown United Methodist Church located at 777 Main Street as shown on Assessors Parcel 130-117, and to authorize the Board of Selectmen and the Williamstown Historical Commission to enter into a grant agreement with Williamstown Community Preschool, Inc. outlining the purposes for and the conditions upon which these funds may be expended, and to authorize the Board of Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of G. L. c. 184 § 31, or take any other action in relation thereto.

**The Community Preservation Committee by a vote of 6-2 recommends the adoption of this article.**

**The Historical Commission unanimously recommends the adoption of this article.**

**The Finance Committee by a vote of 6-1-1 recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0-1.**

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**CPA – COMMUNITY HOUSING, OPEN SPACE, and 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 2012 Community Preservation budget, and to appropriate from the Community Preservation Fund estimated annual revenues the sum of **\$10,000** to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2012, and further to reserve for future appropriation the sum of **\$26,200** for community housing purposes and the sum of **\$26,200** for open space purposes, 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.**

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**ZONING BY-LAW AMENDMENT**

**Article 30.** 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:

**Delete from §70-7.1C.5 (a):** “Not more than 2/3 of the dwelling units on any parcel developed subject to these provisions should be in multifamily dwellings.”

**Delete from §70-7.1C.5 (b):** “; and there shall be not less than 1,000 feet separation between dwellings in any such group and any other multifamily dwellings on or off the premises.”

or take any other action in relation thereto.

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

**The Planning Board unanimously recommends the adoption of this article.**

*This article requires a 2/3 vote.*

*This article will remove two restrictions on the development of multifamily buildings within a major residential development.*

**ZONING BY-LAW AMENDMENT**

**Article 31.** 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 §70-3.3A.1 Use Regulation Schedule, Residential Uses as follows:** Change the special permit granting authority for New two-family dwelling, Multifamily dwelling within major residential development guidelines (See § 70-7.1C), Elderly housing(See § 70-7.1E.), Other multifamily (See § 70-7.1G.), and Mobile home park within Mobile Home Park Overlay District (See § 70-7.4C.) from Planning Board (PB) to Zoning Board of Appeals (BA).

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	LI
<i>RESIDENTIAL USES</i>									
<i>Single -family dwelling</i>	Yes	Yes	Yes	Yes	No	No	No	No	No
<i>New two-family dwelling</i>	No	No	Yes	<b>BA</b> <sup>2</sup>	No	No	No	No	No
<i>Two-family dwelling by conversion of existing one-family dwelling (See § 70-7.1D.)</i>	No	Yes	Yes	Yes	No	No	No	No	No
<i>Multifamily dwelling:</i>									
<i>Within major residential development guidelines (See § 70-7.1C)</i>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	No	No	No	No	No
<i>Elderly housing(See § 70-7.1E.)</i>	No	No	<b>BA</b>	No	No	No	No	No	No
<i>Other multifamily (See § 70-7.1G.)</i>	No	No	<b>BA</b>	No	No	No	No	No	No
<i>Dwelling units located above the first story of a nonresidential use (See § 70-7.1H.) [Amended 5-20-2003 ATM, Art. 24]</i>	No	No	No	No	Yes	Yes	Yes	BA	No
<i>Mobile home park:</i>									
<i>Within Mobile Home Park Overlay District (See § 70-7.4C.)</i>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>	<b>BA</b>

**Amend §70-3.3 Footnote 2 as follows:** Change by deleting “Planning Board”.  
**And replacing with:** “Board of Appeals”.

or take any other action in relation thereto.

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

**The Planning Board unanimously recommends the adoption of this article.**

*This article requires a 2/3 vote.*

*This article will change the Special Permit Granting Authority for most residential development projects in Williamstown from the Planning Board to the Zoning Board of Appeals. The Planning Board will remain the Special Permit Granting Authority for residential development projects that also require approval under the Subdivision Control Law.*

**ZONING BY-LAW AMEMDMENT**

**Article 32.** 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 §70-3.3(A)(1) Use Regulation Schedule, Residential Uses as follows:** Change for the Rural Residence 2 & 3 Districts, “New two-family dwelling” from NO to BA<sup>2</sup> (Special Permit from the Zoning Board of Appeals).

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	LI
<i>New two-family dwelling</i>	No	BA <sup>2</sup>	Yes	BA <sup>2</sup>	No	No	No	No	No

**Amend §70-3.3(A)(1) Use Regulation Schedule, Residential Uses as follows:** Change for the General Residence 2 District, “Multifamily Dwelling: Other multifamily” from NO to BA (Special Permit from the Zoning Board of Appeals).

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	LI
<i>Multifamily dwelling:</i>									
<i>Other multifamily (See § 70-7.1G.)</i>	No	No	BA	BA	No	No	No	No	No

*This article requires a 2/3 vote.*

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

**The Planning Board unanimously recommends the adoption of this article.**

*This article will allow new two family dwellings via a Special Permit from the Zoning Board of Appeals in the Rural Residence 2 & 3 Districts, and will allow Multifamily Dwellings, in accordance with § 70-7.1G, in the General Residence 2 District.*

**ZONING BY-LAW AMEMDMENT**

**Article 33.** 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 §70-3.3(A)(1) Use Regulation Schedule, Residential Uses as follows:**

Change for the Village Business District, “Two-family dwelling by conversion of existing one-family dwelling (See § 70-7.1D.)” from NO to BA<sup>2</sup> (Special Permit from the Zoning Board of Appeals).

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	LI
<i>Two-family dwelling by conversion of existing one-family dwelling (See § 70-7.1D.)</i>	No	Yes	Yes	Yes	No	No	BA <sup>2</sup>	No	No

**Amend §70-3.3 by adding a Footnote 4 as follows:**

	RR1	RR2 RR3	GR1	GR2	LB	TB	VB	PB	LI
<i>Dwelling units located above the first story of a nonresidential use (See § 70-7.1H.) [Amended 5-20-2003 ATM, Art. 24]</i>	No	No	No	No	Yes	Yes	Yes <sup>4</sup>	BA	No

<sup>4</sup> In Buildings not fronting on Spring Street, that were in existence prior to January 1, 2011, dwelling units may be located on the first story, regardless of other nonresidential use. Single Family Dwellings are not permitted. For conversions of existing Single Family Dwellings, see § 70-7.1D. For Assessor's Parcels, 120-226, 228, & 235, & 121-1 first story residential use is only permitted at a distance of 50 feet from the front property line.

or take any other action in relation thereto.

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

**The Planning Board unanimously recommends the adoption of this article.**

*This article requires a 2/3 vote.*

*This article will allow existing single family dwellings within the Village Business District to be converted to two family dwellings, and will allow multifamily residential use on the first floor of an existing building except for properties on Spring Street and the front 50 feet of properties on upper Water Street.*

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## ZONING BY-LAW AMENDMENT

**Article 34.** 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 70-5.1.B(2) by adding the following:** add the phrase “stormwater control analysis” after “water supply analysis”.

**Amend § 70-5.3.B Stormwater management by deleting the present section and replacing with the following:**

**B. Stormwater Management**

- (1) Purpose. This section establishes storm water management standards for construction and post development conditions that result from development and redevelopment projects to minimize adverse impacts off site and downstream which would be borne by abutters, and the general public.
- (2) Applicability. This section applies to the following development or activities whether or not a building permit is required;
  - (a) the placement of more than 50 cubic yards of fill or,
  - (b) the removal of more than 10,000 square feet of vegetative cover, including but not limited to clearing, grubbing, excavation, stockpiling material, grading, and related activities.
- (3) Exceptions. This section does not apply to;
  - (a) Construction or maintenance work to ways, utilities, or structures owned by the Town of Williamstown.

- (b) Activities which require review by the Conservation Commission under the *Wetlands Protection Act 310 CMR 10.00*.
  - (c) Normal maintenance and improvement of land in agricultural use as defined by the *Wetlands Protection Act 310 CMR 10.00*.
  - (d) Maintenance of existing landscaping, lawns, driveways, and garden areas of single or two family dwellings.
  - (e) The construction of fencing that will not substantially alter existing terrain or drainage patterns.
  - (f) Construction of utilities, other than drainage, which will not alter drainage patterns.
  - (g) Logging or forestry activities undertaken under an approved forest management plan.
- (4) Procedure.
- (a) No development shall be undertaken without review and approval of a stormwater management plan.
  - (b) For development that requires Development Plan Review, the plans shall be part of the development plan and the procedure for Development Plan Review (§70-8.2(C) and (D)) shall be followed.
  - (c) For plans not subject to Development Plan Review three (3) copies of the Stormwater Management Plan shall be submitted to the Town Clerk, who shall transmit them to the Planning Administrator.
- (5) Plans Not Subject to Development Plan Review. The Planning Administrator shall review the plans for compliance with the standards of this section. If it complies, and a building permit is required, it will be forwarded to the Inspector of Buildings as part of the building permit submittal package. If no building permit is required, the Planning Administrator shall file the plans for future reference for any required progress inspections.
- (a) If the Planning Administrator finds the plan to be incomplete, or otherwise noncompliant with the requirements of this section, he shall notify the applicant of his decision and reasons why he deems the plans noncompliant.
  - (b) A list of noncompliant items or missing information shall be provided to the applicant for corrections to the plan. Once the corrections have been made, the plan shall be approved, and work may be commenced.
  - (c) Review and decision shall be no later than 21 days from the receipt of the complete plans.
  - (d) The Planning Administrator may waive or modify the information required based upon the size or complexity of the proposed development or redevelopment.

- (e) Applicants are urged to confer with the Planning Administrator to determine the scope of required submittals.
- (6) Stormwater Management Plan.
- (a) The Storm Water Management Plan shall contain sufficient information for the reviewer(s) (Planning Board or Planning Administrator) to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing the adverse impacts from storm water.
  - (b) Storm water design shall be evaluated using the DEP *Massachusetts Storm Water Management Policy* using the applicable *Best Practices (BMP) Guidelines*, set forth in the latest editions of the *Massachusetts Stormwater Handbook, Volumes 1-3* (“Guidelines”), and its companion handbook, *Erosion and Sediment Control for Urban and Suburban Areas, Massachusetts Department of Environmental Protection* (“Handbook”). Designs that comply with the Guidelines and Handbook or do so to the maximum extent practicable shall be presumed to comply with this by-law.
  - (c) Redevelopment of previously developed sites shall meet the applicable Guidelines and Handbook standards, principally Standards 4,5,6,8 and 9, to the maximum extent practicable. However, if it is not practicable to meet all standards, new (retrofitted or expanded) stormwater management systems shall, at a minimum, be designed to improve existing conditions.
- (7) Storm Water Management System Design
- (a) To the maximum extent practicable, storm water management systems shall be designed to minimize down gradient impacts from changes in runoff both during and after construction.
  - (b) Plan contents.
    - [1] The submittal package shall contain a construction period management plan, sedimentation, and pollution prevention and a post development management plan, and operation and maintenance plans.
  - (c) Design parameters.
    - [1] The post development peak discharge rate is equal or less than the pre development rate from the 2 year and 10 year 24 hour storms. If increased off-site flooding will result from peak discharges from the 100 year 24 hour storm, BMPS must be provided to attenuate these discharges.
    - [2] The annual recharge from the post development site shall approximate the annual recharge from pre development conditions based upon soil type. Post development infiltration volume of precipitation into the ground shall be at least as much as infiltration pre development.
    - [3] At sites with Class D soil or bedrock above grade, infiltration recharge systems are permitted.

- [4] The system shall remove 80% of the average annual post construction load of Total Suspended Solids (TSS)
- [5] The developer is strongly encouraged to utilize Low Impact Development (LID) and nonstructural Best Management Practices (BMPs) whenever possible, to reduce costs and to minimize disturbance to the site. LID practices include:
  - (i) Whenever practicable, natural vegetation shall be retained, protected and supplemented. The land disturbing activity should be fitted to the topography and soils so as to create less erosion potential.
  - (ii) Keeping the disturbed area to a minimum.
  - (iii) Minimizing sedimentation by reducing the volume of runoff and the contact of storm water.
  - (iv) Reducing curb and gutter drainage systems that concentrate volume and velocity of runoff and volume of sedimentation.
  - (v) Using mulching or temporary revegetation to minimize erosion and sedimentation.
  - (vi) Slopes left exposed shall immediately be planted or otherwise be provided with permanent ground cover.

(d) Plan Changes.

- [1] The applicant shall notify the Planning Administrator in writing of any change or alteration in the approved Storm Water Management Plan before any change or alteration is made. The Planning Administrator shall determine whether the change or alteration is significant. If deemed significant, an amended plan shall be filed and approved as provided in Section 8.2.D.
  - [2] The owner(s) of the storm management system shall notify the Planning Administrator of changes in ownership or assignment of financial responsibility.
  - [3] The maintenance schedule may be amended by mutual agreement of the Planning Administrator or Planning Board, as applicable, and the Responsible Parties. Amendments shall be in writing and signed by all Responsible Parties.
- (8) Inspections. The Planning Administrator shall inspect the project at the following stages;
- (a) Existing Conditions: Prior to the approval of plan(s).
  - (b) Erosion Control: Inspection to ensure erosion control practices are in accord with the approved plan.

- (c) Backfill: Prior to backfilling of any underground drainage or stormwater conveyance structures.
- (d) Final: After the system has been constructed, the applicant shall submit a record plan detailing the actual system as installed. The Planning Administrator shall inspect the system to confirm its “as built” feature, and evaluate the effectiveness of the system in an actual storm.
- (e) If the system is found to be compliant with the approved plans, the Planning Administrator shall issue a Certificate of Completion.

**Amend §70-6.1C(5) by adding the following:** “Erosion must be controlled as required at 70-5.3C.”

**Amend §70-7.1C(2)(b) by deleting the following:**

Those include documentation regarding:

- [1] Section 70-5.2A, traffic impacts.
- [2] Section 70-5.2B, water service adequacy.
- [3] Section 70-5.2C, sewerage adequacy.
- [4] Section 70-5.3A, on-site disposal adequacy.
- [5] Section 70-5.3F, disturbance to plants and animals.
- [6] Section 70-5.4H, impact on historic and

archaeological sites.

**And replacing with:**

Those include documentation referenced in Article V, Development Standards, of the Williamstown Zoning Bylaw.

**Amend §70-7.4.E(4)(d) Wellhead Protection District by adding the following:**

- (iv) Stormwater Systems shall comply with §70-5.3.B Stormwater Management.

**Amend §70-8.2.C(2)(e) by deleting the following:** “and erosion control measures.”

**And replacing with:**

“and analysis of potential impacts from stormwater runoff and erosion, with corresponding control measures.”

**Amend §70-8.4D(1)(b) by deleting the existing section and replacing with the following :**

- (b) The site should be able to accommodate the proposal without substantial environmental damage due to wetland loss, habitat disturbance, erosion, stormwater runoff, or damage to valuable trees or other natural assets.

**Amend § 70-9 Definitions by adding the following:**

Responsible Parties – Owner(s), persons with financial responsibility, and persons with operational responsibility for a stormwater management system.

Maximum Extent Practicable – For purposes of a Stormwater Management Plan (see Section 70-5.3.B),

an applicant seeking to demonstrate compliance with some or all of the standards set forth in the DEP Massachusetts Stormwater Handbook to the maximum extent practicable shall demonstrate (i) that it has made all reasonable efforts to meet each of the applicable Standards, (ii) that it has made a complete evaluation of all possible stormwater management measures, including environmentally sensitive site design that minimizes land disturbance and impervious surfaces, structural stormwater best management practices (BMPs), pollution prevention, erosion and sedimentation control, and proper operation and maintenance of stormwater BMPs, and (iii) if full compliance with the Standards cannot be achieved, the applicant is implementing the highest practicable level of stormwater management.

or take any other action in relation thereto.

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

**The Planning Board unanimously recommends the adoption of this article.**

*This article requires a 2/3 vote.*

*This article will establish storm water management standards for the construction and post development conditions that result from development and redevelopment projects, to minimize adverse impacts off site and downstream which would be borne by abutters, and the general public.*

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## ZONING BY-LAW AMENDMENTS

**Article 35.** 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 §70-8.3 by deleting the existing sub sections named:** A, B, D & D

**And renaming said sections:** A, B, C, D.

**Amend §70-8.3 by deleting the existing sub sections named :** A, B, D & D

**And renaming said sections:** A, B, C, D.

**Amend §70-8.4C(3) by deleting** “8.2B”

**And replacing with** “§70-8.2.B”

**Amend §70-8.4.D by deleting the existing sub sections numbered:** 1, 2, 3, 4, 5, & 5.

**And renumbering said sections:** 1, 2, 3, 4, 5, & 6.

**Amend §70-8.4 by deleting the existing sub sections named :** A, B, C, D, & F

**And renaming said sections:** A, B, C, D, & E.

**The Planning Board unanimously recommends the adoption of this article.**

*This article requires a 2/3 vote.*

*This article will fix a recently discovered numbering error in the Zoning Bylaw.*

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### CITIZEN'S PETITION

**Article 36.** To request the Town of Williamstown to approve the following resolution to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to overturn the Supreme Court's decision in *Citizens United v. Federal Elections Commission* and to restore democracy to the people.

In a 5-4 ruling in *Citizens United v. Federal Election Commission*, the Supreme Court held for the first time that corporations, both for-profit and not-for-profit, and unions have a First Amendment right to spend unlimited amounts from their treasuries to support or oppose candidates for elected office. Prohibitions on corporate political donations, according to the court, violate the First Amendment-guaranteed free speech rights of corporations. This ruling essentially established that according to meaning and intent of the First Amendment, corporations should be treated as natural persons and that money equals free speech. While special interest money was always a concern in elections, **corporations**-including foreign corporations-may now intervene directly in elections, taking power away from voters.

### Resolution

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, for the past three decades, the United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's recent ruling in *Citizens United v FEC*, overturning longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, The United States Supreme Court's ruling in *Citizens United v. FEC* will now unleash a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Town of Williamstown, Williamstown, Massachusetts hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people.

Now be it further resolved that the Town Clerk be directed to send a copy of this resolution to Williamstown's Congressional Representative (John Olver), Mass State Senator (Benjamin Downing), and Mass State Representative (Gailanne Carridi).

**The Board of Selectmen recommends the adoption of this article by a vote of 3-0-2.**

*Article 35 is on the warrant by petition of ten or more registered voters. The text must be printed here exactly as presented in the petition.*

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

\_\_\_\_\_  
Thomas Sheldon, vice-chairman

\_\_\_\_\_  
Tom Costley

\_\_\_\_\_  
Jane B. Allen

\_\_\_\_\_  
David A. Rempell

**Williamstown Board of Selectmen**

Berkshire, ss:

April \_\_\_\_\_, 2011

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.

**APPENDIX A**  
**General Government Detail**

	<u>2011</u>	<u>2012</u>
<b>EXECUTIVE</b>		
Selectmen	\$6,665	\$6,707
Town Manager	\$225,261	\$219,957
Town Counsel	\$20,000	\$20,000
Emergency Management	\$1,858	\$1,885
	<hr/>	<hr/>
	\$253,784	\$248,549
<b>ADMINISTRATION &amp; FINANCE</b>		
Insurance	\$112,650	\$102,350
Finance Committee	\$749	\$758
Finance Director	\$227,688	\$223,849
Assessors	\$163,698	\$134,557
Treasurer-Collector	\$155,556	\$169,624
Data Processing	\$18,657	\$51,375
Town Clerk	\$76,743	\$79,287
Registrars of Voters	\$19,288	\$18,328
Employee Benefits	\$925,991	\$983,600
	<hr/>	<hr/>
	\$1,701,020	\$1,763,728
<b>INSPECTION SERVICES</b>		
Building Inspector	\$275,055	\$280,497
Health Inspector	\$79,284	\$80,916
Conservation Commission	\$2,884	\$2,904
Planning Board	\$2,185	\$2,185
Zoning Board of Appeals	\$3,900	\$3,900
Historical Commission	\$500	\$500
Sealer of Weights	\$3,391	\$3,436
	<hr/>	<hr/>
	\$367,199	\$374,338
<b>PUBLIC SAFETY</b>		
Police Department	\$1,049,166	\$1,066,701
Dispatch Services	\$201,335	\$205,530
Animal Control Officer	\$27,300	\$27,612
Forest Warden	\$5,991	\$6,025
	<hr/>	<hr/>
	\$1,283,792	\$1,305,868
<b>PUBLIC WORKS</b>		
DPW Director	\$149,539	\$152,073
Highway Department	\$1,142,886	\$1,158,331
Snow and Ice	\$163,308	\$163,308
Parks and Cemetery	\$254,279	\$257,747
Facilities Management	\$190,090	\$192,897
Burbank Chapel	\$6,290	\$6,290
Recreation	\$14,347	\$11,178
Forestry Department	\$41,859	\$41,859
	<hr/>	<hr/>
	\$1,962,598	\$1,983,683
<b>HUMAN SERVICES</b>		
Council on Aging	\$218,469	\$231,528
Veterans' Services	\$39,415	\$47,518
Library	\$473,556	\$483,272
Veterans' Graves & Holidays	\$3,090	\$3,090
	<hr/>	<hr/>
	\$734,530	\$765,408