

WARRANT
COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE SS.

TO: James Olmsted, Constable of the Town of Egremont,
Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of the Town of Egremont qualified to vote in elections and Town affairs, to meet at the North Egremont Fire Station, 175 Egremont Plain Road, North Egremont, on Tuesday, the 13th day of May, 2025, at 10:00 A.M. in the forenoon, and then and there to bring their ballots to the election officers for the election of the following Town and District Officers:

One Assessor for three years,
One Cemetery Commissioner for three years,
One Constable for three years,
One Library Trustee for three years,
One member of the Planning Board for five years,
One member of the Select Board three years,

and to choose such other officers as towns are required by law or have a right to choose.

All of the above named officers will be voted upon an official ballot to be furnished at the polling place by the election officers. The questions below will also be voted upon the official ballot to be furnished at the polling place by the election officers.

Shall the Town of Egremont be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for engineering and construction expenses associated with phase 2 of the reconstruction of Mount Washington Road?

Shall the Town of Egremont vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, known as the Massachusetts Community Preservation Act, by approving a surcharge on real property taxes for the purposes permitted by said Act, including (1) the acquisition, preservation or restoration of historic properties and sites including historic parks, municipal buildings, artifacts or documents, sites or grounds; (2) the acquisition, creation or preservation of land for parks, playgrounds, athletic fields, aquifers and public drinking water, wetlands, beaches, marshes, forests, wildlife reserves, pastures,

and agricultural lands; and (3) the acquisition, creation or support of local housing needs for families, seniors and veterans; that the amount of such annual surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2026; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 3 of said Act; and (2) \$100,000 of the value of each taxable parcel of residential real estate

This is the second vote of a two step process. The first vote was taken on October 22, 2024.

The polls will open at 10:00 A.M, and shall close at 7:00 P.M.

And you are requested to warn said election by posting copies of this Warrant in four or more public places in said Town, fourteen days at least, before the time of holding same.

You are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet at the Mount Everett High School Cafeteria, Sheffield MA, on Tuesday, the 6th day of May, 2025 at 6:00 P.M. and then and there to act upon the following articles:

ARTICLE 1: To hear the reports of any officers, committee or committees.

Select Board budget overview
Fire Department Study Workgroup

ARTICLE 2: To see if the Town will raise and appropriate and/or transfer from available funds, monies, or any other amounts, to defray charges and expenses to the Town, to set the salaries of elected officials, including salaries of certain Town officers and employees, debt and interest, and to provide for a reserve fund, all beginning July 1, 2025 for the ensuing twelve months.

	<u>VOTED</u> <u>2024-2025</u>	<u>PROPOSED</u> <u>2025-2026</u>
1. OFFICIALS AND BOARDS	\$ 601,274.00	\$ 662,622.00
A. Accounting Officer Expense	1,500.00	1,500.00
B. Accounting Officer	16,861.00	17,536.00
C. Administrative Assistant	20,827.00	44,307.00
D. Agricultural Commission	250.00	1,500.00
E. Assessor #1 Salary	5,128.00	5,128.00

	VOTED 2024-2025	PROPOSED 2025-2026
F. Assessor #2 Salary	5,128.00	5,128.00
G. Assessor #3 Salary	5,128.00	5,128.00
H. Assessor's Expense	2,325.00	2,375.00
I. Assessor's Consulting	35,000.00	40,500.00
J. Board of Appeals Expense	100.00	100.00
K. Board of Health Expense	3,800.00	5,000.00
L. Board of Health Director	45,965.00	46,927.00
M. Health Alliance Services	12,317.00	13,000.00
N. Building Inspector Salary	38,543.00	40,278.00
O. Asst. Building Inspector	1,500.00	1,500.00
P. Conservation Comm. Expense	1,960.00	1,960.00
Q. Conservation Agent	400.00	400.00
R. Conservation Comm. Clerical	3,780.00	3,951.00
S. Constable's Salary	729.00	748.00
T. Finance Committee Expense	400.00	400.00
U. Grant Administrator	47,822.00	49,747.00
V. Inspectors' Expenses	4,050.00	5,450.00
W. Personnel Director	14,721.00	23,164.00
X. Planning Board Expense	3,650.00	4,605.00
Y. Sel. Office Administrator	83,711.00	87,478.00
Z. Selectmen Office Expense	17,150.00	13,612.00
AA. Selectman #1 Salary	5,729.00	5,729.00
BB. Selectman #2 Salary	5,316.00	5,316.00
CC. Selectman #3 Salary	5,316.00	5,316.00
DD. Green Committee Expenses	275.00	275.00
EE. Town Clerk Expense	8,500.00	8,500.00
FF. Town Clerk Salary	17,236.00	17,921.00
GG. Town Hall Office Clerk	54,100.00	59,508.00
HH. Treasurer/Collector Expense	12,310.00	13,500.00
II. Treasurer/Collector Salary	73,070.00	76,359.00
JJ. Web Administrator	46,677.00	48,776.00
2. TOWN EXPENSES	\$ 333,581.00	\$ 349,980.00
A. Animal Control Officer	3,056.00	3,133.00
B. Animal Control Expenses	1,000.00	1,000.00
C. Audit	9,884.00	10,700.00
D. Board of Registrars Salary	50.00	50.00
E. Chamber of Commerce	260.00	260.00
F. Compactor Operation	113,672.00	117,175.00
G. Compactor Substitute Wages	6,000.00	8,000.00
H. Computer Expenses	105,449.00	125,712.00
I. Computer Administrator	2,580.00	2,580.00
J. Drug and Alcohol Tests	360.00	360.00
K. Egremont Newsletter	1,200.00	1,200.00

	<u>VOTED</u> <u>2024-2025</u>	<u>PROPOSED</u> <u>2025-2026</u>
L. Election Wages	5,500.00	3,500.00
M. Group Purchasing	1,310.00	1,310.00
N. Geographic Information System	5,500.00	5,666.00
O. High Speed Internet	4,075.00	3,576.00
P. Historical Commission Expense	2,050.00	2,050.00
Q. Inspector of Animals	500.00	500.00
R. Legal Expenses	1,500.00	1,500.00
S. Legal Fees	20,000.00	20,000.00
T. Litigation	7,000.00	5,000.00
U. Labor Lawyer	10,000.00	5,000.00
V. Moderator	377.00	387.00
W. Public Health Services	2,470.00	2,470.00
x. School Committee	2,488.00	2,551.00
Y. Town Engineer	4,500.00	4,500.00
Z. Town Report	300.00	0.00
AA. Town Telephone	10,100.00	10,800.00
BB. Veteran's Benefits	12,400.00	11,000.00
3. TOWN MAINTENANCE	\$ 305,995.00	\$ 316,474.00
A. Bldg Maint. General Exp.	28,150.00	26,450.00
B. Bldg Maint. Utility Exp.	49,000.00	52,800.00
C. Building Maintenance Wages	16,419.00	17,076.00
D. Maintenance Superintendent	71,243.00	74,449.00
E. Cemetery Maintenance	200.00	200.00
F. French Park Maintenance	3,450.00	5,650.00
G. French Park Trail/Forest	5,960.00	5,960.00
H. French Park Overtime Wages	5,000.00	5,000.00
I. French Park Wages	14,975.00	15,574.00
J. Public Lighting	8,900.00	8,900.00
K. Tree Warden	7,898.00	8,215.00
L. Tree Work	50,000.00	50,000.00
M. Building Improvements	8,000.00	9,400.00
N. Cemetery Exp & Maint	36,800.00	36,800.00
4. HIGHWAYS	\$ 663,664.00	\$ 738,554.00
A. Const. & Maint. Wages	5,000.00	5,000.00
B. Construction & Maintenance	210,300.00	217,500.00
C. Vehicle Maintenance/Repairs	63,100.00	64,100.00
D. Highway Union	204,650.00	267,487.00
E. Superintendent Salary	85,614.00	89,467.00
F. Snow & Ice Removal Wages	25,000.00	25,000.00
G. Snow & Ice Removal	70,000.00	70,000.00

	VOTED 2024-2025	PROPOSED 2025-2026
5. LIBRARY	\$ 45,514.00	\$ 47,732.00
A. Librarians Salary	29,289.00	30,607.00
B. Expenses	14,825.00	15,125.00
C. Library Substitute Wages	1,400.00	2,000.00
6. POLICE	\$ 637,084.00	\$ 622,183.00
A. Chief Salary	102,249.00	112,550.00
B. Chief Expenses	4,000.00	4,000.00
C. Vehicle Expenses	13,000.00	13,000.00
D. Police Wages-Secretary	11,395.00	11,678.00
E. Department Expenses	13,000.00	13,000.00
F. Chiefs Stipends	0.00	2,450.00
G. Collective Bargaining	493,440.00	465,505.00
7. FIRE AND EMERGENCY *	\$234,286.00	\$ 388,090.00
A. Dispatch Facilities	12,687.00	0.00
B. Emergency Management	10,700.00	4,600.00
C. Emergency Management Wages	2,820.00	2,820.00
D. Fire Department Expense	70,000.00	75,000.00
E. Forest Fires	1,000.00	1,000.00
F. Firefighters Stipend	40,000.00	96,500.00
G. Fire Dept Admin/Train	12,000.00	12,000.00
H. Fire Dept Overtime	0.00	4,688.00
I. Fire Chief pay	23,312.00	100,000.00
J. So Berk Reg Emergency Plan	500.00	500.00
K. So. Berk. Ambulance Squad	61,267.00	90,982.00
8. DEBT AND INTEREST	\$258,095.00	\$343,944.00
A. Interest Short Term Debt	10,000.00	10,000.00
B. Highway Truck	56,532.00	55,519.00
C. Fire Truck	65,954.00	64,772.00
D. Mt. Washington Rd Eng	125,609.00	136,155.00
E. Highway Truck	0.00	77,498.00
9. HUMAN SERVICES	\$111,716.00	\$114,668.00
A. Brien Center/Mental Health	2,203.00	2,203.00
B. Berk. South Community Center	2,500.00	2,500.00
C. Community Health Programs	1,000.00	1,000.00

	VOTED 2024-2025	PROPOSED 2025-2026
D. Berk. Comm. Action Council	1,000.00	1,000.00
E. Construct, Inc.	2,000.00	2,000.00
F. Council on Aging	21,215.00	18,175.00
G. Eagle Fund	1,000.00	1,000.00
H. Egremont Garden Club	350.00	350.00
I. Elizabeth Freeman Center	750.00	750.00
J. Fairview Hospital	1,500.00	1,500.00
K. Housatonic Valley Assoc	300.00	300.00
L. Hospice Care	750.00	750.00
M. Railroad Street Youth Project	2,500.00	2,500.00
N. Literacy Network of So. Berk.	400.00	400.00
O. Public Transportation	69,248.00	75,240.00
P. Friends of Prospect Lake	5,000.00	5,000.00
10. INSURANCE	\$790,161.00	\$928,568.00
A. Health/Dental/Life	338,165.00	458,071.00
B. Social Security/Medicare	25,000.00	34,000.00
C. Unemployment	10,000.00	10,000.00
D. Pension	271,871.00	276,950.00
E. Property & Casualty	136,800.00	140,072.00
F. Longevity Pay	3,325.00	4,475.00
G. Sick/Vacation leave	5,000.00	5,000.00
11. RESERVE FUND	\$ 25,000.00	\$ 25,000.00
12. SCHOOLS	\$2,132,013.00	\$2,221,925.00
A. Operating & Transport	2,035,907.00	2,131,700.00
B. Capital Costs	45,201.00	47,234.00
C. Bond Payment	44,105.00	42,991.00
D. Vocational Education	6,800.00	0.00
TOTAL LINE ITEM BUDGET	\$6,138,383.00	\$6,759,740.00

*ARTICLE 4: To see if the town will vote to raise and appropriate, and/or transfer from available funds, and/or accept grants, to pay initial costs of hiring two full-time responders for the Egremont Fire Department as spelled out below, or to take any other action relative thereto:

Responder #1 \$65,000
 Responder #2 \$65,000,

(Finance Committee unanimously recommends approval.)

ARTICLE 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to operate the Egremont Water Department, said sums to be expended under the direction of the Water Commissioners and that the following sums be appropriated for/to the Water Enterprise Fund, or take any other action thereto.

WATER DEPARTMENT BUDGET		
	<u>VOTED</u>	<u>PROPOSED</u>
	<u>2024-2025</u>	<u>2025-2026</u>
A. Water Debt	\$ 94,870.00	\$164,638.00
B. Water Operating Exp	25,000.00	32,150.00
C. Salaries/Wages	105,700.00	110,479.00
D. Utilities	13,500.00	13,500.00
E. Office Expenses	5,000.00	6,200.00
F. Water System Maint., Repair, Replacement, Upgrade	32,500.00	32,500.00
G. Audit	4,616.00	4,800.00
H. Insurance	19,280.00	35,500.00
I. Software	2,500.00	2,500.00
J. Training	0.00	1,500.00
TOTAL	\$302,966.00	\$403,767.00

and that the necessary funds be raised as follows:

	<u>2024-2025</u>	<u>2025-2026</u>
Water Department Revenues	\$302,966.00	\$303,767.00
Retained earnings	0.00	100,000.00
Tax Levy subsidy	0.00	0.00

(Finance Committee unanimously recommends approval.)

Article 6: To see if the Town will vote to appropriate the 2025 Drinking Water State Revolving Fund Asset Management Planning total project cost of \$124,960 for the Egremont Water Asset Management Plan. The total project cost of \$124,960 is comprised of a \$74,976 grant (60% of the total project cost), which the Town will be reimbursed for by MassDEP and the Massachusetts Drinking Water Trust. The balance of the project will be comprised of in-kind services provided by the Town valued at \$22,493 and a cash contribution from Water Department Retained Earnings valued at \$27,491, or take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 7: To see if the Town will vote that the Town of Egremont authorize the Select Board to petition the General Court for a special act seeking an exception to chapter 415 of the Acts of 1987 and M.G.L. Chapter 32, Section 1, to allow individuals to continue to serve in the Egremont Fire Department past the age of 65, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 8: To see if the Town will vote to pay a bill from a previous fiscal year, as allowed by M.G.L, Chapter 44, Section 64, to HPC Service, Inc. (Hampshire Solar) the amount of \$2,288.48, or to take any other action relative thereto.
(4/5th vote required)

(Finance Committee unanimously recommends approval.)

ARTICLE 9: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of \$35,000.00, or any other amount, to the Retiree Liabilities Reserve Fund as per the provisions of Massachusetts General Laws Chapter 40, Section 13D, as it relates to Retiree Liabilities Reserve Fund, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 10: To see if the Town will vote to raise and appropriate and/or transfer from available funds, the sum of \$20,500.00, or any other amount, to repair the front walkway at the Mt. Everett Academy, commonly known as the Egremont Free Library and Archives, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 11: To see if the Town will vote to raise and appropriate and or transfer from available funds, the sum of \$10,000.00, or any other amount, for expansion and repairs at the Town's Cemeteries, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 12: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$5,500.00, or any other amount, to make repairs at French Park, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 13: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$7,000.00, or any other amount, for the costs of migrating the Assessor's tax assessment program to new software, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 14: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$25,000.00, or any other amount, for the costs of migrating the Town's Computer Network to cloud storage, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 15: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$20,000.00, or any other amount, for the costs to install, and monitor wells for PFAS testing at the closed Landfill, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 16: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$6,000.00, or any other amount, to pay for tree removal on town property (other than town roads), or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 17: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$35,800.00, or any other amount, to paint the exterior of the Town Hall, or to take any other action relative thereto.

(Finance Committee unanimously recommends disapproval.)

ARTICLE 18: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$17,500.00, or any other amount, to hire a gardening service to update and maintain the town's gardens, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 19: To see if the town will vote to accept grants that may benefit the town as they become available and to raise and appropriate and/or transfer from available funds the sum of

\$40,000.00, or any other amount, for funds to be used for required monetary grant matches, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 20: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$55,000.00, or any other amount, to hire a new employee titled Buildings & Grounds Laborer for the Buildings & Grounds Department, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 21: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$54,161.00, or any other amount, to purchase a pick-up truck for the Buildings & Grounds Department, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 22: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$4,500.00, or any other amount, to purchase a Mower Leaf Bagger for the Buildings & Grounds Department, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 23: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$4,000.00, or any other amount, for the Town's upcoming Birthday Celebration in September of 2025, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 24: To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$150,000.00, or any other amount, to make road repairs to Town roads, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 25: To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or to take any other action relative thereto.

(Current estimate \$269,363.58)

(Finance Committee unanimously recommends approval.)

ARTICLE 26: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$15,000.00, or any other amount, to the special GASB 45 stabilization fund (for future retiree benefits other than pension), or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 27: To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the exemption granted under MGL Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 28: To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the exemption granted under MGL Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by 100% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025, or to take any other action relative thereto.

(Finance Committee unanimously recommends approval.)

ARTICLE 29: To see if the Town will adopt the provisions of Massachusetts General Law Chapter 59, Section 5, Clause Forty-First D (41D), otherwise known as an Elderly Exemption, allowing the qualifying income, presently \$20,000 for single persons and \$30,000 for married couples, to be increased annually by the consumer price index (CPI). Similarly, the qualifying value of an applicant's whole estate (not including domicile), presently \$40,000 for single persons and \$55,000 for married couples, will be annually increased by the consumer price index (CPI) or take any other action relative thereto.

(Finance Committee will make a recommendation at the Town Meeting.)

ARTICLE 30: To see if the Town will adopt the provisions of Massachusetts General Law C59 S5 Clause Seventeen F (17F), otherwise known as an Elderly/Widow/Widower property tax exemption, allowing the Assessors to annual increase the exemption award (presently \$175) by the consumer price index (CPI), or take any other action relative thereto.

(Finance Committee will make a recommendation at the Town Meeting.)

ARTICLE 31: To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2026 beginning on July 1, 2025 for the revolving funds established in Egremont General Bylaw 24 for certain departments, boards, committees, agencies or other officers in accordance with Massachusetts General Laws Chapter 44, Section 53E ½, as follows:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fiscal Year 26 Spending Limit
French Park	Board of Selectmen and Buildings & Grounds	\$4,000.00
Home Compost Bins	Board of Selectmen and Board of Health	\$2,000.00
Zoning Board of Appeals	Zoning Board of Appeals	\$4,000.00
Dog License & donations fund	Town Clerk	\$5,000.00
Inspector Wages	Wiring, Plumbing & Gas Inspectors, Fire	\$60,000.00
Compostable Materials	Green Committee and Board of Health	\$500.00
Recycling Proceeds	Board of Selectmen and Board of Health	\$30,000.00
Planning Board	Planning Board	\$2,500.00

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fiscal Year 26 Spending Limit
French Park Dog Park	Board of Selectmen and Trustees of French Park	\$5,000.00
Wetlands	Conservation Commission	\$5,000.00
Police Road Details	Police road details	\$10,000.00
Transportation	Van service - transportation	\$20,000.00

(Finance Committee unanimously recommends approval.)

ARTICLE 32: To see if the Town will vote to accept a permanent easement from 50 Prospect Lake LLC for ten parking spaces at the Prospect Lake as per Exhibit A of the Agreement between the Town of Egremont and Lake Dam LLC signed on February 14, 2023 and amended on April 8, 2025, or to take any other action relative thereto.

(Finance Committee will make a recommendation at the Town Meeting.)

ARTICLE 33: To see if the Town will vote to amend the Egremont Zoning Bylaw by adding the following section 5.2.3.3:

5.2.3.3 If the owner of a property in Egremont intends to create an ADU on such property and filed with the town clerk a written statement that such owner will comply with the conditions that would qualify the property for a property tax exemption under the parameters established by the Selectboard pursuant to Egremont's adoption of GL Chapter 59 section 50 (whether or nor such owner applies for such exemption), such ADU shall be allowed by right and shall be exempt from all the other provisions and requirements of this section 5.2.3 and sections 4.1.3, 4.2.3 and 4.6.

(Citizens Petition) 2/3rd vote required

(Finance Committee makes no recommendation.)

ARTICLE 34: To see if the Town will vote to amend the Egremont Zoning Bylaw by deleting section 4.6.

(Citizens Petition) 2/3rd vote required

Finance Committee makes no recommendation.)

ARTICLE 35: To see if the Town will vote to amend the Egremont Zoning Bylaw by deleting Section 5.2.10.1.

(Citizens Petition) 2/3rd vote required

(Finance Committee makes no recommendation.)

ARTICLE 36: To see if the Town will vote to amend the Egremont Zoning Bylaw by deleting section 6.5.

(Citizens Petition) 2/3rd vote required

(Finance Committee makes no recommendation.)

ARTICLE 37: To see if the citizens of Egremont will vote to adopt a *Historic Preservation & Demolition Delay Bylaw* as a new general bylaw at Town Meeting, and to act on anything related thereto.

(Citizens Petition)

Section 1: Intent and Purpose

This bylaw is adopted for the purpose of protecting and preserving Significant Structures which constitute or reflect distinctive features of the history, architecture, and/or the character of the Town of Egremont. Through this bylaw the Town desires to work with and encourage owners, and others, to preserve, rehabilitate, or restore such Significant Structures rather than demolishing, removing or materially altering them.

Section 2: Definitions

1. **Structure:** any object or building of any kind that is constructed, erected or assembled to be maintained at a property either on or in the ground or attached to something on or in the ground. For the purposes of this bylaw, this includes but is not limited to structures intended for shelter, housing or enclosure of any person, process, equipment, animals or goods.
2. **Commission:** The Egremont Historical Commission.
3. **Demolition:** any act of pulling down, destroying, removing, dismantling or razing of a Structure in whole or in part that requires a building permit and includes the following: 50% of all exterior walls of a structure including framing, windows, doors, exterior finishes, and architectural features; or 50% of all roof assemblies of a structure; or enclosure or alteration of more than 50% of the exterior walls of a structure so that they no longer function as exterior walls. Interior demolition and renovation work is excluded.
4. **Building Permit:** written authorization from the Building Commissioner as required by the State Building Code that will authorize proposed work to a Structure for demolition, alteration, renovation or removal of a building from a property.
5. **Preferably Preserved:** any Significant Structure (as defined herein) which the Commission determines is in the public interest to preserve or rehabilitate in whole or in part rather than to demolish. A Preferably Preserved structure is subject to the (12) month demolition delay period of this ordinance. The delay period begins from the date of determination that the structure is Preferably Preserved.
6. **Significant Structure:** the Commission shall determine that a Structure or portion thereof which the Commission shall identify, may be designated as a Significant Structure if it meets one or more of the following:

a. Age: the Structure is known or estimated by the Commission to be at least (100) years old in whole or in part. If a Structure is of unknown age, it shall be presumed to be at least (100) years old.

b. National Register of Historic Places: the Structure is listed on, is a contributing Structure within an area listed on or is the subject of a pending application for listing on the National Register of Historic Places.

c. Historical Importance: the Structure meets the criteria of Historical Importance if it meets one or more of the following:

- i. Has character, interest or value as part of the development, heritage or cultural characteristics of the town of Egremont, the Commonwealth of Massachusetts or the nation;
- ii. Is identified with a person or group of persons who had influence on the cultural history of the region;
- iii. Exemplifies the cultural, political, economic, social or historic heritage of the community.

d. Architectural Importance: the Structure meets the criteria of Architectural Importance if it meets one or more of the following:

- i. Portrays an era of history characterized by a distinctive architectural style;
- ii. Itself or in the context of a group of buildings, embodies the distinguishing characteristics of an architectural type; is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town; contains elements of architectural design, detail materials or craftsmanship which represent a significant innovation or architectural movement.

e. Geographic Importance: the Structure or site meets the criteria of Geographic Importance if either:

- i. The site is part of or related to a historically distinctive area or,
- ii. The Structure, because of its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.

Section 3: Review Procedure

1. Any work to a Structure that requires a Building Permit as described by the Massachusetts State Building Code 780 CMR Section 105, is subject to the requirements of this bylaw. For the purposes of this bylaw, no building permit may be issued for Demolition (as defined herein) to a Structure that is in whole or in part (100) years old without following the provisions of this bylaw.

a. Applicants are encouraged to consult the Historical Commission on their proposed project prior to their submission for a Building Permit at a regularly posted monthly meeting. This

consultation is for information purposes only and does not constitute approval of final plans submitted to the Building Inspector for Permit or meet the requirements of this bylaw.

2. Within (7) business days from receipt of an application for building permit, which meets the requirements of this bylaw, the Building Commissioner shall forward a copy of each such application to the Commission and confirm with the Commission that it has been received.

3. Within (10) business days from the receipt of the application for a Building Permit, the Commission shall make a determination at a posted meeting as to whether the Structure Involved is a Significant Structure as defined herein. If quorum for a meeting cannot be met within this time period, the Commission Chair shall make the determination.

a. If the Commission determines that the Structure is *not* a Significant Structure, the Commission shall notify the Building Commissioner in writing within (10) business days and the Building Permit may be granted.

b. If the Commission determines the Structure *is* a Significant Structure the Commission shall notify the Building Commissioner in writing within (10) business days and the Building Permit will be held in abeyance until the Commission holds a public hearing.

4. Within (30) business days of the written notification to the Building Commissioner that a building is a Significant Structure, the Commission shall hold a public hearing to determine if the Structure is Preferably Preserved. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town once in each of (2) successive weeks, the first publication to be not less than (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than (14) days before the day of such hearing. The applicant/owner, the owners of all abutting property, the Building Commissioner and the Board of Selectmen shall be sent a copy of the notice.

a. Prior to the Public Hearing, the Commission may require and request additional information from the applicant including, but not limited to:

i. The reason for requesting a demolition / alteration permit.

ii. A description of the proposed work to be done as applicable.

iii. Any relevant floor plans, elevation or site plans of the proposed work.

b. If, after such hearing, the Commission determines that the demolition of the Structure *would not* be detrimental to the historical, geographical, or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner in writing within (10) business days of such determination that the Structure is *not* Preferably Preserved. Upon receipt of such notification, or after the expiration of (10) business days from the date of the conclusion of the hearing, if the Building Commissioner has not received written notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the Building Permit.

c. If, after such hearing, the Commission determines that the demolition of the Structure *would be* detrimental to the historical, geographical, or architectural heritage or resources of the Town, such Structure shall be deemed a Preferably Preserved Structure. Upon such determination by the Commission, unless otherwise agreed to by the Commission, the Commission shall notify the

Building Commissioner in writing and no Permit for demolition, alterations, or new construction to the subject Structure shall be issued for a period of (12) months from the date of the determination.

5. Building Commissioner may issue a Building Permit for a Preferably Preserved structure during the delay period if the Commission notifies the Building Commissioner in writing that the intent and purpose of the bylaw has been met. This may include the following:

- a. The applicant/owner has provided the Commission with alternative preservation, rehabilitation or restoration options that meet the Commission's approval.
- b. The applicant/owner has presented evidence to the Commission that they have made good faith efforts to find alternative preservation, rehabilitation, or restoration options for the structure and that such efforts have been unsuccessful.
- c. The applicant/owner has presented evidence to the Commission that bona fide and reasonable efforts to locate a purchaser ready, willing, and able to preserve, rehabilitate or restore the structure have been made and that such efforts have been unsuccessful.

6. The applicant/owner shall be responsible for properly securing and protecting the Structure, if vacant, to the satisfaction of the Building Commissioner during the delay period.

7. Following the (12) month delay period, the Building Commissioner may issue the Permit.

8. Demolition approval to the applicant by the Commission is valid for (2) years. If demolition does not occur within (2) years of the issuance of the Permit referred to herein, the Permit will expire.

Section 4: Transfer of Ownership

The limits set forth above apply only to the original applicant/owner requesting a Permit. Any subsequent owner of the property shall be required to re-apply to the Building Commissioner and Historical Commission pursuant to the procedures set forth above.

Section 5: Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of the bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

Section 6: Emergency Demolition

If after an inspection, the Building Commissioner finds a Structure subject to this bylaw to pose an immediate threat to public health or safety due to its deteriorated condition and there is no reasonable alternative to the immediate demolition of the Structure, the Building Commissioner shall so advise the Commission in writing or in person if time permits of the bases of their determination of immediate threat and shall, within (7) days of any Emergency Demolition forward to the Commission a report fully explaining the condition of the Structure which was the basis for the decision.

Section 7: Enforcement and Remedies

1. The Commission and/or the Building Commissioner are each specifically authorized to enforce the provisions of this bylaw and, in regard thereto, institute any and all actions and proceedings, in law or equity, as either or both of them may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof, including, but not limited to non-criminal disposition pursuant to MGL c40Sec21D and Articles of General Bylaw.
2. If a Structure subject to this bylaw is Demolished or Substantially Altered without first obtaining a Permit from the Building Inspector or without fulfilling the requirements of this by-law, no Building Permit or Certificate of Occupancy shall be issued for a period of (2) years from the date of the Demolition or Substantial Alteration on the subject parcel of land unless the Building Permit is for the faithful restoration of the Structure referred to above or unless otherwise agreed to by the Commission.

Section 8: Historic District Act

Following a determination that a Structure is a Significant Structure and Preferably Preserved, the Commission may recommend to Town Meeting that the Structure be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under MGL Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

Section 9: Appeal

Appeals from decisions or determinations of the Commission following a public hearing may be made by the applicants(s) or adjoining land owners to the courts under the certiorari statute, MGL Chapter 249, Section 4 or other relevant statute.

Section 10: Severability

In case any section, paragraph or part of this bylaw be, for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

(Finance Committee makes no recommendation.)

And you are requested to warn said meeting by posting copies of this Warrant in four or more public places in said Town, fourteen days at least, before the time of holding same.

Hereof, fail not, and make due return of this Warrant, with your doings thereon at or before the time of holding said meeting.

Given under our hands this 15th day of April, Two Thousand and Twenty-five.

Select Board:

Lucinda Fenn-Vermeulen,
Chair

Lucinda Fenn-Vermeulen

Laura Allen,
Vice-Chair

Laura Allen

Mary Brazie,
Member

Mary Brazie

A TRUE COPY ATTEST:

James M. Olmsted
James Olmsted,
Constable

Date: 4-16-25