TOWN OF CHESHIRE

80 CHURCH STREET | CHESHIRE, MASSACHUSETTS 01225
PHONE (413) 743-1690 | FAX (413) 743-0389

WWW.CHESHIRE-MA.GOV

OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen & Finance Committee Joint Meeting

Meeting Minutes – April 25, 2023

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church Street (Cheshire Elementary School) on Tuesday April 25 ,2023, at 6:30 PM

Board of Selectmen Members Present:	Michelle Francesconi, Chair Jason Levesque Ron DeAngelis Ray Killeen
Board of Selectmen Members Absent:	Shawn McGrath, Vice Chair
Finance Committee Members Present:	John Tremblay, Chair Jeff Chaput Denise Gregoire Patrick Pettit Kathy Levesque
Finance Committee Members Absent:	Lenwood "Woody" Vaspra Michael Biagini
Others Present:	Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager; Peter Traub.

M. Francesconi opened the meeting of the Board of Selectmen at 6:30 p.m.
J. Tremblay opened the meeting of the Finance Committee at 6:31 p.m.

General Budget Discussion
K. Levesque asked why Town Counsel if now Legal Services it was explained that there are times when specialized legal services may be necessary and this line would allow for expenditures of additional services.

School Resource Officer - M. Francesconi shared that she, the Town Administrator, and the Police Chief met with Superintendent Dean last Thursday regarding a School Resource Officer. This officer would work at the middle and high school and funded in the first year with ESSER grant funds through the district. There was discussion regarding the position and if Adams would be more suitable to take on the position. There was discussion regarding a memorandum of understanding between parties and an agreement for jurisdiction if Adams was to

be the lead town. After discussion it was decided to omit the position from the budget and M. Francesconi will reach out to all parties including the Town of Adams to have a discussion regarding the best path forward.

Excavator- J. Tremblay shared that he had contacted the Town of Adams to explain our situation and the sales dealer regarding the excavator and would like to see the highway department demo both a wheeled and rubber tracked excavator, he has obtained information from the sales dealer and it will be passed along to the highway department through the Town Administrator.

Free Cash - The goal is to retain 3% or approximately $230,000 in free cash leaving an excess of $50,000. The Town Administrator shared that there are a multitude of building projects and suggested the funds be put into the Town Building Repair account. Discussion on how a separate article versus the increase to the actual budget.

DRAFT Warrant Review

Tag Sale Bylaw - After reviewing the bylaw will be removed and a Tag Sale Regulation/Policy will be put into place.

Board of Assessors Exemptions – Information was provided by the Board of Assessors regarding adopting three real estate statutory exemption laws. The articles will allow the increase the cost-of-living adjustments for surviving spouse, minor and senior exemptions.

The next step in the budget process is for both groups to vote on the budget and warrant articles. The Town Administrator will work on the planned budget presentation.

Finance Committee Adjourn

A motion was made by D. Gregoire and seconded by K. Levesque to adjourn the Finance Committee meeting at 7:47 p.m.

Vote: Unanimous

Motion Carries: 5-0

Board of Selectmen Adjourn

A motion was made by M. Francesconi and seconded by J. Levesque to adjourn the Board of Selectmen meeting at 7:48 p.m.

Vote: Unanimous

Motion Carries: 4-0

Respectfully submitted,
Jennifer Morse
May 3, 2023

Document List

1. Agenda – April 25, 2023
2. DRAFT Special Town Meeting Warrant
3. DRAFT Annual Town Meeting Warrant
4. BOA – Exemption Information
5. Budget Workbook

Approved: Board of Selectmen 5/16/23

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen & Finance Committee Meeting

Meeting Agenda – April 25, 2023
6:30 PM

Cheshire Elementary School – Cafeteria

1. *Open Regular Meeting Introductions and Pledge of Allegiance*
2. *Joint Meeting with the Finance Committee General Budget Discussion – 7:00 p.m.*
3. *Public Comment*
4. *Any other business not reasonably anticipated 48 hours prior to the meeting.*

Submitted by: Jennifer Morse – Town Administrator Posted: April 20, 2023 @ 8:20 a.m.

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25.

Special Town Meeting Warrant

The Commonwealth of Massachusetts

BERKSHIRE, SS.

To either of the Constables of the Town of Cheshire in County of Berkshire, GREETING.
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 at said Cheshire.

Place: Former Cheshire Elementary School, Cafeteria
191 Church Street, Cheshire MA 01225
Date: Monday June 12, 2023
Time: 6:45 P.M.

Voter check-in to begin at 6:30 PM

CHESHIRE SPECIAL TOWN MEETING – FISCAL YEAR 2023

ARTICLE 1 : Transfer Funds to OPEB Trust Account

To see if the Town will vote to **TRANSFER** a sum of **$2,000** from the Fiscal Year 2023 **HEALTH INSURANCE ACTIVE EMPLOYEES ACCOUNT** (01-914-5710-000) to the **OPEB (Other Post Employment Benefits) TRUST ACCOUNT**, or take any action relative thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Majority Vote Required

ARTICLE 2: To do and transact any other business that may property come before this meeting, or take any other action in relation thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at the CHESHIRE TOWN HALL and the CHESHIRE POST OFFICE in said Town, ten (10) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this _____ day of _____ in the year **Two Thousand and Twenty-Three**.

_____
Chair

_____ Cheshire Board of Selectmen
Vice Chair

_____
Member

_____
Member

_____
Member

A true copy. Attest: _____ Constable

Berkshire, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Cheshire Town Hall and the Cheshire Post Office

____ days before the date of the meeting as within directed.

_____ _____

Constable of Cheshire Date

Annual Town Meeting Warrant

The Commonwealth of Massachusetts

BERKSHIRE, SS.

To either of the Constables of the Town of Cheshire in County of Berkshire, GREETING.
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 at said Cheshire.

Place: Former Cheshire Elementary School, Cafeteria
191 Church Street, Cheshire MA 01225
Date: Monday June 12, 2023
Time: 7:00 P.M.

Voter check-in to begin at 6:30 PM

CHESHIRE ANNUAL TOWN MEETING

ARTICLE 1: Reports of Officers

To act on the reports of the Town Officers.

Majority Vote Required

ARTICLE 2: Elected Officials Compensation

To see if the Town will vote to set the stipends and compensation for all elected officials of the Town as contained in the budget articles and provided by the M.G.L., c.41, §108, to be made effective as of July 1, 2023, as contained in the budget, or take any action in relation thereto.

Majority Vote Required

ARTICLE 3: Disposal of Surplus Property

To see if the town will vote to authorize the Board of Selectmen to dispose of any unused town-owned equipment and/or property or take any action in relation thereto.

Majority Vote Required

ARTICLE 4: Authorization for Compensating Balance Agreements

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements for the Fiscal Year beginning July 1, 2023, in accordance with M.G.L. c.44, §53F, or take any action in relation thereto.

Majority Vote Required

ARTICLE 5: State Aid Highway Programs

To see if the Town will vote to borrow and appropriate any additional sum or sums of money which will be reimbursed by the Commonwealth under any applicable State Aid Highway Programs for construction or improvements to Town roads and bridges as requested by the Board of Selectmen, or take any action in relation thereto.

Majority Vote Required

ARTICLE 6: Authorization to Accept/Expend Grants/Gifts to Town

To see if the Town will vote to authorize the Board of Selectmen to apply for, execute contracts and expend grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action in relation thereto.

Majority Vote Required

ARTICLE 7: RESERVE FUND

To see if the Town will vote to **RAISE AND APPROPRIATE** the sums of **$20,000** to be used as a **RESERVE FUND**, pursuant to M.G.L. c 40, section 6 for the extraordinary or unforeseen expenditures for Fiscal Year 2024, or take any action in relation thereto.

Majority Vote Required

ARTICLE 8: GENERAL GOVERNMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**$1,426,605)** for the conduct of **GENERAL GOVERNMENT**, including all charges and expenses of the various town offices, for Fiscal Year 2024, or take any action in relation thereto:

Legal Services	12,500.00
Moderator Salary	50.00
Moderator Expenses	25.00
Board of Selectmen Stipends (5@$3,787)	18,935.00
Board of Selectmen Expenses	10,400.00
Clean Lake Program	26,206.00
Group Purchasing (Procurement)	800.00
Town Audit	10,000.00
Municipal Clerk – Asst. Treasurer/Collector	45,936.00
Information Technology	45,000.00
Town Website	5,250.00
Town Administrator Salary	85,000.00
Town Administrator Expenses	3,000.00
Accounting Services	31,500.00
Accounting Software (VADAR)	4,348.00
Assessors Stipend (Chairperson)	3,883.00
Assessors Stipends (Members 2 @$3,328)	6,656.00
Assessors Administrator Salary	31,905.00
Assessors Expenses	3,910.00
Assessors Contracted Services	34,140.00
Treasurer Salary	33,408.00
Treasurer Expenses	4,800.00
Treasurer Payroll Processing	2,000.00
Treasurer Tax Title Expenses	2,000.00
Tax Collector Salary	30,080.00
Tax Collector Expenses	7,700.00
Tax Collector Contracted Services	1,000.00
Tax Collector Tax Title	2,000.00
Tax Collector Software	3,245.00
Finance Committee Expenses	1,500.00
Town Clerk Salary	27,722.00
Town Clerk Expenses	3,150.00
Town Clerk Dog License Expense	400.00
Town Clerk Book Repair	2,500.00
Town Clerk Copy Machine Contract	1,500.00
Town Clerk Census/Lists	3,200.00
Board of Registrars/Elections	10,000.00

Town Report Printing	2,700.00
Conservation Commission Stipends (3@$510)	1,530.00
Conservation Commission Consult	500.00
Conservation Commission Expenses	1,500.00
Planning Board Expenses	2,515.00
Planning Board BRPC Assessment	2,774.00
Planning Board Stipends (5@$320)	1,600.00
Planning Board Scribe	750.00
Agricultural Commission Expenses	500.00
Historical Commission Expenses	500.00
Zoning Board of Appeals Expenses	800.00
Berkshire County Retirement	152,452.00
OPEB Funding	20,000.00
OPEB Actual Services Study	2,200.00
Health Insurance – Active	252,563.00
Health Insurance – Retiree	42,295.00
Heath Insurance – Dental	8,500.00
Unemployment	10,000.00
MEDC Employer Share	16,000.00
Town Hall/Police Utilities	32,100.00
Fire Station Utilities	18,500.00
Town Garage Utilities	15,000.00
Community Center Utilities	7,000.00
Town Phone Systems	15,000.00
Custodian	19,648.00
Facilities Maintenance Manager	49,466.00
Cheshire Elementary School Utilities	60,000.00
Town Building Repairs	75,000.00
Town Insurance & Bonds	99,563.00
TOTAL GENERAL GOVERNMENT	**1,426,605.00**

Board of Selectmen Recommends
Finance Committee Recommends 5-0

Majority Vote Required

ARTICLE 9: PUBLIC SCHOOLS

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($3,512,908)** for **PUBLIC SCHOOLS** for Fiscal Year 2024,or take any action in relation thereto.

HVRSD Minimum Local Contribution	2,219,724.00
HVRSD Over Minimum Foundation	405,970.00
HVRSD Transportation	133,032.00
HVRSD Capital Expenditure	189,736.00
HVRSD SUBTOTAL	**2,948,462.00**
NBVRSD Budget	564,446.00
OTHER EDUCATION SUBTOTAL	**564,446.00**
TOTAL PUBLIC EDUCATION	**3,512,908.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 10: BUILDING DEPARTMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($39,760)** for the **BUILDING DEPARTMENT** for Fiscal Year 2024, or take any action in relation thereto:

Building Commissioner Salary	18,000.00
Alternate Building Commissioner Salary	500.00
Building Commissioner Expenses	1,100.00
Online Permitting System	5,075.00
Gas/Plumbing Inspector Salary	5,900.00
Gas/Plumbing Inspector Assistant Salary	549.00
Gas/Plumbing Expenses	500.00
Wiring Inspector Salary	6,857.00
Wiring Inspector Assistant Salary	579.00
Wiring Inspector Expenses	700.00
TOTAL BUILDING DEPARTMENT	**39,760.00**

Board of Selectmen Recommends
Finance Committee Recommends 5-0

Majority Vote Required

ARTICLE 11: PUBLIC SAFETY

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($471,457)** for **PUBLIC SAFETY** for Fiscal Year 2024, or take any action in relation thereto:

Police Chief Salary	82,392.00
Police Full Time Officer Salary – 1	53,551.00
Police Department Full Time Office Salary – 2	55,000.00
Police Department Part Time Officers	26,664.00
Police Department Student Resource Officer	58,000.00
Police Department SRO Expenses	4,500.00
Police Department Expenses	5,000.00
Police Department Equipment	10,500.00
Police Department Auto Expenses	15,000.00
Police Department Officer Over Time	5,000.00
Police Department Holiday Pay	3,000.00
Animal Control Contracted Services	3,000.00
Animal Control Expenses	1,000.00
Fire Chief Salary	12,000.00
Asst. Fire Chief Stipends (2@1,615)	3,230.00
Fire Department Expenses	62,000.00
Fire Department Volunteer Stipends (25)	25,000.00
Fire Department EMS Supplies	4,500.00
Police Fire Accident/Disability Insurance	15,620.00
Communications Center (Dispatch)	24,000.00
Emergency Management Stipend	1,500.00
Emergency Management Expenses	1,000.00
PUBLIC SAFETY TOTAL	**471,457.00**

Board of Selectmen Recommends
Finance Committee Recommends

Quantum Vote Required: Majority

ARTICLE 12: HIGHWAY OPERATIONS AND TREE WARDEN

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($924,411)** for **HIGHWAY OPERATIONS AND TREE WARDEN** for Fiscal Year 2024, or take any action in relation thereto:

Highway Workers Salary (3 Laborers, 1 Foreman)	209,911.00
Highway Department Longevity	1,500.00
Department of Public Works Director	90,000.00
Highway Department Non-Winter Overtime	5,000.00
Highway Department Expenses	339,000.00
Streetlights	53,000.00
Snow and Ice	170,000.00
Highway Department Engineering	35,000.00
Tree Warden Tree Removal	20,000.00
Tree Warden Tree Replacement	1,000.00
TOTAL HIGHWAY OPERATIONS AND TREE WARDEN	**924,411.00**

Board of Selectmen Recommends
Finance Committee Recommends 5-0

Majority Vote Required

ARTICLE 13: RECREATION AND CULTURE

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($132,839)** for **RECREATION AND CULTURE** for Fiscal Year 2024, or take any action in relation thereto.

Recreation General Expenses/Memorial Day	12,000.00
Library Assessment	39,442.00
Veteran Agent Services (Shared)	2,000.00
Veteran Benefits	30,000.00
Cemetery Flags	800.00
Cemetery Commissioners Stipends (3 @ $887)	2,661.00
Cemetery Department Wages	37,822.00
Cemetery Department Expenses	8,114.00
TOTAL RECREATION & CULTURE	**132,839.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 14: HEALTH AND HUMAN SERVICES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($264,028)** for **HEALTH AND HUMAN SERVICES** for Fiscal Year 2024, or take any action in relation thereto.

Board of Health Stipends (3 @ $3,883)	11,649.00
Board of Health Expenses	5,500.00
Board of Health MAVEN Reporting	4,525.00
Council on Aging Expenses	8,470.00
Council on Aging Van Operating Expenses	5,900.00
Council on Aging Van Operator Salary	19,138.00
Council on Aging Medical Car Ride Share	1,500.00
Council on Aging Director Salary	26,771.00
Council on Aging Meals Coordinator Salary	13,311.00
Animal Inspector Stipend	544.00
Animal Inspector Expenses	150.00
Town Compactor Operation Expenses	100,000.00
Town Compactor Site Maintenance	2,600.00
Transfer Station Permits/Stickers	4,500.00
Town Compactor Education/Training	500.00
Transfers Station Attendants Salaries	23,970.00
Recycling Account	35,000.00
TOTAL HEALTH AND HUMAN SERVICES	**264,028.00**

Board of Selectmen Recommends
Finance Committee Recommends 5-0

Majority Vote Required

ARTICLE 15: DEBT SERVICE EXPENSES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($277,948)** to fund **DEBT SERVICE EXPENSES** for the Fiscal Year 2024, or take any action in relation thereto.

Well Land Bond Payment (2024)	104,750.00
Fire Truck (2030)	45,463.00
Highway Grader (2026)	37,567.00
Highway Truck (Voted 2022)	54,708.00
Highway Truck (Voted 2021)	30,460.00
Short-term Debt Interest	5,000.00
Total	**277,948.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 16: Revolving Fund – Council on Aging

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½, to establish and use a **REVOLVING FUND** with a limit of **$10,000** for Fiscal Year 2024 to accept receipts related to the fees and programs for the Council on Aging, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 17: Revolving Fund - Recreation

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½, to establish and use a **REVOLVING FUND** with a limit of **$10,000** for Fiscal Year 2024 to accept receipts related to the fees and programs for the Recreation Committee, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 18: Revolving Fund – Police Department

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½ to establish and use a REVOLVING FUND with a limit of $10,000 for Fiscal Year 2024 to accept receipts related to the fees and programs (citation, detail and permitting administrative fees) for the Police Department, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 19: Free Cash

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **$20,000** to fund the following for Fiscal Year 2024, or take any action in relation thereto.

Capital Stabilization Account	10,000.00
Stabilization Account	10,000.00
MS4 Compliance	7,500.00
Total	**27,500.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 20: Capital Projects

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **$** fund the following **CAPITAL EXPENDITURES** for the Fiscal Year 2024, or take any action in relation thereto.

Highway Department Excavator	177,300.00
Total	**177,300.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 21: Water Enterprise Fund

To see if the Town will vote to appropriate, transfer from retained earnings, or otherwise provide the following sums of money $ to operate the **Water Enterprise Fund** for the Fiscal Year 2024, or take an action in relation thereto.

Revenues		
Department Receipts		332,964.00
Retained Earnings		0
	TOTAL	**332,964.00**
Expenses		
Salaries & Benefit Costs		93,555.00
Fixed Operating Costs		0
Volume Based Costs		0
Emergency Fund Costs		0
Capital Costs		0
TOTAL		**0**

Board of Selectmen Recommends
Finance Committee Recommends
Water Commission Recommends

Majority Vote Required

ARTICLE 22: Free Cash to reduce the tax rate

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of $ to reduce the FY24 Tax Rate, or take any action relative thereto.

*If federal or state programs, or other alternative funding sources are available to supplant Town funding for the same purpose, the Board of Selectmen may reduce the Town's portion of said funding in a manner commensurate with the additional federal or state revenue received for said purpose.

Note: The use of Free Cash to balance the operating budget to stay within the limits of Proposition 2 1/2, this is not a reduction to the tax rate.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 23 : Capital Equipment Stabilization Account to Capital Stabilization

To see if the Town will vote to terminate the Capital Equipment Stabilization Fund and dedicate a Capital Stabilization Fund under the provisions of MGL Chapter 40, Section 5B and to transfer any funds fin the Capital Equipment Stabilization Fun to the Capital Stabilization Fund, or take any other action relative thereto.

Board of Selectmen Recommends
Finance Committee Recommends

2/3 Vote Required

ARTICLE 24: Radio Communications Stabilization Account

To see if the Town will vote to establish under the provisions of MGL Chapter 40, Section 5B, a Radio Communications Stabilization Account, or take any other action relative thereto.

Board of Selectmen Recommends
Finance Committee Recommends

2/3 Vote Required

ARTICLE 25: Radio Communications

To see if the Town will vote to **TRANSFER** from **FREE CASH** to the **RADIO STABILIAZATION ACCOUNT t**he sum of $37,452.00, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 26: Adoption of Massachusetts General Law Chapter 90, Section 17C Town-Wide Speed Limits

To see if the Town will vote to adopt the provisions of Massachusetts General Law (MGL) Chapter 90, Section 17C to allow the Board of Selectmen to set speed limits of 25 miles per hour (mph) in all areas in Town defined by state law as "thickly settled or business districts" which are not on a state highway, or take any other action relative thereto.

Board of Selectmen Recommends

Majority Vote Required

ARTICLE 27 - Tag Sale Bylaw

To see if the Town will vote to adopt a Tag Sale bylaw, or take any other action relative thereto.

No person shall conduct a tag sale, attic sale, garage sale, lawn sale, rummage sale, yard sale, or their equivalent in the Town of Cheshire except in accordance with the following rules and regulations:

1. Permit applications must be filed with the office of the Town Administrator at least seven days prior to the sale.
2. The permit fee is $10.
3. Hours of Operation from 7:00 a.m. – 4:00 p.m.
4. No more than four consecutive days, four per address, per calendar year.
5. A fine in the amount of $50 per offense for tag sales without a permit and/or violation of rules and regulations.

Proposed by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 28 – Adoption of Renumbering and Revision to Various General Bylaws

To see if the Town shall accept the renumbering and revision of the various bylaws of the Town from their original numbering or their numbering in the General Bylaws to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Cheshire, dated March 23, 2022, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Twon. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the

provisions of any statute of the Commonwealth. These bylaws shall be referred to as the "Code of Bylaws and Regulations of the Town of Cheshire, Massachusetts"

Proposed by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 29 – Adoption of Renumbering and Revision to Zoning Bylaws

To see if the Town shall accept the renumbering and revision of the Zoning Bylaw of the Town from its original numbering to the numbering or codification, arrangement, sequence and captions and revisions to the text of the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Cheshire, dated March 22, 2022, said codification of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and revision of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force, shall be repealed, except that such repeal shall not affect any suit or proceeding pending as a result of the existing law. The Zoning Bylaw shall be codified as Chapter 225 of the Code of Bylaws and Regulations of the Town of Cheshire, Massachusetts.

Recommended by the Planning Board

2/3 Majority Vote Required

ARTICLE 30: Board of Assessors Elected to Appointed

To see if the Town will vote, as authorized under MGL Chapter 41, Section 1B, to change the position of Board of Assessors to appointed positions from elected positions, or take any other action relative thereto.

Note: Majority approval of a subsequent Annual Town Election ballot question is required to adopt the provisions of this warrant article. If approved, this action would take effect in May 2025, each elected member of the Board of Assessors would serve their full elected term.

Proposed by the Board of Selectmen

Recommended by the Board of Assessors

2/3 Majority Vote Required

ARTICLE 31: Personnel Bylaw

To see if the Town will vote to accept the Personnel Bylaw into the Town of Cheshire General Bylaws, or take any other action relative thereto.

Personnel Bylaw

Section 1. Purpose and Authorization

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to promote a system of personnel administration that ensures a uniform, fair and efficient application of personnel policies.

Section 2. Application

All Town departments, employees and positions shall be subject to the provision of this bylaw, except employees with personal contracts. To the extent that any Town employee is subject to a collective bargaining agreement or personal employment agreement in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall prevail.

Powers and Duties

The Board of Selectmen shall be responsible for formulating recommendations, reviewing plans, which shall be subject to such approval as required by this bylaw. The personnel policies shall be reviewed bi-yearly, but may be reviewed by the Board of Selectmen at any time the need arises.

Section 3. Personnel Policy and Procedure Manual

A personnel policy shall be established by promulgation of policies pursuant to section 4. The personnel policy shall make use of current concepts of personnel management and may include, but not limited to the following elements.

Method of Administration

A policy of administration which assigns specific responsibility for all elements of the personnel policy including; maintaining personnel records, implementing effective recruitment and selection processes, maintaining a classification and compensation plan, monitoring the application for personnel policies and periodic reviews, and evaluation of the personnel policy.

Personnel Policies

A series of Personnel Policies which establishes the rights, employment practices (including hiring and performance expectations) and benefits to which employees are entitled and the obligations of said employees to the Town.

Other Elements

Other elements of a personnel policy as deemed appropriate or required by law.

Section 4. Adoption and Amendment of Personnel Policies

The Board of Selectmen shall adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Policies shall be adopted or amended as follows.

Preparation of Policies

Any member of the Board of Selectmen, Town Administrator, or Elected Board may suggest policies for consideration. The Town Administrator shall refer such suggested policies to the

Board of Selectmen, which the board need not consider any proposal already considered in the preceding twelve months. Any member of the Board of Selectmen, Town Administrator or Elected Board proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Board of Selectmen shall hold a public meeting on any proposed policies or amendments. Policies shall become effective upon the approval of the Board of Selectmen, unless some other date is specified.

Section 5. Severability
The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or regulation shall not be affected thereby.

Proposed by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 32: Adoption of MGL Chapter 59, Section 5, Clause 17F – Senior Citizen, Surviving Spouse, Surviving Minor Statutory Exemption
To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses, and surviving minors under MGL Chapter 59, Section 5, Clause 17D, by up to 100% of 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, and to fix that annual increase at 100% of CPI to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

ARTICLE 33: Adoption of MGL Chapter 59, Section 5, Clause 17E- Senior Citizen, Surviving Spouse, Surviving Minor Statutory Exemption

To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses, and surviving minors under MGL Chapter 59, Section 5, Clause 17D, by the percentage increase in the US 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 exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

ARTICLE 34: Adoption of MGL Chapter 59, Section 5, Clause 41D – Senior Statutory Exemption

To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 41D, which authorizes and annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under MGL Chapter 59, Section 5, Clause 41C, 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 exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

ARTICLE 35: Stormwater Management Bylaw

To amend the Town of Cheshire By-laws to include the following "STORMWATER MANAGEMENT" Section as follows:

Town of Cheshire

Stormwater Management Bylaw

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SECTION 1 – GENERAL PROVISIONS

A. Purpose and Objective

The purpose of this bylaw is to protect public health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:

(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies.

(2) Contamination of drinking water supplies.

(3) Contamination of downstream coastal areas.

(4) Alteration or destruction of aquatic and wildlife habitat.

(5) Overloading or clogging of municipal stormwater management systems.

(6) Flooding.

The objectives of this bylaw are to:

(1) Protect water resources.

(2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection ("MS4 Permit").

(3) Prevent and reduce pollutants from entering the Town of Cheshire's municipal storm drain system.

(4) Prohibit illicit connections and unauthorized discharges to the Cheshire municipal storm drain system and require their removal.

(5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality with the Town of Cheshire MS4 area.

(6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are maintained, and pose no threat to public safety; and

(7) Recognize the Town of Cheshire's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

B. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Land Disturbance Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Land Disturbance Permit.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT: - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §2. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II, §2D (1) of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of Land Disturbing Activity or Redevelopment.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material*;* results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor’s Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor’s Map.

MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or

altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Cheshire.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA: The geographic area covered by the EPA NPDES Phase II MS4 General Permit including all municipally owned storm drain system infrastructure within that geographic area.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

(1) Soaps, detergents and other surfactants
(2) Paints, varnishes, and solvents
(3) Oil and other automotive fluids
(4) Nonhazardous liquid and solid wastes and yard wastes
(5) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables
(6) Pesticides, herbicides, and fertilizers
(7) Hazardous materials and wastes
(8) Sewage, fecal coliform and pathogens
(9) Dissolved and particulate metals
(10) Animal wastes
(11) Rock, sand, salt, soils

(12) Construction wastes and residues

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: The Town of Cheshire Conservation Commission or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Land Disturbance Permit containing narrative, drawings, details and reporting requirements developed by a qualified professional engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

TOTAL MAXIMIM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS OR TSS: Undissolved organic or inorganic particles in water**.**

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

C. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, the regulations of the Federal Clean Water Act, 40 CFR 122.34.

D. Responsibility for administration

The Stormwater Authority shall administer, implement, and enforce this bylaw. Any powers granted to, or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority members or agents.

E. Waivers

The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:

(1) allowed by federal, state and local statutes and/or regulations; and

(2) in the public interest; and

(3) not inconsistent with the purpose and intent of this bylaw.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.

In the event the applicant fails to provide requested information, the waiver request shall be denied.

F. Regulations

The Stormwater Authority shall adopt and may periodically amend, regulations, rules, and/or written guidance that outline the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw. Adoption and amendments will be made by majority vote during an open meeting of the Stormwater Authority. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

Stormwater Management regulations or guidance shall identify thresholds and requirements for Land Disturbance Permits required by this bylaw and consistent with or more stringent than the most recent MS4 General Permit.

G. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

Criminal and Civil relief.

(1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders.

(1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:

(a) Elimination of illicit connections or discharges to the Municipal Storm Drain System

(b) Elimination of discharges to the Municipal Storm Drain System or, directly or indirectly, into a watercourse or into the Waters of the Commonwealth

(c) Performance of monitoring, analyses, and reporting

(d) Cessation of unlawful discharges, practices, or operations

(e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated

(f) Remediation of contamination in connection therewith.

(2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:

(a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit or other authorization.

(b) Maintenance, installation or performance of additional erosion and sediment control measures.

(c) Monitoring, analyses, and reporting.

(d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or

(e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

(3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Cheshire may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

(4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Cheshire, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs, pursuant to M.G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.

Noncriminal disposition: As an alternative to criminal prosecution or civil action, the Town of Cheshire may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be $100. The penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to perform duties under this bylaw: To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority and/or its agents may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.

Remedies not exclusive: The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

H. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

SECTION 2 – DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM IN THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

A. Applicability

Article II of this bylaw shall apply to all direct or indirect discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Section 1 § E.

B. Prohibited activities and exemptions.

Illicit discharges: No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system or onto an impervious surface directly connected to the municipal storm drain system, or, directly or indirectly, into a watercourse or waters of the Commonwealth.

Illicit connections: No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of municipal storm drain system: No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority.

Exemptions: The following non-stormwater discharges or flows are allowed unless the Stormwater Authority, EPA, or MassDEP identifies them as a significant contributor of a pollutant to the MS4 Area or to waters of the Commonwealth:

(1) Discharge from fire-fighting activities

(2) Water line flushing

(3) Landscape irrigation

(4) Diverted stream flows

(5) Rising groundwater

(6) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)).

(7) Uncontaminated pumped groundwater

(8) Discharge from potable water sources

(9) Foundation drains

(10) Air conditioning condensation

(11) Irrigation water, springs

(12) Water from crawl space pumps

(13) Footing drains

(14) Lawn watering

(15) Individual resident car washing

(16) Flows from riparian habitats and wetlands

(17) De-chlorinated swimming pool discharges (less than one ppm chlorine) provided the pool is drained in such a way as not to cause a nuisance

(18) Street wash waters

(19) Residential building wash waters without detergents

(20) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test

(21) Non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations

(22) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

D. Emergency suspension of storm drainage system access

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

E. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, watercourse, or Waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous

materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

SECTION 3 – STORMWATER MANAGEMENT AND LAND DISTURBANCE

A. Applicability

(1) These regulations shall apply to all construction activity or land disturbance within the MS4 Area that individually or as part of a Common Plan of Development result in land disturbance in excess of the thresholds below.

A Land Disturbance Permit is required for disturbance of one (1) acre (43,560 square feet) or more of land if located within the MS4 Area. Stormwater Authority may review any projects over one half (1/2) acre (21,780 square feet) within the MS4 Area and require a Land Disturbance Permit if the proposed land use has higher potential pollutant loads in accordance with the Massachusetts Stormwater Management Standards.

(2) The following activities are exempt from the provisions of Section 3 § A:

a) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance
b) Construction of fencing that will not substantially alter existing terrain or drainage patterns
c) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 area.
d) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act regulation 310 CMR 10.04

B. Review of Permit

A Land Disturbance Permit must be obtained prior to the commencement of any construction activity or land disturbance for which such a review or permit is required. An applicant seeking approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and the Stormwater Regulations adopted by the Stormwater Authority.

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall pay the application fee before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer (PE) or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be

incurred by the Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by G.L. c. 44, § 53G.

Required submittals to obtain a Land Disturbance Permit shall include (without limitation) an Erosion and Sedimentation Control Plan, a Stormwater Management Plan, and an Operation and Maintenance Plan. To obtain a Land Disturbance Permit, the applicant must show that site design, construction site stormwater runoff control and post-construction stormwater management will meet the standards set by the Stormwater Authority in its regulations, rules and/or guidance, which shall be at least as stringent as the relevant requirements of the MS4 Permit and may also address relevant environmental considerations including (without limitation) protection of aquifers and sensitive water bodies and prevention of flooding.

The Land Disturbance Permit shall include measures to ensure adequate long-term operation and maintenance of stormwater management design features and BMPs. The Stormwater Authority may impose requirements including (without limitation) the following:

(1) A requirement that funds for future operation and maintenance be set aside in a dedicated fund or escrow account.
(2) A permanent permit condition requiring compliance with an Operation and Maintenance Plan.
(3) A permanent permit condition requiring that the property owner submit an annual report or certification regarding operation and maintenance.
(4) A requirement to record the Operation and Maintenance Plan (or notice thereof).
(5) A requirement that a legal instrument be put in place establishing responsibility for operation and maintenance of a stormwater BMP serving more than one lot: and
(6) A requirement that an easement be recorded allowing the Town to access a stormwater BMP to remedy any operational failure or maintenance problem.

C. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

D. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections to verify and document compliance with Land Disturbance Permit.

E. Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

F. Surety

The Stormwater Authority may require the applicant to post before the start of construction or land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit. If the permittee defaults on any obligations imposed by the Land Disturbance Permit, the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

G. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that the project has been completed in accordance with the conditions of the Land Disturbance Permit. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Proposed by the Board of Selectmen & Conservation Commission

2/3 Majority Vote Required

And you are directed to serve this Warrant, by posting up attested copies thereof at the CHESHIRE TOWN HALL and the CHESHIRE POST OFFICE in said Town, seven (7) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this _____ day of _____ in the year **Two Thousand and Twenty-Three**.

_____
Chair

_____ Cheshire Board of Selectmen
Vice Chair

_____
Member

_____
Member

_____
Member

A true copy. Attest: _____ Constable

Berkshire, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Cheshire Town Hall and the Cheshire Post Office

____ days before the date of the meeting as within directed.

_____ _____

Constable of Cheshire Date

Assessors Exemption Articles Information

ADJUSTED EXEMPTION AMOUNT FOR CLAUSE 17s

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by up to 100% of 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, and to fix that annual increase at
100% of CPI *(ie: FY 2023 COLA was 7% so, the current $175.00 would have increased to $177 for FY 23023)*
(OR)
2.5% or 100% of the CPI, whichever is less *(moot from flat COLA, since "whichever is less" is 100% of CPI, which is the basis of factoring the COLA)*
to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

*The current exemption amount is $175. We granted eight 17D exemptions for FY 2023. Taking the average tax amount billed of those 8 ($2,642.23), the current exemption amount is 7% of the avg tax bill (granted) Comparing that to 41C: we granted eleven, the average tax bill of those 11 is $1,798.55 with the exemption amount of $500 being 28% of the avg tax bill (granted).

ADJUSTED ASSET LIMIT FOR CLAUSE 17s

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

*The current Asset limit is $40,000 *(using FY 2023 COLA, it would have increased to $40,428)*

ADJUSTED INCOME AND ASSET LIMITS FOR CLAUSE 41C

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

*The current income limits are: Single - $21,701 or Married - $30,302
Using our updated base and the 7% COLA for FY 2023, those numbers would have been:
Single: $22,856
Married: $31,877
*The current asset limits are: Single $28,000 or Married - $30,000
Using the FY 2023 7% COLA, those numbers would have been:
Single: $29,960
Married: $32,100

SAMPLE ACCEPTANCE VOTES

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by up to 100% of 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, and to fix that annual increase at 100% of CPI to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

VOTED: That the TOWN OF CHESHIRE accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023.

DLS
DIVISION OF LOCAL SERVICES
MA DEPARTMENT OF REVENUE

Geoffrey E. Snyder
Commissioner of Revenue

Sean R. Cronin
Senior Deputy Commissioner

Informational Guideline Release

Bureau of Municipal Finance Law
Informational Guideline Release (IGR) No. 22-4
March 2022

OPTIONAL COST OF LIVING ADJUSTMENT FOR FISCAL YEAR 2023 EXEMPTIONS

(G.L. c. 59, § 5, Clauses 17, 17C, 17C½, 17D, 17E, 17F, 41, 41B, 41C and 41D)

This Informational Guideline Release (IGR) informs assessors of the cost of living adjustment (COLA) to be used in Fiscal Year 2023 by communities that have adopted certain local options for annually increasing the:

- Exemption amount granted to senior citizens and surviving spouses and minors under Clauses 17, 17C, 17C½ or 17D. (Local option clause 17F, G.L. c. 59, § 5.)
- Asset limits for determining if senior citizens and surviving spouses and minors qualify for exemption under Clauses 17, 17C, 17C½ or 17D. (Local option clause 17E, G.L. c. 59, § 5.)
- Income and asset limits for determining if senior citizens qualify for exemption under Clauses 41, 41B or 41C. (Local option clause 41D, G.L. c. 59, § 5.)

Topical Index Key:

Exemptions

Distribution:

Assessors

Informational Guideline Release (IGR) No. 22-4
March 2022

OPTIONAL COST OF LIVING ADJUSTMENT FOR FISCAL YEAR 2023 EXEMPTIONS

(G.L. c. 59, § 5, Clauses 17, 17C, 17C½, 17D, 17E, 17F, 41, 41B, 41C and 41D)

SUMMARY:

The Commissioner of Revenue has determined the cost of living adjustment to be used in Fiscal Year 2023 by communities that have adopted certain local options. Those options allow communities to increase annually the:

- Exemption amount granted to senior citizens and surviving spouses and minors under Clauses 17, 17C, 17C½ or 17D.
- Asset limits for determining if senior citizens and surviving spouses and minors qualify for exemption under Clauses 17, 17C, 17C½ or 17D.
- Income and asset limits for determining if senior citizens qualify for exemption under Clauses 41, 41B or 41C.

The cost of living adjustment (COLA) is measured by the increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index ("annual inflation rate") for the previous calendar year.

The COLA for FY23 exemption purposes is **7.0%.**

GUIDELINES:

I. ADJUSTED EXEMPTION AMOUNT FOR CLAUSE 17s

Communities have the option of increasing each year the amount of the exemption granted to certain senior citizens and surviving spouses and minors under G.L. c. 59, § 5, Clauses 17, 17C, 17C½ or 17D by any percentage up to the COLA determined by the Commissioner of Revenue. G.L. c. 59, § 5, Clause 17F.

A. Local Adoption

1. Acceptance

The COLA increases the exemption amount only in those communities that accept G.L. c. 59, § 5, Clause 17F. (Formerly this option was included in a paragraph added to G.L. c. 59, § 5 by St. 1995, c. 181.) Acceptance is by vote of the community's legislative body, subject to charter. G.L. c. 4, § 4. The attached or similar language may be used for the vote.

2. Annual Percentage Increase

The percentage by which the exemption amount is increased each year must also be established by vote of the community's legislative body, subject to charter. The annual increase cannot exceed the actual COLA for any year. There are several ways in which a community may establish the annual increase including, for example, the use of:

- A percentage of the prior year's COLA (*e.g.*, The annual increase will be 100% (or 75%, 50%, etc.) of the COLA.)
- A capped increase (*e.g.,* The annual increase will be 2.5%, or the COLA, whichever is less.)

Annual increases established in this manner apply automatically each year until a new vote is taken establishing a different increase.

Alternatively, an annual vote may be taken to establish the specific percentage increase for that particular year once the Commissioner of Revenue has determined the actual COLA for the preceding year.

B. Annual Exemption Amount

The increases resulting from acceptance of this provision operate cumulatively. Each year's exemption amount, after application of the voted percentage increase, becomes the base to which the next year's increase applies.

Example

A community votes to accept the Clause 17F local option and that it will take effect in FY22 to increase the exemption annually by 100% of the COLA. In FY22, the base $175 exemption is increased by 1.4% and eligible taxpayers receive an exemption of $177 ($175 x 1.014). The FY23 exemption amount is calculated by applying the FY23 COLA to $177. That results in a FY23 exemption amount of $189 ($177 x 1.07).

If an optional additional exemption is granted under G.L. c. 59, § 5C½, the additional amount is based on the adjusted exemption amount. See Informational Guideline Release (IGR) 15-210, *Optional Additional Real Estate Exemption*. In the example above, any optional additional exemption granted for FY23 is based on $189, rather than $177.

C. State Reimbursements

Cities and towns will not receive additional state reimbursement for any increase in the exemption amount granted under this provision.

II. ADJUSTED ASSET LIMIT FOR CLAUSE 17s

Communities have the option of automatically increasing each year the amount of assets (whole estate) certain senior citizens and surviving spouses and minors may have and qualify for an exemption under G.L. c. 59, § 5, Clause 17, 17C, 17C½ or 17D by the COLA determined by the Commissioner of Revenue. G.L. c. 59, § 5, Clause 17E.

A. Local Adoption

The COLA increases the asset limit only in those communities that have accepted G.L. c. 59, § 5, Clause 17E. Acceptance is by vote of the community's legislative body, subject to charter. G.L. c. 4, § 4. The attached or similar language may be used for the vote.

B. Annual Asset Limit

The asset limit increases resulting from adoption of this provision operate cumulatively. Each year's new limit, as increased by the COLA, becomes the base to which the next year's COLA is applied.

Example

A community votes to accept the Clause 17E local option and that it will take effect in FY22. In FY22, the base asset limit of $40,000 was increased by 1.4% and taxpayers qualified for the exemption with assets up to $40,560 ($40,000 x 1.014). The FY23 asset limit is calculated by applying the FY23 COLA to $40,560. That results in a FY23 asset limit of $43,399 ($40,560 x 1.07).

C. State Reimbursements

Subject to appropriation, cities and towns operating under Clause 17 will be reimbursed at the rate of $175 for each exemption granted. Reimbursements for cities and towns operating under Clauses 17C, 17C½ and 17D, however, are fixed at the dollar amount received in the last year Clause 17 was used and no adjustment will be made if additional exemptions are granted as a result of accepting this provision. (Click here to view a DLS report on the capped amounts.)

III. ADJUSTED INCOME AND ASSET LIMITS FOR CLAUSE 41s

Communities have the option of automatically increasing each year the amount of the income (gross receipts) and assets (whole estate) certain senior citizens may have to qualify for an exemption under G.L. c. 59, § 5, Clause 41, 41B and 41C by the COLA determined by the Commissioner of Revenue. G.L. c. 59, § 5, Clause 41D.

This option does not adjust the income (gross receipts) seniors may have to qualify for an exemption under G.L. c. 59, § 5, Clause 41C½. That income limit is tied to the income limits under the state "circuit breaker" income tax credit, which are automatically adjusted each year under another law. See IGR 17-12, *Clause 41C½ Property Tax Exemptions for Seniors.*

A. Local Adoption

The COLA increases the income and asset limits only in those communities that have accepted G.L. c. 59, § 5, Clause 41D. Acceptance is by vote of the community's legislative body, subject to charter. G.L. c. 4, § 4. The attached or similar language may be used for the vote.

B. Annual Income and Asset Limits

The income and asset limit increases resulting from adoption of this provision operate cumulatively. Each year's new limit, as increased by the COLA, becomes the base to which the next year's COLA is applied.

Example

A community that has adopted the Clause 41C exemption votes to accept the Clause 41D local option and that it will take effect in FY22. In FY22, the base gross receipts or income limits of $13,000 for single taxpayers and $15,000 for married taxpayers were increased by 1.4% and taxpayers qualified for the exemption with income of up to $13,182 ($13,000 x 1.014) if single and $15,210 ($15,000 x 1.014) if married. The FY23 income limits are calculated by applying the FY23 COLA to $13,182 and $15,210. That results in FY23 income limits of $14,104 ($13,182 x 1.07) and $16,274 ($15,210 x 1.07).

In FY22, the local option whole estate or asset limits of $28,000 for single taxpayers and $30,000 for married taxpayers were increased by 1.4% and taxpayers qualified for the exemption with assets of up to $28,392 ($28,000 x 1.014) if single and $30,420 ($30,000 x 1.014) if married. The FY23 asset limits are calculated by applying the FY23 COLA to $28,392 and $30,420. That results in FY23 asset limits of $30,379 ($28,392 x 1.07) and $32,549 ($30,420 x 1.07).

If a community that has adopted the Clause 41C exemption votes to increase its income or asset limits under that clause, the local option COLA will apply to the new higher limits. See IGR No. 02-209, *Clause 41C Exemption Options*.

C. State Reimbursements

Subject to appropriation, cities and towns operating under Clause 41 will be reimbursed at the rate of $500 for each exemption granted. Reimbursements for cities and towns operating under Clauses 41B and 41C, however, are capped at the number of exemptions granted the last year Clause 41 was used. (Click here to view a DLS report on the capped amounts.)

Example

For FY19, a community operates under Clause 41 and grants 100 exemptions. It is reimbursed for 100 exemptions.

For FY20, the community adopts Clause 41C and grants 75 exemptions. It is reimbursed for 75 exemptions.

For FY21, the community adjusts its income and asset limits to the maximums permitted by Clause 41C and grants 125 exemptions. It is reimbursed for 100 exemptions, the number granted in the last year it operated under Clause 41.

IV. NOTIFICATION OF ACCEPTANCE

The city or town clerk must notify the Municipal Databank if any of these local options is accepted or revoked. (See "Notification of Acceptance or Revocation/Exemption Amount" for Clause 17F, "Notification of Acceptance or Revocation" for Clause 17E and "Notification of Acceptance or Revocation" for Clause 41D.) The notification should be made **as soon as possible** after the vote.

SAMPLE ACCEPTANCE VOTES

(Consult with municipal counsel)

ADJUSTED EXEMPTION AMOUNT FOR CLAUSE 17s

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause **[insert clause used in community, e.g., Clause 17D]**, by up to 100% of 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, and to fix that annual increase at **[insert method of fixing increase *e.g.*, 100% of CPI; 2.5% or 100% of the CPI, whichever is less]** to be effective for exemptions granted for any fiscal year beginning on or after July 1, _____.

ADJUSTED ASSET LIMIT FOR CLAUSE 17s

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause **[insert clause used in community, *e.g.*, Clause 17D]**, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, _____.

ADJUSTED INCOME AND ASSET LIMITS FOR CLAUSE 41s

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause **[insert clause used in community, *e.g.*, Clause 41C],** by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, _____.