

Town of Sheffield

Commonwealth of Massachusetts

Results of Annual Town Meeting

Held Monday, May 5, 2008

The Annual Town Meeting was called to order at 7:00 p.m. in the Southern Berkshire Regional School District Auditorium by Town Moderator Bruce H. Person.

ARTICLE 1: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to raise and appropriate the following sums necessary to defray the expenses for the Town for Fiscal Year 2009.

Moderator.....	\$200	Streetlights.....	\$10,500
Selectmen's Office.....	\$156,754	Board of Health.....	\$14,334
Board of Assessors.....	\$91,007	Visiting Nurse Association.....	\$3,096
Treasurer/Collector.....	\$145,124	Council on Aging.....	\$48,810
Town Clerk.....	\$54,046	Veterans Benefits.....	\$1,000
Elections & Registration.....	\$20,570	Library.....	\$152,664
Conservation Commission.....	\$9,430	Historical Commission.....	\$100
Planning Board.....	\$11,000	Memorial Day.....	\$750
Industrial Development Comm.....	\$100	American Legion.....	\$1,200
Zoning Board of Appeals.....	\$2,000	Care of Soldiers' Graves.....	\$1,400
Town Buildings and Properties..	\$92,510	Ashley Falls Historic Dist.Comm...	\$100
Town Report & Communications....	\$5,500	Agricultural Commission.....	\$500
Legal Services.....	\$15,000	Interest on Loans.....	\$1
Dispatch Services.....	\$7,380	Berkshire County Retirement...	\$159,931
Police Department.....	\$416,669	Worker's Compensation.....	\$18,500
Fire Department.....	\$39,955	Unemployment Compensation Fund.....	\$1
Inspectional Services.....	\$75,000	Group Health (32B) Insurance..	\$265,000
Fire Hydrants.....	\$7,942	Employer Medicare.....	\$16,000
Dog Officer.....	\$8,500	Financial Audit.....	\$12,000
Highway Department.....	\$544,400	Insurance & Bonding.....	\$67,000

ARTICLE 2: On a motion made by David Steindler, seconded by David Smith Jr., voted unanimously to fix the compensation of the following elected officers of the Town for Fiscal Year 2009, as required by Chapter 41, Section 108 of the General Laws: Moderator \$200; Selectman, Chairman \$2,200; Selectmen, two members at \$1,900 each.

ARTICLE 3: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously to raise \$139,100 from Solid Waste Disposal Enterprise Fund Revenues for the disposal and management of solid waste.

ARTICLE 4: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted by a show of hands, 145 yes; 72, no to approve the Southern Berkshire Regional School District Operating Budget for Fiscal Year 2009 and to raise and appropriate \$5,083,088 to pay the Town's assessed share of that budget under the statutory formula enumerated in Chapter 71, Section 16B of the General Laws, said appropriation to be contingent on passage of a Proposition 2 ½ override in the amount of \$100,000.

ARTICLE 5: On a motion made by David D. Macy, seconded by James T. Collingwood Sr., voted unanimously to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2009 and to raise and appropriate \$202,731 to pay the Town's assessed share of that budget.

ARTICLE 6: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously to raise and appropriate \$800 to pay the stipend for Sheffield's committee members of the Southern Berkshire Regional School District for Fiscal Year 2009.

ARTICLE 7: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to raise and appropriate \$51,000 to pay for vocational education tuition in Fiscal Year 2009.

ARTICLE 8: (*Submitted by Petition*) On a motion made by Dennis H. Sears, seconded by Vito Valentini, voted by ballot: 140 yes; 78 no, to elect Southern Berkshire Regional School District School Committee members with residency requirements in district-wide elections to be held at the biennial state elections beginning at the earliest possible date by amending the SBRSD Regional Agreement by striking the entire section under, '2. THE COMMITTEE.' and inserting in lieu thereof the following:

''The powers and duties of the District shall be exercised by and vested in a Regional District School Committee, (hereinafter referred to as the Committee). The Committee shall consist of 10 members with residency requirements as follows: one from Alford, two from Egremont, one from Monterey, two from New Marlborough and four from Sheffield.

a) Pursuant to MGL c 71 § 14E, members shall be elected in biennial state elections in 2008 or no later than 2010 by way of district-wide elections with residency requirements, which will result in the required number of members who are residents of the appropriate town, to serve for a term of four years and thereafter until their respective successors have been duly elected and qualified. For the purposes of arrangement on the ballot, offices having the same residency requirement shall appear on the ballot distinct from offices having different residency requirements, provided always that there shall appear on the ballot appropriate instruction to the effect, 'you may vote for every position on the Southern Berkshire Regional School District Committee, regardless of where you live in the District.'

b) Transition from current appointive members to elective members shall be reached by continuing each Town's appointive process until elected member successors have been duly elected and qualified. In order to manage this transition, all current and any future appointive members of the school committee will have terms that cannot extend beyond the time elective successors would be duly elected and qualified.

c) To fill member's positions vacated prior to the end of members elected terms, each town shall establish locally elected officials to act as appointive authority pursuant to MGL c 71 § 14E (5).

d) If any vacancy occurs among appointed or elected members after acceptance of this amendment, the appointive authority for school committee members in the town so affected and the remaining Committee member(s) of the town affected, acting jointly, shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. If any vacancy occurs in a town with only one member, the appointive authority from the town involved shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. ``

ARTICLE 9: (*Submitted by Petition*) On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to pass over Article 9.

ARTICLE 10: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to authorize the Board of Health to employ any of its members, including members who also serve on the Board of Selectmen, as Title 5 Witnesses for Septic Systems Evaluation Tests and Inspections at a rate of \$35.00 per inspection, and/or Sanitation (Title 5) Inspector at an annual salary of \$500 for Fiscal Year 2009.

ARTICLE 11: On a motion made by James T. Collingwood Sr., seconded by David D. Macy, voted unanimously to authorize the appointment of members of the Board of Selectmen to the Board of Health or the Zoning Board of Appeals at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws.

ARTICLE 12: On a motion made by David Steindler, seconded by David Smith Jr., voted unanimously to transfer \$25,000 from Overlay Surplus and \$30,000 from Free Cash to provide for extraordinary or unforeseen expenditures under the provisions of Chapter 40, Section 6 of the General Laws, known as the Reserve Fund.

ARTICLE 13: On a motion made by Julie M. Hannum, seconded by James T. Collingwood Sr., voted unanimously to authorize the Treasurer/Collector to sell, with the approval of the Board of Selectmen, any parcel or parcels of real estate which have been or may be acquired through the foreclosure of tax title.

ARTICLE 14: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to transfer \$30,053 from Free Cash to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995.

ARTICLE 15: On a motion made by James T. Collingwood Sr., seconded by David D. Macy, voted unanimously to transfer \$18,000 from Free Cash to purchase new turnout gear for the Fire Department.

ARTICLE 16: On a motion made by Julie M. Hannum, seconded by James T. Collingwood Sr., voted unanimously to transfer \$325,000 from the Fire Truck Stabilization Fund and \$25,000 from Free Cash to purchase a new fire truck.

ARTICLE 17: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to transfer \$750 from Free Cash to the Emergency Response Fund.

ARTICLE 18: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously to transfer \$7,500 from Free Cash to purchase up to date information technology hardware, software, and services.

ARTICLE 19: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to transfer \$11,500 from Free Cash to purchase a new commercial grade mower and trailer for the Highway Department.

ARTICLE 20: On a motion made by David D. Macy, seconded by James T. Collingwood Sr., voted unanimously to transfer \$145,000 from Free Cash to purchase and equip a new plow truck for the Highway Department.

ARTICLE 21: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously 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.

ARTICLE 22: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to transfer \$9,500 from Free Cash for improvements to the Town Hall Parking Lot.

ARTICLE 23: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to transfer \$8,500 from Free Cash for legal, advertising, and related costs to process tax delinquent accounts.

ARTICLE 24: On a motion made by James T. Collingwood Sr., seconded by David D. Macy, voted unanimously to transfer \$5,000 from the Solid Waste Enterprise Fund Retained Earnings Account for FY2008 for a new trash compactor receiver box.

ARTICLE 25: On a motion made by Julie M. Hannum, seconded by James T. Collingwood Sr., voted unanimously to transfer \$5,000 from Free Cash for commercial personal property tax appraisal consultant services for the Board of Assessors.

ARTICLE 26: On a motion made by David D. Macy, seconded by James T. Collingwood Sr., voted unanimously to accept Chapter 59, Section 5, Clause 54 of the General Laws and establish the minimum value of personal property subject to taxation at \$1,000.

ARTICLE 27: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously to accept Chapter 32B, Section 18 of the General Laws which will require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the Town, except that any retiree who has formally retired prior to July 1, 2008 shall not be bound by this article.

ARTICLE 28: On a motion made by Julie M. Hannum, seconded by James T. Collingwood Sr., voted unanimously to pay the following prior year bills from the FY2008 Buildings and Grounds Account: A-1 Security - \$881.00; Master Garbologist - \$130.00

ARTICLE 29: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to petition the legislature, under the provisions of Section 8, Article 89 of the Amendments to the Constitution (Home Rule), to enact the following:

Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen of the Town of Sheffield may appoint two associate members of the Conservation Commission for terms not to exceed one year. The Chairman of the Conservation Commission may designate any such associate member to sit on the Commission in the absence of a quorum for any reason, including a conflict of interest, or in the event of a vacancy on the Commission until said vacancy is filled in accordance with the provisions of Chapter 40, Section 8C of the General Laws.

ARTICLE 30: On a motion made by James T. Collingwood Sr., seconded by Julie M. Hannum, voted unanimously to establish a permanent Housing Commission to support and encourage the creation of sufficient workforce housing in Sheffield as provided in the following:

Said Commission, once appointed, shall develop a work plan to carry out the following primary tasks:

Review existing bylaws and provide recommendations that promote workforce housing in Sheffield;

Identify and prioritize appropriate areas for new housing to complement the recommendations of the Open Space Five Year Action Plan;

Utilize a regional approach to meeting housing needs in Sheffield in order to access resources and funding not readily available to small towns.

The Commission shall consist of five (5) members and two (2) alternates appointed by the Board of Selectmen. Members should represent a variety of different interests including beneficiaries of the Commission's efforts, community members with relevant expertise, civil engineer, landscape designer, land use planner, Board of Selectmen, Planning Board, Conservation Commission, or real estate agent. Members shall be residents.

Members will serve a staggered three-year term. Two (2) members shall be appointed for a term of three years; Two (2) members shall be appointed for a term of two years and three thereafter; and one (1) member for a term of one year and three thereafter. Alternates shall serve for a term of one (1) year.

The Board of Selectmen shall fill any vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendation of the Commission.

ARTICLE 31: On a motion made by Christopher Tomich, seconded by Julie M. Hannum, voted by a 2/3 majority, as declared by the Moderator, to amend the Zoning By-Laws as follows: Delete Section 9.2.1 Establishment in its entirety and replace therewith the following language: "9.2.1 Establishment. The Zoning Board of Appeals shall consist of five members and one associate member. All members shall be appointed and removed by the Board of Selectmen pursuant to MGL c.40A, s.12. The Board shall elect a chairman and clerk. The chairman may designate any associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy until said vacancy is filled in the manner provided in MGL Chapter 40A, Section 12.

ARTICLE 32: On a motion made by Christopher Tomich, seconded by James T. Collingwood Sr., voted unanimously to amend the Zoning By-Laws as follows:

1. Add the following terms to Section 10, Definitions:

Business or professional office, individual: A single business establishment (profit or non-profit) engaged in providing professional or business services including legal, insurance, engineering, surveying, accounting, architectural, management, consulting, counseling, secretarial, appraisal, research, marketing, sales, advertising, design, financial advisory, tax advisory, personnel hiring and management, computer and real estate brokerage and similar services and/or the office of a member of a recognized profession maintained for the conduct of that profession. Business or professional office, individual shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, which are physically located on the premises, or any service provided to animals, such as a veterinary hospital, or any medical and dental offices and clinics, other than psychiatric or mental health services. (Refer to Health Care Facility Section 3.1.3.C.3)

Health care facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. Health care facilities include but are not limited to general or special hospitals, public health centers, diagnostic centers, medical offices, dental offices, treatment centers, rehabilitation centers, extended care facilities, long term care facilities, residential health care facilities, home health agencies, clinics and dispensaries. They may include laundries, cafeterias, gift shops, and laboratories as accessory uses.

Certificate of occupancy: A certificate signed by the Building Inspector in accordance with the State Building Code 780-CMR setting forth either that a building or structure complies with the Zoning By-Laws or that a building, structure or lot may lawfully be employed for a specified use or uses, or both.

2. Add the following definition to Section 10, Definitions, and Section 3.2.8:

Accessory single-family dwelling unit / General Business District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the General Business District, per Section 3.1.3 Table of Use Regulations.

3. Change the definition of "Accessory Single-Family Dwelling Unit / Commercial District", Section 10, Definition, and Section 3.2.7 to read:

Accessory Single-Family Dwelling Unit / Commercial District: A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the Commercial District, per Section 3.1.3 Table of Use Regulations.

ARTICLE 33: On a motion made by Christopher Tomich, seconded by David D. Macy, voted unanimously to amend the Zoning By-Laws as follows:

1. Change Section 3.1.3.C.3 to read:

Principal Use	District				Notes
	R	VC	C	GB	
C. Institutional Uses					
3. Health care facility	PB	PB	PB	PB	Refer to Section 9.4 for Special Permit requirements.

2. Change Section 3.1.3.D.3 to read:

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
3. Bed and breakfast establishment; guest house; inn	Y	Y	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

3. Delete Section 3.1.3.D.13, Hotel, inn; Renumber as needed; and Change Section 3.1.3.D.17 to read:

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
17. Hotel, motel	N	N	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

4. Change Section 3.1.3.D.11 to read

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
11. Funeral home	N	PB	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

5. Add the following as Section 3.1.3.G.5 and Renumber as needed:

Principal Use	District				Notes
	R	VC	C	GB	
G. Accessory Uses					
5. Accessory single-family dwelling unit/General Business District	N	N	N	PB	Refer to Section 3.2.8. Refer to Section 9.4 for Special Permit requirements.

ARTICLE 34: On a motion made by Christopher Tomich, seconded by Julie M. Hannum, voted unanimously to amend the Zoning By-Laws as follows:

1. Add the following terms to Section 9.3.7 Lapse:
 2. Special Permits: According to the provisions of MGL c 40A § 9, any special permit granted by the Planning Board shall lapse within 2 years, which shall not include such time required to pursue or await the determination of an appeal, as per MGL c 40A §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
2. Change the last paragraph of Section 6.2.5 to read:

The Board may not grant a Special Permit for any sign of a size more than 50% larger than that permitted under Section 6.2.5.1 above or for more than four signs to be placed upon any lot. Further, the Board may not grant a Special Permit for a combined square footage of all signs exceeding 50 square feet.

ARTICLE 35: On a motion made by Christopher Tomich, seconded by David D. Macy, voted unanimously to amend the Zoning By-Laws as follows:

1. Add the following to Section 3.1.3.A.5, Boarding house, Notes:

Refer to Sections 3.2.6.2, 4.2.2.3, 4.3.2.5 and 7.3.
2. Add to Section 4.3.3:
 6. Applicants for a Special Permit under this Section shall first file for the Special Permit. If granted, applicant shall promptly record the Special Permit as specified in the Planning Board Rules and Regulations.
 7. The Planning Board shall have the right to waive Approval Not Required Plan (Form A) fees for applicants under this Section in accordance with the Planning Board Rules and Regulations.
3. Add the following as the fourth sentence in Section 9.1.1, Permits:

A building or structure shall not be occupied until the Building Inspector has issued a Certificate of Occupancy, which certifies compliance with all applicable by-laws and laws.
4. Delete the phrase "Section 6.1. Signs" from Section 9.5.1.1.2; so that it now reads:

For other information regarding Special Permits, refer to Section 9.4 Special Permits, and as appropriate, Section 4.3.3, Alternative Lot Dimensions; Section 5.2, Nonconforming Uses and Structures; Section 7.1, Personal Wireless Service Facilities, Repeaters and Towers; Section 8.1 Adult Entertainment Overlay District; and Section 8.3, Water Supply Protection District.
5. Add the following sentence to Section 9.5.3, Contents of Site Plan:

To insure that the information presented in an applicant's site plan is consistent with the use being applied for, the SPGA shall have the right to waive or modify any component listed under Site Plan Content, at the written request of the applicant, where it is clear such modification or waiver will not materially impact the information presented or required by the SPGA to conduct its business. Any such approval given by the SPGA to a modification or waiver request shall be by the same number of votes as required to approve a Special Permit.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Felecie O. Joyce
Town Clerk