

Town of Sheffield
Commonwealth of Massachusetts
Results of Annual Town Meeting
Held Monday May 3, 2010

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 Julie M. Hannum, seconded by Rene C. Wood, voted unanimously to raise and appropriate the following sums of money necessary to defray the expenses of the Town for Fiscal Year 2011.

Moderator.....	\$ 204	Streetlights.....	\$ 11,750
Selectmen’s Office.....	\$159,539	Board of Health.....	\$ 14,570
Board of Assessors.....	\$ 92,280	Visiting Nurse Association.....	\$ 3,096
Treasurer/Collector.....	\$147,572	Council on Aging.....	\$ 48,894
Town Clerk.....	\$ 55,192	Veterans Benefits.....	\$ 17,000
Elections & Registration.....	\$ 20,550	Library.....	\$154,937
Conservation Commission.....	\$ 7,020	Historical Commission.....	\$ 100
Planning Board.....	\$ 11,140	Memorial Day.....	\$ 750
Economic Development Comm...	\$ 100	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 2,014	Care of Soldier’s Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$108,400	Ashley Falls Historic Dist. Comm.	\$ 100
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 250
Legal Services.....	\$ 11,500	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 7,830	Berkshire County Retirement.....	\$174,534
Police Department.....	\$429,605	Worker’s Compensation.....	\$ 18,500
Fire Department.....	\$ 42,325	Unemployment Comp. Fund.....	\$ 1
Inspectional Services.....	\$ 76,800	Group Health (32B) Insurance....	\$320,000
Fire Hydrants.....	\$ 13,000	Employer Medicare.....	\$ 19,500
Animal Control.....	\$ 8,600	Financial Audit.....	\$ 12,000
Highway Department.....	\$557,896	Insurance & Bonding.....	\$ 69,000

ARTICLE 2: On a motion made by David J. Steindler, seconded by John James, voted unanimously to fix the compensation of the following elected officers of the Town for Fiscal Year 2011, as required by Chapter 41, Section 108 of the General Laws: Moderator - \$204; Selectmen, Chairman - \$2,245; Selectmen, two members at \$1,940 each.

ARTICLE 3: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted by paper ballot: 139-yes; 11-no to amend the existing Regional Agreement Establishing the Southern Berkshire Regional School District to read in its entirety as set forth in the document titled “Restatement of Regional Agreement Establishing the Southern Berkshire Regional School District” and submitted by the School Committee for the Southern Berkshire Regional School District, which document is posted in the Town Clerk’s office and is available for review in the Town Clerk’s and Selectmen’s offices.

ARTICLE 4: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2011 and to raise and appropriate \$5,578,783 to pay the Town’s assessed share of that budget under the compromise alternate apportionment formula.

ARTICLE 5: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2011 and to raise and appropriate \$100,080 to pay the Town’s assessed share of that budget.

ARTICLE 6: On a motion made by Rene C. Wood, seconded by Julie M. Hannum, voted unanimously to raise and appropriate \$55,000 to pay for vocational education tuition in Fiscal Year 2011.

ARTICLE 7: On a motion made by Rene C. Wood, seconded by David D. Macy, voted unanimously to expend \$150,000 under the direction of the Board of Selectmen, for the disposal and management of solid waste and to raise \$150,000 from Solid Waste Enterprise Fund Revenues.

ARTICLE 8: On a motion made by Julie M. Hannum, seconded by David D. Macy, 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 9: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to authorize the appointment of members of the Board of Selectmen to the Board of Health or Highway Garage Design Study Committee at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws.

ARTICLE 10: On a motion made by Rene C. Wood, 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 \$40.00 per inspection, and/or Sanitation (Title 5) Inspector at an annual salary of \$510 for Fiscal Year 2011.

ARTICLE 11: On a motion made by David A. Smith Jr., seconded by David J. Steindler, voted unanimously to transfer \$16,500 from Overlay Surplus and \$54,500 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 12: On a motion made by Julie M. Hannum, seconded by David D. Macy, 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 13: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to transfer \$28,053 from Free Cash to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995.

ARTICLE 14: On a motion made by Rene C. Wood, seconded by Julie M. Hannum, voted unanimously to transfer \$750 from Free Cash to the Emergency Response Fund.

ARTICLE 15: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to transfer \$12,000 from Free Cash to purchase new turnout gear and boots for the Fire Department.

ARTICLE 16: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted unanimously to transfer \$5,500 from Free Cash to purchase new hose, fittings, and nozzles for the Fire Department.

ARTICLE 17: On a motion made by Rene C. Wood, seconded by Julie M. Hannum, voted unanimously to transfer \$19,600 from Free Cash to compensate firefighters for training.

ARTICLE 18: On a motion made by Julie M. Hannum, seconded by Rene C. Wood, voted by a substantial majority to transfer \$95,000 from Free Cash to purchase and equip a new backhoe for the Highway Department.

ARTICLE 19: On a motion made by David D. Macy, seconded by Julie M. Hannum, voted by a substantial majority to transfer \$150,000 from Proceeds From Sale of Land to pay for bid documents for a new highway garage.

ARTICLE 20: On a motion made by Rene C. Wood, seconded by Julie M. Hannum, voted unanimously to transfer \$15,000 from Proceeds From Sale of Land to pay for Town building repairs and improvements to include the Town Hall, Library, and Police Station .

ARTICLE 21: On a motion made by Julie M. Hannum, seconded by David D. Macy, voted unanimously to transfer \$7,500 from Free Cash to purchase up to date information technology hardware, software, and services.

ARTICLE 22: On a motion made by David D. Macy, seconded by Rene C. Wood, voted unanimously to transfer \$4,500 from Free Cash to pay for the preservation of Town historical documents in the Town Clerk's office.

ARTICLE 23: On a motion made by Julie M. Hannum, seconded by Rene C. Wood, voted unanimously to (a) approve the Tax Increment Financing (TIF) Agreement between Bayer Material Science, LLC and the Town of Sheffield, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to Chapter 40, Section 59 of the General Laws, and to confirm the Board of Selectmen's designation of the property at 113 Silver Street and 119 Salisbury Road (Assessors Map 20, Block 2, Lot 22 and 23.6 and Assessors Map 19, Block 2, Lots 20, 21, 26-K, and 27) as an Economic Opportunity Area ("Silver/Salisbury EOA"), and TIF Plan, including designation of a TIF Zone as described in the TIF Plan; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and (c) to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Silver/Salisbury EOA, TIF Zone, TIF Plan and Certified Project.

ARTICLE 24: A motion was made by Rene C. Wood, seconded by Julie M. Hannum, to accept Chapter 64G, Section 3A of the General Laws which will authorize the collection of a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel by any operator at a rate of four per cent (4%) of the total amount of rent for each such occupancy. Discussion ensued. On a motion by Dennis Sears, seconded by Rene C. Wood, voted by a show of hands, 91-yes; 68-no, to table the Article.

ARTICLE 25: On a motion made by David A. Smith Sr., seconded by Rene C. Wood, voted unanimously to amend the Zoning By-laws by deleting the following language from Section 5.5 Abandonment or Non-Use after the words...Section 5: "provided that, if the owner of the property on which such nonconforming uses is located files with the Town Clerk, annually, a notice of intent to re-establish such nonconforming uses, such protected status may continue for up to five years after such abandonment or the discontinuance of the nonconforming use".

ARTICLE 26: On a motion made by David A. Smith Sr., seconded by Julie M. Hannum, voted unanimously to amend the Zoning By-laws by deleting Section 8.2 Flood Hazard Zone in its entirety and replacing therewith the following new Section 8.2 Flood Plain Overlay District :

8.2 Flood Plain Overlay District

8.2.1 Purpose. The Flood Plain Overlay District (FPOD) has been established to provide that lands in the town subject to seasonal or periodic flooding shall not be used for residential or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or of the public, and to assure the continuation of the natural flow pattern of the watercourses within the town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation. It is further intended to protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the residents of the town.

8.2.2 Location. The general boundaries of the FPOD are shown on the Sheffield Flood Insurance Rate Map (FIRM), dated September 16, 1981, as Zones A and A-1-30 to indicate the one hundred-year floodplain. The exact boundaries of the district are defined by the flood profiles contained in the Flood Insurance Study, dated September 16, 1981. The floodway boundaries are delineated on the Sheffield Flood Boundary and Floodway Maps (FBFM), dated September 16, 1981, and further defined by the floodway data tables contained in the Flood Insurance Study. These two maps, as well as the accompanying study, are incorporated in this Bylaw by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Board of Health.

8.2.3 Special Permit. Any person desiring to establish any permitted use in a FPOD involving or requiring the erection of new structures and/or alteration or moving of existing structures or dumping, filling, transfer, relocation or excavation of earth materials or storage of materials or equipment shall submit an application for a special permit to the Planning Board, who shall serve as the SPGA for this section, in accordance with the provisions of Section 9.4. Such application shall describe in detail the proposed use of the property and the work to be performed and shall be accompanied by plans as specified therein. In addition to the information required thereby, such plans shall also include boundaries and dimensions of the lot, existing and proposed drainage easements, all existing and proposed fill, existing and proposed sewage disposal facilities, means of access and mean sea level elevation, with contour separation of two feet or less, of the existing and proposed land surface, cellar floor and first floor.

8.2.4 Submittals. The SPGA shall ensure that the applicant provides sufficient information to determine:

1. That the floor level of areas to be occupied by human beings as living or working space shall be at a safe elevation;
2. That furnaces and utilities are protected from the effects of flooding and that the structure will withstand the effects of flooding in accordance with the State Building Code;
3. That the proposed construction, use or change of grade will not obstruct or divert the flood flow, reduce natural water storage or increase stormwater runoff so that water levels on other land are substantially raised or danger from flooding increased;
4. That safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding; and
5. That the proposed methods of drainage and sewage disposal are approved by the Board of Health and will not cause pollution or otherwise endanger health in the event of flooding.

8.2.5 Decision. The SPGA may issue a special permit in compliance with all applicable provisions of this Bylaw, for establishment or alteration of a permitted use in a FPOD, provided that the SPGA determines the following. Such findings shall be in addition to the findings required by Section 9.4.

1. The use would otherwise be permitted if such land were not, by operation of this section, in the FPOD; and
2. The use of such land for the proposed purpose will not interfere with the general purpose for which such FPODs have been established.

8.2.6 Conditions. Special permits issued under this section may be subject to such conditions as the SPGA deems necessary in the interests of the public health, safety and welfare. The burden of proving that the proposed use will not endanger the health and safety of the occupants or the public shall rest upon the applicant, who shall provide such engineering, ecological and hydrological data as may be required by the SPGA or any state or federal agency.

8.2.7 Requirements to be Additional to Those in Effect. It shall be understood that all provisions of existing regulations shall remain in force in the FPOD and that the requirements of this section are in addition to those now in force.

8.2.8 Effect. Granting of a special permit under this section by the SPGA does not in any way indicate compliance with the provisions of the Wetlands Protection Act, G.L. c. 131, s. 40, which provides, among other things, that no person shall remove, fill, dredge or alter any swamp, creek, river, stream, pond or lake or any land subject to flooding, except with a written permit from the Conservation Commission.

ARTICLE 27: A motion was made by David D. Macy, seconded by Rene C. Wood to amend Chapter 63 of the Compilation of By-Laws and Legislation as printed in the Warrant. Discussion ensued. On a motion by Barbara Demolino, seconded by David D. Macy, voted by a substantial majority to amend the main motion by adding the following language to Section

63-1: “ E. The owner or keeper of a dog shall be responsible for cleaning up the dog’s feces in any place other than their own property.” On the main motion, as amended, voted by a substantial majority to delete Section 63-1. Restraint Authorized. and Section 63-2. Enforcement; violations and penalties. in their entirety and to replace therewith the following new Section 63-1. Dogs Required to be Leashed. and Section 63-2 . Enforcement; violations and penalties:

Section 63-1. Dogs Required to be Leashed.

- A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run-at-large within the town. No person shall permit such dog beyond the confines of the property of the owner or keeper unless such dog is on a leash and under physical control of said owner or keeper. .
- B. This bylaw shall not apply to private property for which the owner or keeper of a dog has permission to have such dog off-leash, provided the dog is under the direct supervision of a person who has the ability to properly control the dog’s actions.
- C. A dog that is working, hunting or at such events as field trials or training is exempt from this bylaw for the period of time the dog is engaged in the work, hunting or event, provided the dog is under the direct supervision of a person who has the ability to properly control the dog’s actions.
- D. This bylaw shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules and regulations apply.
- E. The owner or keeper of a dog shall be responsible for cleaning up the dog’s feces in any place other than their own property.

Section 63-2. Enforcement; violations and penalties.

The Animal Control Officer shall enforce the provisions of this bylaw. Violators of the bylaw shall be fined Fifteen Dollars (\$15) for the first offense and Twenty-Five dollars (\$25) for the second and each subsequent offense.

ARTICLE 28: On a motion made by Rene C. Wood, seconded by David D. Macy, voted by a substantial majority to enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering an inter-municipal agreement, by and through the Board of Selectmen, pursuant to Chapter 40, Section 4A of the General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed internet access, telephone and cable television to the residents, businesses and institutions of these municipalities.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Felecie O. Joyce
Town Clerk