

# ANNUAL TOWN MEETING RESULTS

## Town of Sheffield Commonwealth of Massachusetts

The Annual Town Meeting of May 5, 2014 was called to order at 7:05 PM. Moderator Bruce Person led the 243, of the Town's 2,312, registered voters in the Pledge of Allegiance followed by introductions of Town officers. In addition Mr. Person recognized and thanked those employees and volunteers who have retired from their positions. In addition, he acknowledged those who served the Town that have passed away.

Moderator Person motioned to dispense with the Town Clerk's reading of the Warrant. It was seconded and passed unanimously.

**ARTICLE 1:** On a motion by Julie Hannum, seconded by Rene Wood, to see if the Town will vote to raise and appropriate such sums of money as listed below, necessary to defray the expenses of the Town for Fiscal Year 2015.

Moderator.....	\$ 223	Energy.....	\$142,700
Selectmen's Office.....	\$195,828	Board of Health.....	\$ 7,069
Board of Assessors.....	\$ 92,928	Visiting Nurse Association.....	\$ 4,122
Treasurer/Collector.....	\$154,415	Council on Aging.....	\$ 70,429
Town Clerk.....	\$ 46,649	Veterans Benefits.....	\$ 30,000
Elections & Registration.....	\$ 22,950	Library.....	\$179,082
Conservation Commission.....	\$ 4,680	Historical Commission.....	\$ 1,000
Planning Board.....	\$ 5,400	Memorial Day.....	\$ 750
Commission on Disabilities.....	\$ 200	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 2,035	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$ 78,050	Ashley Falls Historic Dist. Comm.	\$ 50
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 30,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 9,137	Berkshire County Retirement.....	\$194,360
Police Department.....	\$443,318	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 40,375	Unemployment Comp. Fund.....	\$ 1
Inspectional Services.....	\$ 63,776	Group Health (32B) Insurance.....	\$348,109
Fire Hydrants.....	\$ 18,091	Employer Medicare.....	\$ 22,000
Animal Control.....	\$ 9,000	Financial Audit.....	\$ 14,000
Highway Department.....	\$549,212	Insurance & Bonding.....	\$ 69,000

*The motion passed unanimously.*

**ARTICLE 2:** On a motion made by David Steindler, seconded by John James, to see if the Town will vote to fix the compensation of the following elected officers of the Town for Fiscal Year 2015, as required by Chapter 41, Section 108 of the General Laws; Moderator \$223, Selectmen, Chairman \$2,416; Selectmen, two members at \$2,090 each, Southern Berkshire Regional School District School Committee, 4 members at \$500 each. *Motion passed unanimously.*

**ARTICLE 3:** On a motion made by Julie Hannum, seconded by Rene Wood, to see if the Town will vote to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2015 and vote to raise and appropriate \$6,265,065 to pay the Town's assessed share of that budget. *The motion passed by substantial majority.*

**ARTICLE 4:** On a motion made by David Smith, Jr., seconded by Julie Hannum to see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2015 and vote to raise and appropriate \$216,492 to pay the Town's assessed share of that budget. *The motion passed by substantial majority.*

**ARTICLE 5:** On a motion made by Julie Hannum, seconded by Rene Wood, to see if the

**ARTICLE 5:** On a motion made by Julie Hannum, seconded by Rene Wood, to see if the Town will vote to raise and appropriate \$95,918 to pay for vocational education tuition in Fiscal Year 2015. *The motion passed by substantial majority.*

**ARTICLE 6:** On a motion made by Rene Wood, seconded by Julie Hannum, to move that \$127,440 be expended under the direction of the Board of Selectmen for the disposal and management of solid waste and that \$127,440 be raised from Solid Waste Disposal Enterprise Fund. *The motion passed unanimously.*

**ARTICLE 7:** On a motion made by David Smith, Jr., seconded by Julie Hannum, to see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation, in connection with the maintenance, repair, and construction of Town ways and bridges. *The motion passed unanimously.*

**ARTICLE 8:** On a motion made by Julie Hannum, seconded by Rene Wood, to see if the Town will vote to authorize the appointment of members of the Board of Selectmen to any office or position under its supervision at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws. *The motion passed by substantial majority.*

**ARTICLE 9:** On a motion made by Rene Wood, seconded by Julie Hannum, to authorize the Board of Health to employ any of its members as Title 5 and Perc Test Witnesses for Septic System Inspections, and Sanitation Inspections under its supervision in accordance with G.L. c. 268A, Section 21A for Fiscal Year 2015 and to set the following salaries for those positions: Perc Test Witness Fee \$30.00 per hour; Title V Fee \$40.00 per test. *The motion passed unanimously.*

**ARTICLE 10:** On a motion made by David Smith, Jr., seconded by Rene Wood, 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. *The motion passed by substantially majority.*

**ARTICLE 11:** On a motion made by Julie Hannum, seconded by Rene Wood, to see if the Town will vote to transfer \$24,053 from Free Cash to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995. *The motion passed unanimously.*

**ARTICLE 12:** On a motion made by David Steindler, seconded by Collin Smith, to see if the Town will vote to transfer \$75,000 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. *The motion passed unanimously.*

**ARTICLE 13:** On a motion made by Rene Wood, seconded by Julie Hannum, to transfer \$750 from Free Cash to the Emergency Response Fund. *The motion passed unanimously.*

**ARTICLE 14:** On a motion made by David Smith, Jr., seconded by Julie Hannum, to raise and appropriate \$20,000 to compensate firefighters for training. *The motion passed unanimously.*

**ARTICLE 15:** On a motion made by Julie Hannum, seconded by David Smith, Jr. to transfer \$10,000 from Free Cash for Tax Recertification. *The motion passed unanimously.*

**ARTICLE 16:** On a motion made by Rene Wood, seconded by Julie Hannum, to vote to transfer \$10,000 from Free Cash for processing Tax Takings and costs associated with Tax Title accounts. *The motion passed unanimously.*

**ARTICLE 17:** On a motion made by David Smith, Jr., seconded by Julie Hannum, to transfer \$43,000 from Free Cash to purchase a cruiser and laptop for the Police Department. *The motion passed by substantial majority.*

**ARTICLE 18:** On a motion made by Julie Hannum, seconded by Rene Wood, to transfer \$12,000 from Free Cash to purchase information technology hardware, software, and services. *The motion passed unanimously.*

**ARTICLE 19:** On a motion made by Rene Wood, seconded by Julie Hannum, to transfer \$25,000 from Free Cash for guardrail replacements. *The motion passed unanimously.*

**ARTICLE 20:** On a motion made by David Smith, Jr., seconded by Rene Wood, to transfer from Free Cash \$25,000 for Town building repairs, improvements, and furnishings to include but not be limited to the Town Hall, Library, and Police Station. *The motion passed by substantial majority.*

**ARTICLE 21:** On a motion made by Julie Hannum, seconded by David Smith, Jr., to transfer \$70,000 from Free Cash to purchase and equip a F550, or equivalent, truck for the Highway Department. *The motion passed by substantial majority.*

**ARTICLE 22:** On a motion made by Rene Wood, seconded by Julie Hannum, to transfer \$75,000 from Free Cash into the Fire Truck Stabilization Fund. This required a 2/3 vote. *The motion passed in excess of 2/3 as declared by the moderator.*

**ARTICLE 23:** On a motion made by Julie Hannum, seconded by David Smith, Jr., to authorize the use of the following revolving funds for departmental operations which shall not exceed the noted sums for each fund, which shall be under the control of the Town Treasurer, which shall be accounted for separately, and to which shall be credited only the receipts received in connection with the departmental operations supported by the revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, Section 53 E ½ of the General Laws, provided however that said expenditures for the revolving funds shall not exceed the receipts for said fund:

Plumbing Inspector	\$20,000
Gas Inspector	\$20,000
Electrical Inspector	\$20,000
Fire Safety Inspector	\$20,000
Board of Health	\$25,000

, or take any other action relative thereto. *The motion passed unanimously.*

**ARTICLE 24:** On a motion made by David Smith, Jr., seconded by Rene Wood, to vote to raise and appropriate \$10,000 for legal services in connection with the Rest of River legal matter. *The motion passed by substantial majority.*

**ARTICLE 25:** On a motion by Rene Wood, seconded by Julie Hannum, to adopt the following General Bylaw.

Non-Criminal Disposition

(a) Scope and Authority

This Bylaw provides for a non-criminal disposition of a violation of any Town Bylaw, the violation of which is subject to a specific penalty. This Bylaw is enacted in accordance with MGL c.40 §21D.

(b) Enforcing Person

“Enforcing Person,” as used in this Bylaw, shall mean any Police Officer of the Town of Sheffield with respect to any offence; the Fire Chief and his/her designee; the Building Inspector and his/her designee; the Public Health Director and his/her designee; the Director of Public Works and his/her designee; the Dog Officer and his/her designee and such other officials as the

Board of Selectmen or Bylaw may from time to time designate, each with respect to violations of the Bylaws within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

(c) Fines

Notwithstanding any other provisions of this Section, when enforced pursuant to non-criminal disposition procedures of MGL c.40 §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by Bylaw.

First Violation:	\$100
Second Violation:	\$200
Third and Subsequent Violations:	\$300

Each day a violation exists shall constitute a separate violation.

This vote, by show of hands was close. Moderator Person requested the poll staff to take a hand count. *The motion passed by a vote of Yes: 108; No: 81.*

**ARTICLE 26:** On a motion made by Dennis Sears, seconded, to see if the Town will vote to adopt the following General Bylaw, or take any other action relative thereto:

**Section 1: Intent and Purpose.** This bylaw is adopted for the purpose of protecting and preserving significant structures which constitute or reflect distinctive features of the history, architecture, and/or the character of the Town of Sheffield. Through this bylaw the Town desires to encourage owners, and others, to preserve, rehabilitate, or restore such significant structures rather than demolishing, removing or altering them.

**Section 2: Definitions.** For the purpose of this bylaw, the following words and phrases shall have the following meanings:

A. Structure: any edifice, object or building of any kind that is constructed or erected and requires permanent location on the ground, or attachment to an object with permanent location on the ground, not including wheels.

B. Commission: the Sheffield Historical Commission.

C. Demolition: any act of pulling down, destroying, removing or razing a structure, or portion thereof, or commencing the work of destruction with the intent of completing the same.

D. Demolition Permit: the permit issued by the Building Commissioner, (herein after Building Inspector), as required by the State Building Code for the demolition or partial demolition or removal of a structure from its lot, or moving the structure on its lot.

E. Preferably Preserved: any significant structure which the Commission determines is in the public interest, (architectural, cultural or economic), to be preserved or rehabilitated rather than demolished. A preferably preserved structure is subject to the demolition delay period of this bylaw.

F. Permit: written authorization from the Building Inspector that will allow or disallow a particular action with respect to construction and/or demolition.

G. Significant Structure: The Commission shall determine that a structure be designated as a significant structure if it meets one or more of the following:

1. *National Register of Historic Places*: the structure is listed on, is within an area listed on or is the subject of a pending application for listing on the National Register of Historic Places.
2. *Historical Importance*: the structure meets the criteria of historical importance if it meets one or more of the following:
  - a. has character, interest or value as part of the development, heritage or cultural characteristics of the town of Sheffield, the Commonwealth of Massachusetts or the nation;

- b. is the site of an historic event;
  - c. is identified with a person or group of persons who had some influence on society;
  - d. exemplifies the cultural, political , economic, social or historic heritage of the community.
3. *Architectural Importance:* the structure meets the criteria of architectural importance if it meets one or more of the following:
- a. portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
  - b. embodies those distinguishing characteristics of an architectural type; is the work of an architect, master builder or craftsman whose individual work has influenced the development of the Town; contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
4. *Geographic Importance:* the structure or site meets the criteria of geographic importance if either:
- a. the site is part of, or related to, a square, park or historically distinctive area, or,
  - b. the structure, as to its unique location or its physical characteristics, represents an established and familiar visual feature of the neighborhood, village center, or the community as a whole.
5. *Age:* the structure is known or estimated by the Commission to be at least one hundred, (100), years old in whole or in part.

### **Section 3: Required Review Procedure**

No permits for demolition of a significant structure, as determined under Section 2, Definitions, shall be issued without following the provisions of this bylaw.

An applicant proposing to demolish a structure subject to this bylaw shall file with the Building Inspector an application containing the following information:

- a. address of the structure to be demolished.
- b. owner's name, address and telephone number.
- c. description of the structure.
- d. reason(s) for requesting a demolition permit,
- e. brief description of the proposed reuse, reconstruction or replacement.
- f. photograph(s) of the structure.

The Building Inspector, upon receipt of an application for demolition of a structure subject to this bylaw, shall within the next seven (7) business days forward a copy of each such application for a demolition permit to (or shall satisfy himself that a duplicate of such application has been submitted to ) the Historical Commission. No demolition permit shall be issued at that time.

Within the next ten (10) business days from receipt of the application for a permit from the Building Inspector, the Commission shall make a determination as to whether the structure is significant. The Commission shall make its determination either in a public meeting of members or through use of a predetermined Significant Structures List developed and maintained through processes determined by the Commission. If the Commission determines the structure to not be significant, the Commission shall notify the Building Inspector in writing within five (5) business days and the permit may be granted. If the Commission determines the structure to be significant, the permit will be held in abeyance until the Commission holds a public hearing and determines if the significant structure is preferably preserved.

Within thirty (30) days of determination by the Commission that a structure for which a demolition permit has been requested is a significant structure, a public hearing shall be held by the Commission to determine if the structure is preferably preserved. Notice of the public hearing shall be published in a local newspaper two (2) weeks in advance of the hearing and all abutters notified in writing at the same time.

If, after such hearing, the Commission determines that the demolition of the structure would not be detrimental to the historical, geographical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector within ten (10) business days of such determination. Upon receipt of such notification, or after the expiration of ten (10) business days from the date of the conclusion of the hearing if he has not received notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

If the Commission determines that the demolition of the structure would be detrimental to the historical, geographical or architectural heritage or resources of the Town, such structure shall be considered a preferably preserved significant structure. Upon such determination by the Commission, no permit for demolition, new construction or alterations to the subject structure shall be issued for a period of twelve (12) months from the date of receipt of the permit request by the Building Inspector unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure in order to build a new structure(s) shall be granted until all approvals necessary for the issuance of permits for new structure(s), including any necessary zoning variances or special permits, are granted and all appeals concluded.

The Building Inspector may issue a demolition permit for a preferably preserved structure within the twelve (12) months delay only if the Commission notifies the Building Inspector in writing that the Commission finds the intent and purpose of this bylaw is served even with the issuance of the demolition permit.

Following the twelve (12) month delay period, the Building Inspector may issue the demolition permit. If demolition does not occur within twenty-four (24) months of the permitted date, the permit will expire.

#### **Section 4: Administration.**

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw. The Commission may delegate authority to make initial determinations of significance to no fewer than 2 members of the Commission or to a municipal employee. The Commission may develop a list of significant structures that will be subject to this bylaw. Structures proposed for the significant structure list shall be added following a public hearing.

#### **Section 5: Emergency Demolition:**

If after an inspection, the Building Inspector finds a structure subject to this bylaw to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the structure, the Building Inspector may issue an emergency demolition permit to the owner of the structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission within seven (7) days.

#### **Section 6: Enforcement and Remedies:**

The Commission and/or the Building Inspector each are specifically authorized as enforcing persons to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof, including, but not limited to non-criminal disposition pursuant to MGL c.40 §21D and Articles of the General Bylaw. Any owner of a structure subject to this bylaw who demolishes a structure without first obtaining a demolition permit in

accordance with the provisions of this bylaw shall be subject to a fine of Three Hundred Dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished structure is completed, or unless otherwise agreed to by the Commission.

If a structure subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

**Section 7: Historic District Act:**

Following a determination that a structure is significant and preferably preserved, the Commission may recommend to Town meeting that the structure be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail. Structures included within the boundaries of a local historic district established under M.G.L Chapter 40C shall not be subject to this bylaw so long as the proposed demolition is regulated by the local historic district bylaw.

**Section 8: Appeal:**

Appeals from decisions or determinations of the Commission following a Public Hearing may be made by the applicant(s) or the abutter(s) to the courts under the certiorari statute, MGL c.249, Section 4.

**Section 9: Severability.**

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

Mr. Sears offered a visual and verbal overview of the proposed by-law. Discussion ensued in the form of comments and questions of clarification. This vote, by show of hands, was close. Moderator Person, requested the poll staff take a hand count. *The motion passed by a vote of Yes: 110; No: 105.*

**ARTICLE 27:** On a motion made by Julie Hannum, seconded by Rene Wood, to accept the provisions of G.L.59, section 5K to authorize the Board of Selectmen to establish a program to allow persons over the age of 60 to volunteer to provide services to the Town, in exchange for which the Town shall reduce the real property tax obligations of such person over the age of 60 on their tax bills, any reduction so provided to be in addition to any exemption or abatement to which any such persons are otherwise entitled, provided that no such person shall receive a rate of, or be credited with, more than the current minimum wage of the Commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1000 in a given tax year. *After brief discussion, a motion by Julie Hannum, seconded by Rene Wood, was made for the Board of Selectmen to withdraw the Article. The Board voted unanimously to withdraw this non-binding Article to further explore the program.*

**ARTICLE 28:** A motion was made and seconded, and then presented by citizen petitioner Nina Anderson, and to see if the Town will vote to request a moratorium on the implementation of a Smart Meter/Smart Grid program by National Grid which could violate the Sheffield By-laws 7.1.1 and 7.1.10. This would be in effect until such time as National grid deploys a Community Opt Out that allows local towns to democratically decide whether to maintain current meters, or to agree to universal deployment of wireless smart meters, and the Town of Sheffield vote or take any other actions relative thereto. Ms Anderson presented her viewpoint, and discussion ensued by voters, each offering their viewpoints. *The motion passed by substantial majority.*

Moderator Person made a motion to adjourn, which was seconded. The meeting was adjourned at 8:47 PM.

Respectfully submitted,  
Felecie Joyce,  
*Town Clerk, CMMC*