ANNUAL TOWN MEETING RESULTS

May 1, 2017
Town of Sheffield
Commonwealth of Massachusetts

The 284th Annual Town Meeting was held at the Mount Everett Regional High School Auditorium, 491 Berkshire School Road. The meeting was called to order at 7:04 PM. We welcomed William F. Tighe as Moderator. This was William's first Annual Town Meeting after being elected last May at the Annual Town Election. Moderator Tighe opened the meeting with the Pledge of Allegiance, followed by an introduction of the Board of Selectmen: Nadine A. Hawver, Chairman, Andrew A. Petersen and David A. Smith, Jr. Additionally, he introduced Town Administrator Rhonda LaBombard, Town Counsel Jonathan Eichman and Finance Committee members Colin Smith, Chairman, David Macy, Julie Hannum, John James and David Steindler. Moderator Tighe acknowledged that Mr. Steindler will be stepping down from the Finance Committee after 15 years of service. Additionally, he acknowledged others who have served on Town boards, committees and commissions, who are no longer serving. He then explained the method for voting and how the meeting would proceed.

On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to dispense with the Town Clerk's reading of the Warrant. *The motion passed.*

ARTICLE 1: On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to see if the Town will vote to raise and appropriate, $3,152,950 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for Fiscal Year 2018.

Moderator	$ 200	Energy	$137,500
Selectmen's Office	$178,459	Board of Health	$ 43,572
Board of Assessors	$ 96,054	Visiting Nurse Association	$ 4,000
Treasurer/Collector	$154,190	Council on Aging	$ 89,418
Town Clerk	$ 65,244	Veterans Benefits	$ 37,000
Elections & Registration	$ 13,000	Library	$169,905
Conservation Commission	$ 2,680	Historical Commission	$ 750
Planning Board	$ 5,400	Memorial Day	$ 1,200
Commission on Disabilities	$ 300	American Legion	$ 500
Zoning Board of Appeals	$ 1,330	Care of Soldier's Graves	$ 1,400
Town Buildings & Grounds	$ 104,800	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	$ 9,693	Berkshire County Retirement	$229,051
Police Department	$466,210	Worker's Compensation	$ 18,500
Fire Department	$ 43,300	Unemployment Comp. Fund	$ 1
Inspectional Services	$ 65,629	Group Health (32B) Insurance	$446,000
Fire Hydrants	$ 18,091	Employer Medicare	$ 22,000
Animal Control	$ 10,000	Financial Audit	$ 15,000
Highway Department	$594,522	Insurance & Bonding	$ 71,000

The motion passed by substantially majority.

ARTICLE 2: On a motion by Colin Smith, seconded by Julie Hannum, to fix the compensation of the following elected officers of the Town for Fiscal Year 2018, as required by Chapter 41, Section 108 and Chapter 71, Section 52 of the General Laws; Moderator, $200, Selectmen, Chairman $2,563; Selectmen, two members at $2,219 each, Southern Berkshire Regional School District School Committee, 4 members at $500 each. Discussion ensued. *The motion passed by substantial majority.*

ARTICLE 3: On a motion by David Macy, seconded by John James, to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2018 and vote to raise and appropriate $6,169,521 to pay the Town's assessed share of that budget. *The motion passed by majority.*

ARTICLE 4: On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr., to see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2018 and vote to raise and appropriate $409,191 to pay the Town's assessed share of that budget. *The motion passed unanimously.*

ARTICLE 5: On a motion by Andrew G. Petersen, seconded by David A. Smith, Jr., to raise and appropriate $50,000 to pay for vocational education tuition in Fiscal Year 2018. *The motion passed by substantial majority.*

ARTICLE 6: On a motion by John James, seconded by David Macy, to raise from Solid Waste Disposal Enterprise Fund Revenues, $126,600 for the disposal and management of solid waste, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in excess of three years for such solid waste disposal and management. *The motion passed by substantial majority.*

ARTICLE 7: On a motion by David A. Smith, Jr., seconded by Andrew G. Petersen, 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 by Nadine A. Hawver, seconded by David A. Smith, Jr., 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. Discussion ensued. *The motion passed by substantial majority.*

ARTICLE 9: On a motion by Andrew G. Petersen, seconded by David A. Smith, Jr., 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 2018 and to set the salary for those positions at $40 per Title V Inspections and $30 per hour for Perc Tests in accordance with the provisions of G.L.c.41, Section 4A.
The motion passed unanimously.

ARTICLE 10: On a motion by David A. Smith, Jr., seconded by Andrew G. Petersen, 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 unanimously.*

ARTICLE 11: On a motion by Nadine A. Hawver, seconded by Andrew G. Petersen, to transfer $21,053 from Free Cash to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995. *The motion passed by substantial majority.*

ARTICLE 12: On a motion by Julie Hannum, seconded by David Steindler, to transfer $77,000 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 by Andrew G. Petersen, seconded by David A. Smith, Jr., to transfer $750 from Free Cash to the Emergency Response Fund. *The motion passed unanimously.*

ARTICLE 14: On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to raise and appropriate $15,000 to compensate firefighters for training. *The motion passed unanimously.*

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

ARTICLE 16: On a motion by Andrew G. Petersen, seconded by David A Smith, Jr., to transfer $25,000 from Free Cash to purchase information technology hardware, software, and services, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in excess of three years for such information technology services. *The motion passed by substantial majority.*

ARTICLE 17: On a motion by David A. Smith, Jr., seconded by Andrew G. Petersen, to transfer from Free Cash $125,000 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 18: On a motion by Nadine A. Hawver, seconded by Andrew G. Petersen, to approve the Article as written in the Warrant: The Town voted pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to (1) establish the following revolving funds and fiscal year spending limits as set forth below, and further (2) to amend the General By-laws by inserting a new by-law establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

Part 2, Chapter 211, Revolving Funds

§2-1. There are hereby established in the Town of Sheffield pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds, from which the specified department head, board, committee, or officer may incur liabilities against and spend monies from without appropriation in accordance with the limitations set forth in this by-law.

§2-2. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

§2-3. No liability shall be incurred in excess of the available balance of the fund.

§2-4. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

§2-5. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

§2-6. Authorized Revolving Funds

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
Plumbing Inspector to pay costs of plan review, engineering services and related expenses for permitting and inspection of plumbing systems and installations	Fees for permits and inspections	Town Treasurer
Gas Inspector to pay costs of plan review, engineering services and related expenses for permitting and inspection of gas systems and installations	Fees for permits and inspections	Town Treasurer
Electrical Inspector to pay costs of plan review, engineering services and related expenses for permitting and inspection of electrical systems and installations	Fees for permits and inspections	Town Treasurer

Fire Safety Inspector to pay costs of plan review, engineering services and related expenses for fire safety inspections	Fees for reviews, permits, and inspections	Town Treasurer
Board of Health to pay costs of plan review, engineering services and related expenses for inspection and permitting of septic systems, food establishments, housing, and other properties and establishments subject to Board of Health jurisdiction	Fees for reviews, permits, and inspections	Town Treasurer
Senior Transportation to pay costs associated the provision of transportation of seniors to various programs	Fees and other receipts received in connection with the transport of seniors	Town Treasurer
Senior Center Programming to pay for various recreation programs provided at the Senior Center	Fees and other receipts received in connection with programs offered to seniors	Town Treasurer
Tax Title Fees to pay for costs arising from title review registry recording, attorney fees, and related expenses	Fees and other receipts collected in connection with tax title processing	Town Treasurer

§2-7. Procedures and Reports. Except as provided in General Laws Chapter 44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

And, further, to establish the following fiscal year spending limit for such funds:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Plumbing Inspector	$25,000
Gas Inspector	$20,000
Electrical Inspector	$20,000
Fire Safety Inspector	$20,000
Board of Health	$25,000
Senior Transportation	$15,000
Senior Center Programming	$10,000
Tax Title Fees	$10,000

The motion passed by substantial majority.

ARTICLE 19: On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to transfer from Free Cash $55,000 to purchase and equip a Pick-up Truck, plus two plows for the Highway Department. *The motion passed by substantial majority.*

ARTICLE 20: On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to transfer from Free Cash $44,000 to purchase and equip a cruiser for the Police Department. *The motion passed by substantial majority.*

ARTICLE 21: On a motion by Nadine A. Hawver, seconded by David A. Smith, Jr., to transfer from Free Cash $25,000 for guardrail replacements, including any incidental and related costs. Mark Bachetti requested additional verbage. The amendment should read: ..."guardrail replacements **or new guardrails as needed,...".** Nadine A. Hawver motioned to amend the article, it was seconded by David A. Smith, Jr. *The vote to amend passed by substantial majority. The motion passed by substantial majority.*

ARTICLE 22: On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to transfer from Free Cash $162,000, and from Overlay Surplus $150,000 into the Fire Truck Stabilization Fund. *The motion passed unanimously.*

ARTICLE 23: On a motion by David A. Smith, Jr., seconded by Andrew G. Petersen, to transfer from the Solid Waste Enterprise Fund Retained Earnings Account, $15,000 for engineering and repairs to the capped landfill including any incidental and related costs. *The motion passed unanimously.*

ARTICLE 24: On a motion by Nadine A. Hawver, seconded by Andrew G. Petersen, to authorize the Board of Selectmen to enter into a Tax Agreement pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, and/or any other enabling authority with Syncarpha Sheffield, LLC a Delaware limited liability company, for personal property taxes associated with the 5 MW solar photovoltaic facility located on the property on County Road, Map 36, Block 1, Lot 17, in Sheffield, and described in a deed recorded with the Berkshire County Registry of Deeds in Book 1390, Page 7, for a term of up to 20 years, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, and to take any and all actions as may be necessary or convenient to accomplish the purpose of this article. *The motion passed unanimously.*

ARTICLE 25: **(Citizen's Petition)** On a motion by Rene Wood, **seconded,** to see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

1. Add the following new Section 3.1.6 Temporary Moratorium on Aviation Landing Facilities

Section 3.1.6 Temporary Moratorium on Aviation Landing Facilities.

3.1.6.1 Purpose

In May 2016, the Mass Appeals Court overturned the lower court's decision in *Hanlon v. Town of Sheffield* and ruled municipal zoning by-laws dealing with aviation landing facilities must be approved by the Aeronautics Division of the Mass Department of Transportation. This ruling covers both aviation landing areas listed in Sheffield's Table of Use Regulations (E.1 Commercial Airfield) as well as aviation uses not expressly permitted or listed in our Table of Use Regulations, uses which are prohibited.

When Sheffield adopted its zoning by-laws in 1994 and re-codified them in 2006, the Attorney General's Municipal Law Unit, which reviews all zoning by-laws approved by voters, made no note that Sheffield's treatment of any aviation landing facility required approval by the Aeronautics Division, even though the applicable portion of MGL C. 90§39B was passed in 1985. The current approval process required by the Aeronautics Division was not listed on their official website, nor any sample zoning by-laws or guidance, as of the writing of this petition. Instead all zoning by-laws are to be sent to them for review. The Appeals Court decision noted the judges "being confronted with (the) statutory language" (of MGL C.90 §39B) and that "this is an appropriate subject for corrective legislation".

This recent Appeals Court decision raises new and potentially complex planning, public safety and legal issues and the Town needs time to study and consider the process, as well as the language, of possible zoning by-laws, which now require approval by the Aeronautics Division and address such issues.

The Town intends to adopt a temporary moratorium on any additional use of land and structures in the Town for any new aviation landing facility, as well as the expansion of any existing aviation landing facility, so as to allow the Town sufficient time to engage in a planning process to address the effects of such uses in Town and to enact zoning by-laws in a manner consistent with sound land use planning and Aeronautics Division acceptance.

3.1.6.2 Definition. As used in this Section, the following term shall have the meaning indicated:

Aviation Landing Facilities: Landing facilities as defined by MGL C.90 §39B and Mass Appeals Court *Hanlon v. Town of Sheffield* decision.

3.1.6.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Town of Sheffield zoning by-laws to the contrary, the Town hereby adopts a temporary moratorium on any additional use of land and structures in the Town for any new aviation landing facility, as well as the expansion of any existing aviation landing facility. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impact of aviation landing facilities, work with the Aeronautic Division to understand their process and guidelines, and shall consider adopting new zoning by-laws to address the impact and operation of aviation landing facilities.

Planning Board Chairman, James T. Collingwood, Jr., declined support of this article on behalf of the Planning Board.

Following a brief discussion, a hand vote was taken by the moderator. Too close to call, he requested that the tally clerks take a hand count. *This vote required a 2/3 vote for passage. The vote was Yes: 104; No: 32. The motion passed.*

Moderator motioned to adjourn, it was seconded. The meeting adjourned at 8:30 PM.

Respectfully submitted,
Felecie Joyce, Town Clerk