

# ANNUAL TOWN MEETING RESULTS

Monday, May 7, 2018

Town of Sheffield

Commonwealth of Massachusetts

The 285<sup>th</sup> Annual Town Meeting was held at the Mount Everett Regional High School Auditorium, 491 Berkshire School Road. Moderator William Tighe called the meeting to order at 7:00 PM. Following the Pledge of Allegiance he introduced the Board of Selectmen: David A. Smith, Jr., Chairman, Andrew G. Petersen and Nadine A. Hawver; Town Administrator Rhonda LaBombard and Town Counsel Jonathan Eichman. Additionally, Finance Committee members Colin Smith, Chairman, David Macy, Julie Hannum and John James. Mr. James was recognized for his 15 years of service, as he is stepping down at the end of his term in June.

On a motion by David A. Smith, Jr., seconded by Nadine 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 raise and appropriate \$3,212,618 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for Fiscal Year 2019, provided that the amount for snow removal shall be \$225,608.

Moderator.....	\$ 200	Energy.....	\$137,500
Selectmen's Office.....	\$180,472	Board of Health.....	\$ 44,972
Board of Assessors.....	\$ 97,665	Visiting Nurse Association.....	\$ 4,000
Treasurer/Collector.....	\$155,890	Council on Aging.....	\$ 97,492
Town Clerk.....	\$ 65,805	Veterans Benefits.....	\$ 40,000
Elections & Registration.....	\$ 20,400	Library.....	\$174,791
Conservation Commission.....	\$ 2,680	Historical Commission.....	\$ 1,750
Planning Board.....	\$ 3,650	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.....	\$109,100	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.....	\$ 10,284	Berkshire County Retirement.....	\$228,461
Police Department.....	\$480,671	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 43,600	Unemployment Comp. Fund.....	\$ 1
Inspectional Services.....	\$ 56,950	Group Health (32B) Insurance.....	\$446,000
Fire Hydrants.....	\$ 25,000	Employer Medicare.....	\$ 25,000
Animal Control.....	\$ 10,000	Financial Audit.....	\$ 15,000
Highway Department.....	\$378,395	Insurance & Bonding.....	\$ 71,000
Snow Removal.....	\$225,608		

*The motion passed unanimously.*

**ARTICLE 2:** On a motion by Julie Hannum, seconded by David Macy, to fix the compensation of the following elected officers of the Town for Fiscal Year 2019, as required by Chapter 41, Section 108 of the General Laws; Moderator, \$200, Selectmen, Chairman \$2,614; Selectmen, two members at \$2,263 each, Southern Berkshire Regional School District School Committee, 4 members at \$500 each. *The motion passed unanimously.*

**ARTICLE 3:** On a motion by John James, seconded by Julie Hannum, to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2019 and vote to raise and appropriate \$6,765,993 to pay the Town's assessed share of that budget. *The motion passed by substantial majority.*

**ARTICLE 4:** On a motion by Nadine A. Hawver, seconded by Colin Smith, to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2019 and vote to raise and appropriate \$330,021 to pay the Town's assessed share of that budget. *The motion passed by substantial majority.*

**ARTICLE 5:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to raise and appropriate \$20,500 to pay for vocational education tuition in Fiscal Year 2019. *The motion passed unanimously.*

**ARTICLE 6:** On a motion by Nadine A. Hawver, seconded by Colin Smith, 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 unanimously.*

**ARTICLE 7:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, 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 passed unanimously.*

**ARTICLE 8:** On a motion by Nadine A. Hawver, seconded by John James, 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 by Andrew G. Petersen, seconded by Nadine A. Hawver, 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 2019 and to set the salary for those positions: \$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 Nadine A. Hawver, 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 Colin Smith, seconded by David Macy, 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 12:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to transfer \$750 from Free Cash to the Emergency Response Fund. *The motion passed unanimously.*

**ARTICLE 13:** 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 14:** On a motion by Nadine A. Hawver, seconded by Andrew G. Petersen, to raise and appropriate \$10,000 to purchase plows for the Highway Department. *The motion passed unanimously.*

**ARTICLE 15:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, 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 this article, including but not limited to entering into agreements in excess of three years for such information technology services. *The motion passed unanimously.*

**ARTICLE 16:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to transfer from Free Cash \$50,000 for Town building repairs, improvements and furnishings to include but not be limited to the Town Hall, Library and Police Station.

*The motion passed unanimously.*

**ARTICLE 17:** On a motion by Nadine A. Hawver, seconded by Andrew G. Petersen, to vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish the following revolving funds and fiscal year spending limits as set forth below:

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 unanimously.*

**ARTICLE 18:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to transfer from Free Cash \$47,500 to purchase equipment for the new fire truck.

*The motion passed unanimously.*

**ARTICLE 19:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to transfer from Free Cash \$150,000 to replace the roof on the Covered Bridge. *The motion passed by substantially majority.*

**ARTICLE 20:** 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. *The motion passed by substantial majority.*

**ARTICLE 21:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to transfer from Free Cash \$20,000 to repair dry hydrants. *The motion passed unanimously.*

**ARTICLE 22:** On a motion by David A. Smith, Jr., seconded by Nadine A. Hawver, to transfer from Free Cash \$5,000 for assessment and work on Town owned cemeteries. *The motion passed unanimously.*

**ARTICLE 23:** 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 Park Avenue Solar Solutions for personal property taxes associated with the 3,450 KW solar photovoltaic facility located on the property on Clayton Road, Map 7, Block 1, Lot 24.1, in Sheffield, and described in a deed recorded with the Berkshire County Registry of Deeds in Book 2097, Page 195, 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 failed*

**ARTICLE 24:** On a motion by Andrew G. Petersen, seconded by Nadine A. Hawver, to pass over this Article to abolish the Fire Truck Stabilization Fund and establish a Vehicle Stabilization Fund and to transfer the balance in the Fire Truck Stabilization Fund to the Vehicle Stabilization Fund. *The motion passed unanimously.*

**ARTICLE 25:** On a motion by David A. Smith, Jr., seconded by Andrew G. Petersen, to accept as a Town way the altered and relocated layout of Berkshire School Road, as shown on the plan entitled "Town Layout Plan of a Portion of Berkshire School Road" dated, November 16, 2017, prepared by Bayside Engineering, as heretofore laid out by the Board of Selectmen and filed with the Town Clerk; and to authorize the Board of Selectmen to acquire by purchase, gift or

eminent domain the fee to or easements in said Berkshire School Road as to altered and relocated; and to raise and appropriate or transfer from available funds a sum of money for such acquisitions; and to transfer from the Board of Selectmen for public way purpose to the Board of Selectmen for general municipal purposes the care, custody, management and control of the parcels of land lying outside the altered and/or relocated layout of Berkshire School Road and discontinued thereby. Discussion ensued. Julie Hannum, Finance Committee requested clarification on where the money would come from. Administrator LaBombard stated that if money was needed for the property abutment needs, that it would qualify for Chapter 90 funding. The motion passed by 2/3 majority, as called by the Moderator.

**ARTICLE 26: (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 Marijuana Establishments**

**Section 3.1.6 Temporary Moratorium on Marijuana Establishments**

**3.1.6.1 Purpose.** On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The Cannabis Control Commission (CCC) is required to issue regulations regarding implementation by March 15, 2018. Section 8.4 of the Zoning By-Laws allows a Registered (Medical) Marijuana Dispensary by Special Permit in the Registered Marijuana Dispensary Overlay District. The regulation of other types of Marijuana Establishments, however, raises novel and complex legal, planning and potential public safety issues. The Town needs time to consider and address these issues and the forthcoming CCC regulations. This temporary moratorium is intended to allow the Town sufficient time to engage in such a planning process and to present voters with suitable, compliant Zoning By-Laws consistent with the Town's community, local siting and land use concerns.

**3.1.6.2 Definitions.** As used in this Section, the term "Marijuana Establishment" shall mean a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined and subject to regulation under Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017 and 935 CMR 500. However, a Registered (Medical) Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

**3.1.6.3 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 the use of land or structure(s) as a Marijuana Establishment. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments, consider the CCC regulations when issued, and shall consider adopting new Zoning By-Laws governing the location, operation and effects of Marijuana Establishments for consideration at a Special Town Meeting prior to December 31, 2018.

After much discussion, Vito Valentini made a motion to move the question. It was seconded. *The motion passed unanimously.* The Article itself was then voted. Too close to call, Moderator Tighe requested that the tellers take a hand count. This vote required a 2/3 vote for passage. The vote was Yes: 68; No: 74. *The motion failed.*

Moderator Tighe requested a motion to adjourn. A motion was made and seconded. *The meeting adjourned at 8:30 PM.*

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