

RESULTS
ANNUAL TOWN MEETING
Town of Sheffield
Commonwealth of Massachusetts
Monday, May 1, 2023

The 290th Annual Town Meeting was held on May, 1, 2023 at the Mount Everett Regional High School, 491 Berkshire School Road. The meeting was called to order at 6:04 PM. Moderator William Tighe opened the meeting with the Pledge of Allegiance, followed by an introduction of Town officials present at the head table. They included Select Board members Nadine A. Hawver, Rene C. Wood, Robert C. Kilmer, Jr., Town Administrator Rhonda LaBombard, Town Counsel Jonathan Eichman of KP-Law, and Finance Committee Chairwoman Julie A. Hannum. Moderator Tighe continued by recognizing members of the Town's First Responders and Fire and Police Departments. He then offered an overview of procedures including the use of electronic polling devices for voting. Moderator Tighe referred to Martin Mitsoff for an explanation of how to use the devices, and a sample question was voted on. (Please note that amendments to articles were voted via hand count as declared by the Moderator).

Moderator Tighe made a motion to dispense with the Town Clerk's reading of the Warrant, it was seconded. (This was a hand count vote). *The motion passed.*

ARTICLE 1: On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to raise and appropriate \$4,210,412 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for Fiscal Year 2024.

Moderator.....	\$ 300	Energy.....	\$156,900
Select Board.....	\$269,400	Board of Health.....	\$ 48,669
Board of Assessors.....	\$142,330	Public Health.....	\$ 4,000
Treasurer/Collector.....	\$125,215	Council on Aging.....	\$147,150
Town Clerk.....	\$ 99,005	Veteran Benefits.....	\$ 80,000
Elections & Registration.....	\$ 15,065	Library.....	\$279,616
Conservation Commission.....	\$ 14,250	Historical Commission.....	\$ 500
Planning Board.....	\$ 5,050	Memorial Day.....	\$ 1,200
Commission on Disabilities.....	\$ 300	American Legion.....	\$ 2,400
Zoning Board of Appeals.....	\$ 1,500	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$149,800	Ashley Falls Historic Dist. Comm.....	\$ 1,000
Town Report & Communications	\$ 6,500	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 35,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 12,000	Berkshire County Retirement.....	\$298,218
Police Department.....	\$662,800	Worker's Compensation.....	\$ 24,000
Fire Department.....	\$119,400	Insurance & Bonding.....	\$ 80,000
Inspectional Services.....	\$ 49,658	Group Health (32B) Insurance.....	\$495,000
Fire Hydrants.....	\$ 31,000	Employer Medicare.....	\$ 31,000
Animal Control.....	\$ 14,500	Emergency Medical Services.....	\$ 65,826
Highway Department.....	\$442,793	Unemployment Compensation....	\$ 8,000
Snow Removal.....	\$288,666		

The motion passed by majority.

ARTICLE 2: On a motion by Julie A. Hannum, seconded by Robert C. Kilmer, Jr., to fix the compensation of the following elected officers of the Town for Fiscal Year 2024, as required by Chapter 41, Section 108 and Chapter 71, Section 52 of the General Laws: Moderator, \$300; Selectmen, Chairman \$3,000; Selectmen, two members at \$2,500 each; Southern Berkshire Regional School District School Committee, 4 members at \$500 each. *The motion passed by majority.*

ARTICLE 3: On a motion by Robert C. Kilmer, Jr., seconded by Rene C. Wood, to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2024 and vote to raise and appropriate \$7,713,666 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 Rene C. Wood, to approve the Southern Berkshire Regional School District Roof and Boiler Debt for Fiscal Year 2024, and to vote to raise and appropriate \$176,409 to pay the Town's assessed share of that debt. *The motion passed by majority.*

ARTICLE 5: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2024, and vote to raise and appropriate \$170,157 to pay the Town's assessed share of that budget. *The motion passed by majority.*

ARTICLE 6: On a motion by Robert C. Kilmer, Jr., seconded by Nadine A. Hawver, to transfer \$50,000 from Overlay Surplus to pay for vocational education tuition in Fiscal Year 2024. *The motion passed by majority.*

ARTICLE 7: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to raise from Solid Waste Disposal Enterprise Fund Revenues \$166,250 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 majority.*

ARTICLE 8: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., 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 by majority.*

ARTICLE 9: On a motion by Julie A. Hannum, seconded by Nadine A. Hawver, 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 majority.*

ARTICLE 10: On a motion by Robert C. Kilmer, Jr., 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 2024 and to set the salary for those positions at \$60 per Title V Inspections and \$125 per Perc Tests in accordance with the provisions of G.L. c. 41, Section 4A. *The motion passed by majority.*

ARTICLE 11: On a motion by Nadine A. Hawver, seconded by Robert C. Kilmer, Jr., 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 majority.*

ARTICLE 12: On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to transfer from Free Cash \$77,000 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 by majority.*

ARTICLE 13: On a motion by Robert C. Kilmer, Jr., seconded by Nadine A. Hawver, to transfer \$750 from Free Cash to the Emergency Response Fund. *The motion passed by majority.*

ARTICLE 14: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to transfer \$10,000 from Overlay Surplus to compensate firefighters for training. *The motion passed by majority.*

ARTICLE 15: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to raise and appropriate \$5,000 for financial services as written in the warrant. *The motion passed by majority.*

ARTICLE 16: On a motion by Robert C. Kilmer, Jr., seconded by Rene C. Wood, to the provisions of G.L. c.44, §53E½, as most recently amended, to establish Fiscal Year 2024 spending limits for the revolving funds as set forth in the Warrant:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Plumbing Inspector	\$25,000
Gas Inspector	\$15,000
Electrical Inspector	\$25,000
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 majority.

ARTICLE 17: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to transfer \$250,000 from Free Cash to purchase and equip, including any incidental and related costs, and expenses, an excavator for the Highway Department. *The motion passed by majority.*

ARTICLE 18: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to transfer the sum of \$50,000 from the Solid Waste Enterprise Fund for recycling programs/repairs at the Transfer Station, including any incidental and related costs, and expenses. *The motion passed by majority.*

ARTICLE 19: On a motion by Robert C. Kilmer, Jr., seconded by Nadine A. Hawver, to transfer \$40,000 from Free Cash to hire an odor control expert to assess odor emanating from Marijuana establishments. Discussion ensued. *The motion passed by majority.*

ARTICLE 20: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to transfer \$5,000 from Free Cash for repairs to Town owned cemeteries, including any incidental and related costs, and expenses. *The motion passed by majority.*

ARTICLE 21: On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to transfer \$106,973 from Free Cash for the fourth year payment of a fire truck lease purchase financing agreement. *The motion passed by majority.*

ARTICLE 22: On a motion by Robert C. Kilmer, Jr., seconded by Rene C. Wood, to transfer \$100,000 from Free Cash into the Fire Truck Stabilization Fund. *The motion passed by majority.*

ARTICLE 23: On a motion by Nadine A. Hawver, seconded by Robert C. Kilmer, Jr., to transfer \$150,000 from Free Cash to the General Stabilization Fund. *The motion passed by majority.*

ARTICLE 24: On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to transfer \$150,000 from Free Cash for Town building repairs, improvements, equipping and furnishings

to include but not be limited to the Town Hall, Library, Senior Center and Police Station, including any design and engineering costs and other costs and expenses incidental and related thereto. *The motion passed by majority.*

ARTICLE 25: On a motion by Robert C. Kilmer, Jr., seconded by Nadine A. Hawver, to transfer \$25,000 from Free Cash to purchase information technology hardware, software, and services, including any incidental or related costs, 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. *The motion passed by majority.*

ARTICLE 26: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to transfer \$600,000 from Free Cash for Road and Bridge repairs and improvements, including design, engineering, construction and other costs and expenses incidental and related thereto. *The motion passed by majority.*

ARTICLE 27: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to transfer \$40,000 from Free Cash for guardrail replacements, including any incidental and related costs, and expenses. *The motion passed by majority.*

ARTICLE 28: On a motion by Robert C. Kilmer, Jr., seconded by Rene C. Wood, to transfer \$20,000 from Free Cash for Dry Hydrant repairs, including design, engineer, construction, and any incidental and related costs and expenses. *The motion passed by majority.*

ARTICLE 29: On a motion by Nadine A. Hawver, seconded by Rene C. Wood, to create a new special purpose stabilization fund to be known as the Opioid Settlement Stabilization Fund and further, to adopt the last paragraph of General Laws Chapter 44, Section 5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town and to transfer \$2,944.02 from Free Cash into the opioid Settlement stabilization Fund as written in the warrant. *This Article required 2/3 majority vote for passage. The Article passed as called by the Moderator.*

ARTICLE 30: On a motion by Rene C. Wood, seconded by Nadine A. Hawver, to appropriate \$1,600 from the PEG Access and Cable Related Special Revenue Fund to be expended under the direction of the Select Board for PEG access services. *The motion passed by majority.*

ARTICLE 31: On a motion by Robert C. Kilmer, Jr., seconded by Nadine A. Hawver, to transfer the sum of \$13,701 from the Solid Waste Enterprise Fund retained earnings to pay for FY2021 recycling services costs. *The motion passed by majority.*

ARTICLE 32: (Citizen's Petition) Administrator Rhonda LaBombard explained that there were typos in the Warrant Article as published that were not a part of the original petition article and offered that anyone from the floor could amend. Nina Andersen, the petitioner, made the following motion to amend, which reflected the original petition article submitted. (Citizen's Petition) *For the reasons set forth above and notwithstanding any other provision of the Town of Sheffield General By-Laws to the contrary, To see if the Town will vote under the General Bylaws Chapter 216: Wireless Regulations, to adopt a Wireless Telecommunications Facilities (WTFs) application requirement for completeness: WTF applications, will be considered incomplete until the FCC completes the DC Circuit court- mandated Environmental Review of the entire 800,000 to 1 million WTF roll out to the conditions as stated in the NEPA Policy Act 1969¹ including studies from scientists independent from industry, who have fully investigated millimeter wave 5G small cell technology safety; and that the FCC regulations have been updated to include measures that comply with the results of this review; and, that the Town of Sheffield shall consider reasonable alternatives such as fiber optic.* The motion was seconded. Discussion ensued with regard to health concerns and the environmental impact of 5G. There were many opinions of this technology with parties from both sides of the issue sharing concerns. Select Board Chairwoman Rene Wood asked Town Counsel, Jonathan Eichman to share with the town

residents the impact that passage of this Article could have on the Town. He cautioned that there could be potential significant negative legal ramifications for the Town. After additional brief discussion, Jayne Smith made a motion to move the question, it was seconded. *The motion passed by 2/3 majority as called by the Moderator.* Moderator Tighe then asked for the vote on the question. *The motion passed by majority.*

ARTICLE 33: (Citizen's Petition) On a motion by Bruce Philbrick, seconded, "*to see if the Town will vote to appropriate \$600.00 each quarter of a calendar year henceforward for the Sheffield American Legion Post-340 in accordance with the provisions of Massachusetts General Law-Part I, Title VII, Chapter 40 Section 9, until such time of updating by the veterans of Sheffield American Legion Post-340*

Or take any other action relative thereto."

Discussion ensued which included a motion on an amendment by David Rogers-Thieriot, it was seconded. Discussion continued. David Rogers-Thieriot called the question on the amendment, it is seconded. *On a hand count to discontinue discussion, the motion passed as called by the Moderator.* On finalized language for this amendment, David Rogers-Thieriot made a motion to see if the Town will vote to appropriate \$600.00 each quarter of a calendar year henceforward for the Sheffield American Legion Post-340 in accordance with the provisions of Massachusetts General Law-Part 1, Title VII, Chapter 40 Section, until such time as the voters change the compensation, it was seconded. The Moderator called the vote by hand. *The amendment passed as called by the Moderator.*

Jack McKelvey made a motion to amend the previous amendment, it was seconded. Further discussion of clarification of the language ensued. Mr. McKelvey requested assistance from Town Counsel with the final language of the amended article. Town Counsel suggested simplifying the amendment to read 'To see if the Town will vote to raise and appropriate \$2,400.00 for the Sheffield American Legion Post 340.' Mr. McKelvey agreed, there was a second. Discussion continued with clarification of the final language of the Article. On a motion by Moderator Tighe, seconded, to vote on the amendment. The Moderator called the vote by hand. *The amendment passed as called by the Moderator.*

On a motion to vote on the final amended Article, it was seconded. The motion passed by majority, as called by the Moderator.

Moderator Tighe made a motion to adjourn, it was seconded. Meeting adjourned at 8:03 PM.

Respectfully Submitted,
Felecie Joyce, Town Clerk, CMMC