

**Town of Sheffield
Commonwealth of Massachusetts
Results of the Annual Town meeting
Held Monday May 2, 2011**

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.

185 Registered Voters were in attendance.

ARTICLE 1: A motion was made by Julie M. Hannum and seconded to raise and appropriate the sum of \$2,669,275 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for Fiscal Year 2012. Discussion ensued. On a motion by David West and seconded, voted by a majority to amend the motion to increase the Inspectional Services budget by transferring \$10,506 from Free Cash. A motion was then made by Dennis Sears and seconded to increase the Council on Aging budget by transferring \$6,000 from Free Cash. The motion was defeated by a voice vote. On the main motion, voted by a substantial majority to raise and appropriate \$2,669,275 and to transfer \$10,506 from Free Cash for the purpose of funding those budgets listed below, necessary to defray the expenses of the Town for Fiscal Year 2012:

Moderator.....	\$ 210	Streetlights.....	\$ 11,750
Selectmen's Office.....	\$163,870	Board of Health.....	\$ 14,928
Board of Assessors.....	\$ 94,227	Visiting Nurse Association.....	\$ 3,096
Treasurer/Collector.....	\$151,319	Council on Aging.....	\$ 40,275
Town Clerk.....	\$ 56,753	Veterans Benefits.....	\$ 24,000
Elections & Registration.....	\$ 20,850	Library.....	\$158,900
Conservation Commission.....	\$ 7,158	Historical Commission.....	\$ 100
Planning Board.....	\$ 11,354	Memorial Day.....	\$ 750
Economic Development Comm...	\$ 500	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 2,035	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$126,150	Ashley Falls Historic Dist. Comm.	\$ 100
Town Report & Communications	\$ 7,000	Agricultural Commission.....	\$ 250
Legal Services.....	\$ 11,500	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 8,065	Berkshire County Retirement.....	\$174,500
Police Department.....	\$430,460	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 43,899	Unemployment Comp. Fund.....	\$ 1
Inspectional Services.....	\$ 55,530	Group Health (32B) Insurance.....	\$336,000
Fire Hydrants.....	\$ 14,000	Employer Medicare.....	\$ 21,000
Animal Control.....	\$ 8,700	Financial Audit.....	\$ 12,000
Highway Department.....	\$579,150	Insurance & Bonding.....	\$ 69,000

ARTICLE 2: On a motion made by David J. Steindler and seconded, voted unanimously to fix the compensation of the following elected officers of the Town for Fiscal Year 2012, as required by Chapter 41, Section 108 of the General Laws; Moderator, \$210; Selectmen, Chairman \$2,311; Selectmen, two members at \$1,999 each.

ARTICLE 3: A motion was made by David A. Smith Jr. and seconded 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 "Regional Agreement Establishing the Southern Berkshire Regional School District" and submitted by the Egremont Select Board, which document is posted in the Town Clerk's office and is available for review in the Town Clerk's and Selectmen's offices. Discussion ensued. Voted by paper ballot, 5-yes; 152-no to defeat the motion.

ARTICLE 4: A motion was made by Julie M. Hannum and seconded to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2012 and to raise and appropriate \$5,895,155 to pay the Town's assessed share of that budget, said appropriation to be contingent on the passage of a Proposition 2½ override in the amount of \$98,000. Discussion ensued. Voted by a show of hands, 79-yes; 81-no, to defeat the motion.

ARTICLE 5: On a motion made by David A. Smith Jr. and seconded, voted by a substantial majority to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2012 and to raise and appropriate \$65,547 to pay the Town's assessed share of that budget.

ARTICLE 6: A motion was made by Julie M. Hannum and seconded to express approval of debt in the amount of \$3,000,000, authorized by the School Committee of the Southern Berkshire Regional School District on January 27, 2011 to pay for planned renovations and improvements to District buildings and for necessary equipment purchases for those buildings pursuant to the provisions of Chapter 71, Section 16(d) of the General Laws, said approval to be contingent on the passage of a Proposition 2½ debt exclusion for the Town's share of said debt. Discussion ensued. Voted by a substantial majority to defeat the motion.

ARTICLE 7: On a motion made by Rene C. Wood and seconded, voted by a substantial majority to raise and appropriate \$55,000 to pay for vocational education tuition in Fiscal Year 2012.

ARTICLE 8: On a motion made by David A. Smith Jr. and seconded, voted by a substantial majority to expend \$146,000 under the direction of the Board of Selectmen, for the disposal and management of solid waste and to raise \$146,000 from Solid Waste Enterprise Fund Revenues.

ARTICLE 9: On a motion made by Rene C. Wood and seconded, 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 10: On a motion made by Julie M. Hannum and seconded, voted by a substantial majority to authorize the appointment of members of the Board of Selectmen to the Board of Health, Economic Development Committee, and Highway Garage Design Study Committee at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws.

ARTICLE 11: On a motion made by David A. Smith Jr. and seconded, voted by a substantial majority to authorize the Board of Health to employ any of its members as Title 5 and Perc Test Witnesses for Septic System Inspections, Sanitation Inspections, and Public Health Nurse Services for Fiscal Year 2012 at rates and salaries to be determined by the Board of Selectmen.

ARTICLE 12: On a motion made by David D. Macy and seconded, voted by a substantial majority to transfer \$65,000 from Overlay Surplus and \$7,000 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.

ARTICLE 13: On a motion made by Rene C. Wood and seconded, 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 14: On a motion made by Julie M. Hannum and seconded, voted unanimously to transfer \$27,053 from Free Cash to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995.

ARTICLE 15: On a motion made by David A. Smith Jr. and seconded, voted unanimously to transfer \$750 from Free Cash to the Emergency Response Fund.

ARTICLE 16: On a motion made by Rene C. Wood, and seconded, voted unanimously to transfer \$16,000 from Free Cash to purchase Jaws of Life equipment and radios for the Fire Department.

ARTICLE 17: On a motion made by Julie M. Hannum and seconded, voted unanimously to transfer \$25,000 from Free Cash to compensate firefighters for training.

ARTICLE 18: On a motion made by David A. Smith Jr. and seconded, voted unanimously to pass over the appropriation of \$7,000 for defibrillators for Town buildings. It was noted that the Sheffield Kiwanis Club will purchase the defibrillators for the Town.

ARTICLE 19: On a motion made by Rene C. Wood and seconded, voted unanimously to transfer \$75,000 from Free Cash to purchase and equip a new 17,000 GVW truck for the Highway Department.

ARTICLE 20: On a motion made by Julie M. Hannum and seconded, voted unanimously to transfer \$40,000 from Free Cash to purchase and equip a new four wheel drive police cruiser for the Police Department.

ARTICLE 21: On a motion made by David A. Smith Jr. and seconded, voted unanimously to transfer \$30,000 from Free Cash for repairs to the septic system at the Library.

ARTICLE 22: On a motion made by Rene C. Wood and seconded, voted by a substantial majority to transfer \$8,000 from Free Cash to purchase up to date information technology hardware, software, and services.

ARTICLE 23: A motion was made by Julie Hannum and seconded, to transfer \$6,500 from Free Cash to purchase building permitting software and/or services to enable the issuance and tracking of building and other related permits online. Discussion ensued. On a motion made by David West and seconded to table the article, voted by a majority to defeat the motion. On the main motion, voted by a substantial majority to transfer \$6,500 from Free Cash to purchase building permitting software and/or services to enable the issuance and tracking of building and other related permits online.

ARTICLE 24: On a motion made by David A. Smith Jr. and seconded, voted by a substantial majority to transfer \$4,500 from Free Cash to pay for the preservation of Town historical documents in the Town Clerk's office.

ARTICLE 25: On a motion made by Rene C. Wood and seconded, voted unanimously to transfer \$25,000 from Proceeds from the Sale of Land for Town building repairs and improvements to include the Town Hall, Library, and Police Station.

ARTICLE 26: On a motion made by Julie M. Hannum and seconded, voted unanimously 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	\$10,000
Gas Inspector	\$10,000
Electrical Inspector	\$10,000
Fire Safety Inspector	\$10,000
Board of Health	\$15,000

ARTICLE 27: On a motion made by David A. Smith Jr. and seconded, voted by a substantial majority to transfer \$75,000 from Proceeds from Sale of Land for repairs and replacement of the Town Hall Elevator.

Moderator Person advised that he would step down as Moderator to speak to Article 28. He asked if there was any objection to John James serving as Temporary Moderator. There was none and John James took the gavel as Temporary Moderator for Article 28.

ARTICLE 28: A motion was made by Bruce Person and seconded 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. Voted by a majority to defeat the motion.

Bruce Person returned as Moderator..

ARTICLE 29: On a motion made by Julie M. Hannum and seconded, voted unanimously to authorize the Board of Selectmen to enter into a lease, not to exceed 30 years, under terms and conditions to be determined by them, with the Sheffield Kiwanis Club for use and maintenance of the storage building located in the Town Park.

ARTICLE 30: On a motion made by Rene C. Wood and seconded, voted unanimously to expand the membership on the Council on Aging to eleven (11) members as provided by Chapter 40, Section 8B of the General Laws.

ARTICLE 31: On a motion made by Margaret Z. Martin and seconded, voted unanimously to amend the Zoning By-laws as follows:

1. Add the following new Section 3.2.9 Accessory Apartments:

3.2.9 Accessory Apartments

3.2.9.1 Purpose.

1. Add moderately priced rental units, including workforce housing, to the housing stock of the Town.
2. Provide homeowners with a means of obtaining rental income, companionship, security and/or services, thereby enabling them to stay more comfortably in their homes.
3. Protect property values and the single family residential character of neighborhoods by ensuring that accessory apartments are permitted by Special Permit only on owner occupied premises.

3.2.9.2 Accessory Apartments in the Rural District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Rural District only where the principal use of the lot is an owner occupied single-family dwelling, bed and breakfast establishment, guesthouse, or inn, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.3 Accessory Apartments in the Village Center District. An accessory apartment may be permitted by Special Permit from the Planning Board, as an accessory use in the Village Center District only where the principal use of the lot is an owner occupied single family dwelling, provided the standards set forth in Section 3.2.9.4 and Sections 9.4 and 9.5 are met.

3.2.9.4 Accessory Apartment Standards.

1. An accessory apartment shall only be constructed within an existing principal building or structure, an existing attached accessory building or structure, or an existing detached accessory building or structure.
2. Only one accessory apartment shall be permitted on a lot.
3. The gross floor area of an accessory apartment constructed within a principal building or structure shall not exceed forty percent (40%) of the gross floor area of the principal building or structure, not including a garage or detached buildings, or 800 square feet, whichever is less. The gross floor area of an accessory apartment constructed within an accessory building or structure shall not exceed 800 square feet. The gross floor area of an accessory apartment shall not be less than 300 square feet, even if this exceeds the maximum requirement above. The principal dwelling unit shall not be reduced to less than 300 square feet.
4. The owner of the lot must occupy either the accessory apartment or the principal dwelling unit. Prior to the issuance of a Special Permit for an accessory apartment, the owner of the lot must submit a notarized affidavit certifying occupancy of either the accessory apartment or the principal dwelling unit.
5. When a structure, which has received a Special Permit for an accessory apartment, is conveyed, the new owners, if they wish to continue to exercise the Special Permit, must within thirty (30) days of the conveyance, submit a notarized affidavit to the Building Inspector stating continued occupancy of either the accessory apartment or the principal dwelling unit. Failure to submit a notarized affidavit within thirty (30) days from the date of conveyance shall result in the lapse of the Special Permit.

6. The principal or accessory structure or building that will contain an accessory apartment shall not be enlarged or extended in connection with the construction or modification of an accessory apartment, except for minimal additions necessary to comply with building, safety or health codes, or to create or enclose an entryway or stairway.
7. All parking for the occupant(s) of an accessory apartment shall be off-street. The Planning Board may require a minimum and/or set a maximum number of off-street parking spaces and impose other conditions to ensure the availability of adequate off-street parking which is in keeping with the character of the neighborhood.
8. An accessory apartment shall meet all applicable standards of the State Building Code (780 CMR) and the State Environmental Code, Title V (310 CMR 15.00) and subsequent revisions thereof.

3.2.9.5 Recording of Special Permit for Accessory Apartment. Every Special Permit issued for an accessory apartment shall contain the following condition: No Building Permit shall be issued for the accessory apartment until evidence of the recording of the Special Permit, in accordance with MGL c. 40A § 11, has been provided to the Building Inspector.

2. Add the following definitions to Section 10 under *Dwelling*:

Accessory apartment: A second dwelling unit located within the principal building or structure, or an accessory building or structure that is subordinate to the principal dwelling unit.

Principal building or structure: A building or structure in which the principal use of the lot takes place.

3. Add the following to Section 3.3.1.G Table of Use Regulations and renumber as required:

Principal Use	<u>District</u> R	<u>VC</u>	<u>C</u>	<u>GB</u>	Notes
G. Accessory Uses					
6. Accessory Apartment	PB	PB	N*	N*	Refer to Section 10, definitions. Refer to Section 3.2.9. Refer to Section 9.4 for Special Permit Requirements. *Refer to Section 10, definition of dwelling for the allowance of accessory single family dwelling units in these districts.

ARTICLE 32: A motion was made by David A. Smith Sr. and seconded, to amend the Zoning By-Laws as follows:

1. Add the following language to the beginning of Section 9.4.2.2 Decision: "For Special Permits issued by the Zoning Board of Appeals or...".
2. Delete Section 9.4.2.1 Special Permit Granting Authority, The Zoning Board of Appeals in its entirety and renumber as required.

A second motion was then made by David A. Smith Sr. and seconded to amend the motion to further amend the Zoning By-laws by removing the word "potential" from Section 9.4.2.2. After consultation with Town Counsel, the Moderator advised that the motion to amend was outside the scope of the article and would not be accepted. On the main motion, voted by a two-thirds majority as declared by the Moderator, to amend the Zoning By-laws as follows:

1. Add the following language to the beginning of Section 9.4.2.2 Decision: "For Special Permits issued by the Zoning Board of Appeals or...".
2. Delete Section 9.4.2.1 Special Permit Granting Authority, The Zoning Board of Appeals in its entirety and renumber as required.

The meeting adjourned at 11:00 pm.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Felecia O. Joyce", written over a horizontal line.

Felecia O. Joyce
Town Clerk