

RESULTS OF THE ANNUAL TOWN MEETING

May 3, 2021

Town of Sheffield

Commonwealth of Massachusetts

The 288th Annual Town Meeting was held at the Mount Everett Regional High School, 491 Berkshire School Road in Sheffield on Monday, May 3, 2021. There were 92 of the town's 2,540 registered voters in attendance. The meeting was called to order at 6:04 PM by Town Clerk Felecie Joyce, due to the absence of Moderator William Tighe, followed by the Pledge of Allegiance. The next order of business was to nominate a temporary Moderator for this meeting. Clerk Joyce stated that former Moderator Bruce H. Person graciously offered his services to conduct the meeting. A motion was made by Selectman Martin C. Mitsoff, seconded by Selectman Robert C. Kilmer, Jr. to nominate Bruce Person. Hearing no discussion, a vote was taken. *The motion passed by majority vote.* On a motion by Martin C. Mitsoff, seconded by Robert C. Kilmer, Jr., for Selectboard Chairman, Rene C. Wood, to cast one ballot to elect Bruce H. Person to the position of Temporary Moderator. The motion passed by majority. Mr. Person was then sworn to office by Town Clerk Joyce.

Moderator Person introduced the town officials at the head table: Board of Selectmen: Rene C. Wood, Martin C. Mitsoff and Robert C. Kilmer Jr.; Town Administrator: Rhonda LaBombard; Town Counsel: Mark Reich; Finance Chairman: Nadine Hawver.

Moderator Person discussed the form of voting and introduced Jessica Mancini and staff, from Turning Technologies who offered an overview on the electronic system to be used for the evening. Jessica explained the use of the technology and performed two test votes. Additional protocol and instruction was discussed by Moderator Person.

Moderator Person motioned, it was seconded, to dispense with the Town Clerk's reading of the Warrant. *The motion passed by majority vote.*

ARTICLE 1: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to raise and appropriate \$3,496,487 for the purpose of funding those budgets listed in the Warrant, necessary to defray the expenses of the Town for Fiscal Year 2022.

Moderator.....	\$ 200	Energy.....	\$132,000
Selectmen's Office.....	\$223,034	Board of Health.....	\$ 44,385
Board of Assessors.....	\$ 97,743	Visiting Nurse Association.....	\$ 4,000
Treasurer/Collector.....	\$117,392	Council on Aging.....	\$128,144
Town Clerk.....	\$ 67,869	Veterans Benefits.....	\$ 75,050
Elections & Registration.....	\$ 11,050	Library.....	\$194,968
Conservation Commission.....	\$ 2,450	Historical Commission.....	\$ 750
Planning Board.....	\$ 2,900	Memorial Day.....	\$ 1,200
Commission on Disabilities.....	\$ 300	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 1,000	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$151,805	Ashley Falls Historic Dist. Comm.	\$ 500
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 35,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 11,237	Berkshire County Retirement.....	\$261,710
Police Department.....	\$535,127	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 84,212	Insurance & Bonding.....	\$ 72,000
Inspectional Services.....	\$ 47,778	Group Health (32B) Insurance.....	\$446,000
Fire Hydrants.....	\$ 30,000	Employer Medicare.....	\$ 30,000
Animal Control.....	\$ 13,500	Emergency Medical Services.....	\$ 12,000
Highway Department.....	\$392,784	Unemployment Compensation....	\$ 15,000
Snow Removal.....	\$225,998		

The motion passed by majority vote.

ARTICLE 2: On a motion by Finance Committee Chairman, Nadine Hawver, seconded by Martin C. Mitsoff, to fix the compensation of the following elected officers of the Town for Fiscal Year 2022, as required by Chapter 41, Section 108 and Chapter 71, Section 52 of the General Laws: Moderator, \$200; Selectmen, Chairman \$2,773; Selectmen, two members at \$2,401 each; Southern Berkshire Regional School District School Committee, 4 members at \$500 each. *The motion passed by majority vote.*

ARTICLE 3: On a motion by Martin C. Mitsoff, seconded by Rene C. Wood, to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2022 and vote to raise and appropriate \$7,268,052 to pay the Town's assessed share of that budget. *The motion passed by majority vote.*

ARTICLE 4: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to approve the Southern Berkshire Regional School District Roof and Boiler Debt for Fiscal Year 2022, and vote to raise and appropriate \$151,061 to pay the Town's assessed share of that debt. *The motion passed by majority vote.*

ARTICLE 5: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2022, and vote to raise and appropriate \$149,722 to pay the Town's assessed share of that budget. *The motion passed by majority vote.*

ARTICLE 6: On a motion by Robert C. Kilmer, Jr., seconded by Rene C. Wood, to vote to raise and appropriate \$28,000 to pay for vocational education tuition in Fiscal Year 2022. *The motion passed by majority vote.*

ARTICLE 7: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to vote to raise and appropriate \$8,000 for the purpose of supporting the work of the Regional School District Planning Board in its study of the financial and educational advisability of options for consolidating the Southern Berkshire Regional School District and the Berkshire Hills Regional School District. An overview of this committee was given by member Nadine Hawver. *The motion passed by majority vote.*

ARTICLE 8: On a motion by Rene C. Wood, seconded by Martin C. Mitsoff, to vote to raise from Solid Waste Disposal Enterprise Fund Revenues \$140,910 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. There were a few questions asked, and were answered by Town Counsel Mark Reich. *The motion passed by majority vote.*

ARTICLE 9: On a motion by Martin C. Mitsoff, seconded by Rene C. Wood, 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 vote.*

ARTICLE 10: On a motion by Nadine Hawver, seconded by Rene C. Wood, 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 vote.*

ARTICLE 11: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, 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 2022 and to set the salary for those positions at \$40 per Title Inspections and \$100 per Perc Tests in accordance with the provisions of G.L. c. 41, Section 4A. *The motion passed by majority vote.*

ARTICLE 12: On a motion by Rene C. Wood, 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 vote.*

ARTICLE 13: On a motion by Martin C. Mitsoff, seconded by Robert C. Kilmer, Jr., to transfer \$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 vote.*

ARTICLE 14: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to transfer \$750 Free Cash for the Emergency Response Fund. *The motion passed by majority vote.*

ARTICLE 15: On a motion by Rene C. Wood, seconded Robert C. Kilmer, Jr., to raise and appropriate \$20,000 to Compensate firefighters for training. *The motion passed by majority vote.*

ARTICLE 16: On a motion by Martin C. Mitsoff, seconded by Rene C. Wood, to raise and appropriate \$5,000 for financial services. *The motion passed by majority vote.*

ARTICLE 17: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish Fiscal Year 2022 spending limits for the revolving funds 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 by majority vote.

ARTICLE 18: On a motion by Rene C. Wood, seconded by Martin C. Mitsoff, to transfer \$10,000 from Free Cash for Rest of River legal expenses. *The motion passed by majority vote.*

ARTICLE 19: On a motion by Martin C. Mitsoff, seconded by Robert C. Kilmer, Jr., to transfer the sum of \$30,000 from the Solid Waste Enterprise Fund for recycling programs/repairs at the Transfer Station, including any incidental and related costs. *The motion passed by majority vote.*

ARTICLE 20: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to transfer \$260,000 from Free Cash for the purchase of a highway truck. A couple of questions for clarification were discussed and answered accordingly. *The motion passed by majority vote.*

ARTICLE 21: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to transfer \$5,000 from Free Cash for Tax Recertification. *The motion passed by majority vote.*

ARTICLE 22: On a motion by Martin C. Mitsoff, seconded by Rene C. Wood, to transfer \$10,000 from Free Cash for Tax Title Purposes. *The motion passed by majority vote.*

ARTICLE 23: On a motion by Robert C. Kilmer, Jr., seconded by Martin C. Mitsoff, to transfer \$20,000 from Free Cash for Dry Hydrant repairs. *The motion passed by majority vote.*

ARTICLE 24: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., 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 Sheffield MA 1, LLC for personal property taxes associated with the 2.125 MW solar photovoltaic facility located on the property on 1595 Hewins Street, Map 8, Block 4, Lot 13, in Sheffield, and described in a deed recorded with the Berkshire County Registry of Deeds in Book 405, Page 144, 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; or take any other action relative thereto. *The motion passed by majority vote.*

ARTICLE 25: On a motion by Martin C. Mitsoff, seconded by Rene C. Wood, to transfer \$106,973 from Free Cash for the second year payment of fire truck lease purchase financing agreement. *The motion passed by majority vote.*

ARTICLE 26: A report was given by Planning Board Chairman Kenneth Smith, who made a motion, seconded, to vote to change the Zoning Bylaws as follows; or take any other action relative thereto: **1. Amend Section 3.1.3 Table of Use Regulations to delete the strike-through language and add language in BOLD italics, as follows:**

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
31. Retail store, individual	Ref. Sec. 3.1.4	Y	Y	N PB	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to Sections 3.1.4 and 3.1.5 for size conditions. <i>Refer to Section 9.4 for Special Permit requirements.</i>

This Article required a 2/3 vote for passage. *The vote was Yes: 77; No: 6. The motion passed.*

ARTICLE 27: A report was given by Planning Board Chairman Kenneth Smith, who made a motion, seconded, to vote to change the Zoning Bylaws as follows; or take any other action relative thereto:

Amend Section 3.1.3 Table of Use Regulations to delete the strike-through language and add language in **BOLD italics**, as follows:

Principal Use	District				Notes
	R	VC	C	GB	
G. Accessory Uses					
11. Home occupation	Y	Y	P B	N PB	<i>Refer to Section 9.4 for Special Permit requirements. Refer to Section 3.2.1. for Special Permit conditions in the Commercial District.</i>

2. Amend Section 3.2 Accessory Uses or Structures, as follows to delete the strike-through language and add language in **BOLD italics**:

3.2.1 Home Occupation. A home occupation shall be allowed as an accessory use of a single or two-family residential structure, involving provision or sale of goods and services (including members of the building trades such as carpenters, electricians, plumbers, etc.) and the creation of handicrafts and artwork:

1. by right in the Rural District and Village Center District; and;

2. by Special Permit in the Commercial District ***and General Business District if residences in existence on or before May 23, 1994;***

Provided that the home occupation:

1. is carried on by members of the family residing on the premises and has regularly no more than one full-time or three part-time (less than 20 hours per week), non-resident assistant(s) or employee(s);
2. is clearly incidental, secondary and accessory to the use of the structure for residential purposes and comprises not more than 30% of the total floor area of the residence;
3. has no onsite advertising, other than one unlit sign of not more than 10 square feet in area;
4. has no external storage visible from any public highway or neighboring residence;
5. does not generate vehicular traffic exceeding that normally expected in residential areas;
6. produces no external effects not normally associated with the use of residential property;
7. has sufficient off-street parking spaces available to provide for the parking needs generated;
8. has no external alteration to the structure which would change the residential character of the dwelling;
9. has no artificial outdoor illumination, other than the normal and customary outdoor lighting for single-family residences (such as a customary porch light or garage light or walkway light).

This Article required a 2/3 vote for passage. *The vote was Yes: 79; No: 2. The motion passed.*

On a motion by Moderator Person, seconded. To adjourn the Meeting at 7:10 PM. The motion passed.

Respectfully submitted,

Felecie Joyce
Town Clerk, CMMC