

ANNUAL TOWN MEETING WARRANT

Town of Sheffield
Commonwealth of Massachusetts

Berkshire, ss

To the Constables of the Town of Sheffield in said County of Berkshire, *Greeting:*

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Sheffield, qualified to vote in Town affairs, to meet in the auditorium of the Mount Everett Regional High School on Berkshire School Road in Sheffield on Monday, May 2, 2011 at 7:00 P.M. for the following purposes:

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as listed below, and as may be amended, necessary to defray the expenses of the Town for Fiscal Year 2012, or take any other action relative thereto.

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.....	\$ 45,024	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: To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 3: To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2012 and vote 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, or take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2012 and vote to raise and appropriate \$65,547 to pay the Town's assessed share of that budget, or take any other action relative thereto.

ARTICLE 6: To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds \$55,000 to pay for vocational education tuition in Fiscal Year 2012, or take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money for the disposal and management of solid waste, or take any other action relative thereto.

ARTICLE 9: 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, or take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to authorize the appointment of members of the Board of Selectmen to any office or position under their supervision at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws, or take any other action relative thereto.

ARTICLE 11: To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from Overlay Surplus, and/or transfer from available funds, \$72,000 to provide for extraordinary or unforeseen expenditures under the provisions of Chapter 40, Section 6 of the General Laws, known as the Reserve Fund, or take any other action relative thereto.

ARTICLE 13: To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds \$27,053 to pay principal and interest on the bonded indebtedness authorized by Town Meeting vote of January 30, 1995, or take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds \$750 to the Emergency Response Fund, or take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to raise and appropriate or transfer from available funds \$16,000 to purchase Jaws of Life equipment and radios for the Fire Department, or take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 to compensate firefighters for training, or take any other action relative thereto.

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds \$7,000 to purchase new defibrillators for the Town Hall, Library, Highway Garage and Senior Center, or take any other action relative thereto.

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available funds \$75,000 to purchase and equip a new 17,000 GVW truck for the Highway Department, or take any other action relative thereto.

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available funds \$40,000 to purchase and equip a new four wheel drive police cruiser for the Police Department, or take any other action relative thereto.

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 for repairs to the septic system at the Library, or take any other action relative thereto.

ARTICLE 22: To see if the Town will vote to raise and appropriate or transfer from available funds \$8,000 to purchase up to date information technology hardware, software, and services, or take any other action relative thereto.

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available funds \$6,500 to purchase building permitting software and/or services to enable the issuance and tracking of building and other related permits online, or take any other action relative thereto.

ARTICLE 24: To see if the Town will vote to raise and appropriate or transfer from available funds \$4,500 to preserve Town historical documents in the Town Clerk’s office, or take any other action relative thereto.

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 for Town building repairs and improvements to include the Town Hall, Library, and Police Station, or take any other action relative thereto.

ARTICLE 26: To see if the Town will vote 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

, or take any other action relative thereto.

ARTICLE 27: To see if the Town will vote to raise and appropriate or transfer from available funds \$75,000 for repairs and replacement of the Town Hall Elevator, or take any other action relative thereto.

ARTICLE 28: *(By Petition)* To see if the Town will vote 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, or take any other action relative thereto.

ARTICLE 29: To see if the Town will vote 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 , or take any other action relative thereto.

ARTICLE 30: To see if the Town will vote to expand the membership on the Council on Aging to eleven (11) members as provided by Chapter 40, Section 8B of the General Laws, or take any other action relative thereto.

ARTICLE 31: 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 3.2.9 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: 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 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.

You are also directed to notify and warn the inhabitants of the Town of Sheffield, qualified to vote in Town elections, to meet in the Senior Center on 25 Cook Road in Sheffield on Monday, May 9, 2011 at 7:00 AM then and there to bring in their votes for the election of the following Town officers:

- One Moderator for one year
- One Library Trustee for three years
- One Selectmen for three years
- One Planning Board member for three years

And to decide on the following questions:

Question No. 1:

“Shall the Town of Sheffield be allowed to assess an additional \$98,000 in real estate and personal property taxes for the purposes of funding the Southern Berkshire Regional School District Operating Budget Assessment for the fiscal year beginning July 1, 2011?”

Yes _____ No _____

Question No. 2:

“Shall the Town of Sheffield be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the Town’s share of the bond authorized by the School Committee of the Southern Berkshire Regional School District on January 27, 2011 for capital improvements and purchases? ”

Yes _____ No _____

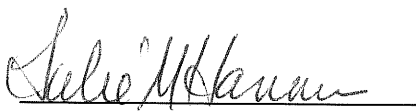
All of said officers to be voted for on the official ballots furnished at the polls. The polls will be opened at 7:00 AM and closed at 7:00 PM.

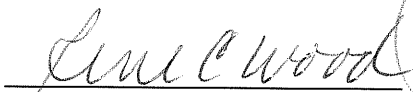
You are directed to serve this Warrant by posting an attested copy in seven public places in the Town, not less than seven days before the date of said meeting.

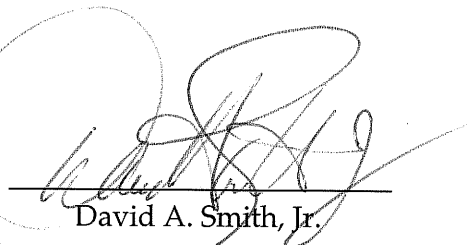
Hereof I fail not, and make return of this Warrant to the Town Clerk, with your doings thereon, at or before the time of said meeting.

Given under our hands and the Seal of the Town of Sheffield this nineteenth day of April in the year of our Lord Two Thousand and Eleven.

BOARD OF SELECTMEN:


Julie M. Hannum


Rene C. Wood


David A. Smith, Jr.

In obedience to the within Warrant, I have notified and warned the inhabitants of the Town of Sheffield qualified to vote in Town or State Elections and Primaries by posting seven attested copies of said warrant in seven public places at least seven days prior to said election.

ATTEST:

TOWN CLERK

CONSTABLE

DATE