

# 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 Mt. Everett Regional High School on Berkshire School Road in Sheffield on Monday, May 5, 2008 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 2009, or take any other action relative thereto.

Moderator.....	\$200	Streetlights .....	\$10,500
Selectmen's Office.....	\$156,754	Board of Health.....	\$14,334
Board of Assessors .....	\$91,007	Visiting Nurse Association .....	\$3,096
Treasurer/Collector .....	\$145,124	Council on Aging .....	\$48,810
Town Clerk.....	\$54,046	Veterans Benefits.....	\$1,000
Elections & Registration .....	\$20,570	Library .....	\$152,664
Conservation Commission .....	\$9,430	Historical Commission .....	\$100
Planning Board .....	\$11,000	Memorial Day.....	\$750
Industrial Development Comm. ....	\$100	American Legion .....	\$1,200
Zoning Board of Appeals .....	\$2,000	Care of Soldiers' Graves .....	\$1,400
Town Buildings and Properties.....	\$92,510	Ashley Falls Historic District Commission .....	\$100
Town Report & Communications .....	\$5,500	Agricultural Commission .....	\$500
Legal Services.....	\$15,000	Interest on Loans .....	\$1
Dispatch Services .....	\$7,380	Berkshire County Retirement .....	\$159,931
Police Department.....	\$416,669	Worker's Compensation .....	\$18,500
Fire Department.....	\$39,955	Unemployment Compensation Fund .....	\$1
Inspectional Services.....	\$75,000	Group Health (32B) Insurance .....	\$265,000
Fire Hydrants.....	\$7,942	Employer Medicare .....	\$16,000
Dog Officer .....	\$8,500	Financial Audit.....	\$12,000
Highway Department.....	\$544,400	Insurance & Bonding.....	\$67,000

**ARTICLE 2:** To see if the Town will vote to fix the compensation of the following elected officers of the Town for Fiscal Year 2009, as required by Chapter 41, Section 108 of the General Laws: Moderator \$200; Selectman, Chairman \$2,200; Selectmen, two members at \$1,900 each, or take any other action relative thereto.

**ARTICLE 3:** 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 4:** To see if the Town will vote to approve the Southern Berkshire Regional School District Operating Budget for Fiscal Year 2009 and vote to raise and appropriate \$5,083,088 to pay the Town's assessed share of that budget under the statutory formula enumerated in Chapter 71, Section 16B of the General Laws, said appropriation to be contingent on passage of a Proposition 2½ override in the amount of \$100,000.

**ARTICLE 5:** To see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2009 and vote to raise and appropriate \$202,731 to pay the Town's assessed share of that budget.

**ARTICLE 6:** To see if the Town will vote to raise and appropriate or transfer from available funds, \$800 to pay the stipend for Sheffield's committee members of the Southern Berkshire Regional School District for Fiscal Year 2009, 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, \$51,000 to pay for vocational education tuition in Fiscal Year 2009, or take any other action relative thereto.

**ARTICLE 8:** (*Submitted by Petition*) To see if the town will vote to elect Southern Berkshire Regional School District School Committee members with residency requirements in district-wide elections to be held at the biennial state elections beginning at the earliest possible date by amending the SBRSD Regional Agreement by striking the entire section under, '2. THE COMMITTEE.' and inserting in lieu thereof the following:

“The powers and duties of the District shall be exercised by and vested in a Regional District School Committee, (hereinafter referred to as the Committee). The Committee shall consist of 10 members with residency requirements as follows: one from Alford, two from Egremont, one from Monterey, two from New Marlborough and four from Sheffield.

a) Pursuant to MGL c 71 § 14E, members shall be elected in biennial state elections in 2008 or no later than 2010 by way of district-wide elections with residency requirements, which will result in the required number of members who are residents of the appropriate town, to serve for a term of four years and thereafter until their respective successors have been duly elected and qualified. For the purposes of arrangement on the ballot, offices having the same residency requirement shall appear on the ballot distinct from offices having different residency requirements, provided always that there shall appear on the ballot appropriate instruction to the effect, ‘you may vote for every position on the Southern Berkshire Regional School District Committee, regardless of where you live in the District.’

b) Transition from current appointive members to elective members shall be reached by continuing each Town's appointive process until elected member successors have been duly elected and qualified. In order to manage this transition, all current and any future appointive members of the school committee will have terms that cannot extend beyond the time elective successors would be duly elected and qualified.

c) To fill member's positions vacated prior to the end of members elected terms, each town shall establish locally elected officials to act as appointive authority pursuant to MGL c 71 § 14E (5).

d) If any vacancy occurs among appointed or elected members after acceptance of this amendment, the appointive authority for school committee members in the town so affected and the remaining Committee member(s) of the town affected, acting jointly, shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. If any vacancy occurs in a town with only one member, the appointive authority from the town involved shall appoint a member to serve until the next biennial state election, at which election a successor shall be elected to serve a full four year term. “

**ARTICLE 9:** *(Submitted by Petition)* To see if the Town will vote for town representatives to the Southern Berkshire Regional School District School Committee to be appointed by the Town Moderator in accordance with Section 2, Article a of the existing Regional Agreement and Massachusetts General Law Chapter 71, Section 14E until such time as town representatives are elected with residency requirements in district-wide elections to be held at the biennial state elections in accordance with Massachusetts General Law Chapter 71, Section 14E, and to continue as appointive authority when necessary thereafter, or take any other action relative thereto.

**ARTICLE 10:** To see if the Town will vote to authorize the Board of Health to employ any of its members, including members who also serve on the Board of Selectmen, as Title 5 Witnesses for Septic Systems Evaluation Tests and Inspections at a rate of \$35.00 per inspection, and/or Sanitation (Title 5) Inspector at an annual salary of \$500 for Fiscal Year 2009, or take any other action relative thereto.

**ARTICLE 11:** 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 12:** To see if the Town will vote to raise and appropriate, transfer from Overlay Surplus, and/or transfer from available funds, \$55,000 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 and/or transfer from available funds, \$30,053 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, \$18,000 to purchase new turnout gear for the Fire Department, or take any other action relative thereto.

**ARTICLE 16:** To see if the Town will vote to transfer \$350,000 from available funds to purchase a new fire truck, 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, \$750 to the Emergency Response Fund, 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, \$7,500 to purchase up to date information technology hardware, software, and services, 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, \$11,500 to purchase a new commercial grade mower and trailer 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, \$145,000 to purchase and equip a new plow truck for the Highway Department, or take any other action relative thereto.

**ARTICLE 21:** 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 22:** To see if the Town will vote to raise and appropriate or transfer from available funds, \$9,500 for improvements to the Town Hall Parking Lot, 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, \$8,500 for legal, advertising, and related costs to process tax delinquent accounts, or take any other action relative thereto.

**ARTICLE 24:** To see if the Town will vote to transfer from the Solid Waste Enterprise Fund Retained Earnings Account for FY2008, \$5,000 for a new trash compactor receiver box, 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, \$5,000 for commercial personal property tax appraisal consultant services for the Board of Assessors, or take any other action relative thereto.

**ARTICLE 26:** To see if the Town will vote to accept Chapter 59, Section 5, Clause 54 and establish the minimum value of personal property subject to taxation at \$1,000. , or take any other action relative thereto.

**ARTICLE 27:** To see if the Town will vote to accept Chapter 32B, Section 18 of the General Laws which will require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the Town, except that any retiree who has formally retired prior to July 1, 2008 shall not be bound by this article, or take any other action relative thereto.

**ARTICLE 28:** To see if the Town will vote to pay the following prior year bills from appropriate FY2008 departmental budgets, or take any other action relative thereto: A-1Security - \$881.00; Master Garbologist - \$130.00

**ARTICLE 29:** To see if the Town will vote to petition the legislature, under the provisions of Section 8, Article 89 of the Amendments to the Constitution (Home Rule), to enact the following, or take any other action relative thereto:

Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen of the Town of Sheffield may appoint two associate members of the Conservation Commission for terms not to exceed one year. The Chairman of the Conservation Commission may designate any such associate member to sit on the Commission in the absence of a quorum for any reason, including a conflict of interest, or in the event of a vacancy on the Commission until said vacancy is filled in accordance with the provisions of Chapter 40, Section 8C of the General Laws.

**ARTICLE 30:** To see if the Town will vote to establish a permanent Housing Commission to support and encourage the creation of sufficient workforce housing in Sheffield as provided in the following, or take any other action relative thereto:

Said Commission, once appointed, shall develop a work plan to carry out the following primary tasks:

- Review existing bylaws and provide recommendations that promote workforce housing in Sheffield;
- Identify and prioritize appropriate areas for new housing to complement the recommendations of the Open Space Five Year Action Plan;
- Utilize a regional approach to meeting housing needs in Sheffield in order to access resources and funding not readily available to small towns.

The Commission shall consist of five (5) members and two (2) alternates appointed by the Board of Selectmen. Members should represent a variety of different interests including beneficiaries of the Commission’s efforts, community members with relevant expertise, civil engineer, landscape designer, land use planner, Board of Selectmen, Planning Board, Conservation Commission, or real estate agent. Members shall be residents.

Members will serve a staggered three-year term. Two (2) members shall be appointed for a term of three years; Two (2) members shall be appointed for a term of two years and three thereafter; and one (1) member for a term of one year and three thereafter. Alternates shall serve for a term of one (1) year.

The Board of Selectmen shall fill any vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based on the recommendation of the Commission.

**ARTICLE 31:** To see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

Delete Section 9.2.1 Establishment in its entirety and replace therewith the following language: “9.2.1 Establishment. The Zoning Board of Appeals shall consist of five regular members and one associate member. All members shall be appointed and removed by the Board of Selectmen pursuant to MGL c.40A, s.12. The Board shall elect a chairman and clerk. The chairman may designate an associate member to represent any regular member during that member’s absence. In such instance, an associate member shall have and exercise full voting rights of the absent member.”

**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 terms to Section 10, Definitions:

**Business or professional office, individual:** A single business establishment (profit or non-profit) engaged in providing professional or business services including legal, insurance, engineering, surveying, accounting, architectural, management, consulting, counseling, secretarial, appraisal, research, marketing, sales, advertising, design, financial advisory, tax advisory, personnel hiring and management, computer and real estate brokerage and similar services and/or the office of a member of a recognized profession maintained for the conduct of that profession. Business or professional office, individual shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, which are physically located on the premises, or any service provided to animals, such as a veterinary hospital, or any medical and dental offices and clinics, other than psychiatric or mental health services. (Refer to Health Care Facility Section 3.1.3.C.3)

**Health care facility:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. Health care facilities include but are not limited to general or special hospitals, public health centers, diagnostic centers, medical offices, dental offices, treatment centers, rehabilitation centers, extended care facilities, long term care facilities, residential health care facilities, home health agencies, clinics and dispensaries. They may include laundries, cafeterias, gift shops, and laboratories as accessory uses.

**Certificate of occupancy:** A certificate signed by the Building Inspector in accordance with the State Building Code 780-CMR setting forth either that a building or structure complies with the Zoning By-Laws or that a building, structure or lot may lawfully be employed for a specified use or uses, or both.

2. Add the following definition to Section 10, Definitions, and Section 3.2.8:

**Accessory single-family dwelling unit / General Business District:** A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the General Business District, per Section 3.1.3 Table of Use Regulations.

3. Change the definition of “Accessory Single-Family Dwelling Unit / Commercial District”, Section 10, Definition , and Section 3.2.7 to read:

**Accessory Single-Family Dwelling Unit / Commercial District:** A Single-family dwelling unit as an accessory use where the principal use is either a use allowed by right or permitted by Special Permit in the Commercial District, per Section 3.1.3 Table of Use Regulations.

**ARTICLE 33:** To see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

1. Change Section 3.1.3.C.3 to read:

Principal Use	District				Notes
	R	VC	C	GB	
C. Institutional Uses					
3. Health care facility	PB	PB	PB	PB	Refer to Section 9.4 for Special Permit requirements.

2. Change Section 3.1.3.D.3 to read:

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
3. Bed and breakfast establishment; guest house; inn	Y	Y	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

3. Delete Section 3.1.3.D.13, Hotel, inn; Renumber as needed; and Change Section 3.1.3.D.17 to read:

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
17. Hotel, motel	N	N	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

4. Change Section 3.1.3.D.11 to read

Principal Use	District				Notes
	R	VC	C	GB	
D. Commercial Uses					
11. Funeral home	N	PB	PB	PB	Refer to Section 10, Definitions. Refer to Section 9.4 for Special Permit requirements.

5. Add the following as Section 3.1.3.G.5 and Renumber as needed:

Principal Use	District				Notes
	R	VC	C	GB	
G. Accessory Uses					
5. Accessory single-family dwelling unit/General Business District	N	N	N	PB	Refer to Section 3.2.8. Refer to Section 9.4 for Special Permit requirements.

**ARTICLE 34:** 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 terms to Section 9.3.7 Lapse:
  2. Special Permits: According to the provisions of MGL c 40A § 9, any special permit granted by the Planning Board shall lapse within 2 years, which shall not include such time required to pursue or await the determination of an appeal, as per MGL c 40A §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
2. Change the last paragraph of Section 6.2.5 to read:

The Board may not grant a Special Permit for any sign of a size more than 50% larger than that permitted under Section 6.2.5.1 above or for more than four signs to be placed upon any lot. Further, the Board may not grant a Special Permit for a combined square footage of all signs exceeding 50 square feet. Applicants for a Special Permit shall submit a drawing acceptable to the Board illustrating the proposed sign(s), their location on the property and their conformance to setback requirements.

**ARTICLE 35:** 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 to Section 3.1.3.A.5, Boarding house, Notes:

Refer to Sections 3.2.6.2, 4.2.2.3, 4.3.2.5 and 7.3.
2. Add to Section 4.3.3:
  6. Applicants for a Special Permit under this Section shall first file for the Special Permit. If granted, applicant shall promptly record the Special Permit as specified in the Planning Board Rules and Regulations.
  7. The Planning Board shall have the right to waive Approval Not Required Plan (Form A) fees for applicants under this Section in accordance with the Planning Board Rules and Regulations.
3. Add the following as the fourth sentence in Section 9.1.1, Permits:

A building or structure shall not be occupied until the Building Inspector has issued a Certificate of Occupancy, which certifies compliance with all applicable by-laws and laws.
4. Delete the phrase “Section 6.1. Signs” from Section 9.5.1.1.2; so that it now reads:

For other information regarding Special Permits, refer to Section 9.4 Special Permits, and as appropriate, Section 4.3.3, Alternative Lot Dimensions; Section 5.2, Nonconforming Uses and Structures; Section 7.1, Personal Wireless Service Facilities, Repeaters and Towers; Section 8.1 Adult Entertainment Overlay District; and Section 8.3, Water Supply Protection District.

5. Add the following sentence to Section 9.5.3, Contents of Site Plan:

To insure that the information presented in an applicant’s site plan is consistent with the use being applied for, the SPGA shall have the right to waive or modify any component listed under Site Plan Content, at the written request of the applicant, where it is clear such modification or waiver will not materially impact the information presented or required by the SPGA to conduct its business. Any such approval given by the SPGA to a modification or waiver request shall be by the same number of votes as required to approve a Special Permit.



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 Town Hall on Depot Square in Sheffield on Monday, May 12, 2008 at 9:00 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 Selectman for three years
- One Planning Board member for three years

And to decide on the following question: “Shall the Town of Sheffield be allowed to assess an additional \$100,000 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, 2008?”  
Yes \_\_\_\_ No \_\_\_\_

All of said officers to be voted for on the official ballots furnished at the polls. The polls will be opened at 9:00 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 do 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 twenty-second day of April in the year of our Lord Two Thousand and Eight.

**BOARD OF SELECTMEN:**

Julie M. Hannum

James T. Collingwood, Sr.

David D. Macy

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