

**TOWN OF SHEFFIELD
BOARD OF SELECTMEN
DECEMBER 2, 2013
TOWN HALL
7:00 PM**

Board Members Present: Julie M. Hannum, Chairman
Rene C. Wood
Edwin J. Dobson

Others Present: Rhonda LaBombard, Town Administrator
Alicia Dulin, Assistant to Town Administrator

Members of the public

Chairman Hannum called the meeting to order at 7:00 PM.

APPROVAL OF MEETING MINUTES:

Tabled until next meeting.

APPOINTMENT – SBETC REPRESENTATIVE:

Selectman Wood moved to appoint David A. Smith Jr. as the SBETC Representative for a term to expire on June 30, 2015, seconded by Selectman Dobson. The motion carried unanimously.

FRIENDS OF THE SENIOR CENTER BOOK RECYCLING CONTAINER:

Chairman Hannum stated that she did not have the time to look at the area where the Senior Center book recycling container was proposed to be moved. Selectman Wood stated that she is concerned about moving it behind the Town Hall because of the lack of lighting at night and her concern when the fire whistle goes off there may be a safety issue. Selectman Wood suggested putting the recycling container at the Transfer Station or behind the Senior Center. Discussion ensued. Claudia Martin from the Friends of the Senior Center stated that they had thought about moving it to the Transfer Station but decided against it because the Transfer Station has limited hours. She stated that she believes behind the Senior Center would work best. It was the consensus of the Board that the container be moved behind the Senior Center.

ELECTRICAL INSPECTOR FEES:

Administrator LaBombard explained that the Electrical Inspector Richard Cappadona has submitted a letter requesting a \$10 increase in the Electrical Inspector fees due to increased expenses related to the use of the online permitting system. Administrator LaBombard recommended looking at this increase when all of the others fees are evaluated in the spring. It was the consensus of the Board to look at the increase in the Electrical Inspector fee when all of the other fees are evaluated in the spring.

DAVID WEST – ZONING BOARD OF APPEALS DECISION:

David West presented the nine points that the Zoning Board of Appeals cited in their decision on the Planning Boards appeal of the issuance of a building permit to Primax Properties. He stated that the parking violations are not defined in the Zoning Bylaws, that the principal use is wrong and that the entire decision is based on misinterpretation. Mr. West stated that in all, the decision only has one half valid point which is the landscaping on the south side of the property.

BYLAW REVIEW COMMITTEE:

Chairman Hannum read the following list of people interested in serving on the Bylaw Review Committee:

Thomas Carmody – Building Commissioner
Anthony Gulotta
Marie Massini-Reynolds
David West
Catherine Miller
Jeff Waingrow
Elaine Panitz

Chairman Hannum and Selectman Dobson both stated interest in being on the Bylaw Review Committee. Chairman Hannum stated that volunteers from other Boards and Committees are still needed. Selectman Wood stated that terms and a charge for the Bylaw Review Committee are still needed. Discussion ensued. It was the consensus of the Board to each craft a charge for the committee and submit them to Administrator LaBombard.

PROPOSED BYLAW – FORMULA BUSINESS:

Chairman Hannum explained that the Planning Board has submitted a new bylaw regarding formula businesses and they are looking for the Boards approval. Peter Cherneff stated that it was just a formality to get approval from the Board of Selectmen and a public hearing has already been scheduled for this on December 11, 2013 at 7:30 PM. Chairman Hannum expressed her concerns with a request to seek counsel's input for this bylaw in an urgent fashion when she and Administrator LaBombard were out of Town and then scheduling a public hearing two months later. Selectman Wood asked when the bylaw would be sent to Town Counsel for review. Mr. Cherneff stated that it would be submitted to Town Counsel after the public hearing and then it would be sent to the Attorney General for an advisory opinion. Discussion ensued regarding the Formula Business presentation given by Attorney Dubendorf. Selectman Wood moved to refer the Formula Business Zoning Bylaw back to the Planning Board, seconded by Selectman Dobson. The motion carried unanimously.

WIND ENERGY LEGISLATION:

Selectman Wood explained that at the last meeting she submitted a letter for the Boards review to Senator Benjamin B. Downing regarding the current Wind Energy legislation, in which she stated that her main concern is local control. Chairman Hannum stated that she is willing to sign the Wind Energy Legislation letter as presented. Selectman Dobson stated that he would like some time to read it. Selectman Wood moved to support the Wind Energy Legislation letter as presented and authorize the Chairman to sign, seconded by Chairman Hannum. The motion carried unanimously.

DLTA GRANTS:

Selectman Wood explained that at the last meeting she submitted three DLTA grant applications for the Boards review. The first DLTA grant application was for a zoning bylaw review, the second DLTA grant application was for a BRTA bus pilot and ride assistance issues and the third DLTA grant application was for the Rest of River. Selectman Wood explained the first DLTA grant application for the Rest of River. Selectman Wood moved to sign the rest of river DLTA with the five other communities, seconded by Selectman Dobson. The motion carried unanimously. Selectman Wood explained the second DLTA grant application for a review of the zoning bylaws. Chairman Hannum stated that she is in support of this DLTA grant. Selectman Wood moved to support the DLTA grant application for review of the zoning bylaws, seconded by Selectman Dobson. The motion carried unanimously. Selectman Wood explained the third DLTA grant application that focuses on public transportation and a pilot bus route for Sheffield. Discussion ensued regarding whether volunteers can drive people to things such as medical appointments. Selectman Dobson moved to

submit the DLTA grant application for transportation as presented, seconded by Selectman Wood. The motion carried unanimously.

SELECTMEN’S ITEMS:

Selectman Dobson stated he believed he was voted into a tough job at a tough time in Town. He stated that it is difficult navigating different opinions and complex issues but it doesn’t have to divide the Town in the way that it has.

Selectman Wood stated that the Community Development Strategy Committee has been great in helping to point out the things that need to be focused on. She also stated that she would like to talk to Great Barrington about the possibility of partnering with Sheffield on a CDBG grant. She stated that the total grant available is one million dollars. Chairman Hannum and Selectman Dobson stated that they supported Selectman Wood talking with Great Barrington regarding a CDBG grant.

Chairman Hannum stated that she hopes everyone had a great Thanksgiving. She also reminded residents that the Ashley Falls tree lighting ceremony was held on Saturday November 30th and the Sheffield tree lighting would be held on Sunday December 8th.

PUBLIC COMMENT:

Martin Mitsoff asked how Berkshire Mountain Distillers can building without the special permit that is required. Peter Cherneff stated that a special permit is only required for the use part. It is legal for him to build a building that conforms and not use it until a special permit has been granted.

Susan Butler read a letter to the Board regarding what needs to be done for a meeting to be rescheduled between the Zoning Enforcement Officer and the Board. She asked if it could be scheduled right now. Chairman Hannum stated that the Board could not schedule a meeting without talking to the Zoning Enforcement Officer first.

Peter Cherneff stated that he commends the Board for their efforts to get the zoning bylaws improved. He stated that he has served on the Zoning Bylaw Review Committee for the past few years and he suggests getting a professional consultant to review the bylaws.

James Collinwood Jr. read a letter regarding the Special Town Meeting vote. He stated that the e-mail that was published in the paper degrading local residents and the comments made by one of the Board of Selectmen are uncalled for. He hopes that the Board listens to the majority of the voters from the Special Town Meeting and puts the issue to rest so the Town can heal.

George Oleen asked if the Board has looked at the Transfer Station for a solar farm. Chairman Hannum stated that it was looked at in the past but was not possible for a number of reasons.

Mr. Oleen also stated that he wanted to bring it to the Boards attention that Dollar General needed Board of Health approval before they were issued a permit because they are going to sell food.

David West stated that he wanted to clarify that he believes that Berkshire Mountain Distillers only has a foundation permit.

OTHER BUSINESS:

Administrator LaBombard stated that Dick Kirchner has submitted a letter of resignation from the Zoning Board of Appeals and on Friday, Barbara West will be retiring from the Assessors Office after 18 years. Administrator LaBombard thanked both Mr. Kirchner and Mrs. West for their time with the Town.

Selectman Wood moved to accept Mr. Kirchners resignation letter and Mrs. West’s retirement letter and send letters of thanks to both, seconded by Selectman Dobson. The motion carried unanimously.

Selectman Wood moved to enter Executive Session for the purpose of litigation strategies regarding Primax Properties and return to Open Session, seconded by Selectman Dobson. The motion carried as follows:

Chairman Hannum – Aye

Selectman Wood – Aye

Selectman Dobson – Aye

Open Session resumed at 9:30 PM

Chairman Hannum stated that the Board of Selectmen will work with the Zoning Board of Appeals to bring closure to this matter at minimal cost to the Town.

Selectman Wood moved to adjourn the meeting, seconded by Selectman Dobson. The motion carried unanimously.

Chairman Hannum adjourned the meeting at 9:31 PM.

Respectfully submitted:

Alicia Dulin
Assistant to Town Administrator

Documents reviewed at this meeting:

Letter of Interest for SBETC Representative – Dave Smith Jr.

E-mail from Claudia Martin

Letter from Richard Cappadona – Wiring Inspector Fees

List of People Interested in Serving on Bylaw Review Committee

Formula Business Bylaw

Wind Energy Legislation

DLTA Grant Applications

Richard Kirchner Resignation Letter – Zoning Board of Appeals

Barbara West Retirement Letter – Assessor's Office