

**TOWN OF SHEFFIELD
BOARD OF SELECTMEN
SEPTEMBER 19, 2005
TOWN HALL**

Board Members Present: Janet G. Stanton, Chairman
David D. Macy, Selectman
Julie M. Hannum, Selectman

Other Staff Present: Robert Weitz, Town Administrator

Chairman Stanton called meeting to order at 7PM.

HEARING: PETITION FOR JOINT OR IDENTICAL POLE LOCATION ON CLAYTON/CANAAN RD.

Chairman Stanton opened the petition for the joint or identical pole location on Clayton/Canaan Road. The Board and Town Administrator Weitz held brief discussion with Andy Hufnagel of Verizon during which Town Administrator Weitz conveyed that he and the Highway Superintendent were not able to determine the proposed pole location. Mr. Hufnagel looked at the sketch accompanying the petition and stated that the proposed location was marked on the wrong side of the street. In addition, there was question if the proposed location was under the state's jurisdiction. Selectman Macy moved to continue the hearing, seconded by Selectman Hannum. Motion carried unanimously. Note: On September 20th AM, Mr. Hufnagel called to confirm that Clayton/Canaan Road is a state road. No future action is needed on the part of the town relative to Verizon petition No. 9AB3ED dated July 29, 2005.

APPROVAL OF MINUTES FOR AUG. 22, 2005, AND SEPTEMBER 12, 2005
Selectman Macy moved to approve the minutes for August 22, and September 12, 2005,
seconded by Selectman Hannum. Motion carried unanimously.

EXCAVATION PERMIT APPLICATION

Town Administrator Weitz read cover letter dated August 25, 2005 from Attorney Edward G. McCormick of McCormick, Murtagh Marcus & Almgren for submittal of an Excavation Permit Application on behalf of Robert and Rose Cronk on a 24 acre-parcel located on the south side of Polikoff Road identified as Assessor's Map 8, Block 4, Lot 1. The application included: \$4,200 fee, narrative prepared by White Engineering describing the project, the restoration, erosion, sedimentary control and method of removal, together with a List of Abutters, a Soil Map for the project location, Soil Description for the projection location, Soil Evaluation Forms, Sieve Analysis of soil Hydrometer Analysis Results, Hydrometer Analysis Results and Groundwater Monitoring Report for the excavation project.

The application was given to the Town Clerk's Office on August 26, and received in the Selectmen's Office on August 29th. By bylaw, a hearing for the application must occur within 45 days of receipt of the application. The law is silent about advertising to abutters. However, Town Administrator recommended doing so. Pending 2 weeks notice in the Berkshire Eagle (making the deadline to submit the advertisement), the Board agreed to schedule the hearing on October 5th at 7PM (1st choice) or October 6th at 7:30PM (2nd choice).

MAIL OF NOTE:

BRUCE PHIBRICK RE: HOUSATONIC RAILROAD RIGHT-OF WAY- reports Housatonic Railroad conducting extensive soil removal and carting away in 10 wheeler trucks along the track right of way. He expresses concern about rights of abutters, and environmental concerns, and requested additional information such as if Housatonic Railroad filed plans with the town, expressing that abutters should be notified about their plans. Selectman Stanton stated that no plan had been filed and suggested asking a representative of Housatonic Railroad to attend a meeting. Conservation Commission Chairman Jamie Pomeroy advised that Housatonic Railroad has usually been pretty good, and to her knowledge she has not seen a disturbance near groundwater and she could take a look and report to the Selectmen at the next meeting.

DEPT. OF AGRICULTURAL RESOURCES RE: ACQUISITION OF INTEREST IN LAND NOTICE (Town Administrator Weitz read letter)
The Department of Agricultural Resources (APR), to comply with state regulations, asked that the town read letter to announce the state's interest in acquisition of 12 acres of land on Rannapo Road (Assessors Map 3, Block 4, Lot 1) for the APR program.

BERKSHIRE SCHOOL RE: WALK-A-THON

Selectman Macy moved to approve Berkshire School's request to conduct a Walk-A-Thon on 10/9/2005 from 11 AM to 1PM (Route: from campus, left onto 41N, Right onto Curtiss, Right onto Giberson, Right onto Berkshire Road, right onto 41 back onto campus) to benefit the Katrina Relief Fund, pending approval of the Police Department, seconded by Selectman Hannum. Motion carried unanimously.

APPOINTMENTS

FIRE DEPT.

Selectman Hannum moved to appoint Robert Michael Martin as a probationary Firefighter, seconded by Selectman Macy. Motion carried unanimously.

HISTORICAL COMMISSION

Selectman Macy moved to appoint Gaeten LaChance to the Historical Commission, seconded by Selectman Macy. Motion carried unanimously.

5 TOWN CABLE TV ADVISORY BOARD

Selectman Hannum moved to appoint Paul O'Brien to represent the town on the 5-Town Advisory Board, seconded by Selectman Macy. Motion carried unanimously. Selectman Hannum asked that Town Administrator Weitz arrange to send the last set of minutes and contact information to Mr. O'Brien.

RESIGNATION – BUILDING INSPECTOR

Chairman Stanton announced that Brent Getchell is resigning his position as Building Inspector because of his extremely busy non-town related working schedule. The Board is now recruiting for a building inspector – Mr. Getchell has provided up to 10 weeks notice.

CURB CUT PERMITS

Selectman Hannum moved to grant a curb cut permit to John Brodsky, Lot 5, Bears Den Road, seconded by Selectman Macy. Motion carried unanimously.

Selectman Macy moved to grant a curb cut permit to JTK. Nominee Realty Trust on Hulett Hill Road, seconded by Selectman Hannum. Motion carried unanimously.

The Board will hold on the curb cut permit application: Hulett Hill Road, Lot 5 – Ronald Durning – Town Administrator Weitz had advised that conditions were added: Bushes to be cleared by the property owner, and driveway located within 10 feet of lot 6. Selectman Macy stated that he wanted to view the proposed area. Selectman Stanton stated that she wanted to see the orders of the Highway Superintendent on the permit.

NEW LICENSE – COMMON VICTUALLERS

Selectman Macy moved to grant a common victualler's license to Andrea Eichtedt for her business -- Spill the Beans Café, 11 Maple Avenue, seconded by Selectman Hannum. Motion carried unanimously.

OLD BUSINESS:

CABLE TELEVISION FRANCHISE TRANSFER RESOLUTION

Town Administrator Weitz advised that per his discussion with Cable Counsel, Board of Selectmen's approval is not needed for the transfer to occur, transferee is normally bound by existing license, but due to transferor being in bankruptcy, there is lack of certainty on this point.

At the recommendation of the Cable Attorney to use the language for this motion, Selectman Macy moved to approve a resolution providing approval for an assignment of the franchise and the cable system to Time Warner New York Cable LLC in reliance on, and subject to, the applicants affirmation at the Public Hearing that the applicant will be subject to, and fully bound b the existing franchise license. Julie Hannum seconded. Motion carried unanimously.

CTSB FEE

Selectman Stanton stated that she feels that although it would be fair for Sheffield to pay the same rate as rate for the other 4 towns, she wants to wait until the other towns adopt the new fee, and then bring this back to the agenda. In addition, now that the town has a 5 Town Cable Advisory Board member, the board will ask for his recommendations.

HILLSIDE LANE STORMWATER

Town Administrator Weitz reported on the reply to the town's request to the Joban/Churtins on Hillside Lane, for reimbursement for the cost of the town cleaning up the silk running onto the town highway. They advised that they are not responsible as the Conservation Commission issued a Cease and Desist order to the Hillside Lane association to address the storm water problem and that it is not solely from the Joban/Churtin's property. Conservation Commission Chairman Jamie Pomeroy confirmed that such a cease and desist was issued and reported that the Commission awaits report/recommendations from the Dept. of Environmental Protection on their site visit done earlier this month. In addition the association hired an engineer to suggest how to remedy. Ms Pomeroy also advised that it is critical that the town not allow water to be routed via culvert across the road as there are rare species and the water runoff can change the pH level, and harm the bog.

BOARD OF SELECTMEN'S ITEMS

Julie Hannum reported Paul Mennen expressed his appreciation for the prompt help Highway Superintendent Ron Bassett volunteered for the clean up of tree branches on his driveway.

Selectman Hannum noted that in the future the Board may want to discuss the implementation of the Conservation Commission Scenic Mountain Act that passed at a town meeting on 1975.

Selectman Hannum attended a Southern Berkshire Chamber of Commerce meeting at which the Upper Housatonic Valley National Heritage District presented. She found the meeting to be most informative and recommended that the board keep this organization on the radar, as 1 million dollars will be distributed in the next 10 years.

Selectman Stanton inquired about the stairway construction project at the Library. Town Administrator Weitz will mail another request for quotes as none had been received at Friday's deadline.

Selectman Hannum noted speeding on East Stahl Road.

Selectman Hannum expressed kudos to the Village of Ashley Fall for the lovely bridge opening party. Town Administrator Weitz reminded the board that stops signs at East Main and School Street, Ashley Falls, need to be addressed, as they were only voted temporary – while bridge was closed.

Chairman Stanton praised the highway department for the great cleanup of Shunpike Road.

Chairman Stanton complimented the Sheffield Days event occurring in Ashley Falls that included a tour of the Old Mill followed by a panel discussion, and over 100 people in attendance.

Selectman Macy stated that so far the new Village Green signs are ineffective. Discussion ensued. Next week the board is scheduled to discuss Village Green Parking.

Selectman Macy moved to adjourn, seconded by Selectman Hannum. The meeting ended at approximately 7:50PM.

Respectfully submitted,

Beverly Gilbert, Recording secretary