

**TOWN OF SHEFFIELD
BOARD OF SELECTMEN
NOVEMBER 25, 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:

Selectman Wood moved to approve the minutes from the November 4, 2013 and November 12, 2013 meetings, seconded by Selectman Dobson. The motion carried unanimously.

PUBLIC HEARING 7:00 PM – VERIZON POLE INSTALLATION – SHEFFIELD EGREMONT ROAD:

Chairman Hannum opened a public hearing at 7:00 PM for a utility pole installation on Sheffield Egremont Road. A representative from Verizon was present to answer any questions that the Board or residents may have. There were no public comments. Selectman Wood stated that she still wants the issue of double poles in Town resolved. Selectman Wood moved to close the public hearing, seconded by Selectman Dobson. The motion carried unanimously. Chairman Hannum closed the public hearing at 7:03 PM. Selectman Wood moved to grant the utility pole installation on Sheffield Egremont Road, seconded by Selectman Dobson. The motion carried unanimously.

INTRODUCTION OF FOR TREASURER/COLLECTOR OFFICE:

Administrator LaBombard introduced Bonnie Bonn-Buffoni, the new Assistant for the Treasurer/Collector Office.

EXECUTIVE SESSION – LITIGATION STRATEGY PRIMAX PROPERTIES:

Chairman Hannum stated that it was the consensus of the Board to move the Executive Session to the end of the agenda and to return to open session after the Executive Session.

SBETC REPRESENTATIVE APPOINTMENT:

Chairman Hannum stated that there is an opening for a SBETC Representative. She stated that David Smith Jr. has submitted a letter of interest and an appointment would be made at the next Board meeting on December 2.

APPROVAL OF 2014 ALCOHOL LICENSES:

Chairman Hannum read the following list of 2014 alcohol license renewals:

The Bridge Restaurant
Race Brook Lodge
Stagecoach Tavern
Barn Space Catering

AVC Video
Sheffield Pub
PJ's Convenience Store
Silks Variety
The Marketplace Café
Village on the Green Restaurant and Pizzeria
American Legion
Kiwanis Club of Sheffield

Selectman Wood moved to renew the 2014 alcohol license as presented and subject to the receipt of the appropriate paperwork, seconded by Selectman Dobson. The motion carried unanimously.

2014 LICENSE FEES:

Administrator LaBombard proposed no increase for the Board of Selectmen license fees this year. Discussion ensued. Selectman Wood moved to approve the 2014 license fees as presented, seconded by Selectman Dobson. The motion carried unanimously. Discussion ensued regarding the 2014 Board of Health license fees. Selectman Wood moved to approve the 2014 Board of Health license fees as presented, seconded by Selectman Dobson. The motion carried unanimously.

BOARD OF HEALTH APPOINTMENT:

Chairman Hannum recused herself because she has expressed interest in being appointed to the Board of Health. Discussion ensued. Selectman Dobson moved to appoint Fred Panitz to a three year term on the Board of Health, seconded by Selectman Wood. The motion carried 2-0. Chairman Hannum abstained.

TEMPORARY ROADSIDE EVENT SIGN APPLICATION:

Kimberly Bleau submitted an application for two Temporary Roadside Event signs to be erected at each end of Berkshire School Road on November 26th for the Annual Cookie Walk to be held on December 7. The signs will be removed on December 8. Selectman Wood moved to approve the Temporary Roadside Event Sign Permit to Kimberly Bleau for the Annual Cookie Walk to be held on December 7, seconded by Selectman Dobson. The motion carried unanimously.

FARMERS SERIES POURING PERMIT – BLACKSHEEP BREWING COMPANY

Administrator LaBombard explained that the ABCC has created a new license called the Farmer's Series Pouring Permit. She explained that Big Elm Brewing dba Blacksheep Brewing Company is now required to have this license in order for them to continue to do tastings and sell beer. Administrator LaBombard recommended establishing the new license and giving it the same fee as a Package Store – Beer & Wine license at \$761 per year. Discussion ensued. Selectman Wood moved to establish the Farming Series Pouring Permit for 2014 at \$761 per year, seconded by Selectman Dobson. The motion carried unanimously.

Selectman Wood moved to grant the Blacksheep Brewing Company a Farmers Series Pouring Permit pending receipt of required documents, seconded by Selectman Dobson. The motion carried unanimously.

APPOINTMENT ANNOUNCEMENT:

Chairman Hannum stated that Martin Mitsoff has submitted a letter stating interest in being appointed as the Veteran's Grave Officer. Chairman Hannum stated that appointment would be made at a meeting in December.

TOWN HALL – HOLIDAY SCHEDULE:

Administrator LaBombard stated that the Town Hall would be closed on November 28, 2013 and November 29, 2013 for the Thanksgiving holiday and December 24, 2013 and December 25, 2013

for the Christmas holiday. Administrator LaBombard suggested closing the Town hall on December 23, 2013 and allowing employees to make up the hours. Discussion ensued. Selectman Wood moved to adopt Administrator LaBombard's proposal as presented, seconded by Selectman Dobson.

FRIENDS OF THE SENIOR CENTER – BOOK RECYCLING CONTAINER:

Chairman Hannum read an e-mail from Claudia Martin requesting that the Book Recycling container be moved. Discussion ensued. Administrator LaBombard suggested moving the book recycling container to the back of the Town Hall so it would not be in plain view but would still be accessible at all hours. It was the consensus of the Board to go and look at the space behind the Town Hall and discuss at their next meeting.

TRANSPORTATION PROGRAM:

Selectman Wood stated that work was being done on setting up a pilot bus service for Sheffield through the BRTA.

DLTA GRANTS:

Selectman Wood presented and described three DLTA grant applications to the Board. The first DLTA grant application is for a zoning bylaw review, the second DLTA grant application is for a BRTA bus pilot and ride assistance issues and the third DLTA grant application is for the Rest of River. She asked that the Board read them and be ready to vote on them at the December 2nd meeting.

WIND ENERGY LEGISLATION:

Selectman Wood presented a letter to Senator Benjamin B. Downing regarding the current Wind Energy legislation. She stated that her main concern is local control. She asked the Board to read the letter she drafted and be ready to vote on it at the December 2nd meeting.

SELECTMEN'S ITEMS:

Chairman Hannum stated that she would like to thank the many voters that attended the Special Town Meeting as well as the moderator Bruce Person, Nadine Hawver for being the Assistant Moderator in the overflow area, Town Clerk Felecie Joyce and the Board of Registrars for their work at the Special Town Meeting.

Selectman Dobson stated that he believes that the most important thing is the future of Sheffield and that his convictions are not in line with the majority of the Town but respects how the residents voted.

Selectman Wood stated that she heard good comments about the Special Town Meeting. She stated that she understand what the voters said on Article #2 and Article #3 and is looking forward to continuing the conversation with the Board.

PUBLIC COMMENT:

David Smith Jr. read a letter to the Board regarding spending tax dollars against the will of the voters to defend the Primax Properties appeal.

Joann Schmulsky stated that she was very disturbed to read a letter that Planning Board member Maria Nation wrote and by Selectman Dobson's comments to the Berkshire Record. Selectman Dobson apologized for the comment and stated that it was inappropriate but, it was taken out of context.

Kerry Douglas stated that he believes that are numerous safety issues at the location where the Dollar General is being proposed and asked who would be held liable if an accident occurred there. He also stated that it is the Town's job to support the Boards.

Dennis Sears distributed and read a letter to the Board asking them to request a reserve fund transfer from the Finance Committee to defend the Primax Properties appeal which he believes is an unforeseen expense.

Dawn Massini read a letter stating that she was upset about the letter that Maria Nation wrote and the comments that Selectman Dobson made. She stated that she is proud to be a Sheffield townie and insulted to have been called juvenile by Selectman Dobson.

Donald Reinauer stated that he has a new appreciation for the Board of Selectmen and the work that they do. He stated that there are a lot of hurt feeling in Town and a decision can't be made on what the next step will be because of those hurt feelings.

Jim McGarry stated that as far as safety issues go with pulling onto and off of Route 7 the State decides what is a danger and what is not. He also stated that the voters have spoken and if we want this Town to heal the Board of Selectmen need to listen to the voters so the Town can move forward.

John James stated that the Board of Selectmen can request that the Finance Committee do a reserve fund transfer but the Finance Committee feels that large sums of money should be put before the voters.

Bart Elsbach stated that this issue has been extremely divisive for the Town and it is not a popularity contest between the Zoning Board of Appeals and the Building Inspector. He stated that it is hard to find good people to serve on these Boards and this is why the Boards need to be supported.

David Smith Sr. apologized for Maria Nation. He also stated his concern that the Finance Committee did not have enough information to make a recommendation on one of the Special Town Meeting articles and the importance of the Board of Selectmen supporting other Town Boards.

Benno Friedman stated that he think the Board of Selectmen has a very serious dilemma to figure out and reminded the Board to remember the work that the Zoning Board of Appeals and the Planning Board have done.

Kathy Orlando stated that she believes that all of the Boards did their jobs and now it is time for the Land Court to do its job.

Elaine Panitz stated that Jim McGarry's comment about the State issue the curb cuts on Route 7 is accurate.

Kerry Douglas stated that the State does not know what is safe for Sheffield, only Sheffield knows what is safe for Sheffield.

David West stated that the plans for the Dollar General were submitted by a professional contractor and it is part of his job to look at the safety issues on any project. He stated that the application submitted by Primax Properties was for a by right use and he is upset because they have been denied their rights.

Dawn Massini asked the Board why the Finance Committee was not included in the Executive Sessions. Chairman Hannum stated that Town Counsel advised the Board that only the Board of Selectmen and the Zoning Board of Appeals should be included at this time.

Selectman Wood explained the responsibilities of the Finance Committee and the reasons behind why they were not included in Executive Session. John James agreed with Selectman Wood that the Finance Committee should not have been included in these Executive Sessions regarding the Primax Properties Appeal.

Claudia Marin stated that the vote has been taken and in a democracy the majority vote should stand. She told the Board that they are prolonging the division of the Town.

Dennis Sears stated again that he would like money released from the reserve fund to fund the Primax Properties Appeal because it is an unforeseen circumstance. He also stated that no person has stepped forward to say why any of the nine violations cited in the Zoning Board of Appeals Decision are wrong.

Mark Robitalle stated that this is about what is right and what is wrong and Dollar General has done the right things therefore they deserve to be here.

Allen Rosen stated that nothing that is said at this meeting or the Special Town Meeting is going to change anyones mind about anything. If the Board chooses not to defend the Primax Properties appeal it will have a huge impact on the Town. He stated that when an accident happens at the site where the Dollar General will be the Town will be sued. He stated that mediation would be good in this case so the Town can get some of these safety issues resolved and if mediation fails then it can be decided by a judge.

Alice Naylor asked the Board if reserve funds could be used to buy this property back from Primax Properties. Selectman Wood stated that even if that could happen there is not enough money in the reserve fund for that.

Benno Friedman stated that Primax Properties has every opportunity to correct the violations and reapply.

Edward Lord stated that he would like to know what the difference is between the Dollar General and the other businesses on Route 7 in regards to traffic and deliveries.

Joe Wilkinson stated that article #3 on the Special Town Meeting Warrant was binding but the money can come from somewhere else.

Jim MacGarry asked when the Primax Properties appeal was received because he thinks it was received before the budget was finished which would not make it an unforeseen expense.

OTHER BUSINESS:

Chairman Hannum stated that at a previous meeting it was stated that Butch Ray submitted a letter of Interest for the Assistant Electrical Inspector. Selectman Wood moved to appointment Butch Ray as the Assistant Electrical Inspector for a term to expire on June 30, 2014, 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 10:30 PM

Chairman Hannum stated that the Board will have another meeting in Executive Session to further discuss what will happen with the Primax Properties appeal.

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

Chairman Hannum adjourned the meeting at 10:31 PM.

Respectfully submitted:

Alicia Dulin
Assistant to Town Administrator

Documents reviewed at this meeting:

Sheffield Egremont Road Pole Installation Petition – Verizon

Bonnie Bonn-Buffoni Application

Letter of Interest for SBETC Representative – Dave Smith Jr.

2014 Alcohol License Renewal List

Board of Selectman Fees

Board of Health Fees

Letters of Interest – Board of Health – David Smith Jr., Julie Hannum, Fred Panitz

Temporary Roadside Event Sign Application

Farmer Series Pouring Permit Application and Letter from ABCC

Letter of Interest – Veteran’s Grave Officer – Martin Mitsoff

E-mail from Claudia Martin

DLTA Grant Applications

Wind Energy Legislation Letter

Letter of Interest – Assistant Electrical Inspector – Butch Ray