

TOWN OF SANDISFIELD



Minutes of SPECIAL TOWN MEETING

Nov 17, 2022

The inhabitants of Sandisfield qualified to vote in elections and town affairs met Thursday, November 17, 2022 at Fire House 2, Located at 207 Sandisfield Road at 7:00 P.M. to act on the following matters:

ARTICLE 1: To see if the Town will vote to request the Farmington River Regional School District (FRRSD) School Committee draw up an Amendment to the Regional School District Agreement between the Towns of Otis, MA and Sandisfield, MA, setting forth the terms by which the Town of Sandisfield, MA may withdraw from the FRRSD, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 1: Passed with majority vote (35-10)

ARTICLE 2: To see if the Town will vote to authorize the board of selectmen to seek special legislation creating and assigning the authority of a “select board” and a “town manager;” provided however, that the General Court may make changes of form only to the bill unless authorized by the select board to make changes, and to authorize the select board to approve such changes as are consistent with the public purposes of the petition, or take any other action thereon:

An Act Creating the Offices of select board and town manager in the Town of Sandisfield

SECTION 1. Notwithstanding any general or special law to the contrary there shall be in the Town of Sandisfield a select board consisting of 3 members elected for terms of 3 years each, so arranged that one term of office shall expire each year. Vacancies in the office of select board shall be filled by a special or regular election in accordance with the provisions of the General Laws. Except as specifically provided by this act, the select board shall have all of the executive powers given to boards of selectmen by the General Laws.

The select board shall have, but not be limited to, the following executive powers:

- A. Serve as the chief policy making body of the town;
- B. Authority to enter into intergovernmental or public or private agreements consistent with law on such terms as it deems beneficial to the residents of the Town;

- C. Be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the select board, or a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it;
- D. Cause the by-laws, rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept;
- E. Appoint the town manager and town counsel, and approve the hire of the town audit firm, which shall be chosen by the town manager;
- F. Be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The select board shall enforce the laws relating to all businesses for which it issues such licenses. The select board under this provision may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary;
- G. Be responsible for providing timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government of the town of Sandisfield or any of its officers; and
- H. In consultation with the town manager, develop a personnel system to include, but not be limited to, classifications and pay schedules, benefit programs, personnel and hiring policies and practices and regulations for town employees.

SECTION 2. Notwithstanding the provisions of G.L. c.40, §23A or any other general or special law to the contrary, there shall be in the Town of Sandisfield a town manager appointed by the select board, who shall serve at the pleasure of the board. The town manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. The select board may enter into a contract with the town manager for salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave, and receive such compensation as the select board shall determine within the amount appropriated therefor by the Town. Any vacancy in the office of town manager shall be filled by the select board with all due haste. Until an appointment is made, the select board shall appoint a suitable person, including but not limited to an employee of the Town, to perform the duties of the office which shall be known as the temporary town manager. In the event of the temporary absence or disability of the town manager lasting more than 5 consecutive work days, the select board may designate a qualified person to serve as acting town manager during such temporary absence or disability.

The town manager shall have the following duties and responsibilities:

- A. Be the chief administrative officer of the Town, shall act as the agent for the select board and shall be responsible to the select board for the proper operation of Town affairs for which the town manager is given responsibility under this bylaw;

- B. Under the authority of the select board, supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all other functions for which the town manager is given responsibility, authority or control by act, by-law, Town meeting vote or vote of the select board;
- C. The town manager shall have the power to delegate, authorize or direct any subordinate or employee of the Town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise under this bylaw. All actions that are performed under such delegation shall be deemed to be the actions of the town manager.
- D. The town manager shall be authorized to act with regard to hiring and firing as follows:
 - 1) Appoint and remove all non-elected department heads, in compliance with section (D)(2) paragraph, and approve the appointment and removal of all other town employees;
 - 2) Consult with the appropriate elected or appointed board, commission, committee or official and the select board prior to making department head appointments or removals. Prior to finalizing a department head appointment, the town manager shall provide notice to the select board of the anticipated appointment and the terms and conditions of employment for the appointment. The select board shall approve or disapprove the appointment and the terms and conditions of employment within 14 days of notice to the select board. A failure of the select board to act in this 14 day period shall be considered approval
 - 3) Adjust the terms and conditions of employment of department heads or the termination or removal of department heads subject to the same notice and approval requirements set forth in section (D)(2);
 - 4) Appointments under this section shall be based on merit and fitness alone; and
 - 5) Be responsible for posting on the town bulletin board and website notices of job opportunities.
- E. The town manager shall have personnel management responsibilities as follows:
 - 1) Administer personnel policies and any related matters for all municipal employees, by adopting appropriate practices, rules or regulations and to administer all collective bargaining agreements entered into by the Town; and
 - 2) Negotiate, subject to the approval of the select board, all contracts with Town employees over wages and other terms and conditions of employment. The town manager may, subject to the approval of the select board, employ special counsel to assist in the performance of these duties.
- F. The town manager shall have financial management responsibilities as follows:
 - 1) Prepare and present an annual operating budget for the Town and present a capital improvement plan for the five (5) fiscal years next ensuing;
 - 2) Be the chief procurement officer for the Town and award and execute contracts in accordance with and subject to the provisions of Chapter 30B of MGL, and to appoint such assistant procurement officers as provided in Chapter 30B of MGL;
 - 3) Inspect and submit warrants for payment to the select board;
 - 4) Approve the award of all contracts for all Town departments and committees;
 - 5) Keep the select board and the finance committee fully informed as to the financial condition of

the Town and to make recommendations to the select board and to other elected and appointed officials as the town manager deems necessary or expedient; and

- 6) Ensure that complete and full records of the financial and administrative activity of the Town are maintained and render reports to the select board as may be required, but not less than annually.

G. The town manager shall have the following administrative responsibilities :

- 1) Attend all regular and special meetings of the select board, unless excused;
- 2) Attend all sessions of the Town meeting and answer all questions addressed to the town manager which are related to the warrant articles and to matters under the general supervision of the town manager;
- 3) Administer either directly or through a person or persons supervised by the town manager, in accordance with this bylaw, provisions of general or special laws, bylaws and other votes of the Town meeting;
- 4) Investigate or inquire into the affairs of any Town department or office under the supervision of the town manager;
- 5) Coordinate activities of all Town departments, officers, boards or commissions of the Town;
- 6) Keep the select board fully informed as to the needs of the Town requiring action by the Town or as the town manager deems necessary or expedient;
- 7) Develop and maintain a full and complete inventory of all Town-owned real and personal property; and
- 8) Perform such other duties as necessary or as may be assigned by this by-law, Town meeting vote, act or vote of the select board.

SECTION THREE. This act shall take effect upon its passage.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded - fix error in first sentence of Section 2

Section 2 first sentence amended to read: Notwithstanding the provisions of G.L. c.41, §23A

Amendment passed with majority vote

ARTICLE 2: Passed as amended with majority vote

ARTICLE 3: To see if the Town will vote to amend the Zoning Bylaw by adding a Section 8(I) - 'Sandisfield Accessory Dwelling Unit Bylaw', or take any other action thereon:

Sandisfield Accessory Dwelling Unit Bylaw

Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing.
3. Develop housing units in our single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
4. Provide a housing unit for persons with disabilities.
5. Protect stability, property values, and the residential character of a neighborhood.

02.0 Definitions:

1. **Accessory Dwelling Unit (ADU)**: A self-contained housing unit incorporated within a single-family dwelling or within another preexisting structure.
2. **Attached Building**: A building having any portion of one or more walls in common or within five (5) feet of an adjacent building.
3. **Detached Building**: A building having greater than five feet of open space on all sides
4. **Single-Family Dwelling**: A building designed or used exclusively as a residence and including only one dwelling unit.
5. **Dwelling Unit**: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Delete the following: This definition does not include a trailer, however mounted.
6. **Primary Residence**: A building in which is conducted the principal use of the lot on which it is located. Such a building would be a dwelling and occupied more than six (6) months of the year.
7. **Short Term Rental**: A rental that is not for more than thirty-one (31) consecutive calendar days.

03.0 Procedural Requirements:

1. **Review Procedure**: All ADUs shall require a building permit.
 - a. ADU plans must be inspected and approved by the Sandisfield Conservation Commission, Board of Health, Planning Board, and Fire Chief with respect to wetlands, setbacks, and 911 number.
 - b. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

04.0 Use and Dimensional Regulations:

1. The issuance of a Building Permit shall follow the requirements in Section 03.0.
2. The ADU shall be a complete and separate housekeeping unit, containing a kitchen and a bath.
3. Only one ADU may be created withing a single-family house or house lot.
4. Any detached building used for the purpose of an ADU must be a pre-existing structure.

5. The gross floor area of an ADU (including additions) shall not be greater than 900 sq feet and include a kitchen, bath, and at least one bedroom with a maximum of two bedrooms.
6. An ADU must have adequate septic capacity.
7. The construction of any ADU must conform to all applicable health and building codes.
8. Sufficient off-street parking shall be available for both primary residents and ADU occupants
9. The owner must be a full time resident and occupy either the ADU or the primary residence
10. Only one unit can be rented at a time.
11. An ADU shall not be used as a short term rental.

05.0 Administration and Enforcement

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
2. The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this bylaw.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded - Remove 2.0 Definitions #5 and renumber #6 and #7 to #5 and #6. Change 4.0 Use and Dimensional Regulations #5 to read “The gross floor area of an ADU (including additions) shall not be greater than 900 sq feet”

ARTICLE 3: amended to read:

02.0 Definitions:

1. **Accessory Dwelling Unit (ADU):** A self-contained housing unit incorporated within a single-family dwelling or within another preexisting structure.
2. **Attached Building:** A building having any portion of one or more walls in common or within five (5) feet of an adjacent building.
3. **Detached Building:** A building having greater than five feet of open space on all sides
4. **Single-Family Dwelling:** A building designed or used exclusively as a residence and including only one dwelling unit.
5. **Primary Residence:** A building in which is conducted the principal use of the lot on which it is located. Such a building would be a dwelling and occupied more than six (6) months of the year.
6. **Short Term Rental:** A rental that is not for more than thirty-one (31) consecutive calendar days.

and

04.0 Use and Dimensional Regulations:

5. The gross floor area of an ADU (including additions) shall not be greater than 900 sq feet.

Amendment passed unanimously

Motion made to amend and appropriately seconded - remove 4.0 Use and Dimensional Regulations #4.

Motion made for secondary amendment appropriately seconded - also change 2.0 Definitions #1 to read "A self-contained housing unit incorporated within a single-family dwelling or within another structure."

Amendment to the amendment passed with majority vote

Amendment as amended passed with majority vote

Motion made to table and appropriately seconded

Amendment does not pass - majority against

Motion made to call the question and appropriately seconded

Motion passes with majority vote

ARTICLE 3: Passed as amended with a majority vote

ARTICLE 4: To see if the town will vote to amend the existing Section 8B of the Zoning Bylaws by striking it in its entirety and replacing with the following Section 8B, or take any other action thereon:

The purpose of this amendment is to permit a single driveway to serve up to 3 parcels, to reduce habitat fragmentation and share costs between cooperating landowners.

Section 8B of Sandisfield's Zoning Bylaws is hereby amended by striking it and replacing with the following Section 8B:

B. Driveways:

1. "Driveways" is defined as any road used for vehicular access from a public road to public or private buildings.
2. Should terrain or other conditions make these driveway bylaws exceedingly difficult or impossible to follow, a solution must be developed and approved by consulting with the Sandisfield Building Inspector. If a solution cannot be developed in this manner, then the Sandisfield Zoning Board of Appeals will determine the solution.
3. Driveway entrance into public or private road shall be situated so the driver has a minimum sight line of 100 feet each direction when entering any of Sandisfield's roads.
4. No driveway entrance shall be located closer than 75 feet to any intersection.
5. No portion of a driveway including its cuts, fills, culverts, etc. shall come closer than 10 feet to any abutting property.
6. Driveways coming down to a public road shall not have a grade steeper than 12% within the first 50 feet from the edge of the traveled roadway.
7. Any new or additional driveway entering onto a paved road must have a paved, concrete or asphalt apron at least 4 inches thick, not less than 20 feet wide and not less than 20 feet long connecting the driveway and the road.

8. Driveways shall be a minimum of 15 feet wide with a surface of 6 inches of well compacted gravel within the first 50 feet from the edge of the traveled roadway.
9. Driveways shall be adequately crowned to direct surface water runoff to appropriate gutters within the first 50 feet from the edge of the traveled roadway.
10. Driveway gutters and culverts shall be of adequate size and location to handle all anticipated surface runoff, and shall be directed to follow previous natural runoff pattern and shall in no instance be changed to flow on to adjacent property or roads, private or public.
11. Driveway cuts and fills shall be no steeper than 1 foot rise to 2 feet run.
12. Cuts and fills must be stabilized with vegetation or stone covering and protected from erosion with straw mulch and hay bales and/or stabilization fabric until vegetation or stone covering is effectively in place.
13. All driveway plans must be inspected and approved by A. Sandisfield Conservation Commission B. Sandisfield Planning Board, C. Sandisfield Highway Superintendent, and D. Fire Chief with respect to wetlands, setbacks, necessary culverts, paved apron, sight lines, and emergency access.
14. All driveway excavation and construction must follow the approved plan and be inspected and approved by the Sandisfield Highway. DPW Superintendent. The property owner is responsible for notifying the proper Town Authorities at least 48 hours before any inspection is due.
15. All driveways must have house number(s) posted before final approval is given. Number(s) must be posted with 911 regulations.
16. There shall be no more than 3 approved building lots served by one shared driveway.
17. A shared driveway to be used by multiple property owners shall have a turnout every 500 feet that allows safe passage of 2 vehicles, and shall have adequate sight lines to reasonably avoid collisions.
18. For shared driveways, a written agreement between the landowners shall be recorded on the deeds of all properties sharing the driveway and filed with the Planning Board and DPW Superintendent. Said agreement shall include maintenance and financial responsibilities.

Requires 2/3 vote.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded - remove B. Driveways #2

Amendment passes unanimously

ARTICLE 3: Passed with 2/3 vote

ARTICLE 5: To see if the Town will adopt M.G.L. c. 60, § 62A: Municipalities; payment agreements, to be inserted into the Town By-laws under Chapter IV, Financial Affairs, as Section 7, or take any other action thereon.

Section 7: Payment Agreements for Properties in Tax Title

- A. Pursuant to the provisions of M.G.L. c. 60, sec. 62A, the Treasurer/Collector will pursue and establish a written payment agreement with any person(s) entitled to redeem in tax title ("redeemer").
- B. All tax title categories are eligible for payment.
- C. Any agreement must require a minimum payment by the redeemer at the inception of the agreement of 25 percent of the total amount needed to redeem the parcel.
- D. The agreement's maximum term shall be no more than five years.
- E. Agreements may result in a waiver of not more than 50 percent of the interest that accrued on the amount of the tax title account.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded - Section 7 D should read "The agreement's maximum term shall be five years."

Amendment passes with majority vote

ARTICLE 5: Passed as amended with majority vote

ARTICLE 6: To see if the Town will adopt MGL Chapter 40U in its entirety, allowing for the administration of fines as a result of a violation of a rule, regulation, order, ordinance or by-law related to the use of property for short-term rental use or regulating a housing, sanitary or municipal snow and ice removal requirement; and to add to the General Bylaws a new Section 17 to Chapter VIII, Miscellaneous Provisions, as set forth below:

Section 17. Administration of Fines for Certain Violations

- A. The procedures for the payment and collection of unpaid municipal fines, as set forth in Chapter 40U of the Massachusetts General Laws, are hereby adopted.
- B. The Board of Selectmen shall appoint a Municipal Hearing Officer to conduct hearings of alleged violations of the Bylaws and Regulations specified in this Chapter.
- C. Notwithstanding the provisions of this Bylaw, the Town may enforce its bylaws and regulations or enjoin violations thereof through any lawful process, including but not limited to through Non-Criminal Disposition as set forth in Chapter VIII, Section 15 of the Town's General Bylaws, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.
- D. The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.
- E. Any rule, regulation, order or bylaw relating to housing, sanitary or municipal snow and ice removal requirements not specifically listed herein shall be penalized by a fine of \$200.

Or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 6: Passed unanimously

ARTICLE 7: To see if the Town will vote to appropriate the sum of \$85,000.00, from Capital Stabilization, to purchase and equip a Ford F-550 truck or equivalent for the Highway Department, including the payment of all costs incidental and related thereto, or to take any other action thereon.

2/3 Vote Required

Select Board Vote: Unanimous

Finance Committee Vote: Unanimous

Motion made and appropriately seconded

ARTICLE 7: passed with 2/3 vote

ARTICLE 8: To see if the Town will vote to transfer the sum of \$9,500.00 from the Recruiting Firm account #10122.08 to the Board of Health Expenses account #70435.00; or act in relation thereon.

Select Board Vote: Unanimous

Finance Committee Vote: Unanimous

Motion made and appropriately seconded

ARTICLE 8: Passed unanimously

ARTICLE 9: To see if the Town will vote to transfer the sum of \$5,000.00 from the Elderly Transportation account #90541.01 to the Op. Maint. Salary account #20425.00; or act in relation thereon.

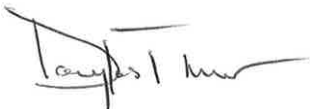
Select Board Vote: Unanimous

Finance Committee Vote: N/A

Motion made and appropriately seconded

ARTICLE 9: Passed unanimously

A True Copy Attest :



Douglas Miner

Sandisfield Town Clerk