

**AGENDA**  
**WILLIAMSTOWN BOARD OF SELECTMEN**

May 13, 2013  
7:00 P.M.

TOWN OF WILLIAMSTOWN

MAY 09 2013

TOWN CLERK

4:14  
pm

**1. CHAIRMAN'S OPENING STATEMENT**

**2. SELECTMEN'S MINUTES:**

Joint Session with Finance Committee April 11, 2013  
Joint Session with Conservation Commission April 18, 2013  
Regular Session April 22, 2013

**3. PUBLIC HEARINGS:**

**A. 7:05 PM** - Request from Hops & Vines MA LLC, d/b/a Hops & Vines, 1000 Main Street, Jane Patton, Manager for a Transfer of a Seasonal General On Premise All Alcohol Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival.

**B. 7:10 PM** - Request from Hops & Vines MA LLC, d/b/a Hops & Vines, 863 Main Street, Jane Patton, Manager for a Transfer of a Seasonal General On Premise All Alcohol Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival - Cabaret.

**4. LICENSES AND PERMITS:**

**A.** Request from The President and Trustees of Williams College, Robert Volpi, Manager, for a One-Day Wine and Malt Beverage License on Wednesday, May 29, 2013 from 5:30 p.m. to 12:00 midnight at Mt. Hope (behind the mansion) for a Senior Dinner Dance.

**B.** Request from The President and Trustees of Williams College, Robert Volpi, Manager, for a One-Day Wine and Malt Beverage License on Friday, May 31, 2013 from 10:00 p.m. to 2:00 a.m. at Paresky Center for Last Chance Dance.

**5. ITEMS FOR SELECTMEN'S CONSIDERATION:**

**A.** Reconsideration of Recommendations for ATM Articles 37 and 38

**B.** Appointment of Spruces Land Use Committee (Rempell)

**C.** Appointment of Long Term Coordinating Committee (Allen)

**D.** Approval of Water & Sewer Warrant \$131,756.95

**E.** Set Public Hearing Date & Time for a Request from Richard Ruether Post 152 American Legion Club, 177 Latham Street for a Change of Manager from Kevin Hamel to Bruce Quinn (Wednesday, 5-29-13 at 7:05 p.m.)

**F.** Approval of Community Electric Aggregation Plan

**G.** Formation of Police Station Study Committee

**H.** Signing of HMGP Grant Contract

6. PETITIONER'S REQUEST:
7. TOWN MANAGER'S REPORT:
8. OTHER BUSINESS:
9. ADJOURN:

**Annual Town Meeting is Tuesday, May 21, 2013 at 7:00 p.m.  
at Mount Greylock Regional High School 1781 Cold Spring Road**

**Fire District Annual Election Tuesday, May 28, 6- 8 p.m.  
Fire District Annual Meeting Tuesday, May 28, 8:00 p.m.  
at the Water Street Fire Station**

**Next Selectmen Meeting – Wednesday, May 29, 2013 at 7:00 p.m.**

**MINUTES**  
**WILLIAMSTOWN BOARD OF SELECTMEN**  
**May 13, 2013**  
**7:00 P.M.**

Present: David A. Rempell, Chairman, Jane B. Allen, Thomas E. Sheldon, Tom Costley, Ronald Turbin

Others Present: David Aldecoa, Michelle Forth, Susan Puddester, Cathy Yamamoto, Ken Swiatek, Tela Zazloff, Sarah Thurston, Bob Scerbo, Peter Fohlin, Kathy Poirot

**1. CHAIRMAN'S OPENING STATEMENT** – Mr. Rempell said “it was extremely gratifying to see such a large turnout at the Special Town Meeting and he thanked everyone who attended. He also acknowledged Moderator Mark Gold, who had to explain a very complicated structure to the meeting. He said tonight’s meeting will deal with a number of the consequences of the decisions that were voted at the Special Town Meeting on April 24. In addition, he said that this is the last Selectmen’s meeting before our Annual Town Meeting on Tuesday, May 21”. He said “it’s crucial for town residents to attend this meeting because in addition to dealing with the financial issues before the town for the next fiscal year, there will be a number of new issues that we will vote on. One of our agenda items this evening has to do with further consideration of a couple of those petitions”.

**2. SELECTMEN'S MINUTES:**

Joint Session with Finance Committee April 11, 2013 - Mr. Costley moved to approve with amendments. Mr. Sheldon seconded and the motion carried 5-0-0.

Joint Session with Conservation Commission April 18, 2013 – Mr. Costley moved to approve with amendments. Mr. Sheldon seconded and the motion carried 5-0-0.

Regular Session April 22, 2013 – Ms. Allen moved to approve. Mr. Costley seconded and the motion carried 5-0-0.

**3. PUBLIC HEARINGS:**

**A. 7:05 PM** - Request from Hops & Vines MA LLC, d/b/a Hops & Vines, 1000 Main Street, Jane Patton, Manager for a Transfer of a Seasonal General On Premise All Alcoholic Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival.

Mr. Costley moved to open the public hearing at 7:05 p.m. Ms. Allen seconded and the motion carried 5-0-0. Mr. Aldecoa explained that Hops & Vines collaborated with the Theatre Festival last summer in providing the food and wait staff. He said that the Theatre Festival and Hops & Vines have entered into an agreement so that Hops & Vines will take over the liquor service and hold the liquor license. Mr. Aldecoa said the layout will be the same as last year. Ms. Allen noted that the floor plan was not specific in showing licensed serving and storage and requested that the plan be amended to show those areas. Mr. Aldecoa said he will submit the amended plan to Ms. Poirot in the morning. In addition, Ms. Allen noted that the new liquor manager, Jane Patton, was not present. Mr. Rempell stated

that he spoke with Ms. Patton and, due to time constraints before the Theatre Festival opens, he allowed the hearing to move forward. Ms. Allen said she would like to speak with Ms. Patton regarding the responsibilities of the liquor manager at the next selectmen's meeting. Ms. Forth said that Hops & Vines will hold their own TIPs training on May 17<sup>th</sup> and Ms. Patton will be attending.

Ms. Allen moved to close the public hearing. Mr. Sheldon seconded and the motion carried 5-0-0.

Mr. Turbin moved to approve, upon submittal of an amended floor plan, the transfer of a Seasonal General on Premise All Alcoholic Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival at 1000 Main St., to Hops & Vines MA LLC, d/b/a Hops and Vines. Ms. Allen seconded and the motion carried 5-0-0.

**B. 7:10 PM** - Request from Hops & Vines MA LLC, d/b/a Hops & Vines, 863 Main Street, Jane Patton, Manager for a Transfer of a Seasonal General On Premise All Alcoholic Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival - Cabaret.

Mr. Costley moved to open the public hearing at 7:20 p.m. Ms. Allen seconded and the motion carried 5-0-0. Mr. Aldecoa said that Hops & Vines had requested a transfer of the license for the Cabaret for the same reasons they are requesting the license for the Theatre Festival. He said that alcohol service at the Theatre Festival will end earlier than last year in order for the staff to get to the Cabaret and set up. The same staff is used for both venues. Ms. Allen stated that the floor plan did not indicate areas of service and storage for the alcohol and requested that an amended copy be submitted to the board.

Ms. Allen pointed out that a report distributed by the Attorney General's office to licensing boards (selectmen) showed that Hops & Vines was named as a last drink location by a person who was arrested for DUI on December 22, 2012. This report relies on information given to the arresting officer by the offender. Establishments named in this report do not receive notification of these events. Mr. Aldecoa and Ms. Forth said they had not known about this issue until it was brought up by Ms. Allen. Mr. Aldecoa said he was very concerned that this information had been shared in a public meeting without Hops & Vines' prior notification. He asked if he could have a copy of the report.

Mr. Turbin moved to close the public hearing. Mr. Costley seconded and the motion carried 5-0-0.

Mr. Costley moved to approve, upon the submittal of an amended floor plan, the request from Hops & Vines MA LLC, d/b/a Hops & Vines, 863 Main Street, Jane Patton, Manager for a Transfer of a Seasonal General On Premise All Alcohol Beverage License from Williamstown Theatre Festival Inc., d/b/a Williamstown Theatre Festival – Cabaret. Ms. Allen seconded and the motion carried 5-0-0.

**4. LICENSES AND PERMITS:**

A. Request from The President and Trustees of Williams College, Robert Volpi, Manager, for a One-Day Wine and Malt Beverage License on Wednesday, May 29, 2013 from 5:30 p.m. to 12:00 midnight at Mt. Hope (behind the mansion) for a Senior Dinner Dance.

Ms. Allen moved to approve a One-Day Wine and Malt Beverage License on Wednesday, May 29, 2013 from 5:30 p.m. to 12:00 midnight at Mt. Hope (behind the mansion) for a Senior Dinner Dance. Mr. Costley seconded and the motion carried 5-0-0.

B. Request from The President and Trustees of Williams College, Robert Volpi, Manager, for a One-Day Wine and Malt Beverage License on Friday, May 31, 2013 from 10:00 p.m. to 2:00 a.m. at Paresky Center for Last Chance Dance.

Mr. Costley moved to approve a One-Day Wine and Malt Beverage License on Friday, May 31, 2013 from 10:00 p.m. to 2:00 a.m. at Paresky Center for Last Chance Dance. Ms. Allen seconded and the motion carried 5-0-0.

**5. ITEMS FOR SELECTMEN'S CONSIDERATION:**

A. Reconsideration of Recommendations for ATM Articles 37 and 38 - Mr. Costley moved the Board reaffirm its position to take no action on the annual town meeting articles 37 and 38. Mr. Sheldon seconded and the motion carried 5-0-0.

B. Appointment of Spruces Land Use Committee – Mr. Rempell acknowledged that an Ad Hoc committee developed a conceptual design of the future use of Spruces land. He asked that the Board consider the appointment of an official town committee, to be known as the Spruces Land Use Committee, to continue the work. The charge for this committee will be to bring a final plan to the Board of Selectmen and Conservation Commission for their consideration. He said he would expect that the work of this committee will include public input and consideration. He said, as discussed at a joint meeting of the Selectmen and the Conservation Commission, membership of the committee will include: Tom Hyde, Jack Madden and Libby Bartels, who were on the original Ad Hoc Committee, a representative of the Spruces, Charlene Blood, a representative of the Board of Selectmen, David Rempell, a representative of the Conservation Commission, Dick Schlesinger, and representatives of the Agricultural Commission, Leslie Reed Evans and Lisa DeMayo. He said it should be noted that Town Planner Andrew Groff will not be a member of the committee but will be available to provide input. Ms. Allen moved to approve the appointment of the aforementioned members to the Spruces Land Use Committee. Mr. Sheldon seconded and the motion carried 5-0-0. Mr. Turbin added that the conceptual plan submitted by the Ad Hoc Committee was very attractive but he hopes this Committee will consider the needs of the town.

C. Appointment of Long Term Coordinating Committee – Mr. Rempell said that at the Special Town Meeting on April 24, at the suggestion of the Chairmen of the Board of Selectmen, Affordable Housing Trust, and the Conservation Commission, the town voted overwhelmingly to take no action on all of the articles that dealt with the siting of

affordable housing and articles that dealt with the advanced conservation status of the Lowry and Burbank properties. The suggestion made by those Boards resulted from discussions regarding the need for the town to do its due diligence so that a comprehensive plan can be developed to bring to the town. Mr. Rempell said he asked Ms. Allen to form a steering committee comprised of chairs of the different town committees who have been working on the affordable housing and siting issues. The reasoning behind having the chairs involved is so that it would be very clear who has to do what by when and so that the different committees will know exactly what they need to do. Mr. Rempell said although he will not be a member of the Long Term Coordinating Committee, Ms. Allen will represent the selectmen. He said he expects that there will be lots of opportunity for public input and discussion. As was stated at the April 24 Special Town Meeting, the decision to take no action on the warrant articles, gives us the opportunity for such discussion. He thanked Ms. Allen for agreeing to serve on this committee. Ms. Allen said the members of the Long Term Coordinating Committee are as follows: Agriculture Commission – Beth Phelps, Affordable Housing Committee – Cathy Yamamoto, Affordable Housing Trust – Stan Parese, Conservation Commission – Hank Art, Council on Aging – Pam Berger, Williamstown Housing Authority – Mark Reinhardt, and Planning Board – Anne McCallum.

Ms. McCallum asked if Finance Committee member Andy Hogeland, could be invited to join. Mr. Rempell said that there are many people in this room who would like to serve on this committee but he did not feel the Finance Committee has a role in the charge of this committee. Ms. Allen said that in organizing this committee, she organized members of committees who are involved in affordable housing issues. Ms. McCallum added that Mr. Hogeland could be an asset to this committee with his financial knowledge and law background. Ms. Yamamoto said she welcomes the idea of this committee. She also pointed out that member Stan Parese is also an attorney. She said that she hopes this committee will hold public meetings to invite residents and others. Ms. Zasloff questioned why a Finance Committee member would not be on the Committee. Ms. Allen said although the committee will be discussing finances, it would not be at the town finance level. Mr. Turbin asked if the Long Term Coordinating Committee would discuss adding Mr. Hogeland as a Finance Commission member. Ms. Allen said she has established who should be on the Committee and the Finance Committee does not have an active role in the issues faced by this Committee. Mr. Costley moved to form a Long Term Coordinating Committee and appoint members as those named by Ms. Allen. Mr. Turbin seconded and the motion carried 5-0-0.

- D. Approval of Water & Sewer Warrant \$131,756.95 – Ms. Allen moved to approve the Water and Sewer Warrant in the amount of \$131,756.95. Mr. Costley seconded and the motion carried 5-0-0.
- E. Set Public Hearing Date & Time for a Request from Richard Ruether Post 152 American Legion Club, 177 Latham Street for a Change of Manager from Kevin Hamel to Bruce Quinn -

Ms. Allen moved to set a Public Hearing for Wednesday, May 29, 2013 at 7:05 p.m. Mr. Turbin seconded and the motion carried 5-0-0.

- F. Approval of Community Electric Aggregation Plan – Mr. Fohlin explained that Article 29, passed at the 2012 Annual Town Meeting, authorized the Selectmen to initiate the process to aggregate the electric load of interested electricity consumers with the Town of Williamstown and to enter into agreements for services to facilitate the sales and purchase of electric energy and other related services for terms exceeding three years. Mr. Sheldon moved to approve the Aggregation Plan and approve a letter authorizing Mr. Fohlin as signator. Mr. Costly seconded and the motion carried 5-0-0.
- G. Formation of Police Station Study Committee – Ms. Allen moved to form a Public Safety Building Study Committee to include a member from the Finance Committee, Planning Board, Board of Selectmen, Williamstown Fire District, and as recommended by Mr. Fohlin, Dan Gendron, and Andy Hogeland. Mr. Rempell asked that Mr. Turbin contact the aforementioned boards and individuals after the Board of Selectmen reorganize at its meeting of May 29. Mr. Fohlin asked that the Committee's name be changed to Public Safety Building Study Group. Mr. Costley seconded and the motion carried 5-0-0.
- H. Signing of HMGP Grant Contract –

A lengthy discussion took place – Mr. Fohlin's highlights of the discussion included the following:

The contract will bring \$6.13 million to the town as the subgrantee, intended to use to relocate Spruces residents and pay Morgan Management for the park. As of this date, the Town does not have a signed agreement with Morgan Management and the Town will not spend any money until we have one. Selectmen should keep in mind that the Town should not spend a dime of the grant money until an agreement has been signed by the Town and Morgan Management. There are other communities in Massachusetts on a wait list if the Town does not sign the grant. Out of \$7 million total grant money, Williamstown received \$6.13 million. Mr. Fohlin and Mr. Kaiser have a meeting with MEMA in Framingham on May 31.

Paul Harsch asked that in signing the grant, would there be latitude to alter the terms, ie: saving the Spruces? Mr. Fohlin said that FEMA is 100% confident that the Spruces is located in a flood plain. The intention of the grant is to move occupants to a safe and sanitary location. The grant does not fund a different outcome. Mr. Fohlin said that the Town applied for a grant in 2005 but the application was rejected because the program was a cost benefit program needing a plan to eliminate the hazard. The total cost to apply for that grant was \$7,000 (the Town and Morgan Management each paid one half). Mr. Fohlin said he is not opposed to any other outcome for the Spruces. He said the park residents have the right to buy the park. He also said that a tenant cooperative would be unable to get a mortgage for a trailer park situated in a flood plain. He also said that he does not envision the Williamstown taxpayers wanting to reject this grant, and instead purchase the Spruces and demolish abandoned trailers. He said what cannot be overlooked is that Morgan Management will close the park.

Mr. Fohlin said it is important for the town to officially accept the grant in a reasonably timely manner so that MEMA and FEMA do not withdraw the offer. Mr. Harsch thanked

Mr. Fohlin for his service to the town in negotiating the agreement with Morgan Management and developing the grant application.

Mr. Turbin moved to authorize Peter Fohlin as signator of all contracts pertaining to the Hazard Mitigation Grant. Ms. Allen seconded and the motion carried 5-0-0.

6. **PETITIONER'S REQUEST:** None
7. **TOWN MANAGER'S REPORT:** See attached or at [www.williamstown.net](http://www.williamstown.net)
8. **OTHER BUSINESS:** Acknowledging Mr. Costley's last meeting, Ms. Allen presented him with a gold card (with coffee credit). The Board thanked him for serving six years as Selectmen and wished him well.
9. **ADJOURN:** Mr. Costley moved to adjourn at 9:35 p.m. Ms. Allen seconded and the motion carried 5-0-0. The next Selectmen Meeting is Wednesday, May 29, 2013 at 7:00 p.m.

Respectfully submitted,

  
Ronald Turbin, Secretary

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## INTEROFFICE MEMORANDUM

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**TO:** BOARD OF SELECTMEN  
**FROM:** PETER L. FOHLIN, TOWN MANAGER  
**SUBJECT:** TOWN MANAGER'S REPORT 2013-09 MAY 13, 2013  
<http://www.williamstown.net>  
**DATE:** MAY 13, 2013  
**CC:** DEPARTMENT HEADS

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### TOWN CLERK

Annual Town Meeting will be held at Mount Greylock Regional High School on Tuesday, May 21, at 7:00 p.m. Residents are encouraged to arrive about 30 minutes early for check in.

Annual Town Election, combined with the Special State Primary, was held on Tuesday, April 30, when 22 % of the town's registered voters cast ballots (1,055 town ballots cast and 1,068 primary ballots cast ).

Special State Election for U.S. Senate will be held on Tuesday, June 25, at the elementary school on School Street. The deadline to register to vote for the special election, if not already registered, is Wednesday, June 5. The town clerk's office will remain open until 8:00 p.m. that day.

Any dog owner who has not yet obtained a 2013 dog license should do so now. A \$15 late fee will be applied after June 15.

### COUNCIL ON AGING

Members and friends of the senior Friendship Club of Williamstown have been meeting every other Thursday afternoon for a couple months at the Harper Center to assemble quilts, blankies, and other warming gifts for "Project Linus", a charitable organization that collects and distributes warm blankets to critically ill children all over the country. Individuals who knit, crochet, or quilt and are interested in helping with this project can contact the Harper Center at 458-8250. To date 10 volunteers have created 11 fleece blankets and 7 baby afghans for kids in need in just three short sessions. The next session is Thursday afternoon, May 16, at 1:00 p.m.

In keeping with the Linus theme, regional coordinator Louise Palmer of New Ashford will be at Harper on Thursday afternoon, May 30, to talk about the project and share heartwarming success stories. Cake and ice cream snack follows.

On Tuesday, May 21, Shirley Shapiro will be at the Harper Center to discuss OLLI (Osher Lifelong Learning Institute at Berkshire Community College). OLLI at BCC is part of a national organization providing fun educational opportunities for interested seniors. Locally OLLI has four educational partners-BCC, Williams, MCLA, and Bard at Simons Rock. They offer approximately 60 different classes annually ranging from Italian Cooking to stained glass

and birding. They offer educational trips as well and recently hosted a canoe voyage in Arcadia. Currently they are learning about Art at the Clark. There are no tests or papers-just the pure joy of learning something new. Luncheon precedes the event at noon - menu TBD.

#### PUBLIC WORKS

Arrangements have been made with Maxymillian Technologies of Pittsfield for the disposal of approximately 105 tons of petroleum contaminated soil from the former Town Garage site at 59 Water Street. DPW personnel are scheduled to deliver the material to Pittsfield on Tuesday, May 14. We are still waiting for ground water sample results from the excavation site before we can call the job complete.

The DPW is finalizing specifications for the crushing of approximately 10,000 tons of salvaged asphalt pavement and gravel at the DPW yard into a 1.5" minus reclaimed pavement borrow material suitable for our general construction projects. The crushing will be advertised on May 15 and bids will be opened on May 30. Work is expected to be completed within 30 days.

The Highway crew has completed the rebuilding of catch basins and manholes on Adams Road, Stratton, Forest, Jerome Drive, North Hoosac, and four on Longview Terrace. The potholes in the WES parking lots have been cut out and repaired. Also, a sink hole in the sidewalk on Arnold Street has been repaired.

All Town paved roads have been swept as well as the parking lots at MGRHS and WES.

Two collapsed culvert headwalls on Blair Road and one on Stratton have been rebuilt. Guardrails have been installed where needed.

The grading of all Town gravel roads has been completed and treated with CaCl where necessary.

Lawn damage due to plowing has been repaired at Field Park, Main St., Lori Dr., Bee Hill, Knolls Rd, South St., Longview Terrace, Glenn St, Forest Rd, and Woodcock Rd.

Trees have been removed from North Hoosac Rd, Brook Rd., Cole Ave., and Syndicate.

The replacement of carpeting has been completed in the Inspection Services Department and the third floor conference room to alleviate tripping hazards.

The traffic line painting is scheduled for Friday night, May 17, starting at 9:00 p.m. weather permitting.

Radio-read meters continue to be installed at the rate of six to ten per day.

A new ¾" plastic water line to service Southview Cemetery has been installed.

We are preparing to install two new water lines on Front Street extension to replace an aging and failing 1¼" galvanized iron line.

We are setting up to start the replacement of the Syndicate Road sewer line, which is off the road behind the houses from #280 to #340. The line is severely impaired at each joint by tree roots and is a perpetual maintenance issue. The line also serves ratepayers on Baxter Road.

Jason McNair has submitted the necessary paperwork to Hampshire Council of Governments to be the Town's Solar Renewable Energy Credit Aggregator (to register our production of SREC's based on the generation of electricity at the cemetery garage and DPW).

#### INSPECTION SERVICES

The Planning Board will be meeting on Tuesday, May 14, to continue their ongoing re-write of the Master Plan Action Plan as the first step in identifying areas of the 2002 Master Plan that need to be revised and updated.

The Zoning Board met on April 18 and approved a Special Permit for site improvements at 384 Main Street. These improvements allow Dollar General to occupy the current building on the site. The Zoning Board also approved a permit for parties on farms for Sweet Brook Farm and continued a hearing for Journey's End B&B at 61 Cobbleview Road.

Congratulations to Kathy Thompson who is a new grandmother.

#### PUBLIC SAFETY

There were eight (8) motor vehicle crashes this reporting period, with seven (7) being investigated: four (4) roadway collisions; three (3) parking lot collisions.

A total of 123 vehicle stops were conducted during the reporting period and 118 citations were issued, recording 135 violations. One hundred forty-six (146) parking violations were issued this reporting period.

Since the last reporting period, 16 criminal charges were taken against 9 individuals for the following:

04/21/13	False/Misuse of Liquor ID Card/License (2) (also held in Protective Custody)
04/23/13	OUI Liquor 2d Offense; A&B on Police Officer; A&B with Dangerous Weapon; Resist Arrest
04/27/13	Larceny Under \$250
04/27/13	Larceny Under \$250
04/29/13	A&B
04/29/13	Assault; Malicious Destruction of Property Under \$250
05/03/13	Negligent Operation of MV
05/03/13	False/misuse Liquor ID Card/License; Person Under 21 Attempt to Procure Liquor
05/04/13	Negligent Operation of MV; Person Under 21 Possess Liquor

Five (5) additional individuals were held in cells for Protective Custody during this reporting period. One Williamstown middle-aged adult twice. One Williamstown middle-aged adult once. Three out-of-state residents ages 19, 20, and 21.

Eight hundred twenty-nine (829) calls for service were received at the Dispatch Center from Thursday, April 18, to Thursday, May 9:

Police – 654

Ambulance – 159

Fire – 16