

**WILLIAMSTOWN BOARD OF SELECTMEN  
MINUTES  
MONDAY, MARCH 25, 2013  
7:00 PM**

**Present:** Jane B. Allen, Acting Chairman, Tom Costley, Thomas E. Sheldon, Ronald Turbin

**Absent:** David A. Rempell

**Others Present:** Eric White, Tad Ames, Andy Hogeland, Ken Swiatek, Cathy Yamamoto, Bob Scerbo, Sarah Gardner, Dan Gendron, Scott McGowan, Peter Fohlin, Kathy Poirot

- 1. CHAIRMAN'S OPENING STATEMENT:** Ms. Allen read from a written statement related to the town's application for a FEMA Hazard Mitigation Grant (Attachment A). She announced WilliNet will host a forum on Community Housing on April 10<sup>th</sup> from 7-9 pm at the Mount Greylock Regional High School meeting room. Another meeting on Affordable Housing in the Berkshire County region is scheduled on April 12 from 10 am to 12 noon at the First Baptist Church in North Adams.
- 2. SELECTMEN'S MINUTES:** March 11, 2013 – Mr. Sheldon moved to approve the minutes as written. Mr. Costley seconded and the motion carried 3-0-1. Ms. Allen abstained.
- 3. ITEMS FOR SELECTMEN'S CONSIDERATION:**
  - A.** Signing of Special Town Meeting warrant –

**Article 1. Approval of Carmelite Fields Conservation Restriction**

Mr. White asked that the Board consider voting this evening on his request for a conservation restriction on property known as Carmelite Fields rather than placing it on the April 24<sup>th</sup> Special Town Meeting Warrant. He previously sought approval at the February 25<sup>th</sup> Selectmen's meeting but did not get enough votes to pass. Mr. White said this is a very specific property on private land and felt that this article would get confused with the other articles pertaining to land issues on the warrant. He asked that if the Board voted down his request that they vote to keep it as Article 1 on the Special Town Meeting Warrant.

Mr. Turbin moved to approve the conservation restriction on property known as Carmelite Fields as presented and to remove Article 1 from the Special Town Meeting Warrant. There was no second and the motion failed.

Mr. Sheldon moved to adopt Article 1. Mr. Costley seconded and the motion carried 4-0-0. Mr. Sheldon moved to recommend Article 1. Mr. Turbin seconded and the motion carried 4-0-0.

**Article 2. Acceptance of G.L.c.40.section 15A, last paragraph**

To see if the Town will vote to accept the provisions of the last paragraph of General Law chapter 40 section 15A, pursuant to which transfers of land for the purpose of constructing low and moderate income housing shall be by majority vote. Mr. Turbin argued that the Lowry Property was placed into conservation by a

2/3 vote and should be voted out of conservation by 2/3 vote, not by majority vote as passage of this article would allow. Ms. Yamamoto urged the Board to adopt this article. She said this article does not change the rules, it adds to the law by giving the Board the option to use a majority vote. Mr. Scerbo said that placing Article 2 before Article 3 in this way is inappropriate.

Mr. Sheldon moved to adopt Article 2. Ms. Allen seconded and the motion failed 2-2-0, lacking a majority.

### **Article 3. Transfer of Portion of Lowry Property**

If passed, this article would transfer a portion of the Lowry property, containing 10.5 acres from the Conservation Commission to the Board of Selectmen for affordable housing purposes. Mr. Sheldon proposed to amend Article 3 with an addition to the language specifying that the remaining acreage be placed in conservation “in perpetuity” (Attachment B).

Mr. Sheldon said, “There will be, in town meeting, to the extent we take this up, a discussion of values. I think a lot of people will say they value a lot of things. I value open land. I value natural beauty. I value the right of farmers to make a living. I value affordable housing. I value the idea that we deal as humanely as we can with the people at the Spruces.” Mr. Sheldon further stated that, “I believe the 10.5 acres in Lowry is the only way to fairly address that situation. It’s the only property ‘in play’ that would allow us to create a community akin to what they enjoyed at the Spruces, i.e., free-standing homes with a patch of green around them.”

Mr. Costley moved to adopt Article 3 as amended. Mr. Turbin seconded and the motion carried 4-0-0. Mr. Sheldon moved to recommend Article 3. Mr. Costley seconded and the motion carried 4-0-0.

### **Article 4. Citizen’s Petition**

A Citizen’s Petition signed by 312 town voters asks that the town, through its Conservation Commission, hold the entire Lowry property and the Burbank Property in conservation for “perpetuity.”

Mr. Costley moved to adopt Article 4. Mr. Sheldon seconded and the motion carried 4-0-0. Mr. Costley moved to recommend Article 4. Mr. Sheldon seconded and the motion failed 0-4-0.

Mr. Costley moved to approve and sign the Special Town Meeting Warrant to be held on April 24, 2013 at 7:30 p.m. at Mount Greylock Regional High School. Mr. Sheldon seconded and the motion carried 4-0-0.

- B.** Discussion of possible “festivals” bylaw – Mr. Fohlin provided the Board with a sample bylaw to consider for placement on the annual town meeting warrant in May. This issue was prompted when a property owner requested a liquor license last summer for a weekend motorcycle event that would include camping. (The sample bylaw was filed in the Town Manager’s office).
- C.** Discussion of possible bylaw for fingerprinting and CORI checking of license applicants in specified occupations – At the request of Chief Johnson, Mr. Fohlin presented a model civil fingerprinting bylaw and policy provided by town counsel. Mr. Fohlin explained that, if adopted, to fully implement the bylaw, the Town will have to forward a copy of the adopted bylaw, along with the Attorney General’s approval, to the State Police for approval. (Sample bylaw was filed in the Town Manager’s office).
- D.** Reserve Fund Transfer Request for legal services – Mr. Sheldon moved to request a transfer of \$10,000 from the Reserve Fund for legal services. Mr. Costley seconded and the motion carried 4-0-0.
- E.** Discussion of potential police station sites – Mr. Fohlin distributed a list of potential police station sites that have been considered. He said he chose the site on the corner of Main and North Streets, currently owned by Williams College, for two primary reasons. He said when people are in need or in distress, they should be able to find the police station at 3 a.m., when there is no one around to ask. The second reason is that it would not take any property off the tax rolls. He cited the following reactions to the sites listed on the handout:

US Post Office – not available; 59 Water Street – no overwhelming attributes; Cable Mills – not available; Greylock Credit Union – not available and too small; 227 Adams Road (Dr. Parkinson’s former office) – not available; Williamstown Financial Center – great building but not available; Inland Management on Simonds Road – remote and ADA non-compliant being multi-level; 101 North Street Parking Lot – viable; Library – unavailable; Harsch Associates – building layout inadequate; Harsch open lot – price unreachable; Dox Video – gone; Litchfield Financial – huge space, costly, hidden, valuable commercial real estate; Agway – favorite site, but valuable commercial real estate; Municipal building – addition to building doesn’t work.

Mr. Hogeland noted that a joint fire district/public safety building was not on the list. He felt there should be conversation with the Prudential Committee and feels that it is too early to pick a site for the police station. Ms. Allen asked if the fire station was looked at as a possible site. Mr. Fohlin said that it had but he does not recommend it.

Mr. Fohlin added that a joint fire district/public safety building, in his opinion, would not be feasible due to the fact that the fire district has its own governance, including its own tax rate and town meeting. If the fire district wants to explore a shared building, they would need to meet with the selectmen.

Mr. Fohlin said that he needed to designate a possible site and he put forward his best choice. Sergeant Scott McGowan told the Board that there is a dire need for a new space. He outlined many of the needs that have been articulated by Mr. Fohlin at previous meetings. Sgt. McGowan said he and his fellow officers endorse and appreciate Mr. Fohlin's plan. Mr. Gendron submitted a proposed warrant article regarding the police station for placement on the Annual Town Meeting Warrant in May. Mr. Costley felt that the proposed site should be discussed further at the next Selectmen's meeting. He said that this article is too important to fail at town meeting and we need to get it right (Attachment C).

**F.** Signing of consultant agreement for management of municipal electric aggregation program – Mr. Costley moved to sign the agreement as presented. Mr. Sheldon seconded and the motion carried 4-0-0 (Copy of the agreement is filed in the Town Manager's office).

**G.** Letter of support for solar energy – Mr. Costley moved to sign the letter as presented. Mr. Sheldon seconded and the motion carried 4-0-0 (Copy of the letter was filed in the Town Manager's office).

**H.** Re-appointment of Republican member to the Board of Registrars

Robert A. Jones – March 31, 2016 – Mr. Costley moved to reappoint Robert A. Jones to a three-year term as the Republican member of the Board of Registrars. Mr. Turbin seconded and the motion carried 4-0-0.

#### **4. LICENSES AND PERMITS:**

**A. Renewal:** Sterling and Francine Clark Art Institute, d/b/a The Clark Art Institute, 225 South Street, Steven Wilkinson, Manager  
Seasonal Wine & Malt Beverage License  
Seasonal Common Victualer License

Mr. Costley moved to approve the renewal of a Seasonal Wine & Malt Beverage License and a Seasonal Common Victualer License for the Sterling and Francine Clark Art Institute, d/b/a The Clark Art Institute, 225 South St., Steven Wilkinson, Manager. Mr. Sheldon seconded and the motion carried 4-0-0.

**5. TOWN MANAGER'S REPORT:** See attached or at [www.williamstown.net](http://www.williamstown.net)

**6. PETITIONER REQUESTS:** Ms. Yamamoto referenced the Special Town Meeting draft warrant maps of the Carmelite Fields (Article 1) and the conceptual site design map for the Lowry property, and suggested the addition of aerial maps of the Lowry and Burbank properties. Mr. Fohlin said they could provide this.

In response to Ms. Yamamoto's request Mr. Swiatek said this question should have been asked during the article's discussion earlier in the meeting rather than when all of

the audience thought the discussion was over and had left the meeting. Mr. Fohlin stated that maps will not be attached to the warrant but they will be available for anyone who would like a copy at the special town meeting.

Mr. Swiatek asked Mr. Fohlin about the town's procedure regarding the posting of agendas on line because for two weeks in a row they were not online. Mr. Fohlin stated that the town clerk follows the law by posting the agendas outside the front door of the municipal building and that posting them on the town website is a convenience to our residents that he does on his own time. He also showed Mr. Swiatek a printed error notice showing he was unable to post on the website due to problems with the server over the weekend.

**7. OTHER BUSINESS:** None.

**8. ADJOURN:** Mr. Costley moved to adjourn at 9:50 p.m. Mr. Turbin seconded and the motion carried 4-0-0.

The next selectmen's meeting is Monday, April 8, 2013 at 7:00 p.m.

A special joint meeting of the Selectmen and the Finance Committee and is Thursday, April 11, 2013, at 7:00 p.m. to hear a preliminary discussion of the Regional District Amendment Committee.

Respectfully submitted,

Ronald Turbin, Secretary