

**WILLIAMSTOWN BOARD OF SELECTMEN
MINUTES
MONDAY, FEBRUARY 11, 2013
7:00 PM**

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

Absent: Tom Costley, David A. Rempell

Others Present: Leslie Reed-Evans, Eric White, Bill Stinson, Cathy Yamamoto, Bob Scerbo, Vincent Viscuso, David Irwin, Janet Saddler, Donna Estes, Mary Kennedy, Peter Fohlin, Kathy Poirot

1. CHAIRMAN’S OPENING STATEMENT: Ms. Allen read the following statement:

“Last fall, I had the honor of accepting on behalf of Williamstown, Mass Housing Partnership’s Housing Hero award. The award acknowledged our efforts to address the need for affordable housing after flooding from Tropical Storm Irene claimed the majority of residences in the Spruces Mobile Home Park.

Tropical Storm Irene dealt Williamstown a blow that is unprecedented in Williamstown’s history – and, in fact, unprecedented in the history of most communities. And the way we responded spoke volumes about us as a caring and supportive community.

There are models for preparing for disasters but there are few models or plans for dealing with the aftermath of such losses. Each community has to figure out its own path and respond in its own way. But no community would ever think about not responding no matter how difficult or challenging the task. Responding to Williamstown’s affordable housing needs, only made worse by the disaster, will take all of our efforts. It can’t be done solely by the Affordable Housing Committee no matter how many hours they work, it can’t be completely funded by the Affordable Housing Trust or a grant from FEMA, and there is no housing authority or developer who is going to solve this problem for us. To recover from this loss is going to take all of our efforts. And how we move forward will once again speak volumes about our values as a community as it tests our ability to work out our differences and seize the opportunity we have to do something really significant for Williamstown and complete the task we began on August 28, 2011.”

2. SELECTMEN’S MINUTES: January 28, 2013 – Ms. Allen said there was a sentence on page 2 that referenced that “the selectmen were in agreement with Mr. McCarthy with regard for the need to realign the road.” that she wanted to clarify with all of the Board members. Minutes were tabled with no action taken.

3. ITEMS FOR SELECTMEN’S CONSIDERATION:

A. Request to approve conservation restriction to Williamstown Rural Lands Foundation on portions of Assessors Tax Map 301, Parcels 58, 59, and 61. – Eric and Linda White at 237 Oblong Road, the Shanleys at 239 Oblong Road and Thomas Morgan, working with the Williamstown Rural Lands Foundation requested that the selectmen approve a conservation restriction for a 39.43 acre parcel of open field and adjacent forest along Oblong Road. After hearing Dr. White’s description and discussion of current uses of the parcel, along with Ms. Reed-Evans comments on how the WRLF oversees the property once it goes into restriction,

Ms. Allen read a statement (attachment A) that recommended the board not vote to approve or reject the conservation restriction but rather, as permitted by statute, vote to put the CR request on the warrant for town meeting in May so that the town can have a community-wide discussion about this issue.

Mr. Turbin said he understood where Ms. Allen was coming from but thought that the conservation restriction was “made” for this type of parcel of land and was in favor of approving it. Mr. Sheldon was also in agreement that this parcel seems appropriate but felt the issue was too important and should be voted on by a full board or at least a board of more than three. Mr. Turbin moved to approve the CR. There was no seconded and the motion failed.

William Stinson of 85 Treadwell Hollow said the following – “I think it’s all very good – this discussion. I think that to reiterate a couple things – This is a landowner who has a good heart, who has a history of wanting to do something for agriculture, something for the community. It is a beautiful gem, a beautiful piece of property for the people to look at. It is not a huge parcel of land. I echo everything that has been said, but I think that one of the pieces you do not understand is that I have been the recipient of this land for well over 15 years. Every piece of food that I produce and brought to the community has had a source in that land – not only to feed my cows, but also, as mulch hay. Even in the poor land up above that’s no longer available to me personally but to another farmer’s life. That says something. That land has been valuable to my operation. There’s a little bit of my food in that field, it’s tied in. The bigger picture is – if it was closer to Williamstown and it was on sewer, I’d say bring it to the Town and let’s discuss it and maybe there is room to push farming further out. But I think it serves a purpose. Its not a huge sacrifice and I think it is a layer of burden to Eric to bring this before the Town. There’s many more important things to be discussed. I think this is a no brainer in my opinion. It’s the right kind of piece to save for agriculture and not every case. I agree with what you’re saying in many cases but in this particular piece, I think you should save for agriculture.”

B. Fiscal Year 2012 Audit Report – Vincent Viscuso, Partner and David Irwin, Audit Manager, Adelson Moynihan & Kowalczyk

Mr. Viscuso said no significant issues were found in the town’s financial obligations and all accounting principles were met. He said the town collected 98% of its tax levy with an uncollected amount of \$242,000 by June 30, 2012. Mr. Viscuso said the audit included a second accounting method following Governmental Accounting Standards Board rules or GASB that reported net assets on June 30, 2012 of \$32,971,621. In answering Mr. Sheldon’s question, Mr. Viscuso said the town’s current debt of about \$3.4 million is well below the amount it could borrow under state law, which would be about \$51 million for Williamstown. Selectmen and the town manager thanked Finance Director Janet Saddler and Town Accountant Donna Estes for an astounding job their first year since the retirement of Chuck St. John. Mr. Sheldon thanked Mr. Fohlin for his leadership. No Action taken. A copy of the FY12Audit Report is located in the Town Manager’s office.

C. Warrant for Special Town Meeting to remove deed restrictions from former Williamstown Youth Center and Countryside Landscaping (Purple Moon LLC) properties – Mr. Turbin moved to sign the warrant as presented. Mr. Sheldon seconded and the motion carried 3-0-0.

D. Discussion of possible consolidation of town election with special senate primary – Town Clerk Mary Kennedy said the Special State Primary Act allows town elections to fall on the same day. State law allows the town by a vote of the Selectmen to consolidate if the two elections fall within thirty days of one another. She asked that the Board consider allowing the consolidation of the two elections, as they are only two weeks apart – state primary on April 30 and town election on May 14 – allowing both to run simultaneously on April 30. Mr. Fohlin said besides cost savings, the consolidation would provide for less confusion with absentee ballot returns. This change would also change the date that nomination papers would have to be returned to the clerk’s office. Ms. Kennedy has contacted town counsel but wanted to have this discussion to see if she should move forward. Although the Board took no vote, they all agreed she should continue to move forward.

E. Set Public Hearing Date and Time for a Request from HCC Orchards, LLC, d/b/a The Orchards Hotel for a Transfer of an All Alcoholic Beverage Innholder’s License and Approval of the Management Agreement from HCC Orchards, LP, d/b/a The Orchards Hotel and Change of Liquor Manager from Charles W. Scott to Bernard English (Feb 25, 2013 at 7:05 p.m.)

Mr. Sheldon moved to set a public hearing for a request from HCC Orchards, LLC, d/b/a The Orchards Hotel for a Transfer of an All Alcoholic Beverage Innholder’s License and Approval of the Management Agreement from HCC Orchards, LP, d/b/a The Orchards Hotel and Change of Liquor Manager from Charles W. Scott to Bernard English on Feb 25, 2013 at 7:05 p.m. Mr. Turbin seconded and the motion carried 3-0-0.

4. TOWN MANAGER’S REPORT: See attached or at www.williamstown.net

5. PETITIONER’S REQUEST: None

6. OTHER BUSINESS: None

7. ADJOURN: Mr. Sheldon moved to adjourn at 8:45 p.m. Mr. Turbin seconded and the motion carried 3-0-0. The next Selectmen’s Meeting is Monday, February 25, 2013 at 7:00 p.m.

Respectfully submitted,

Ronald Turbin, Secretary

Board of Selectmen meeting
February 11, 2013
Statement by Selectman Jane Allen re: Conservation Restriction

I want to preface my remarks this evening by stating that the issue I want to address is much bigger than this particular CR request by WRLF and Dr. White and that I would be making this statement no matter what CR was being requested or by whom.

Open space is important. Forest land is important. Farms are important. But not more important than, or to the exclusion of, other needs of this community such as affordable housing, education, economic development and town services.

Property by property we are changing the character of Williamstown, the quality of life for its citizens, and the future of this community. And what I say is not something that hasn't been said before.

The 2005 Open Space and Recreation Plan in the section on "Management Needs" says

"Finding a balance between protecting town open space and encouraging both economic development and the diversification of housing options will be essential to preserving the quality of life in Williamstown for future generations."

In its 2007 Final Report, the Long-Range Financial Planning Sub-Committee for MGRHS stated the following in the section entitled "Tradeoffs in Town Financing."

"We worry that the towns in the school district are not squarely facing the tradeoff they make between economic development and raising funds for municipal services, including education. This seems to be true less in Lanesborough than in Williamstown, where the political limitations on economic development are considerable, stemming largely from a deep community desire to maintain open space. It's not up to this subcommittee to critique the community's values. We think it important, though, to make clear some of the consequences of those values. As there is no such thing as a free lunch, there is no such thing as free open space. It comes at a cost---that of forgone income. Those costs aren't evident when decisions on economic development and open space are made. They show up later in other places (in the schools, the police force, in town hall) where, unfairly, blame for them is then laid. As Mt. Greylock needs to face squarely the tradeoffs in its budget, so does the community need to face more squarely than it has the tradeoff between open space and the quality of municipal services, including education. If we as citizens want open space, as a majority in Williamstown clearly seem to, we must be willing to increase revenue by other means."

And in the most recent WRLF newsletter, Executive Director Leslie Reed-Evans writes

"It is not possible to preserve lands apart from people: quality of life, public access to open spaces and special places, a diverse community and a balance between conservation and development that will sustain the economic and ecological vitality of the community are all values the WRLF strives to promote."

So, as Selectmen, with responsibility for seeing the big picture, I recommend we draw a line in the sand and not approve another CR until we have had a community conversation about this issue.

And the timing couldn't be better. Presently, we have an urgent need for affordable housing; a fire district planning for a new fire station; a police station badly in need of replacement; a Chamber of Commerce focused on economic development; and a high school in danger of losing its accreditation not because of its academic performance but because of the condition of its physical plant.

After a significant number of CR requests in 2008, the Board of Selectmen requested an opinion from town counsel as to whether the board could refuse to approve such restrictions. In response to our inquiry, town counsel wrote,

“In the case of CRs held by charitable corporations or trusts (e.g., land trusts), G.L. c. 184, §32 requires that the CR be approved by the ‘selectmen or town meeting of the town.’ The board of selectmen is generally the preferred approval because of the comparable frequency of selectmen’s meetings. However, the language of the statute clearly allows for approval by town meeting as an alternative.”

Knowing this, I recommend that we do not vote to approve or reject this CR request this evening but rather, as permitted by statute, vote to put this CR request on the warrant for town meeting in May so that we can finally have a community-wide discussion about this issue.

These CR decisions, because of their impact on the future of this community, are far too important to be made by 3 (or even 5) selectmen.