

AGENDA
WILLIAMSTOWN BOARD OF SELECTMEN
July 22, 2013
7:00 P.M.

4:20
TOWN OF WILLIAMSTOWN

JUL 18 2013

TOWN CLERK

1. CHAIRMAN'S OPENING STATEMENT

2. SELECTMEN'S MINUTES: July 8, 2013

3. PUBLIC HEARING

A. 7:05 PM - Request from Ece Group, LLC, d/b/a Pera Bistro, 60 Spring Street, Fahri Karakaya, Owner, for an Annual All Alcoholic Beverage Restaurant License.

4. LICENSES AND PERMITS

A. Request from Ece Group, LLC, d/b/a/ Pera Bistro, 60 Spring Street, Fahri Karakaya, Owner, for a Common Victualer License and Background Music License.

B. Request from President and Trustees of Williams College , 800 Main Street, Robert Volpi, Manager for Four One-Day Liquor Licenses:

1. One-Day All Alcoholic Beverage License, Dodd Living Room and Bar, Sunday, August 4, 2013 from 9 p.m. -11:00 p.m. for MTA (Mass. Teachers Association) Open House.
2. One-Day All Alcoholic Beverage License, Mission Park Dining Hall, Monday, August 5, 2013 from 9 p.m. – 12:00 midnight for MTA 1st. Night Dance Party.
3. One-Day All Alcoholic Beverage License, Mission Park Dining Hall, Wednesday, August 7, 2013 from 10 p.m. – 2:00 a.m. for MTA Bash.
4. One-Day All Alcoholic Beverage License, Under the Tent between Sage and Williams Dorms, Wednesday, August 7, 2013 from 7:00 p.m. – 8:30 p.m. for MTA Political Dessert.

5. ITEMS FOR SELECTMEN'S CONSIDERATION

A. Accept Resignation of Gregory Hitchcock from the Sign Commission.

B. Selectmen Appointment – Sign Commission (Lindsay Neathawk 2014)

C. Request from Village Ambulance Service for representation on Public Safety Building Study Committee (Stuebner)

D. Williamstown Community Chest 6th Annual Fun Run and One Mile Walk (9-14-13) (Bernadette & David Archibald)

E. TimeWarner moving WilliNet to digital channels (Fohlin)

F. FEMA HMGP-1994 Grant Update (Fohlin)

Status update on State contract and Morgan agreement

Draft project timeline

Request for extension of deadline to vacate The Spruces

G. National Multiple Sclerosis Society Annual Bike and Hike the Berkshires (9-21-13)

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
July 22, 2013
7:00 P.M.

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

Absent: Jane Patton

Others Present: Fahri Karakaya, Gina Gigliotti, Lindsay Neathawk, Win Stuebner, Cathy Yamamoto, Bilal Ansari, Sarah Thurston, Peter Fohlin, Kathy Poirot

1. CHAIRMAN'S OPENING STATEMENT: None

2. SELECTMEN'S MINUTES: July 8, 2013 – Mr. Turbin moved to approve with amendments. Mr. Rempell seconded and the motion carried 4-0.

3. PUBLIC HEARING:

A. 7:05 PM - Request from Ece Group, LLC, d/b/a Pera Bistro, 60 Spring Street, Fahri Karakaya, Owner, for an Annual All Alcoholic Beverage Restaurant License.

Chairman Allen opened the public hearing at 7:05 p.m. Mr. Karakaya said he is opening Pera Bistro at 60 Spring Street, formerly Helen's Place and That's a Wrap. The food will be Mediterranean with some Turkish dishes from his home country. In addition to licensing the first floor of the property that seats no more than 49 with just a service bar, Mr. Karakaya requested the Board approve two tables with four chairs each seating outside facing Spring Street within a roped off area. Pera Bistro's proposed liquor manager, Gina Gigliotti stated she has had experience managing a bar in the past and she is TIPs training along with at least two of the hired servers. Ms. Allen informed Ms. Gigliotti and Mr. Karakaya that Williamstown is very proud of its alcohol compliance practices. She alerted Ms. Gigliotti that this being a college town, it is not uncommon for the students to test a new business. Ms. Allen said that all patrons should be carded unless "they have wrinkles". Ms. Allen closed the public hearing. Mr. Rempell moved to approve the application as presented. Mr. Sheldon seconded and the motion carried 4-0.

4. LICENSES AND PERMITS:

A. Request from Ece Group, LLC, d/b/a/ Pera Bistro, 60 Spring Street, Fahri Karakaya, Owner, for a Common Victualer License and Background Music License. Mr. Rempell moved to approve the application as presented. Mr. Sheldon seconded and the motion carried 4-0.

B. Request from President and Trustees of Williams College , 800 Main Street, Robert Volpi, Manager for Four One-Day Liquor Licenses:

1. One-Day All Alcoholic Beverage License, Dodd Living Room and Bar, Sunday, August 4, 2013 from 9 p.m. -11:00 p.m. for MTA (Mass. Teachers Association) Open House.
2. One-Day All Alcoholic Beverage License, Mission Park Dining Hall, Monday, August 5, 2013 from 9 p.m. – 12:00 midnight for MTA 1st. Night Dance Party.

3. One-Day All Wine & Malt Beverage License, Mission Park Dining Hall, Wednesday, August 7, 2013 from 10 p.m. – 2:00 a.m. for MTA Bash.
4. One-Day All Alcoholic Beverage License, Under the Tent between Sage and Williams Dorms, Wednesday, August 7, 2013 from 7:00 p.m. – 8:30 p.m. for MTA Political Dessert.

Mr. Rempell moved to approve the four One-Day Liquor Licenses as requested. Mr. Sheldon seconded and the motion carried 4-0.

5. ITEMS FOR SELECTMEN'S CONSIDERATION:

- A. Accept Resignation of Gregory Hitchcock from the Sign Commission – Mr. Turbin moved to accept Mr. Hitchcock's resignation from the Sign Commission. Mr. Rempell seconded and the motion carried 4-0.
- B. Selectmen Appointment – Sign Commission – Mr. Rempell moved to appoint Lindsay Neathawk for a one year term to complete Mr. Hitchcock's term that expires June 30, 2014. Mr. Turbin seconded and the motion carried 4-0. Ms. Neathawk was sworn in by Assistant Town Clerk Poirot.
- C. Request from Village Ambulance Service for representation on Public Safety Building Study Committee – Win Stuebner said that the Village Ambulance Service (VAS) has been studying a much needed capital campaign to replace an ambulance and to upgrade their inadequate facilities. Since hearing about the Town's committee, formed to consider sites for a Public Safety Building, it made sense that a representative from the VAS could be included in that group. Dr. Stuebner asked that Shawn Godfrey be appointed. The Board all agreed that this would make sense and Mr. Rempell moved to appoint Shawn Godfrey to the Public Safety Building Study Committee. Mr. Sheldon seconded and the motion carried 4-0.
- D. Williamstown Community Chest 6th Annual Fun Run and One Mile Walk (9-14-13) Representing the WCC, Anne Singleton ask the Board to approve the use of town roads for the WCC 6th Annual Fun Run and One Mile Walk. Mr. Rempell moved to approve the request. Mr. Turbin seconded and the motion carried 4-0. Ms. Allen added that signs should be removed at the conclusion of the event.
- E. Time Warner moving WilliNet to digital channels – Mr. Fohlin had received information concerning the transition of the PEG channels from analog to digital delivery commencing July 23, 2013. He sent an email to John Mucha at Time Warner to clarify the information. Mr. Mucha responded in a letter stating that customers who do not have digital equipment will have until September 23, 2013 to acquire adaptors and use them free of charge in order to view those channels. After September 23rd customers will pay 99 cents per month for them. Finally, beginning January 1, 2015, all subscribers who use the adaptor will be charged the 99 cent fee. (July 10, 2013 letter is in the Town Manager's Office)
- F. FEMA HMGP-1994 Grant Update (Fohlin)

Status update on State contract and Morgan agreement – Mr. Fohlin said the Town is awaiting a signed agreement from Morgan Management and its legal counsel.

Draft project timeline – copies of a draft timeline were distributed to the Board and made available to the press and public. (Attachment A)

Request for an extension of the deadline to vacate The Spruces – Mr. Rempell moved to authorize the Chairman to sign a letter to MEMA requesting an extension of the time period to vacate the Spruces Manufactured Housing Community under HMGP 1994-30 to December 31, 2015. This extension would allow adequate time for the Town and Morgan Management to close on the title transfer and provide requisite notice to park tenants to vacate before applying the deed restriction. (Attachment B).

G. National Multiple Sclerosis Society Annual Bike and Hike the Berkshires (9-21-13) - Mr. Rempell moved to approve the use of town roads during the annual Bike and Hike. Mr. Turbin seconded and the motion carried 4-0. Ms. Poirot will notify the MSS to remove their signs at the conclusion of the event.

H. Request from Affordable Housing Committee to remove the conservation restrictions on all or portions of Lowry and Burbank and return the properties to the custody of the Board of Selectmen for the purpose of Affordable Housing – At their meeting of July 8, Selectmen voted 3-1-1 to request that the Conservation Commission remove all or portions of the Lowry and Burbank properties from their care and custody for the purpose of affordable housing. In response to that request, Conservation Commission Chairman Philip McKnight suggested that the Board reconvene and consider voting the request as separate resolutions for the two properties. Mr. Rempell recused himself from the discussion and vote. Ms. Yamamoto explained that the requests are necessary in order to move forward in determining whether the properties are buildable and if the Town will even use these properties. Ms. Yamamoto said that since the Selectmen, in 1987, approved the warrant articles for the Town Meeting warrant to place the two properties in the Conservation Commission's care, the AHC felt the Selectmen should request that they be taken out. Mr. Sheldon moved:

"The Board of Selectmen requests the Conservation Commission determine pursuant to G.L. c.40, s.15A, that 10 acres, more or less, as shown on the attached map of the so-called Lowry property, containing 30 acres, more or less, and described in a deed recorded with the Berkshire North District Registry of Deeds in Book 521, Page 79, currently held by it for the purposes set forth in G.L. c.40, s.8C, is no longer needed by the Town for such purposes and that said property may be transferred by Town Meeting on such terms and conditions as Town Meeting deems appropriate."

and,

"The Board of Selectmen requests the Conservation Commission determine, pursuant to G.L. c.40, s.15A, that between 10 and 30 acres, more of less, to be shown on a map that will be provided within 45 days, of the so-called Burbank property, containing 130 acres, more or less, and described in Land Court Document 783, currently held by it for the purposes set forth in G.L. c.40, 8C, is no

longer needed by the Town for such purposes and that said property may be transferred by Town Meeting on such terms and conditions as Town Meeting deems appropriate." Ms. Allen seconded and the motion carried 2-1.

- I. Olympic Day Proclamation – Mr. Rempell read the Olympic Day Proclamation aloud. Mr. Rempell moved to authorize the Chairman to sign the proclamation. Mr. Sheldon seconded and the motion carried 4-0.
- J. Request from the Long Term Coordinating Committee for Change of Name – Mr. Sheldon moved that the Long Term Coordinating Committee be renamed the Spruces Roof Group. Mr. Rempell seconded and the motion carried 4-0.

- 6. **TOWN MANAGER'S REPORT** - See attached or go to www.williamstown.net
- 7. **PETITIONER'S REQUEST** - None
- 8. **OTHER BUSINESS** - None
- 9. **ADJOURN** – Mr. Turbin moved to adjourn at 9:06 p.m. Mr. Rempell seconded and the motion carried 4-0. The Next Selectmen Meeting is on Monday, August 12, 2013 at 7:00 p.m.

Respectfully submitted,



Thomas E. Sheldon
Secretary pro tempore

HMGP 1994-30 Project Timeline

DRAFT

March 28, 2016	36-month Grant Performance Period ends (unless residents have exercised or assigned RFR)
September 2015	Deadline for all residents to vacate The Spruces. (unless residents have exercised or assigned RFR)
October 2013	Grant funds available for disbursement. (unless residents have exercised or assigned RFR)
September 2013	Town issues 24-month Notice of Discontinuance. (unless residents have exercised or assigned RFR)
September 2013	Special Town Meeting to acquire The Spruces land (unless residents have exercised or assigned RFR)
August 2013	Morgan notifies residents by certified mail of intention to sell and discontinue. 45-day tenant right-of-first-refusal (RFR) begins.
August 12 (target)	Board of Selectmen sign agreement with Morgan MHP Mass., LLC for acquisition of The Spruces and distribution of grant funds
July 22, 2013	Selectmen request extension of deadline to vacate from 90-days to December 31, 2015
July 5, 2013	Commonwealth signs HMGP 1994-30 Standard Form of Contract making funds available.
May 29, 2013	Board of Selectmen sign HMGP 1994-30 Standard Form of Contract accepting grant
March 28, 2013	36-month Grant Performance Period begins
March 25, 2013	FEMA announces \$6,130,000 HMGP-1994 grant award
November 16, 2011	Morgan files Emergency Motion for Injunctive Relief
October 18, 2011	Morgan files Civil Action against Commonwealth of Massachusetts and Town of Williamstown
August 28, 2011	Tropical Storm Irene

July 22, 2013

Town of Williamstown Massachusetts

Municipal Building
31 North Street
Williamstown, MA 01267
www.williamstown.net



OFFICE OF THE
BOARD OF SELECTMEN
Jane B. Allen, chairman

413-458-3500
FAX 413-458-4839
jallen@williamstown.net

July 22, 2013

Dan Nietzsche
Hazard Mitigation Grants Coordinator
Massachusetts Emergency Management Agency
400 Worcester Road
Framingham MA 01702

Re: Extension of Period to Vacate The Spruces

Dear Mr. Nietzsche:

I am writing of behalf of the Board of Selectmen to request an extension of the time permitted to vacate The Spruces Manufactured Housing Community under HMGP 1994-30.

Ordinarily in such hazard mitigation projects the property must be vacant and a conservation restriction placed on the property within 90 days after the property is turned over to the community. By arrangement with Morgan MHP Mass., LLC the Town of Williamstown expects to take title to The Spruces by October 2013 at which time a Notice of Discontinuance will be issued to the residents pursuant to G. L. c. 140 s. 32A-32S and regulations promulgated thereunder, known as the Manufactured Housing Act (the "MHA").

The MHA requires the park owner to give a minimum two-year notice of discontinuance to park tenants. The Town of Williamstown will operate The Spruces under the watchful eye of the Massachusetts Attorney General's Office during that two-year period as the remaining 66 of 226 mobile homes are vacated and cleanup proceeds in areas of the park no longer occupied.

The conflict between the HMGP 90-day requirement and the MHA two-year notice requirement is evident. As it would be virtually impossible to amend Mass. law, we are requesting that the period to vacate be extended to December 31, 2015. This will

allow adequate time for the Town and Morgan to close on the title transfer and provide the requisite notice to park tenants to vacate before applying the deed restriction.

We recognize that consistent with the FEMA Model Deed Restriction no Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property will not be eligible for coverage under the NFIP for damage to structures on the Property during this period, except for pre-existing structures being relocated off the Property as a result of the project.

Thank you for your patience and professional assistance during this project.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jane B. Allen".

Jane B. Allen, Chair
Board of Selectmen

cc: Peter L. Fohlin, Town Manager
Jonathan Engel, Mass. AGO