

**AGENDA  
WILLIAMSTOWN BOARD OF SELECTMEN  
MONDAY, JUNE 11, 2012  
7:00 P.M.**

**1. CHAIRMAN'S OPENING STATEMENT:**

**2. SELECTMEN'S MINUTES:** May 29, 2012

**3. PUBLIC HEARINGS:**

**A. 7:05 PM:** Application from Wild Oats Cooperative, Inc., 320 Main St., Williamstown for a Change of Liquor Manager and Change in Board of Directors.

**B. 7:10 PM:** Set Public Hearing Date and Time for a Request from The Williamstown Theatre Festival, Cabaret, 863 Main St. for a Change from a Seasonal Wine and Malt to a Seasonal All Alcoholic Liquor License.

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

**A.** Selectmen Appointment – Northern Berkshire Cultural Council  
Judith Ensign – 2 year term, expiring June 30, 2014

**B.** Manning Street Block Party – Saturday, July 14 (Jarrett Bayliss)

**C.** Hogs on the Farm

**D.** Alcoholic Beverage Compliance Checks

**E.** Historic Preservation Agreement – United Methodist Church

**F.** August Meeting Schedule

**5. TOWN MANAGER'S REPORT:**

**6. PETITIONER'S REQUEST:**

**7. OTHER BUSINESS:**

**8. BOARD RE-ORGANIZATION:**

**9. ADJOURN:**

**MINUTES**  
**WILLIAMSTOWN BOARD OF SELECTMEN**  
**MONDAY, JUNE 11, 2012**  
**7:00 P.M.**

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

**Others Present:** David Durfee, Jane Patton, Judith Ensign, Jared Bayliss, Town Counsel Joel Bard, Sandy Laitman, Win Stuebner, Paul Jennings, Donna Wied, Chief Johnson, Attorney Jamie Art, Katie Swabey, Peter Fohlin

**1. CHAIRMAN'S OPENING STATEMENT:** In his opening statement, Chairman Sheldon recognized the Olmsted Awards Program for Faculty Development, sponsored by Williams College, which provides grants for innovations to faculty at Williamstown Elementary School, Mt. Greylock Regional High School and McCann. He also acknowledged the good work of Luke Costley in maintaining and improving trails on the Mt. Greylock Regional High School campus.

**2. SELECTMEN'S MINUTES:** May 29, 2012 – Mr. Turbin moved to approve May 29, 2012 minutes. Ms. Allen seconded and the motion carried with abstentions by Mr. Sheldon and Mr. Rempell.

**3. PUBLIC HEARINGS:**

**A. 7:05 PM:** Application from Wild Oats Cooperative, Inc., 320 Main St., Williamstown for a Change of Liquor Manager and Change in Board of Directors. Chairman Sheldon opened the public hearing at 7:05 p.m. David Durfee, the new manager of Wild Oats, introduced himself to the board and requested that the license be changed to reflect the change in manager and changes in the board of directors. He informed the board that he had taken the TIPS training and was aware of the board's expectations regarding carding and intended to keep present practices in place. Chairman Sheldon closed the public hearing.

Mr. Turbin moved to approve the application from Wild Oats Cooperative, Inc., 320 Main St., Williamstown for a Change of Liquor Manager and Change in Board of Directors. Ms. Allen seconded and the motion carried unanimously.

**B. 7:10 PM:** Application from The Williamstown Theatre Festival, Cabaret, 863 Main St. for a Change from a Seasonal Wine and Malt to a Seasonal All Alcoholic Liquor License. Chairman Sheldon opened the public hearing at 7:15 p.m. Jane Patton requested the change in license on behalf of the Cabaret. She reviewed the map of premises, including storage, and informed the board that the Cabaret is contracting with Hops and Vines to do the serving. Mr. Rempell informed Ms. Patton that Hops and Vines had recently failed a compliance check. She stated she was aware of the failure and promised increased vigilance. Chairman Sheldon closed the public hearing.

Mr. Turbin moved to approve the application from The Williamstown Theatre Festival, Cabaret, 863 Main St. for a Change from a Seasonal Wine and Malt to a Seasonal All Alcoholic Liquor License. Mr. Rempell seconded and the motion carried unanimously.

#### **4. ITEMS FOR SELECTMEN'S CONSIDERATION:**

**A.** Selectmen Appointment – Northern Berkshire Cultural Council – Mr. Rempell moved to appoint Judith Ensign to a two-year term expiring June 30, 2014 on the Northern Berkshire Cultural Council. Mr. Costley seconded and the motion carried unanimously.

**B.** Manning Street Block Party – Saturday, July 14 (Jarrett Bayliss) – Ms. Allen moved to approve the Manning Street Block Party for Saturday, July 14, 2012. Mr. Rempell seconded and the motion carried unanimously.

**C.** Hogs on the Farm – Town Counsel Joel Bard outlined for the board the permits and approvals that are needed by Mr. Ransford for the Hogs on the Farm event. To satisfy the requirements of the by-law (non-profit and fundraising), Attorney Bard informed the board that Mr. Ransford had obtained status as a “charitable corporation” on May 16, 2012 but he still needs to provide more information regarding the fundraising aspect of the event. He stated that the Building Inspector is the zoning by-law enforcement officer. Mr. Costley noted that the event is planned for Thursday-Sunday and the by-law states that events must be less than 4 days. Attorney Bard confirmed that case law is “calendar days” not “24 hour days.”

Attorney Bard went on to state that the \$50 fee for the event includes everything including the right to camp on the property and, according to the Williamstown's zoning by-law table, camping requires a special permit from the ZBA.

Attorney Bard further stated that the provision for live music (live band or boom box) triggers the need for an entertainment license (GL 140, Section 181). The license is granted by the Board of Selectmen, and the law provides for the Board of Selectmen to apply conditions to address concerns. Attorney Bard discussed the following examples of conditions the board might want to consider.

1. Police detail at applicant's expense for traffic control (determine ratio of number of participants to number of police officers)
2. Hours for music
3. Noise factor (see DEP policy for guidelines)
4. Cap on number of participants (safe number for 65 acre site)
5. Health and safety issues (can also be addressed by the Board of Health)
6. No bonfires without permission from Forest Warden or Fire Department

7. Food vendors (regulated by Health Inspector)
8. Alcohol – Since license was denied by Selectmen, there is no provision for anyone to sell or distribute alcohol at large.
9. Waste (can also be addressed by Board of Health)
10. Body art (regulated by Board of Health)

Following the presentation by Attorney Bard, members of the audience made the following suggestions and comments. Sandy Laitman suggested that the board require Mr. Ransford to provide contracts regarding such things as porta-potties for assurance that these things are in fact in place. Win Stuebner expressed the need for first aid on site for the health and safety of participants and the need to alert Village Ambulance and North Adams Regional Hospital of the event. Paul Jennings expressed the need for a contingency plan should the event get shut down and people still come. Susan Schneski asked about liability. Attorney Bard stated that liability lies with the property owner and there can be no shifting of liability to the town. Donna Wied asked if the property was in 61A and thus exempt from such events. Attorney Bard responded that the event does not violate the 61A status of the property because the primary use of the land continues to be non-developed agricultural land.

When asked about how the present by-law might be amended, Attorney Bard cautioned that to raise the bar with the current by-law, we must be able to answer the question of “legitimate governmental purpose.”

Based on everything that was said, the board agreed to engage Attorney Bard to work with Town Manager Peter Fohlin to communicate to Mr. Ransford, as soon as possible, the need for an entertainment license, the need for a special permit from the ZBA for camping, the need for more documentation regarding fundraising, and the areas of responsibility covered by the Board of Health. Mr. Fohlin will alert the Board of Health and the ZBA of their areas of responsibility.

There was also discussion about the possibility of seeking a court order to prevent the event from happening if conditions are not met in a timely manner.

**D. Alcoholic Beverage Compliance Checks** – Chief Johnson informed the board that compliance checks had been conducted on 20 Williamstown liquor establishments on Saturday, May 26, 2012. Two establishments, Colonial Pizza and Hops and Vines, failed the compliance checks and the servers at both establishments will be charged criminally. Chief Johnson commended the 18 establishments that passed the compliance checks. Mr. Rempell moved that letters be sent to the managers of Colonial Pizza and Hops and Vines requesting their presence at the next Selectmen’s meeting. Ms. Allen seconded and the motion carried unanimously.

**E. Historic Preservation Agreement** – United Methodist Church – Attorney Jamie Art and Katie Swabey presented for the board’s signature the Historic Preservation Agreement for the United Methodist Church. The agreement is between the

Williamstown Community Preschool and the Town of Williamstown. Mr. Rempell moved to sign the Historic Preservation Agreement. Ms. Allen seconded and the motion carried unanimously.

F. August Meeting Schedule – The board agreed not to meet on August 27 unless necessary.

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

6. **PETITIONER'S REQUEST:** None

7. **OTHER BUSINESS:** None

8. **BOARD RE-ORGANIZATION:** Mr. Turbin nominated Mr. Rempell for Chairman. Mr. Costley seconded and the motion carried unanimously. Mr. Turbin nominated Ms. Allen for Vice Chairman. Mr. Rempell seconded and the motion carried unanimously. Ms. Allen nominated Mr. Turbin for Secretary. Mr. Costley seconded and the motion carried unanimously. Mr. Rempell thanked Chairman Sheldon for his excellent leadership during an especially challenging year.

9. **ADJOURN:** Ms. Allen move to adjourn at 9:30 p.m. Mr. Costley seconded and the motion carried unanimously. The next meeting is June 25, 2012 at 7:00 p.m.

Respectfully submitted,

  
Tom Costley, Secretary