

AGENDA
WILLIAMSTOWN BOARD OF SELECTMEN
MONDAY, JUNE 27, 2011
7:00 P.M.

1. CHAIRMAN'S OPENING STATEMENT:

2. SELECTMEN'S MINUTES: June 13, 2011, June 13, 2011 Executive Session

3. ITEMS FOR SELECTMEN'S CONSIDERATION:

- A.** Harwood Street Neighborhood Block Party (Richard Reynolds)
- B.** Williamstown Housing Authority Election (Thomas V. Ellet – May 2012 Town Election)
- C.** Alcohol Compliance Mezza Bistro & Bar (Nancy Thomas)
- D.** Alcohol Compliance The Spirit Shop (Jonathan Baker)
- E.** Confirmation of Town Manager's Appointment of Richard Schlesinger to the Conservation Commission
- F.** Confirmation of Town Manager's Appointment of Harold Brotzman to the Conservation Commission
- G.** Confirmation of Town Manager's Appointment of William Barkin to the Historical Commission
- H.** Selectmen Appointments:
 - Affordable Housing Committee – Cathy Yamamoto (2012)
 - Community Preservation Act Committee – Malcolm Smith (2014)
 - Sign Commission – Anne Singleton (2016)
 - Constable – Andrew Bernardy, III (2014)
 - Agricultural Commission – Andrew Bernardy, III (2014)
- I.** August Meeting Schedule
- J.** Water and Sewer Warrant - \$314,200.89

4. LICENSES AND PERMITS:

- A.** Request from Sweets and Beans MA, LLC, d/b/a Sweets and Beans MA, 61 Spring Street, David Aldecoa, Manager for a Common Victualer License.

5. TOWN MANAGER'S REPORT:

6. PETITIONER'S REQUEST:

7. OTHER BUSINESS:

8. ADJOURN:

Next Selectmen's meeting is Monday, July 11, 2011 – 7 p.m.

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
MONDAY, JUNE 27, 2011
7:00 P.M.

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

Others Present: Richard Reynolds, Kathy Thompson, Mark Reinhard, Richard Hamblen, Betty Ann Labombard, Nancy Thomas, Sherwood Guernsey, Brian Keenan, Joji Sumi, Megan Kerman, Jonathan Baker, Charles Fox, Cindy Nikitis, Peter Fohlin, Kathy Poirot

1. CHAIRMAN'S OPENING STATEMENT: Mr. Sheldon gave a public salute to Susan Gold who has retired after nine years of serving on the Images Cinema Board.

2. SELECTMEN'S MINUTES: June 13, 2011, June 13, 2011 Executive Session - Ms. Allen moved to approve the June 13, 2011 minutes. Mr. Rempell seconded and the motion carried unanimously. Mr. Rempell moved to approve the June 13, 2011 Executive Session minutes. Mr. Costly seconded and the motion carried unanimously.

3. ITEMS FOR SELECTMEN'S CONSIDERATION:

A. Harwood Street Neighborhood Block Party (Richard Reynolds) - Mr. Rempell moved to approve the Harwood Street Neighborhood Block Party on August 13, 2011 from 12 – 4 p.m. Chief Johnson said he would supply the road barriers and notify emergency agencies. Ms. Allen seconded and the motion carried unanimously.

B. Williamstown Housing Authority Election (Thomas V. Ellet – May 2012 Town Election) – Mr. Reinhardt moved to nominate Thomas V. Ellet to the Williamstown Housing Authority through the May 2012 Town Election. Ms. Allen seconded and the motion carried by roll call vote – Aye, Mark Reinhardt, Aye, Richard Hamblen, Aye, Kathleen Thompson, Aye, Jane Allen, Aye, David Rempell, Aye, Ronald Turbin, Aye, Tom Costley, and Aye, Thomas Sheldon.

C. Alcohol Compliance Mezza Bistro & Bar (Nancy Thomas) - Mr. Sheldon stated that on Thursday, June 16, 2011, twenty-two compliance checks were conducted by the police department in partnership with the Northern Berkshire Community Coalition. Of the twenty-two establishments, two failed – Mezza Bistro & Bar, 777 Cold Spring Road and The Spirit Shop, 280 Cole Avenue. In a memo, dated June 22, 2010, addressed to the Town Manager and copied to the Board of Selectmen, Chief Johnson reported the results of the alcohol compliance check including a list of the establishments that passed or failed and a summary of compliance for both of the failed establishments was included dating back to 2006.

Mr. Guernsey, representing Mezza, said Ms. Thomas and her staff were all hurt by this incident and that policies and have been written, instituted and renewed at Mezza. All of the staff have been TIPS trained but - it happened. Ms. Thomas said that her staff meets

everyday to go over the date of the drinking age and there are no excuses. Ms. Thomas said she plans to start doing her own compliance checks going forward. Mr. Guernsey requested that selectmen not to suspend Mezze's liquor license citing the economic impact it would have on the business. Ms. Allen said if there is no suspension, there is no consequence and no consequence is no hurt or hardship. Ms. Thomas said she deeply regretted that the restaurant failed the compliance check so soon after the last failed check in March 2010. Mr. Sheldon said that after the March failure, the Board sent a letter of strong reprimand.

Mezze's chef Jogi Sumi and dining room manager Megan Kerman addressed the Board reiterating the staff meetings each day and the extensive training that each employee receives at the establishment. The bartender, Brian Keenan, who was suspended by Mezze for 10 days and who also faces criminal charges, addressed the Board and apologized – he said he was ashamed and embarrassed and there was no excuse. Mr. Turbin asked him if there were any extenuating circumstances that may have caused his lapse in judgment. Mr. Keenan said none other than he may have been tired. Mr. Costley said no one on the Board wants to damage a local business but this is a public safety issue.

Ms. Allen moved to impose a one day suspension on Thursday, June 30, 2011. Mr. Costley seconded and the motion carried unanimously. Memo from Chief Johnson is attached to the minutes.

D. Alcohol Compliance The Spirit Shop (Jonathan Baker) – Mr. Rempell left the room. Mr. Baker told the Board “there's no excuse”. He felt that the business was doing a good job since they opened. He said the employee who served the underage customers has worked at the store for nine years. He suspended the employee for three days. Mr. Baker said they are continuously trying to create a culture of carding and hope to regain the Board's trust. Ms. Allen said according to the Attorney General's traffic stop reports, the underage individuals in the stops said they purchased alcohol at the Spirit Shop in January 2009 and October 2010. Mr. Baker said that on those occasions the individuals used their siblings' licenses, thereby providing false IDs. Ms. Allen noted this is the first compliance failure for the Spirit Shop. Chief Johnson said employees of the Spirit Shop routinely confiscate fake licenses and call the police every time. Mr. Turbin moved that Mr. Baker take this incident as a very strong oral warning that providing alcohol to minors is not acceptable. Ms. Allen seconded and the motion carried unanimously.

E. Confirmation of Town Manager's Appointment of Richard Schlesinger to the Conservation Commission – Mr. Costley move to confirm the town manager's appointment of Richard Schlesinger to the Conservation Commission. Ms. Allen seconded and the motion carried unanimously.

F. Confirmation of Town Manager's Appointment of Harold Brotzman to the Conservation Commission – Ms. Allen moved to confirm the town manager's appointment of Harold Brotzman to the Conservation Commission. Mr. Costley

seconded and the motion carried unanimously.

G. Confirmation of Town Manager's Appointment of William Barkin to the Historical Commission – Mr. Rempell moved to confirm the town manager's appointment of William Barkin to the Historical Commission. Mr. Turbin seconded and the motion carried unanimously.

H. Selectmen Appointments:

Affordable Housing Committee – Cathy Yamamoto (2012) – Ms. Allen moved to re-appoint Cathy Yamamoto to a one-year term, expiring June 30, 2012, on the Affordable Housing Committee. Mr. Turbin seconded and the motion carried unanimously.

Community Preservation Act Committee – Malcolm Smith (2014) – Mr. Costley moved to re-appoint Malcolm Smith to a three-year term, expiring June 30, 2014, on the Community Preservation Act Committee. Mr. Turbin seconded and the motion carried unanimously.

Sign Commission – Anne Singleton (2016) – Ms. Allen moved to re-appoint Anne Singleton to a five-year term, expiring June 30, 2016, on the Sign Commission. Mr. Turbin seconded and the motion carried unanimously.

Constable – Andrew Bernardy, III (2014) – Mr. Costley moved to re-appoint Andrew Bernardy, III to a three-year term, expiring June 30, 2014, as Constable. Mr. Rempell seconded and the motion carried unanimously.

Agricultural Commission – Andrew Bernardy, III (2014) – Ms. Allen moved to re-appoint Andrew Bernardy, III to a three-year term, expiring June 30, 2014, on the Agricultural Commission. Mr. Turbin seconded and the motion carried unanimously.

I. August Meeting Schedule - Mr. Rempell proposed selectmen meet August 8, 2011, and not meet on August 22, 2011. Ms. Allen seconded and the motion carried unanimously.

J. Water and Sewer Warrant - \$314,200.89 – Ms. Allen moved to approve the water and sewer warrant in the amount of \$314,200.89. Mr. Rempell seconded and the motion carried unanimously.

4. LICENSES AND PERMITS:

A. Request from Sweets and Beans MA, LLC, d/b/a Sweets and Beans MA, 61 Spring Street, David Aldecoa, Manager for a Common Victualer License – Mr. Turbin moved to approve a Common Victualer license for Sweets and Beans MA, LLC, d/b/a Sweets and Beans MA, 61 Spring Street, David Aldecoa, Manager

5. TOWN MANAGER'S REPORT: see attached. Town Manager's report can also be found on the Williamstown website.

6. PETITIONER'S REQUEST: Michael's Restaurant owner Cindy Nikitis explained to the Board that she has closed her restaurant and would like a refund of her Wine and Malt Beverage Liquor license, Common Victualer License and Live Music License at a prorated rate of six months. Mr. Costley moved to reimburse Ms. Nikitis for six months cost of the three licenses. Mr. Rempell seconded and the motion carried unanimously.

7. OTHER BUSINESS: None

8. ADJOURN: Mr. Costley moved to adjourn at 8:46 p.m. Ms. Allen seconded and the motion carried unanimously. The next Selectmen's meeting is Monday, July 11, 2011 at 7 p.m.

Respectfully submitted,

Tom Costley, Secretary