

AGENDA
WILLIAMSTOWN BOARD OF SELECTMEN
APRIL 12, 2010
7:00 P.M.

1. CHAIRMAN'S OPENING STATEMENT:

2. SELECTMEN'S MINUTES: March 22, 2010, April 7, 2010

3. LICENSES AND PERMITS:

- A. Poppy's Deli, 240 Main Street, Peter Harrison, Owner
Common Victualer
Background Music
- B. That's A Wrap, 60 Spring Street, Jason Boucher, Owner
Common Victualer
Background Music
- C. Taconic Golf Club, Inc., 19 Meacham St., Gregory Canales, Manager
Seasonal All Alcoholic Beverage Club License
Common Victualer
Live Music
- D. Williamstown Theatre Foundation, Inc., d/b/a The Williamstown Theatre Festival,
1000 Main St., Ira Lapidus, Manager
Seasonal Wine & Malt Beverage on Premises Liquor License
Live Music
Sunday License
- E. Williamstown Theatre Foundation, Inc., d/b/a Williamstown Theatre Festival
Cabaret, Goodrich Hall, 863 Main St., Ira Lapidus, Manager
Seasonal Wine & Malt Beverage on Premises Liquor License
Live Music
- F. Sterling & Francine Clark Art, d/b/a Clark Art Institute, 225 South St., Steven
Wilkinson, Manager
Seasonal Wine & Malt Beverage License
Common Victualer

4. ITEMS FOR SELECTMEN CONSIDERATION:

- A. Alcohol Compliance Mezza Bistro & Bar (Nancy Thomas)
- B. Accept Resignation Robert Vavasour Historical Commission
- C. Confirmation of Town Manager's Appointment to Historical Commission
- Scott Wong

- D. Set Water Rate
- E. Set Sewer Rate
- F. Annual Town Meeting Warrant
- G. Arbor Day Proclamation
- H. Water and Sewer Warrant
- I. Williams College 14th Annual Run for a Cure – Sunday, May 2

5. PETITIONER'S REQUEST:

6. TOWN MANAGER'S REPORT:

7. OTHER BUSINESS:

8. ADJOURN:

The next Selectmen meeting is on Monday, April 26, 2010 at 7:00 p.m.

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
APRIL 12, 2010
7:00 P.M.

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

Others Present: Nancy Thomas, Jeff Willette, Sherwood Guernsey, Joel Bard, Kyle Johnson,
Chuck St. John, Janet Saddler, Tim Kaiser, Peter Fohlin, Kathy Poirot

1. CHAIRMAN'S OPENING STATEMENT: Mr. Costley introduced Zafi Levy coach for the Eph men's and women's squash teams. Mr. Levy organized a squash tournament and fundraiser this past weekend in town. He said the tournament hosted 250 juniors and their families and it raised \$65,000. Mr. Levy estimated the town businesses would have made about \$185,000 in revenues over the weekend. Mr. Levy hopes Williams will host the tournament again next year.

2. SELECTMEN'S MINUTES: March 22, 2010 – Ms. Allen moved to approve the March 22, 2010 minutes. Mr. Turbin seconded and the motion carried unanimously. April 7, 2010 – Ms. Allen moved to approve the April 7, 2010 minutes. Mr. Turbin seconded and the motion carried unanimously.

3. LICENSES AND PERMITS:

G. Poppy's Deli, 240 Main Street, Peter Harrison, Owner
Common Victualer
Background Music

H. That's A Wrap, 60 Spring Street, Jason Boucher, Owner
Common Victualer
Background Music

I. Taconic Golf Club, Inc., 19 Meacham St., Gregory Canales, Manager
Seasonal All Alcoholic Beverage Club License
Common Victualer
Live Music (indoor only)

J. Williamstown Theatre Foundation, Inc., d/b/a The Williamstown Theatre Festival,
1000 Main St., Ira Lapidus, Manager
Seasonal Wine & Malt Beverage on Premises Liquor License
Live Music (indoor only)
Sunday License

K. Williamstown Theatre Foundation, Inc., d/b/a Williamstown Theatre Festival
Cabaret, Goodrich Hall, 863 Main St., Ira Lapidus, Manager
Seasonal Wine & Malt Beverage on Premises Liquor License
Live Music (indoor only)

- L. Sterling & Francine Clark Art, d/b/a Clark Art Institute, 225 South St., Steven Wilkinson, Manager**
Seasonal Wine & Malt Beverage Restaurant License
Common Victualer

Mr. Rempell moved to approve the license requests as presented. Ms. Allen seconded and the motion carried unanimously.

4. ITEMS FOR SELECTMEN CONSIDERATION:

A. Alcohol Compliance Mezze Bistro & Bar – Ms. Allen said that at their meeting of March 22, selectmen discussed the Williamstown establishments that failed compliance checks conducted on March 11, 2010 by the Williamstown Police Department and the Northern Berkshire Community Coalition. A Mezze employee served a 17 year old male patron during this check and as a result police filed criminal charges against the server and the manager of the restaurant. Due to the serious nature of the criminal charges being filed and Mezze’s history in failing four of seven compliance checks between 2006 and 2010 their presence was requested at this evening’s meeting. Ms. Allen noted that selectmen also received a report from the Attorney General’s office that Mezze was named in an OUI infraction from December of 2009 and that Ms. Thomas should have received notice of that from the court.

Ms. Allen said restaurant manager Nancy Thomas’ request for a change of location for the establishment’s liquor license was held at a public hearing on March 8. At the public hearing Ms. Thomas was told selectmen expected 100% compliance and three days later, they failed. Ms. Thomas said that the restaurant has strict rules regarding serving alcohol and that regular training with employees includes TIPS training. Ms. Thomas said although the restaurant was extremely busy that evening, she and the waiter, Jeff Willette, a thirty-year veteran of the industry and head of training, are regretful and truly sorry. They said there are no excuses for serving minors. Ms. Thomas said her staff will all have TIPS training through the Mass. Restaurant Association on May 26. Mr. Rempell moved Chairman Costley send a letter of reprimand to Ms. Thomas. The letter will require the offending license holder and server and any other servers who are not currently TIPS certified to be certified and submit documentation of such training to Kathy Poirot by June 1, 2010. The letter should also state that future violations could result in the Board’s suspension of Mezze’s license. Mr. Turbin seconded and the motion carried unanimously.

B. Accept Resignation Robert Vavasour Historical Commission – Ms. Allen moved to accept Robert Vavasour’s resignation from the Historical Commission. Mr. Turbin seconded and the motion carried unanimously.

C. Confirmation of Town Manager’s Appointment to Historical Commission- Scott Wong – Mr. Sheldon moved to confirm the Town Manager’s appointment of Scott Wong to the Historical Commission. Mr. Turbin seconded and the motion carried unanimously.

D. Set Water Rate – Ms. Allen moved to set the FY11 water rate at \$3.74 per 100 cubic feet. Mr. Turbin seconded and the motion carried unanimously.

E. Set Sewer Rate – Ms. Allen moved to set the FY11 sewer rate at \$5.43 per 100

cubic feet for non-Cold Spring Road residents. Mr. Rempell seconded and the motion carried unanimously. Ms. Allen moved to set the FY11 sewer rate at \$5.98 per 100 cubic feet for Cold Spring Road residents. Mr. Rempell seconded and the motion carried unanimously.

F. FY10 Town Meeting Warrant –

Article 3. To Appropriate Free Cash to Lower the Tax Rate: Ms. Allen moved to recommend the Town vote to appropriate the sum of \$380,788 from the general fund unreserved fund balance to reduce the tax rate. Mr. Turbin seconded and the motion carried 5-0.

Article 4. Debt Services: Ms. Allen moved to recommend the Town vote to raise and appropriate the sum of \$478,156 from taxation and that \$10,697 be appropriated from the Sherman Burbank Memorial Fund. Mr. Turbin seconded and the motion carried 5-0.

Article 5. Local Meals Tax: Mr. Sheldon moved to recommend the Town vote to accept G.L. c. 64L. s. 2 (a) to impose a local meals excise at 0.75% (75 cents on \$100) meals tax. Ms. Allen seconded and the motion carried 5-0.

Article 6. Local Room Occupancy Excise: Mr. Sheldon moved to recommend the Town vote to amend its local room occupancy excise under G.L. c. 64G s. 3A to the rate of six (6) percent. Ms. Allen seconded and the motion carried 5-0.

Article 7. General Government: Mr. Turbin moved to recommend the Town vote to raise and appropriate \$6,302,923 or any other sum to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments. Mr. Rempell seconded and the motion carried 5-0.

Article 8. Capital Improvement Program: Ms. Allen moved to recommend the Town vote to raise and appropriate or appropriate from available funds the sum of \$540,113 for Capital Projects. Mr. Turbin seconded and the motion carried 5-0

Article 9. Local Public Schools (Grade K-6): Mr. Sheldon moved to recommend the Town vote to raise and appropriate, or appropriate from available funds, the sum of \$5,261,543. Ms. Allen seconded and the motion carried 5-0.

Article 10. Northern Berkshire Vocational Regional School District: Mr. Turbin moved to recommend the Town vote to raise and appropriate the sum of \$239,084 from taxation. Ms. Allen seconded and the motion carried 5-0.

Article 11. Mount Greylock Regional School District: Mr. Turbin moved to recommend the Town vote to raise and appropriate the sum of \$4,648,154 from taxation. Ms. Allen seconded and the motion carried 5-0.

Article 12. To Amend Mount Greylock Regional School District Agreement: Mr. Sheldon moved to recommend the Town vote to adopt the article. Ms. Allen seconded and the motion carried 5-0.

Article 13. Finance Committee Reserve Fund: Ms. Allen moved to recommend the Town vote to raise and appropriate the sum of \$50,000 for the Finance Committee Reserve Fund. Mr. Sheldon seconded and the motion carried 5-0.

Article 14. Stabilization Fund: Ms. Allen moved to recommend the Town vote to raise and appropriate the sum of \$25,000 for the Stabilization Fund. Mr. Sheldon seconded and the motion carried 5-0.

Article 15. Williamstown Chamber of Commerce: Ms. Allen moved to recommend the Town vote to raise and appropriate the sum of \$24,292 for the Williamstown Chamber of Commerce to promote tourism. Mr. Sheldon seconded and the motion carried 5-0.

Article 16. Williamstown Youth Center: Mr. Turbin moved to recommend the Town vote to raise and appropriate the sum of \$65,096 for the Williamstown Youth Center to provide youth recreation services. Mr. Sheldon seconded and the motion carried 4-0-1. Mr. Rempell abstained.

Article 17. Public Library Revolving Fund: Mr. Sheldon moved to recommend the Town vote to adopt this article. Ms. Allen seconded and the motion carried 5-0.

Article 18. Sewer Department: Ms. Allen moved to recommend the Town vote to appropriate the sum of \$1,127,931 from estimated sewer receipts. Mr. Turbin seconded and the motion carried 5-0.

Article 19. Water Department: Ms. Allen moved to recommend the Town vote to appropriate the sum of \$966,908 from estimated water receipts. Mr. Turbin seconded and the motion carried 5-0.

Article 20. Water Rate: Ms. Allen moved to recommend the Town vote to approve a municipal water rate of \$3.74 per 100 cubic feet fixed by the Board of Selectmen at their meeting of April 12, 2010 to be effective July 1, 2010. Mr. Turbin seconded and the motion carried 5-0.

Article 21. Transfer Station Department: Ms. Allen moved to recommend the Town vote to appropriate \$165,565 from estimated transfer station receipts and \$40,000 from transfer station unreserved fund balance. Mr. Turbin seconded and the motion carried 5-0.

Article 22. Chapter 90 Highway Funds: Ms. Allen moved to recommend the Town vote to appropriate from Chapter 90 funds that are or may become available to the Town during the fiscal year for Capital projects and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement from the Commonwealth. Mr. Turbin seconded and the motion carried 5-0.

Article 23. Community Preservation – Open Space: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 24. Community Preservation – Community Housing, Open Space, Historic Preservation, and Committee Expenses: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 25. General Bylaw Amendment – Stretch Energy Code: Mr. Turbin moved to recommend the Town vote to accept this article. Ms. Allen seconded and the motion carried 5-0.

Article 26. To Reduce Historic Commission Membership: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 27. Zoning By-laws to Amend “Business Campus”: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 28. Zoning By-laws to Delete a Definition: Mr. Turbin moved to recommend the Town vote to accept this article. Mr. Sheldon seconded and the motion carried 5-0.

Article 29. Zoning By-laws – To Amend Use Regulation Table: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 30. Zoning By-laws – To Amend Parking Requirements: Mr. Sheldon moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 31. Zoning By-laws – To Amend Parking Regulation: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 32. Zoning By-laws – To Allow Renewable Energy: Ms. Allen moved to recommend the Town vote to accept this article. Mr. Turbin seconded and the motion carried 5-0.

Article 33. Voter Petition: Selectmen took no action.

G. Arbor Day Proclamation: Mr. Sheldon read the Arbor Day Proclamation aloud. Ms. Allen moved to sign the proclamation. Mr. Turbin seconded and the motion carried unanimously.

H. Water and Sewer Warrant – Ms. Allen moved to approve the water and sewer warrant in the amount of \$179,157.30. Mr. Rempell seconded and the motion carried unanimously.

I. Williams College 14th Annual Run for a Cure – Sunday, May 2 – Ms. Allen moved to approve the Williams College 14th Annual Run for a Cure on Sunday, May 2, 2010 starting at 2 p.m. Mr. Rempell seconded and the motion carried unanimously.

5. PETITIONER’S REQUEST: None

6. TOWN MANAGER’S REPORT: See attached.

7. OTHER BUSINESS: Mr. Turbin said he planned to attend the Berkshire County Selectmen dinner on May 4. He said if anyone else would like to go, please let him know and he will make the reservation.

Ms. Allen said that Williams College President Adam Falk has started his duties at the College. She said the first thing Mr. Falk did was to come to Town Hall and register to vote so he could attend Town Meeting and said he plans on continuing the important relationship between the College and the Town as a priority.

Mr. Rempell moved the Board endorse the two ballot questions for the Mount Greylock Proposition 2 ½ overrides. Ms. Allen seconded and the motion carried unanimously.

8. ADJOURN: Chairman Costley adjourned the meeting at 9:02 p.m. The next **Selectmen** meeting is on Monday, April 26, 2010 at 7:00 p.m.

Respectfully submitted,

Thomas E. Sheldon
Secretary

TES/kp