

MINUTES
WILLIAMSTOWN BOARD OF SELECTMEN
March 8, 2010
7:00 P.M.

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

Absent: Thomas E. Sheldon

Others Present: Attorney Harris Aaronson, Jason Berger, Thierry Breard, Ariel Collins, Molly Ferioli, Nancy Thomas, Sherwood Guernsey, Joe Lucas, Patrick Dunlavey, Chris Winters, Janet Saddler, Peter Fohlin, Kathy Poirot

- 1. CHAIRMAN'S OPENING STATEMENT:** Chairman Costley reminded residents that the 2010 Census is underway and participation is vital. Census forms should be arriving in the mail soon and everyone is encouraged to complete the form and mail it back to the Census. If forms are not mailed back, the Census will visit homes in order to complete the form. The Census is vital to our community and region as it will determine our congressional representation as well as impact funding of numerous programs including Medicaid, Title I grants to local education agencies, highway planning and construction, foster care, community development grants and other programs.
- 2. SELECTMEN'S MINUTES:** February 22, 2010 – Mr. Rempell moved to approve the February 22, 2010 minutes. Ms. Allen seconded and the motion carried unanimously. March 5, 2010 – Mr. Rempell moved to approve the March 5, 2010 special meeting minutes. Ms. Allen seconded and the motion carried with one abstention by Mr. Costley.
- 3. PUBLIC HEARING:**

A. 7:05 P.M.: Public Hearing for an Application from Berkshire Restaurant Group, LLC, d/b/a The Purple Pub and Spring Street Pizzeria, 61-65 Spring St., Williamstown, for an All Alcoholic Beverage Restaurant License, Molly B. Ferioli, Manager. Chairman Costley opened the public hearing at 7:05 p.m. – Attorney Harris Aaronson, representing Berkshire Restaurant Group, LLC, d/b/a The Purple Pub and Spring Street Pizzeria located at 61-65 Spring Street explained the application to the Board. He said initially the group had concerns on the best way to apply for a license considering there are two separate businesses located in one building. Liquor storage was a big issue due to the layout of the basement floor. If two separate licenses were requested, the storage area for the two stores would have to be separated and the area is not set up for that. Mr. Aaronson stated that after corresponding with the Alcoholic Beverage Commission, he felt confident enough to apply for one license under the Berkshire Restaurant Group, LLC for the two separate establishments so long as the are connected by a kitchen. In which case, alcohol storage could be combined. He said that, although the Group is requesting an All Alcoholic Beverage Restaurant License, the Pizzeria intends to serve wine and malt. The Pub and the Pizzeria setup would not allow patrons to move about from one restaurant to the other. There is a lobby separating the two restaurants. Mr. Aaronson added there will be a patio area for the Purple Pub where patrons would be escorted to their seats and the Pizzeria patrons would not be allowed access. Ms. Ferioli, who manages another restaurant in South County, said that, initially, she planned to spend at least 35 hours a week on the new

premises. Then, when the staff is fully trained, her general manager, Mr. Breard, would run the day to day operations. Ms. Allen pointed out that Ms. Ferioli's application did not show that she had "college town" experience which was a concern. Ms. Allen referred to a previous license holder who also had restaurant experience but not in a "college town". He found that he was not as prepared as he had thought he would be as a new owner. Ms. Allen said Ms. Ferioli would need to establish a reputation for being "tough", hire experienced staff and keep up with training. She added that the Williamstown Police Department, the local licensing authority's enforcement officers, would partner with her and she should contact them whenever she needs their assistance. Ms. Allen recommended TIPs training for all employees and said she expects 100% compliance by carding everyone unless they have wrinkles. Ms. Ferioli said they are prepared and will have electronic scanners. Mr. Costley closed the public hearing. Mr. Rempell moved to approve the application of Berkshire Restaurant Group, LLC, d/b/a The Purple Pub and Spring Street Pizzeria, 61-65 Spring St., Williamstown, for an All Alcoholic Beverage Restaurant License, Molly B. Ferioli, Manager. Mr. Turbin seconded and the motion carried unanimously.

B. 7:10 P.M.: Public Hearing for an Application from Mezze, Inc., d/b/a Mezze Bistro and Bar for a Change of Location for an All Alcoholic Beverage Restaurant License from 16 Water Street to 777 Cold Spring Road, Williamstown, Nancy C. Thomas, Manager. Chairman Costley opened the public hearing at 7:31 p.m. Attorney Sherwood Guernsey representing Ms. Thomas explained that the owner of the property is 777 Fine Dining Inc. who has leased the property to Eleven at MoCA. Eleven is subleasing the property to Mezze, Inc. He further explained that the new location will bring Mezze Inc. and Mezze Catering under one roof, therefore, changing the location for the All Alcoholic Beverage Restaurant from 16 Water Street to 777 Cold Spring Road. He also asked selectmen to approve language that would allow the license change of location to take effect once Mezze's owners have written the town informing them of when the move will take place to insure that there is no gap in coverage. Mr. Rempell inquired if there would be major changes. Ms. Thomas said she plans on having edible landscaping and gardens. She is excited to have all of the land that comes with the property. Ms. Allen went over the guidelines for the outdoor seating. She asked if there were stairs leading on to the patio from the outside. Ms. Thomas said one could approach through the front door but she plans on having staff seat guests and to monitor the space. With regard to infractions of serving alcohol to minors, Ms. Allen noted past compliance checks with Mezze Bar and Bistro referred to three passes and three failures – the last two were passes. She added that the Board's goal is for 100% compliance, and that the last check in May 2009 showed Williamstown establishments at 95% compliance. Ms. Allen added that the Town now receives information from the Attorney General's office on reports from the Commonwealth Court System showing where OUI defendants have had their last drink before their arrest. It was noted that someone who had an OUI violation on December 15, 2009 claimed their last drink was at Mezze. Ms. Thomas asked if this information could be forwarded to the establishments named in the report. Ms. Allen said she would look into this. Chairman Costley closed the public hearing. Mr. Turbin moved to approve the application from Mezze, Inc., d/b/a Mezze Bistro and Bar for a Change of Location for an All Alcoholic Beverage Restaurant License from 16 Water Street to 777 Cold Spring Road, Williamstown, Nancy C. Thomas, Manager and to add language that would allow the license change of location to take effect when Mezze's owners have written the town informing them of the date of the move, to insure there is no gap in licensing. Ms. Allen seconded and the motion carried unanimously.

4. ITEMS FOR SELECTMEN CONSIDERATION:

A. Berkshire Restaurant Group, LLC, d/b/a The Purple Pub and Spring Street Pizzeria, 61-65 Spring Street requested an annual Common Victualer and Live Music Licenses. Mr. Turbin moved to approve an annual Common Victualer license and to approve a live music license for the inside only in the two establishments. Ms. Allen seconded and the motion carried unanimously.

B. Mezze Inc., d/b/a Mezze Bistro and Bar requested the transfer of their Common Victualer and Live Music Licenses from 16 Water Street to 777 Cold Spring Road. Mr. Rempell moved to approve the transfer of the Common Victualer license from 16 Water Street to 777 Cold Spring Road and to approve a live music license for the inside only. Ms. Allen seconded and the motion carried unanimously.

C. Request for an Awning for “That’s A Wrap” at 60 Spring Street – Mr. Joe Lucas from Graphic Impact Signs requested the selectmen approve placement of three awnings as shown on the drawing presented. Mr. Rempell moved to approve the request for the placement of three awnings and require the establishment owner to list the Town of Williamstown as additional insured, with respect to General Liability only, for bodily injury caused by awnings installed on the insured’s building over the public sidewalk. Ms. Allen seconded and the motion carried unanimously.

D. Zoning Bylaw Amendments for Town Meeting Warrant - Zoning Bylaw Amendments presented by Planning Board members Pat Dunlavey and Chris Winters consisted of six articles. Article 1 proposes deleting all reference to the former Business Campus District that was removed from the Zoning Map when the Town DPW garage was constructed on the site. Article 2 proposes to remove the definition for “Structurally Able” from the zoning bylaw because it is redundant as the State building code provides the official definition of the term. Article 3 removes a provision from the use regulation table that allows the Zoning Board of Appeals to permit different types of uses in any zoning district in town at their discretion. Article 4 proposes removal of the requirement that businesses on Spring Street provide off street parking areas and residential development on Spring Street will still require on-site off street parking. This revision is intended to allow more concentrated development in the downtown area as the topography and small lot sizes of Spring Street properties do not allow for construction of substantial off street parking lots. Eliminating the off street parking requirement aligns the town more with the district’s goal of accommodating a broad mixture of uses in an environment oriented toward pedestrians according to Mr. Winters. This article prompted discussion when Mr. Costley asked if Article 4 could be delayed until next year because he was disappointed with section regarding [1] Multi Family Dwellings: One off street space per bedroom up to a maximum of two spaces per dwelling unit over and above that needed for access roadways and maneuvering. He asked if more ideas could be submitted for Article 4. Mr. Dunlavey said no. Article 5 proposes to change the restriction on the overnight parking of vehicles that can carry more than $\frac{3}{4}$ ton in residential areas. The change is in response to the larger capacity pickup trucks developed in recent years that many townspeople use as personal vehicles. Article 6 proposes allowing new industrial uses, such as manufacturing and research and development for renewable energy of 50,000 square feet or less in the limited industrial district without special permit approval. The adoption of this article meets one of the criteria for the Town to qualify for the Green Communities Act Grant Program. Ms. Allen moved to pass amendments back to the Planning Board. Mr.

Turbin seconded and the motion carried unanimously. The Planning Board will hold its public hearing on the amendments Tuesday, March 23, 2010.

E. American Lung Association 4th Annual Cross State Trek on Saturday, June 26 – With no objection from the police chief, Mr. Rempell moved to approve the annual Cross State Trek starting in Williamstown on June 26. Ms. Allen seconded and the motion carried unanimously.

F. Set Public Hearing Date & Time for a Request from Taconic Golf Club, Inc., 19 Meacham Street, Williamstown, Gregory Canales, Manager for a Change of License Type from a Seasonal All Alcoholic Beverage Club License to a Seasonal All Alcoholic Restaurant License. Ms. Allen moved to set the Public Hearing on March 22, 2010 at 7:05 p.m. Mr. Rempell seconded and the motion carried unanimously.

G. Water and Sewer Warrant (\$172,392.59) – Ms. Allen moved to approve the water and sewer warrant in the amount of \$172,392.59. Mr. Rempell seconded and the motion carried unanimously.

H. Bike Path Letter of Support – Mr. Turbin moved selectmen to sign a letter of support for a grant application to the National Scenic Byways Program to further the design and engineering of the Mohawk Bicycle/Pedestrian Trail, which when completed will connect the downtown centers of Williamstown and North Adams. Ms. Allen seconded and the motion carried unanimously.

I. Proposed Town Budget Overview – Mr. Fohlin said he attended a legislative breakfast in Lee last Friday where he heard a consensus that the governor's level funding may be not feasible. The budget he presented for FY11 assumes level funded state aid with a 3% wage increase for town employees. He said he didn't want to freeze wages two years in a row. He said he expects a 3% reduction in both state aid and Chapter 70. A 3% reduction represents \$50,000 to general government. McCann Vocational High School has been assessed slightly less than last year. Mount Greylock High School's final budget has not been voted on by their school committee at this time, nor has the Elementary School shared their budget. They are scheduled to go before the Finance Committee on March 25. The Finance Committee has asked Mr. Fohlin to draft a warrant article to add .75% local meals tax. This will bring the meals tax up to 7% with the State taking their share of 6.25%. This would provide \$125,000 additional revenue to the Town.

Mr. Rempell inquired about the salaries and wages in the budget book coming in at a 2.7% increase rather than 3%. Mr. Fohlin said this was due to fringe benefits and projected amounts for planning purposes. Mr. Fohlin said he hoped to have the local aid resolution, Mount Greylock budget and the Elementary School budget by the next selectmen's meeting. Mr. Rempell asked why heating oil was budgeted at \$4.50 per gallon. Mr. Fohlin said that number was carried over from last year and not yet updated due to the absence of Finance Director St. John. Ms. Allen asked if the Board could do anything to petition the state government. Mr. Fohlin said he didn't think political pressure would be needed now.

5. TOWN MANAGER'S REPORT: See attached.

6. OTHER BUSINESS: Mr. Turbin said the Berkshire Metropolitan Planning Organization reported that the state will start work on Route 2 and they are also doing a

study on a new exchange to the turnpike that could help alleviate the congestion in Lee.

7. ADJOURN: Ms. Allen moved to adjourn at 9 p.m. Mr. Rempell seconded and the motion carried unanimously. The next Selectmen Meeting is Monday, March 22, 2010 at 7:00 p.m.

Respectfully submitted,

Ronald Turbin
Secretary pro tempore

RT/kp