

**MINUTES**  
**WILLIAMSTOWN BOARD OF SELECTMEN**  
**March 23, 2009**  
**7:00 P.M.**

**Present:** Jane B. Allen, Chair, David A. Rempell, Tom Costley, Richard C. Steege, Ronald Turbin

**Others Present:** Dave Westall, David Carver, Joe & Karlene McCarthy, Brigesh Patel, Peter Fohlin, Kathy Poirot

**1. CHAIRMAN'S OPENING STATEMENT:** None

**2. SELECTMEN'S MINUTES:** March 9, 2009 – Mr. Rempell moved to approve the March 9, 2009 selectmen minutes. Mr. Costley seconded and the motion carried unanimously.

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

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

**A. Request from Subway/Scarafoni Realty for a Handicap Ramp at 31 Spring Street-** at their previous meeting on March 9, selectmen asked Mr. Fohlin to obtain a legal opinion from town counsel on the Town's options for a proposed handicap ramp that would encroach on Town property. Selectmen also asked Mr. Westall to provide renderings and costs associated with the façade alterations at this meeting. Town counsel's opinion stated that the selectmen have the authority to regulate such matters as an encroachment upon a public sidewalk of the kind described and may give consent for such an encroachment by means of a license. The opinion further stated that if selectmen choose to grant such a license, it was recommended that it include undertakings of the license holder to maintain property insurance and to indemnify the Town for any injuries or property damage resulting from the use of or presence of the ramp. Mr. Westall provided the renderings and costs and selectmen received the legal opinion in their packets. Mr. Westall presented the renderings and the costs for the handicap ramp removal and replacement, as well as costs to move the storefront back replacing all glass with safety glass and installing a new entry door to meet code requirements. After a short discussion regarding concerns about aesthetics of the ramp, the encroachment of the ramp and future ramps at other locations on Spring Street, Mr. Rempell moved to grant a license to allow the property owner to construct a portion of a handicap access ramp on town property, as presented by Westall Architects, and that they maintain property insurance to indemnify the Town for any injuries or property damage resulting from the use of or presence of the ramp. Mr. Turbin seconded and the motion failed with a vote of 2 in favor and 3 opposed.

**B. Town Meeting Draft Warrant** – Mr. Fohlin reviewed the draft Town Meeting warrant. No action was taken.

**C. Harvest Moon General Store – KENO To Go** – In a letter from the Massachusetts State Lottery Commission dated March 13, 2009, the selectmen were notified that Harvest Moon General Store has been qualified to apply for KENO To Go and if they chose to object to the selling of KENO To Go, the Lottery Commission must be notified within 21 days of the letter. No Action was taken.

**D. Time Warner Cable License Renewal** – Ms. Allen read aloud a letter addressed to Peter Taubkin, Vice President, Government Relations and Public Affairs, at Time Warner requesting that he forward Time Warner Cable’s proposal for renewal of the franchise and enter into discussions for a renewal as is customary during the three-year period preceding expiration. The Williamstown Cable Advisory Committee has made several attempts to commence discussions but have not heard back from Mr. Taubkin. Mr. Rempell moved to authorize Chairman Allen to sign and send the letter as presented to Time Warner with a copy to the Mass. Department of Telecommunications and Cable. Mr. Steege seconded and the motion carried unanimously.

**E. Set Public Hearing Date for a Request from Williamstown Theatre Foundation** d/b/a Williamstown Theatre Festival for a Seasonal Wine & Malt Beverage License at 863 Main Street (Williams College - Goodrich Hall), Ira Lapidus, Manager – Mr. Turbin moved to set the public hearing on April 13, 2009 at 7:05 p.m. Mr. Costley seconded and the motion carried unanimously.

**5. LICENSES AND PERMITS: Seasonal Renewals**

**A. Taconic Golf Club Inc.**, 19 Meacham Street, Gregory Canales, Manager  
Seasonal All Alcoholic Beverage  
Common Victualer  
Live Music

Mr. Rempell moved to approve the seasonal license renewals for an All Alcoholic Beverage License, Common Victualer License and Live Music permit for Taconic Golf Club Inc. Mr. Costley seconded and the motion carried unanimously.

**B. Williamstown Theatre Foundation, Inc.**, d/b/a The Williamstown Theatre Festival, 1000 Main Street, Ira Lapidus, Manager  
Seasonal Wine & Malt Beverage License  
Live Music  
Sunday License

Mr. Costley moved to approve the seasonal license renewal for a Wine & Malt Beverage License, Live Music permit and Sunday License. Mr. Rempell seconded and the motion carried unanimously.

**6. TOWN MANAGER’S REPORT:** See attached

**7. OTHER BUSINESS:** None

**8. ADJOURN:** Mr. Costley moved to adjourn at 8:52 p.m. Mr. Rempell seconded and the motion carried unanimously. The next Selectmen Meeting is Monday, April 13, 2009 at 7 p.m.

Respectfully submitted,

Ronald Turbin, Secretary

RT/kp