

TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

January 11, 2016

Present: Mr. John Goerlach, Chair
Mr. Robert Ericson
Mr. Henry Sayers
Jeffrey Blake, Esq., Town Counsel

Absent: Mr. Paul Sieloff, Town Manager

Warrants: Warrant Signed

The meeting was opened by John Goerlach at 6:00 p.m.

Public Comment

Richard Cohen gave the Board information that he researched concerning the School Building Project ballot question and the Conflict of Interest Law. [#1] After a brief summary from Mr. Cohen, Mr. Goerlach asked him to stop speaking to give Attorney Jeffrey Blake, the Town's Legal Counsel, the opportunity to present the Board's position regarding the information Mr. Cohen presented. Mr. Cohen continued to speak out of order and Mr. Goerlach asked Police Chief Timothy Sorrell to remove him from the room. Attorney Blake stated that he reviewed survey and the Conflict of Interest Law and there is nothing that prevents the Board from sending out a poll that is neutral and it does not violate the Conflict of Interest Law. Michelle Johnson asked the Board if they had concerns about sending a survey without factual information. Mr. Goerlach presented Ms. Johnson with the newest version of the survey. [#2] Ms. Johnson asked the Board if an additional question could be added to the survey as 2A which would ask residents to state on a scale of 1-5 how important it would be to remain at the same educational level (level 1) that the Town is already at. Raymond Jones came before the Board to voice his concerns about the school building project. Mr. Jones stated that Lanesborough pays a higher tax rate than Williamstown and the Town should negotiate for a more fair and equitable deal for the building of the new school. Mr. Jones referred to financial and tax information given to the Finance Committee from the Mount Greylock School Committee and believed the Town should approach Williams College to help offset the cost of the school.

Permit(s) / Contract(s) / Use of Town Property or Notification to Town of Community Event / Appointment(s)

Facility Use Application – Lorraine Tinger (Yoga Instructor)

The Board was presented with a Facility Use Application from Lorraine Tinger who holds yoga classes in the Community Room on various Tuesdays evenings throughout the year. The Town Secretary reminded the Board that Ms. Tinger came before them last year and negotiated a fee of \$20 per session for the use of the room.

Motion 16-003. Motion made by Robert Ericson to approve the Facility Use Application of Lorraine Tinger for the use of the Town's Community Room at a fee of \$20 per session, seconded by Henry Sayers. Motion carried 3-0. [#3]

Mad Jack's BBQ – Common Victualler's License Approval

The Board was presented with a Common Victualler's License for their approval for Berkshire Hospitality Group, LLC d/b/a Mad Jacks BBQ. Motion 16-004. Motion made by Robert Ericson to approve the Common Victualler's License of Berkshire Hospitality Group, LLC d/b/a Mad Jacks BBQ, seconded by Henry Sayers. Motion carried 3-0. [#4]

Appointment of Part-Time Police Officer – Corey Demary

Chief Timothy Sorrell came before the Board to ask that they appoint Corey Demary as a part-time Police Officer for the Department. Chief Sorrell stated that Mr. Demary currently works part time as a Police Officer in the Town of Cheshire. Chief Sorrell stated that Officer Demary will be filling the vacancy left by Officer Moore. Mr. Goerlach asked Marvin Michalak, Chair of the Police Advisory Commission if the Commission's vote was unanimous to appoint Officer Demary. Mr. Michalak stated that it was. Chief Sorrell stated that the Police Advisory Commission assisted in the interview and submitted a letter of support for this appointment. Motion 16-

002. Motion made by Henry Sayers to appoint Corey Demary as a part-time Police Officer for the Lanesborough Police Department, seconded by Robert Ericson. Motion carried 3-0. [#5]

Clairmont Request to Waive Right of First Refusal of Ch. 61A §14 Land – Map 211 Lot 8

Kathie and Gary Clairmont submitted a Notice of Intent to Remove Land from Ch. 61A for the Board's approval. Mr. & Mrs. Clairmont would like to remove Lanesborough Assessor's Map 211, Lot 8 from Ch. 61A in order to build on house on the property. Mr. Ericson asked Mr. Clairmont if he intended to build a single family residence. Mr. Clairmont stated that he was, on Lot 2. Motion 16-005. Motion made by Robert Ericson to approve the Notice of Intent from Kathie and Gary Clairmont to Remove Land depicted on Lanesborough Assessor's Map 211, Lot 8 from Ch. 61A, seconded by Henry Sayers. Motion carried 2-0. John Goerlach abstained from vote. [#6]

Announcement of Committee Vacancies

The Board was presented with a list of Committee vacancies which included 1 vacancy on the Ashuwillticook Rail Trial Committee, 2 vacancies on the Agricultural Commission, 2 vacancies on the Energy Committee and 1 vacancy on the Tree and Forest Committee. Mr. Goerlach stated that anyone interested in serving on these committees should contact the Town Hall. Mr. Goerlach asked to have the vacancies updated on the TV's bulletin board. [#7]

Proposed Adoption of Federal Mileage Rate of \$.54

The Board was presented with a notice from the Internal Revenue Service which stated that effective January 1, 2016 the standard mileage rate has been lowered from 57.5 cents to 54 cents per mile. Motion 16-006. Motion made by Robert Ericson to adopt the IRS standard mileage rate of 54 cents per mile, seconded by Henry Sayers. Motion carried 3-0. [#8]

Soliciting and Canvassing Permit Application

The Board was presented with a proposed Soliciting and Canvassing Permit Application for their review and approval. The Town voted to approve the addition of this as Chapter 26 to the Town's General Bylaws at the Special Town Meeting on December 1, 2015. Chief Sorrell stated that this application was fashioned after the City of Pittsfield's and asked the Board to approve. Motion 16-007. Motion made by Robert Ericson to approve the Soliciting and Canvassing Permit Application as presented, pending Attorney General approval, seconded by Henry Sayers. Motion carried 3-0. [#9]

Street Light Request from local residents to add light to 22 Balance Rock Road

Mr. Ericson stated that his suggestion would be to redcap the first light. Mr. Goerlach asked Chief Sorrell his opinion about turning off a light on Balance Rock Road for safety issues. Chief Sorrell stated he would have the evening shift to look at it and get back to the Board. Mr. Goerlach would like to continue this item until the next meeting for further discussion.

Obtain easement from Jeff Dechaine / Release existing easement from Jeff Dechaine

Mr. Goerlach stated that the Board had already approved these easements. Motion 16-008. Motion made by Robert Ericson to approve the Release of Drainage Easement between the Town and Jeffrey and Jennifer Dechaine, seconded by Henry Sayers. Motion carried 2-0. John Goerlach abstained. Motion 16-009. Motion made by Robert Ericson to approve the Grant of Easement from Jeffrey and Jennifer Dechaine for the sum of \$1, seconded by Henry Sayers. Motion carried 2.0. John Goerlach abstained. [#10]

Mount Greylock School Building Project – Special Town Meeting Issue / Election Date

Carrie Greene, Chair of Mount Greylock High School Committee came before the Board to request that they consider an election date for the debt exclusion for March 1, 2016. Ms. Greene asked the Board if they had the letter from Bond Counsel which she presented the Town Counsel which outlines the language for the vote. Ms. Greene stated that the School Committee will take a vote on January 14, 2016 to appropriate the debt and then will have 7 days to notify the Board of the decision. Ms. Greene stated that the Board will then have a deadline of January 26th, with a 2/3 vote, to notify the Town Clerk if they choose to have a vote on March 1st. Voters would have to sign in twice as it would be the same day as the primary election. Mr. Goerlach asked why it couldn't be

held on another day. Ms. Greene stated that it is difficult with the absentee ballots and is less cost to the Town. If the Town chooses to have separate votes it would be better for the Town Clerk to have a couple of weeks after the first election so there is no confusion. Ms. Greene informed the Board that Williamstown is holding their vote on March 1st. Attorney Blake stated that there is a 120 day deadline from the Massachusetts School Building Authority form the approval date that both towns either have to approve or disapprove of the debt. Ms. Greene stated that the MSBA's vote will be held on January 27th. Mr. Sayers thought that having two votes at once would be confusing and would like to discuss this with the Town Clerk. Mr. Ericson asked Ms. Greene to find out the methodology from the Williamstown Town Clerk. Mr. Goerlach asked Town Counsel if the Board would have to post a meeting to attend Thursday night school committee meeting. Ms. Greene asked the Board if a date has been set for a Special Town Meeting. Mr. Goerlach stated that no date has been set. Ms. Greene stated that February 9th or 23rd would be good dates. Mr. Goerlach would like to have these as tentative dates. Attorney Blake informed the Board that a Town Meeting is not required under the statute. Mr. Sayers asked Town Counsel about the Town's Bylaw for bonds exceeding \$500,000. Attorney Blake stated that State Law would prevail. Ms. Greene informed the Board that Williamstown is not having a Town Meeting. Mr. Goerlach stated that the Board would either decide at a meeting next week or at their meeting on the January 25th.

Road Damage near 686 North Main Street

Mr. Goerlach informed the Board that there was damage to a roadway from a bulldozer owned by Berkshire County Construction. Mr. Sayers stated that the Board, the Police Department, and the Highway Department all told the contractor not to drive the equipment on the roadway and there is approximately \$1,100 in damage. Mr. Goerlach asked Town Counsel if the Town had any legal rights to have contractor repair the damage. Attorney Blake stated that the Town would have to sue the contractor in Civil Court. Mr. Goerlach asked the Board if they wanted to move forward with a civil lawsuit. Raymond Jones believed the Town should go to small claims court. Chief Sorrell ask the Board to send a letter to the contractor demanding that it not be done again. Ms. Goerlach would like to include in the letter that the contractor has to pay for the damage to the roadway. Mr. Sayers would also like the letter to state that the roadway needs to be repaired back to its original state. Motion 16-010. Motion made by Henry Sayers to compose a letter to Berkshire County Construction to cease and desist from damaging Town Property, and be liable for the cost of repairs, and to come before Board for approval of the change in contractor listed on the curb cut filed by Michael McManmon for property located at 686 North Main Street, seconded by Robert Ericson Motion carried 3-0. [#11]

Heavy Vehicle Use/Temporary Access Permit - \$10,000 Surety Bond requirement for contractors

The Board was presented with a proposed Heavy Vehicle Use/Temporary Access Permit for their review and approval. The Town Secretary stated that she and the Town Manager had revised the form to include a provision that a \$10,000 Surety Bond and a Certificate of Insurance needed to be provided to the Town for all contractors conducting business within the Town. Mr. Goerlach asked Town Counsel to review the permit. Town Counsel stated that he would review the permit and have it ready to present at the Board's next meeting. [#12]

Discussion on property issues on roads off Narragansett Avenue

Due to his absence, Town Manager Sieloff asked that this item be continued to the next Agenda for discussion with the Board.

Selectmen License Late Approvals – \$150 Rate

In the Town Manager's absence, the Town Secretary asked the Board if they would approve a late fee of \$50 be added to license renewals which were not filed with the Town by end of the current calendar year. Motion 16-011. Motion made by Henry Sayers to approve a late fee of \$50 for any license renewals not received by the end of the current calendar year, seconded by Robert Ericson. Motion carried 3-0.

Quarterly review of Board's Open Projects List

The Board agreed to move this item to the next meeting for discussion. [#13]

Other business which could not have been reasonably foreseen within 48 hours of the meeting.

None.

Selectmen's Items

None.

Town Manager Report

None.

Approve Minutes - December 21, 2015

Motion made by Robert Ericson to approve the Minutes of December 21, 2015, seconded by Henry Sayers.
Motion carried 3-0.

Adjournment

Motion to adjourn meeting made by Henry Sayers, seconded by Robert Ericson. Motion carried 3-0. Meeting adjourned at 7:05 p.m.

Footnotes:

- [#1] Conflict of Interest Information presented by Richard Cohen
- [#2] Proposed Town Survey Questionnaire
- [#3] Facility Use Application – Lorraine Tinger
- [#4] Common Victualler's License – Berkshire Hospitality Group, LLC d/b/a Mad Jack's BBQ
- [#5] Part-time Police Officer Appointment – Corey Demary
- [#6] Clairmont Request to Waive Right of First Refusal of Ch. 61A Land
- [#7] Committee Vacancies
- [#8] Adoption of Federal Mileage Rate
- [#9] Proposed Soliciting and Canvassing Permit Application
- [#10] Grant of Easement & Release of Drainage Easement – Jeffrey & Jennifer Dechaine
- [#11] Road Damage Documentation – 686 North Main Street
- [#12] Heavy Vehicle Use/Temporary Access Permit
- [#13] Open Project's List