

TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

January 25, 2016

Present: Mr. John Goerlach, Chair
Mr. Robert Ericson
Mr. Henry Sayers
Mr. Paul Sieloff, Town Manager

Warrants: Warrant Signed

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

Public Comment

Attorney Thomas Hamel came before the Board on behalf of his clients Clark and Cheryl Gable from 16 Narragansett Avenue and gave the Board a letter regarding a nuisance complaint against Kara Zaks from 22 Narragansett Avenue.[#1] Attorney Hamel stated that he has also spoken with other abutters to the property and asked if this matter could be placed on the Agenda for next meeting. Attorney Hamel stated that his clients have tried to work with Ms. Zaks but have been met with much animosity. Attorney Hamel asked the Board what they would like him to bring to the next meeting. Mr. Ericson would like to know the number of meetings the Gables' have had with Ms. Zaks and Mr. Sayers would like to know the contents of these meeting. Mr. Goerlach asked Mr. Sieloff to see if the Board of Health and the Building Inspector, as the Zoning Enforcement Officer, could attend the next meeting. Mr. Sieloff stated that he will talk to the Health Agent and the Building Inspector to see if they will be available to attend. Mr. Gable asked about the language in Town Bylaws. Mr. Goerlach stated that fowl was not referred to in the Bylaws but residents cannot create a nuisance. Mr. Gable stated that Ms. Zaks brought in more birds over the weekend and asked if her residence is zoned for a business. Mr. Sieloff stated that the Building Inspector said a business is allowed. Mr. Goerlach stated that he thought you were not to see evidence of the business. Mr. Sieloff stated that it was not an issue according to the Building Inspector. Mr. Sieloff stated that he hopes to have a modification to the Bylaw for the next Town Meeting. Mr. Goerlach asked Mr. Sieloff to invite Ms. Zaks to the next meeting. Mr. Ericson would also like copies of any zoning information relative to this matter.

Ron Tinkham came before the Board regarding the school building projects and its inequities and recommended that the Board meet with the Town of Williamstown Board of Selectmen.

Michelle Johnson came before the Board to urge them to have the vote on the debt exclusion with the March 1st Primary Election. Ms. Johnson stated that the Town of Williamstown has an economic development plan and Lanesborough does not and she believes it is something the Town should be investing in for the future. Mr. Goerlach asked Mr. Sieloff about an open space plan (a copy of which should be in the library). Ms. Johnson stated that there is a class at Williams College that does this type of research.

Ray Jones informed the Board that he had spoken with Diane Sullivan from the Massachusetts School Building Authority (MSBA). Mr. Jones stated that Ms. Sullivan informed him that there were funds being donated by The Clark and/or Williams College towards the school building project. Mr. Jones stated that Ms. Sullivan informed him that this money could not be used toward the cost of the building or it would be subtracted from the money reimbursed by the MSBA. Mr. Jones stated that this money was to be used for athletic fields and the like. Mr. Jones would like the Board to research this issue. Mr. Goerlach stated asked the Chair of the Mount Greylock School Committee, Carrie Greene to speak. Ms. Greene stated that the College is interested in donating but not towards building costs. Ms. Greene stated that \$5 million was taken out of the scope of the project and this is what the money from Williams College will pay for. Ms. Greene stated that the parking lot and athletic fields are not part of the project nor are the central office building which will house the administrative offices and this will not be paid for with Town funds.

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

ABCC Petition for Change of License – The Virginia Company, Inc. d/b/a Arizona Pizza

James Benson came before the Board and presented a Petition for Change of License (Pledge of License to The Pittsfield Cooperative Bank) from the Virginia Company d/b/a Arizona Pizza for their review and approval. The license is being pledged to secure a refinance by the business. Motion 16-012. Motion made by Henry Sayers to approve the Petition for Change of License of The Virginia Company, Inc. d/b/a Arizona Pizza, seconded by Robert Ericson. Motion carried 3-0.

Interstate Theatres Corp. d/b/a Berkshire Mall 10 – All Alcohol Restaurant License

The Board was presented with an All Kinds of Alcohol Restaurant License for their approval for Interstate Theatres Corporation d/b/a Berkshire Mall 10. The Board was informed that the Alcoholic Beverage Control Commission had approved the license pending a Fire Safety Certificate (required by M.G.L. 10, §74) which had been approved by the Building Inspector and the Fire Chief. Ed Codding was present on behalf of Berkshire Mall 10. Motion 16-013. Motion made by Henry Sayers to approve the All Kinds of Alcohol Restaurant License for Interstate Theatres Corporation d/b/a Berkshire Mall 10, seconded by Robert Ericson. Motion carried 3-0.

David Vogel Appointment to Energy Committee

The Board was presented with a Citizen Interest Form from David Vogel. Mr. Vogel expressed his interest in becoming a member of the Energy Committee. Motion 16-014. Motion made by Henry Sayers to appoint David Vogel as a member of the Energy Committee, seconded by Robert Ericson. Motion carried 3-0. [#2]

Massachusetts Municipal Association Town Report Award

Mr. Sieloff presented the Board with a letter and plaque the Town received from the Massachusetts Municipal Association (MMA) for winning the Category 3 (population of 4,999 and under) Town Report Contest. Mr. Sieloff stated that he attended the awards ceremony on the 23rd. [#3]

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

Mr. Sieloff informed the Board that he spoke with Town Counsel and the Town could have the vote either March 1st or 15th. Mr. Goerlach stated that he thought the Town Clerk did not want to have the vote on the same day as the Primary Election as it would be too confusing for residents. The Town Clerk stated that she talked to the State and both ballots could be given at once and not separately so it would not be an issue. Mr. Goerlach asked about the Special Town Meeting date. Mr. Sieloff stated that the proposed date would be February 23rd. Mr. Ericson would like the vote on the same day as the primary election as it would draw more voters. Mr. Sayers would like the vote on the 15th to make it simpler and give residents more time to research after the Special Town Meeting. Ms. Greene stated that Williamstown is voting on the 1st and it would be helpful if both towns voted on the same day but either date would be fine. Curtis Asch stated that he does not see the benefit of putting off the vote until the 15th. Steve Miller from the Mount Greylock School Committee and a resident of Williamstown would like the vote on March 1st. Lyndon Moore stated it would save the Town money by only having one vote.

Motion 16-015. Motion made by Robert Ericson to hold the vote on March 1st. No second. Motion failed.

Motion 16-016. Motion made by Henry Sayers to hold the vote on March 15th, seconded by John Goerlach. Motion carried 2-0. Robert Ericson opposed.

Mr. Goerlach would like to set the date for the Special Town Meeting on February 23rd. Mr. Sayers would like to add the Animal Bylaw on the Warrant and have the meeting in March. Mr. Ericson stated that having too many meetings in a row will cause election fatigue. Mr. Sieloff asked the Town Clerk how many days the Warrant would have to be posted before the Special Town Meeting. The Town Clerk stated it would need to be posted two weeks prior to the meeting. Steve Miller stated that it would be cost effective to have one election and asked the Board to reconsider. Ron Tinkham stated that the results of the survey should be made available to the Town prior to the Special Town Meeting. Motion 16-017. Motion made by Henry Sayers to hold the Special Town Meeting on February 23rd, seconded by Robert Ericson. Motion carried 3-0. Mr. Goerlach asked the other Board members if there was any reconsideration to have the vote on March 1st. Mr. Ericson stated that he would like it to be on the 1st. Mr. Sayers did not. Ms. Greene presented the Board with a form of the Vote to be used on the 15th for their review. [#4] Ms. Greene stated that this is the language Williamstown is using and she converted it Town of Lanesborough Selectmen's Meeting Minutes 01-25-16

for Lanesborough. Ms. Greene stated that the Board could have Town Counsel review the language and bring it back at the next meeting for approval before the vote on the 15th. Ms. Johnson asked the Board how much money it costs to hold an election. Mr. Sieloff stated that he believed it was roughly \$1,000. Mary Reilly stated that she doesn't understand why the Board would not choose to have the vote on the 1st. Mrs. Cohen asked the Board if there was a specific reason for not holding the vote on the 1st. Mr. Goerlach stated that the Board has made their decision.

Proposed Semi-Annual Joint Meeting with Lanesborough Elementary School Committee

Mr. Sieloff asked the Board if they wish to have this meeting and if they had a particular preference as to the date. Mr. Ericson stated that the first meeting in March would be a good date. Mr. Sieloff stated that the purpose of this meeting was to keep the lines of communication open. Mr. Sieloff stated that a date could be discussed with the Committee during their meeting to review the budget. The Board agreed.

Discussion on property issues on roads off Narragansett Avenue

Police Chief Timothy Sorrell came before at the request of Mr. Sieloff. Chief Sorrell stated that there were approximately 8 to 10 properties in disrepair in this area and he had turned over photographs to the Town Secretary and the Board of Health. Mr. Sieloff stated that the Board of Health is currently working on 6 to 10 properties, one of which had recently been demolished on Route 7. Mr. Sieloff asked the Board if they would like to have the Board of Health review these buildings as well. Mr. Ericson stated that there were safety issues, especially to children and would like the owners of these building to take responsibility. Mr. Sieloff stated that he will get Board a list of properties from the Board of Health for their review.

Chief Sorrell informed Mr. Sieloff and the Board that he was given a written complaint from the Police Association regarding the air quality at the Police Station. Mr. Sieloff stated that he would look at the report and get back to the Chief. [#5]

Mr. Goerlach stated that if something needed to be purchased to rectify the problem it would have to be placed on the Warrant at the Special Town Meeting. Mr. Ericson stated that he could get a quote for a system. Mr. Sieloff asked Chief Sorrell if he would be able to attend a meeting with the Board of Health at 1 p.m. on Wednesday.

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

The Board was presented with a revised permit application from Town Counsel. Mr. Goerlach stated that the permit should not be for a specific project but rather for anyone working within the Town that are on Town roads and should be valid for one year. Mr. Sieloff will make these changes and bring it back to the Board at their next meeting. [#6]

Approve Beth Greenblatt Contract

The Board was presented with changes to the contract proposed by Ms. Greenblatt. Mr. Sieloff stated that he would contact the Board when the contract was received for their signatures. [#7]

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

Mr. Sayers stated that the light cannot be moved because it is too dangerous of an intersection. Mr. Goerlach stated that a resident can pay for the light themselves and have it added to their tax bill. Mr. Sieloff will get back to the Board.

Quarterly review of Board's Open Projects List

The Board was presented with an Open Project List for their review. Mr. Goerlach would like to add economic development plan to the list. The Board reviewed page two of the list which was carried over from the previous meeting and made their recommendations. [#8]

Local Cable Television Committee Bylaws

The Board was presented with proposed Bylaws for the Local Cable Television Committee for their review and approval. Mr. Sieloff informed the Board that over the weekend all the television equipment was replaced.

Motion 16-018. Motion made by Robert Ericson to approve the Bylaws as presented for the Local Cable

Television Committee, seconded by Henry Sayers. Motion carried 3-0. Mr. Tinkham stated that the Town is about two weeks away from streaming Channel 2 through the Town's website. [#9]

Lynne Court Drainage Issues

Mr. Sieloff stated that he received notice from the residents' contractor and he is going to have the DPW Director contact the contractor. Mr. Goerlach stated that the work can be done before spring as stated by the contractor. Mr. Sieloff will follow up with the DPW Director. [#10]

Budget Update & Proposed Schedule

Mr. Sieloff stated that he has received budget information from all Town departments except for the schools. Mr. Sieloff will have a draft for the Board by the second meeting in February and bring in departments to meet with the Board. Mr. Sayers asked Mr. Sieloff if he saw that the State is going to increase Chapter 90 money. Mr. Sieloff stated that he did and this will help with some projects. Mr. Sieloff stated that the DPW Director would like a new heater for the Town garage and asked Mr. Ericson if he could look into possibly using Green Community grant money to purchase it.

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

None.

Selectmen's Items

Mr. Sayers stated that the light at the intersection of Narragansett Avenue is going off and on. Mr. Sieloff asked Mr. Ericson if this light should be upgraded to a brighter light. Mr. Sieloff will check into this.

Town Manager Report

None.

Approve Minutes

Motion made by Henry Sayers to approve the Minutes of January 6, 2016, seconded by Robert Ericson. Motion carried 3-0. Motion made by Henry Sayers to approve the Minutes of January 11, 2016, seconded by Robert Ericson. Motion carried 3-0.

Adjournment

Motion to adjourn meeting made by Henry Sayers, seconded by Robert Ericson. Motion carried 3-0. Meeting adjourned at 7:40 p.m.

Footnotes:

[#1] Nuisance Complaint letter from Thomas Hamel, Esq. – 22 Narragansett Avenue

[#2] Lanesborough Citizen Interest Form – David Vogel

[#3] MMA Award Letter – Town Report

[#4] Proposed Debt Exclusion Language from Mount Greylock School Committee

[#5] Grievance Letter from Lanesborough Police Association

[#6] Proposed Heavy Equipment Use/Temporary Access Permit

[#7] Proposed Solar Consulting Services Contract

[#8] Open Projects List

[#9] Proposed Local Cable Television Committee Bylaws

[#10] Email from Jack Miller (Contractor) – Lynne Court draining issue