

TOWN OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

November 23, 2015

Present: Mr. John Goerlach, Chairman
Mr. Robert Ericson
Mr. Henry Sayers
Mr. Paul Sieloff, Town Administrator

Warrants: Warrant Signed

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

Public Comment

Chris Mean came before the Board to inform them of the Christmas tree lighting and caroling at St. Luke's Church on the 29th. Mr. Mean stated that all are welcome and they are asking participants to bring a non-perishable food item for the Veterans pantry. Mr. Sieloff stated that the event is currently listed on the Town's website.

Gordon Zaks and his daughter Kara from Narragansett Avenue came before the Board to discuss Article 3 (Animal Bylaw Regulation) on the Special Town Meeting Warrant. Mr. Zaks pointed out to the Board that Kara was invited to speak at a previous Selectmen's meeting and it was postponed. Mr. Goerlach asked Mr. Zaks and Selectman Ericson if they had spoken relative to the number of fowl at the residence. Mr. Ericson stated that he had spoken to Mr. Zaks. Mr. Goerlach stated that since that conversation the number of fowl was not reduced and the Board felt they needed to create this Bylaw. Mr. Zaks stated that his daughter has reduced the number and is willing to reduce it more. Ms. Zaks stated that the Town has never contacted her directly relative to this issue. Mr. Zaks stated that he and his daughter have hired an attorney and they believe Article 3 is not legal. Ms. Zaks stated that she uses these animals to generate extra income for her family and she gave the Board a brief summary of why she feels she should be allowed to keep her animals. Mr. Zaks stated that six fowl is too small a number as listed in the Article and referenced Section 3 of the Right to Farm Bylaw stating it is a zoning issue. Mr. Goerlach stated that this will be discussed at the Special Town Meeting. Mr. Goerlach told Mr. Zaks that they are not in an agricultural area. Mr. Zaks stated that there should be something in the Article about compensating people who need to move their animals. Town Counsel Jeff Blake stated that he has seen this regulated through other departments such as the Board of Health or it can be presented as a Bylaw. Mr. Goerlach informed the Zaks that they could ask to have the Article amended on the floor at Town Meeting.[#1]

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

All Alcohol Off-Premise Liquor License Transfer – Lanesboro Liquor Center LLC – 162 S. Main St.

Rakeshkumar Vyas and Attorney Darren Lee, on behalf of Lanesboro Liquor Center LLC, came before the Board relative to an All Alcohol Off-Premise Liquor License Transfer and Change of Location application. The applicants asked the Board to approve the transfer of a license which is currently held by Joseph Szczepaniak (Berkshire Village Liquors). The applicants also asked the Board to approve the change of location of the package store which is currently located on 770 Cheshire Road to 162 South Main Street. Attorney Lee stated that the full capacity of the building will be used for a package store. Attorney Lee is Mr. Vyas' attorney and a partner in the business. Attorney Lee stated that they are in Zoning B which is proper for parking. They will have approximately 2,700 square feet of retail space and there are 17 parking spaces (20 x 9 feet) and there is off street loading and unloading space so there will be no impact on Route 7. Attorney Lee stated that Title V passed and they will be closing on the building within the week and will begin renovations. Mr. Ericson asked Attorney Lee to show on the drawings where the loading zone will be. Mr. Goerlach asked if the Board had any questions. Mr. Goerlach asked if there were any objection to the transfer from those attending the meeting. Bruce Conuel, proprietor of Pontoosuc Package and his Attorney, Timothy Sullivan came before the Board. Mr. Conuel stated that approximately 15 years ago the Board voted to place the two package store licenses are opposite routes in Town as there was not enough economic activity to support two stores so close to each other. Mr. Conuel stated that there is a package store near him in Pittsfield and another one would devastate his business. Attorney Sullivan stated that MGL Chapter 138 refers to public necessity when issuing licenses and would like residents to come to speak as to whether there is a necessity for two licenses so close to each other. Attorney Sullivan gave a summary of why he believed this license should not be issued. John Noonan,

who resides across the street from Pontoosuc Package stated that there has never been any issues at the location and was in support of the Board not issuing the license stating that it was not a necessity. Mr. Goerlach asked Mike Zaccaria from the Lanesboro Supermarket if he maintained his liquor license. Mr. Zaccaria stated that they do not currently have a license but he would like to possibly apply for one at a later date. Mary Reilly stated that she would like to see a parking diagram and would like to know the hours of operation. Attorney Lee stated that they would be open from 9 a.m. to 9 p.m. and 12:00 p.m. to 8 p.m. on Sundays. Mr. Zaccaria would like the Board to check the new Zoning Bylaws to make sure parking is not an issue. Mr. Goerlach stated that he spoke with the Building Inspector and based on the square footage it will not be an issue. Barb Hassan stated that she believes this is a good thing for the Town to reuse vacant buildings and it will give residents a larger volume of choices and may have a ripple effect for other businesses in Town. Mr. Goerlach told Mr. Conuel it is not an easy decision for the Board. Attorney Blake stated that the statute is very vague relative to public necessity and the Board has very broad discretion to issue the license. Attorney Blake cautioned the Board about protecting once business over another. Attorney Lee stated that the locations are over a mile apart and they are repurposing an existing vacant building. Robert Barton stated that he hoped the Board would wait a couple of weeks for public input. Attorney Blake was asked if they could table the issue for another meeting. Attorney Blake stated that they did not have to but if they did it would have to be to a specific date. Attorney Lee said public notice was sent to all abutters and public notice was published in the newspaper. Attorney Blake stated that he doesn't not think tabling is necessary. Kevin Dechaine told the Board he would like this tabled. Ms. Reilly stated that she is concerned about parking especially in the spring. Joseph Szczepaniak, current holder of the package store license, stated that the license was originally on Route 7 and when it was transferred to him he moved it to Route 8. Mr. Goerlach asked the Board if they wanted to vote to on the applications or if they wished to postpone. Mr. Sayers and Mr. Ericson stated they did not wish to postpone. Mr. Sayers and Mr. Goerlach stated that they would like to restrict the Sunday hours. Motion 15-177. Motion made by Henry Sayers to approve the Transfer of License Application of Lanesboro Liquor Center LLC, seconded by Robert Ericson. Motion carried 3-0. Motion 15-178. Based on the evidence, testimony and documents presented, the public need and the protection of the common good the Board voted to approve the Change of Location application of Lanesboro Liquor Center LLC of the All Alcohol Off-Premise Liquor License from 770 Cheshire Road to 62 South Main Street. Motion made by Henry Sayers, seconded by Robert Ericson. Motion carried 3-0.[#2]

250th Anniversary Committee Report & Requests

Robert Barton came before the Board on behalf of the 250th Committee. Mr. Barton presented a Wrap-up Report and a list of requests for the Board. Mr. Barton stated that this will also be available on the Town's website. Motion 15-179. Motion made by Henry Sayers to accept the Requests of the 250th Committee, seconded by Robert Ericson. Motion carried 3-0. Mr. Goerlach asked the Town Secretary to place the purchase of a public information board for Berkshire Village on the quarterly projects list. Mr. Ericson and Mary Reilly thanked Mr. Barton for his work on this Committee. [#3]

Proposed Narragansett Causeway Project (Harbormaster report)

Mr. Sieloff presented the Board with pictures that were given to him by MASSDOT which depicted how the causeway project may possibly look when the work is completed. Mr. Sieloff stated that he will place this item on the next Agenda and invite Harbormaster Hauge to attend for further discussion.

Public Hearing: Tax Classification (Assessor Tolisano)

Town Assessor Kelly Tolisano, Assistant Assessor Regina DiLegio, and Town Accountant Bruce Durwin came before the Board and presented documentation regarding for the Tax Rate Classification for Fiscal Year 2016. Motion 15-180. Motion made by Robert Ericson to approve the single Tax Rate of \$19.36 per thousand of valuation, seconded by Henry Sayers. Motion carried 3-0. [#4]

New Street Light Removal Proposal – Energy Committee

Mr. Sieloff stated that he will follow up with Eversource on earliest request to upgrade the lights in front of the Old Forge restaurant. Mr. Sayers stated that he would like to hold off on the changing of lights on Balance Rock Road as he is concerned about the intersection as there have been many accidents.

Adopt Discriminatory Harassment Policy - MIIA Credit

Mr. Sieloff presented the Board with a proposed Discriminatory Harassment Policy which he would like the Town to adopt. Mr. Sieloff stated that the proposed policy was forwarded to him by MIIA and the Town will receive credit off its insurance policy if the Board agrees to implement it. The Board reviewed the proposal. Motion 15-181. Motion made by Robert Ericson to approve the adoption of the Discriminatory Harassment Policy, seconded by Henry Sayers. Motion carried 3-0. [#5]

Adopt Equal Employment Opportunity Policy – MIIA credit

Mr. Sieloff presented the Board with a proposed Equal Employment Opportunity Policy which he would also like the Town to adopt. Mr. Sieloff stated that the proposed policy was also forwarded to him by MIIA and the Town will receive credit off its insurance policy if the Board agrees to implement it as well. The Board reviewed the proposal. Motion 15-182. Motion made by Robert Ericson to approve the adoption of the Equal Opportunity Policy, seconded by Henry Sayers. Motion carried 3-0. [#6]

Adopt Revised Employment Application (language for CORI check)

Mr. Sieloff presented the Board with a proposed revision to the Town's Employment Application with the addition of a CORI Request Form. Motion 15-183. Motion made by Robert Ericson to approve the addition of a CORI Request Form to the Town Employment Application, seconded by Henry Sayers. Motion carried 3-0. [#7]

Proposed Town Hall Closing at Noon for Staff Luncheon on December 17th

Mr. Sieloff asked the Board to approve closing Town Hall at noon for its annual Staff Luncheon on Thursday, December 17. Motion 15-184. Motion made by Robert Ericson, seconded by Henry Sayers. Motion carried 3-0.

Town Administrator's Contract

Mr. Ericson asked if there was any public comment. There was none.

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

None.

Selectmen's Items

Mr. Goerlach asked Mr. Sieloff about the public information board for Berkshire Village. Mr. Sieloff stated that he is hoping not to use Town funds to pay for this but rather have some sort of fundraiser. Mr. Goerlach asked if 250th flags had been taken down at the request of historic committee. Mr. Sieloff stated that they had.

Town Administrator Report

Mr. Sieloff stated that he is working on the replacement of the retiring Town Accountant. Mr. Sieloff stated that Ray Jones from the Finance Committee would like to meet the candidates and they will be presented at the next meeting for the Board to interview.

Approve Minutes

Motion made by Henry Sayers to approve the Minutes of November 9, 2015, seconded by Robert Ericson. Motion carried 3-0

Executive Session – To enter into executive session pursuant to M.G.L. c. 30A, s. 21(a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel and in regard to lawsuits.

Motion by Robert Ericson at 7:48 p.m. to go into executive session for negotiations relative to the Town Administrator's contract and lawsuits, seconded by Henry Sayers. Motion carried 3-0.

Motion 15-186. Motion made by Henry Sayers to approve the job title change from Town Administrator to Town Manager with a 2% performance increase and 2 additional vacations days added for each year of the first two years of the contract as previously discussed, 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 8:07 p.m.

Footnotes:

- [#1] Right to Farm Bylaw presented by Gordon Zaks
- [#2] Transfer of License and Change of Location Approval of Lanesboro Liquor Center LLC
- [#3] 250th Anniversary Committee Report & Requests
- [#4] Tax Rate Classification Hearing FY16
- [#5] Proposed Discriminatory Harassment Policy
- [#6] Proposed Equal Employment Opportunity Policy
- [#7] Proposed CORI Request Form