



MINUTES
April 08, 2019
7:00 PM

SELECT BOARD

Present: Anne O'Connor, Andrew Hogeland, Jeffrey Thomas, Jane Patton, Hugh Daley, Jason Hoch, Debra Turnbull

Absent:

Others: Roger Lawrence, Dante Birch

CHAIRMAN'S OPENING STATEMENT-Congratulations to Nick Moulton, executive chef at Mezze Bistro for his recent wins on the Food Network Channel's Guys Grocery Games.

CONSENT AGENDA-

- a. Approve 03-25-19 SB Minutes (03-25-19 Minutes)
- b. Approve Williamstown Community Preschool One Day Wine and Malt Liquor License, 777 Main Street, Lisa Corkins, director for April 27 from 7-10:00 pm for their Berkshire Bites 2019 Fundraiser.
- c. Approve Sweetwood's One Day Wine and Malt License, 1611 Cold Spring Road for May 21, 2019 from 11:00 am to 2:00 pm for Mother's Day Brunch, Rebecca McKeever, executive director.

Mr. Thomas made a motion to approve the consent agenda. Mr. Hogeland seconded the motion. The motion passed 4-0-0. Ms. Patton abstained from the minutes vote due to her absence from the meeting.

PUBLIC HEARING-

- a. Public hearing for Taconic Golf Club, 19 Meacham Street, Jane Patton, Manager, for a change of manager and an alteration of premises. Attny Parese represented the application asking to add the side lawn and the eighteen hole course for alcohol service. This includes the snack shed between the ninth and tenth hole. They may utilize a beverage cart on occasion. Mr. Daley spoke in favor of the changes. Mr. Thomas inquired what was communicated in the ad and how many beverage carts will be used. The alteration of premises was advertised and the course anticipates the use of one cart for larger events. Mr. Hogeland made a motion to approve the changes to the Taconic license. Mr. Daley seconded the motion. The motion passed 3-0-2. Jane Patton and Jeffrey Thomas abstained.
- b. Public hearing for Eat in Williamstown, 234 Main St., Scott Groupe, manager for a Wine and Malt Restaurant License. Attny Bopp represented the license. Mr. Grupe provided his TIPS certificate. All staff will be TIPS trained. Mr. Thomas made a

motion to approve the license. Mr. Hogeland seconded the motion. The motion passed 5-0-0.

ITEMS FOR SELECTMEN'S CONSIDERATION-

- a. Approve Water Rate for FY2020. Board sets the rate each year which is then approved at Town Meeting. The rate proposed is \$3.70 which is a decrease of \$0.15 from previous year (noting water rate has been unchanged for at least the last 4 years.) Mr. Thomas made a motion to approve the rate. Mr. Hogeland seconded the motion. The motion passed 5-0-0.

- b. Vote Recommendations on Town Meeting Warrant

Article 1. To choose one Moderator for a three year term; two Selectmen for three year terms; four Library Trustees for three year terms; one Planning Board member for a five year term; and one Northern Berkshire Vocational Regional School Committee member for a three year term. The election occurs on May 14, 2019 after this document has gone to press. Election results are posted on the town website www.williamstownma.gov.

Article 2. To see if the Town will vote to accept the reports of the Select Board, the Town Manager, and all other officers and committees, and act thereon.

Article 3. To see if the Town will vote to transfer and appropriate the sum of \$518,487 from the General Fund Unreserved Fund Balance to reduce the tax rate, or take any other action in relation thereto.

Article 4. To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$719,488 or any other sum, to pay interest and maturing debt, or take any other action in relation thereto.

Article 5. To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$8,161,754 or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments,

Article 6. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$323,311 or any other sum, being Williamstown's share of the Northern Berkshire Vocational Regional School District FY20 budget, or take any other action in relation thereto. An increase is due to an increase in students attending McCann Mr. Thomas made a motion to approve Article 6 and 7. Mr. Hogeland seconded the motion. The motion passed 5-0-0.

Article 7. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$12,113,764 or any other sum, being Williamstown's share of the Mount Greylock Regional School District FY20 budget, or take any other action in relation thereto. The increase reflects all the WES expenditures and an increase in Mount Greylock costs as determined by the State. See vote above.

Article 8. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$863,000 or any other sum, for capital expenditures including road improvements, equipment upgrades, linear park tennis and pickleball court improvements, or take any other action in relation thereto.

Article 9. To see if the Town will vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund, or take any other action in relation thereto.

Article 10. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance the sum of \$50,000 to the Other Post Employment Benefits Liability Trust Fund, established under the provisions of M.G.L. Chapter 32B, Section 20, or take any other action in relation thereto.

Article 11. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance the sum of \$195,000 to the Compensated Balances Reserve Fund, established under the provisions of M.G.L. Chapter 40, Section 13D, or take any other action in relation thereto. Mr. Thomas made a motion to approve Articles 3, 4,5,8,9,10,11. Mr. Hogeland seconded the motion. The motion passed 5-0-0.

Article 12. To see if the Town will vote pursuant to M.G.L. Chapter 40, Section 6A to raise and appropriate the sum of \$46,302 for the Williamstown Chamber of Commerce to advertise the Town's resources, advantages, and attractions, or take any other action in relation thereto. Mr. Daley made a motion to approve Article 12. Mr. Thomas seconded the motion. Next year the Chamber was asked to present an ask based on need rather than a flat rate. The motion passed 5-0-0.

Article 13. To see if the Town will vote to raise and appropriate the sum of \$77,000 for the Williamstown Youth Center to provide youth recreation services, or take any other action in relation thereto.

Mr. Thomas made a motion to approve. Mr. Hogeland seconded. The Article passed 5-0-0.

Article 14. To see if the Town will vote to raise and appropriate the sum of \$19,000 for the Sand Springs Recreational Center to provide swimming and recreation services for Williamstown residents, or take any other action in relation thereto. Mr. Daley made a motion to approve the article. Ms. Patton seconded. The motion passed 5-0-0.

Article 15. To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of \$1,178,462 or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

Article 16. To see if the Town will vote to appropriate from Estimated Water Receipts the sum of \$1,032,313 or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.

Article 17. To see if the Town will, in accordance with § 7, Chapter 606 of the Acts and Resolves of 1941, vote to approve a municipal water rate of \$3.70 per 100 cubic feet of water as fixed by the Select Board at their meeting of April 8, 2019 to be effective July 1, 2019, or take any other action in relation thereto.

Article 18. To see if the Town will vote to appropriate from Estimated Transfer Station Receipts or other available funds the sum of \$202,008 or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

Article 19. To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto. Mr. Hogeland made a motion to approve Articles 15-19. Mr. Daley seconded. The Articles were approved 5-0-0.

Article 20. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation budget, and to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues the sum of \$5,000 to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2020 or take any other action in relation thereto. Mr. Daley moved to recommend this article. Mr. Hogeland seconded the motion. The motion passed 5-0-0.

Article 21. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for affordable housing purposes, under the Community Preservation Act, the sum of \$75,000 to fund a grant to the Williamstown Affordable Housing Trust in unrestricted funds for initiatives and programs related to furthering affordable housing in Williamstown and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the

organization upon such terms and conditions as may be appropriate, or take any other action in relation thereto. Mr. Hogeland moved to recommend this article. Ms. Patton seconded. Mr. Thomas abstains 4-0-1.

Article 22. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for affordable housing purposes, under the Community Preservation Act, the sum of \$200,000 which funds shall revert to the CPA fund if not expended by June 30, 2022, to fund a grant to the Berkshire Housing Development Corporation for development of affordable housing at 330 Cole Avenue, Williamstown, such funds only to be expended one hundred and eighty days after construction has commenced on said project and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate, and to authorize the Select Board to accept property interests as may be appropriate, or take any other action in relation thereto. Hogeland Thomas 5-0-0.

Article 23. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for affordable housing purposes, under the Community Preservation Act, the sum of \$70,000 which funds shall revert to the CPA fund if not expended by June 30, 2021, to fund a grant to the Northern Berkshire Habitat For Humanity for development of two single family affordable housing units at the intersection of Maple and Cole Avenues, Williamstown, and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate and to authorize the Select Board to accept property interests as may be appropriate, or take any other action in relation thereto. Mr. Daley moved to recommend this article. Ms. Patton seconded. Mr. Hogeland recused himself because he sits on the board. Thomas abstained from voting. The vote passed 3-0-2.

Article 24. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for historic resources purposes, under the Community Preservation Act, the sum of \$3,980, which funds shall revert to the CPA fund if not expended by June 30, 2020, to fund a grant to the Williamstown Historical Museum for the preservation of historically valuable documents, in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate, or take any other action in relation thereto. Mr. Daley moved to recommend. Ms. Patton seconded the motion. The motion passed 4-1-0.

Article 25. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for historic resources purposes, under the Community Preservation Act, the sum of \$9,815, which funds shall revert to the CPA fund if not expended by June 30, 2020, to fund a grant to the 1753 House Committee for replacement of the roof of the 1953 replica of a 1753 regulation house at Field Park in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate, or take any other action in relation thereto. Mr. Daley moved to recommend. Mr. Hogeland seconded. The vote passed 4-0-1. Mr. Thomas abstained.

Article 26. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for historic resources purposes, under the Community Preservation Act, the sum of \$7,325, which funds shall revert to the CPA fund if not expended by June 30, 2020, to fund a grant to the Town of Williamstown for restoration of a 1920 architectural rendering of the proposed Memorial Community Building in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon

such terms and conditions as may be appropriate, or take any other action in relation thereto. Mr. Daley moved to recommend the article. Ms. Patton seconded. The vote passed 3-2-0.

Article 27. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for recreation purposes, under the Community Preservation Act, the sum of \$34,800, which funds shall revert to the CPA fund if not expended by June 30, 2020, to fund a grant to Sand Springs Recreational Center for creating ADA accessibility to the second floor community room in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate and to authorize the Select Board to accept property interests as may be appropriate, or take any other action in relation thereto. The space is not used because it is not ADA compliant. There have been three requests. Mr. Daley moved to recommend the article. Ms. Patton seconded. Ms. O'Connor abstained. The vote passed 4-0-1.

Article 28. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for recreation purposes, under the Community Preservation Act, the sum of \$80,000, which funds shall revert to the CPA fund if not expended by June 30, 2020, to fund a grant to the Friends of Linear Park for the partial costs of purchase and installation of playground equipment at Linear Park, in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate and to authorize the Select Board to accept property interests as may be appropriate or take any other action in relation thereto. Mr. Daley moved to recommend the article. Ms. Patton seconded. The vote passed 5-0-0.

Article 29. To see if the Town will vote to appropriate from the Community Preservation Fund FY 2020 estimated annual revenues, for recreation purposes, under the Community Preservation Act, the sum of \$20,176, which funds shall revert to the CPA fund if not expended by June 30, 2021, to fund a grant to the Hoosic River Watershed Association for the construction of Linear Park Link Trail along the Green River in accordance with the application submitted to and recommended by the Community Preservation Committee, and to authorize the Town Manager to enter into a grant agreement with the organization upon such terms and conditions as may be appropriate and to authorize the Select Board to accept property interests as may be appropriate, or take any other action in relation thereto. Mr. Daley moved to recommend. Mr. Hogeland seconded. The vote passed 5-0-0.

Article 30. To see if the Town will vote to authorize the Select Board to acquire, for access, driveway, and utility purposes, a permanent easement on property owned by the Williamstown Fire District and described more particularly in Order of Taking recorded with the Berkshire North Registry of Deeds in Book 1652, Page 22, which easement is approximately shown as "R.O.W. & Utility Easement for the Town of Williamstown Area = 785+ S.F." on a plan entitled "Plan of Land Prepared for Williamstown Fire District", dated November 12, 2018, prepared by Guntlow & Associates, Inc., a copy of which is on file with the Town Clerk, or take any other action in relation thereto. Mr. Hogeland moved to recommend the article. Mr. Daley seconded. The vote passed 5-0-0.

Article 31. To see if the Town will vote to accept the provision of M.G.L. Chapter 60 Section 2 paragraph 2 which states: If the collector of the Town is satisfied that an unpaid tax on land committed to the Collector or any of the Collector's predecessors in office for collection was assessed on a valuation insufficient to meet charges or expenses of collection, or if any other committed tax is unpaid and is less than \$25, the Collector may notify the Assessors in writing, on oath, stating why the tax cannot be collected. Upon receipt of the request, the Assessors shall act on the request immediately and, after due inquiry, may abate the tax

and shall certify the abatement in writing to the Collector. The certificate of abatement shall discharge the Collector from further obligation to collect the tax so abated. Mr. Hogeland moved to recommend the article. Ms. Patton seconded. The vote passed 5-0-0.

Article 32. Zoning Bylaw-To See if the Town will vote to Amend §70-3.3, Use Regulation Schedule and §70-7.1.D Second Dwelling Units by changing the following.

- Amend §70-7.1.D by deleting §70-7.1.D(2) and renumbering the remaining sections.
- Remove "New" from Two-Family Dwelling Category. Eliminate use category on dwelling conversion and change RR2/RR3 and SG to YES permission.
- Remove "Conversion of existing single family into two family"

Use Regulation Schedule Town of Williamstown								
§ 70-3.3. USE REGULATION SCHEDULE				Districts				
	RR1	RR2 RR3	GR	LB	SG	VB	PB	LI
New Two-family dwelling	No	BA YES	Yes	No	B YES	No	No	No
Conversion of existing single-family dwelling into two-family dwelling [See § 70-7.1D(2)]	NO	YES	YES	No	YES	YES	No	No

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Mr. Hogeland moved to recommend the article. Mr. Daley seconded. The vote passed 5-0-0.

Article 33. To See if the Town will vote to Amend §70-3.3, Use Regulation Schedule and §70-7.1.D Second Dwelling Units by changing the following.

- Replace "Second Dwelling Unit Creation of a detached second dwelling unit by conversion of existing buildings [See § 70-7.1D(3)]" use category with "Detached Accessory Dwelling" Change RR2/RR3 and SG to YES permission.

Use Regulation Schedule Town of Williamstown								
§ 70-3.3. USE REGULATION SCHEDULE				Districts				
	RR1	RR2	GR	LB	SG	VB	PB	LI

		RR3						
<i>Detached Accessory Dwellings [See § 70-7.1.D]</i>	No	BA -YES	BA -YES	No	BA -YES	BA -No	No	No

Amend §70-7.1.D by deleting the existing and replacing with the following;

D. Detached Accessory Dwellings

(1) Purpose and Intent.

- A. Increase the number of small dwelling units available in Town;
- B. Increase the range of choice of housing accommodations;
- C. Encourage greater diversity of population with particular attention to young adults and senior citizens while being more affordable to a wider range of households;
- D. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- E. Give renewed purpose to previous underutilized accessory buildings.

(2) Conditions and Requirements; General.

- A. A detached accessory dwelling unit shall be subordinate in size to the principal dwelling unit on a lot.
- B. There shall be no more than one detached accessory dwelling unit per lot.
- C. A detached accessory dwelling unit may be constructed on a parcel containing a two family dwelling only if the two family dwelling has been in existence for at least 5 years.
- D. The principal building on a parcel containing a detached accessory dwelling unit shall not be eligible for conversion from a single to a two family dwelling for at least 5 years following the issuance of a certificate of occupancy for the detached accessory dwelling.

(3) Conditions and Requirements; Appearance. A detached accessory dwelling unit shall be designed to maintain the appearance and essential character of the neighborhood.

- A. Customary residential accessory activities (e.g., use as a barn, garage, shed, etc.) shall be permitted in addition to a detached accessory dwelling unit. Such structures shall not count towards the following floor area restrictions.
- B. A detached accessory dwelling unit shall be limited to 900 square feet gross floor area and may be increased to $\frac{1}{3}$ of the gross floor area of the principal dwelling on the lot if it is larger but in no instance exceed 1200 square feet gross floor area.
- C. No unenclosed stairs shall be located on any street-facing side of the building.
- D. The detached accessory dwelling unit shall require one parking space.

(4) Conditions and Requirements; Review Process.

- A. Non Conforming Lot. Requires Special Permit by the Zoning Board of Appeals.
- B. Existing Nonconforming Structure. Requires Special Permit by the Zoning Board of Appeals.

E.

Mr. Thomas moved to recommend the article. Ms. Patton seconded. The Planning Board made a small change to the original proposal. Individuals would need to wait five years to do an additional change of a duplex and an additional dwelling unit. Mr. Daley feels there is a need for housing for people here for a few years that may move on. Changing zoning does not mean that there will be a lot of units built. Mr. Birch would like to see ZBA oversight for all applications. Mr. Lawrence feels that there should be owner occupancy. The select board has no authority to change articles as presented. The article passed 5-0-0.

Article 34. To have the selectmen of Williamstown form an exploratory committee of people disposed towards ranked choice voting to determine (1) whether it is feasible and /or advisable to have ranked choice voting in Williamstown local elections, (2) to determine the language of a proposed HOME RULE PETITION under Article LXXXIX Section 8(1) of the Amendments to the Constitution of the Commonwealth to be placed on either a special town meeting or the next general town meeting at the latest for submission to the state legislature; OR (3) in the alternative to a HOME RULE PETITION, should an enabling act having been passed by the state legislature allowing towns to enact bylaws providing for ranked choice voting in local elections, to place a proposed bylaw for ranked choice voting on a special town meeting or the next general annual town meeting at the latest. Changes are needed to this article to include formation of a weighted voting exploratory committee by a neutral group. Mr. Daley moved to make no recommendation. Thomas seconded. The vote passed 5-0-0.

TOWN MANAGER'S REPORT- Nothing notable to report. Please check the photo albums on PD progress.

PETITIONER'S REQUEST-

OTHER BUSINESS

ADJOURN- Mr. Thomas made a motion to adjourn at 9:40 pm. Mr. Daley seconded the motion. The motion passed 5-0-0.

Jane Patton
Secretary