

## Shutesbury Board of Selectmen April 24, 2012 Meeting Minutes

Members present: Chairwoman Elaine Puleo and members Al Springer and April Stein.

Also Present: Town Administrator Rebecca Torres, Administrative Secretary Leslie Bracebridge recording.

Meeting opened at 6:34 P.M. at the Shutesbury Town Hall

### Appointments

**In the presence of Police Chief Harding Selectmen met with Shutesbury Athletic Club SAC)**

**President Paul Danielovich and 6 Club members, to review the Memorandum of Agreement (MOA):**

- Chief Harding reported a late closing violation one evening and a subsequent evening's parking complaint coupled with customers drinking outside both near the building and at the volleyball court, and alcohol being consumed with children present. At the second event, after the Police Officer had advised a Club officer of the Memorandum of Agreement live music was still being played inside after 11:30 PM, and there were more incidents of alcohol consumption outside.
- Chief Harding is in communication with the ABCC to sort out if a private Club license allows the Club to draw people from the outside for special music events.
  - Club members report that those events are private. The Club rents their space to private entities.
  - To the question of who holds the license for serving alcohol at private events:
    - During the private events participants leave the event, go to the Club bar, pay \$1 for a temporary membership in the Club, buy a drink and return with the drink to the private event.
    - Is this consistent with the ABCC's Club license terms?
    - This requires further research with the ABCC.
    - If the Club holds the license, and the license is issued contingent on signing the MOA, is the private party held to the terms in the MOA?
    - The town, not the ABCC stipulates the terms of the MOA.
- **Definite meaning for last call/last serving and final closing will be put in a revision of the Memorandum of Agreement to be signed at the next Select Board meeting.**
- President Danielovich requested later closing hours also be added to the revised MOA:
  - 1 AM on Friday and Saturday nights and midnight on week nights, understanding that the Club will close earlier if nothing is going on.
  - Late night neighborhood complaints would go straight to the state police.
  - President Danielovich stated that the Club had worked hard to gain the trust of the community and based on the number of times the police have been needed, he did not think this to be a problem.
  - **Selectmen agreed to a trial basis of expanded hours, to be revisited in September.**
- Parking blocking the road is rarely a problem anymore because members now supervise parking, making more efficient use of the space.
  - Cones and signs are in place to help also.
  - Officer Robinson has authorized use of the east side of Wendell Road if the vehicle is facing in the same direction as the traffic and is fully off the road.
  - Owner Kevin Hayes authorizes use of the cleared land opposite Highland Dr. for parking also.
- While there is no training for Board members who would make themselves available if something unusual occurs in the circumstance of more than 25 patrons in the late hours, as written in #9 of the MOA, it was reported that as a Club, members self regulate each other. Every Board member has a vested interest in everything running smoothly. Club members suggest striking #9 in the revision.
- Club members requested indoor band end time changes be written in from 11:30PM to 12:30 AM.
- MOA #8: Outside drinking must be contained under the pavilion.

- The difficulty is that people who want a cigarette also want to take their beer outside. Suggestions:
  - A window looking out from the bar toward a confined outside area
  - A patio on the roadside of the building where a door from the building already exists and a tree provides shade.
  - An outdoor deck in the corner area of the building facing south.
  - A check with the ABCC will determine if just a window would be allowed if it can simply be a defined area that would be grassed in or if there must be a deck, and the level of presence of a bartender that would be needed.
  - A check with the Building Inspector will determine if a special permit would be needed for any construction between the SAC building and the road.
  - For now, a sign should be posted at the door stating, (“No drinks outside.” Or “Outside drinking is limited to the pavilion.”)
- If there is drinking under the pavilion, a TIPS certified person must be present. Selectmen “don’t want things to go backwards.”
- MOA #9: President Danielovich requested self-monitoring “because the numbers game is difficult.” “It was written in the past because it got rowdy, but we don’t get rowdy anymore.” Selectmen agreed it’s a management issue that can be tried and reviewed in September.
- **The Memorandum of Agreement will be re-written and re-signed at the next Select Board meeting. “Everyone needs to play by the rules.”**

#### **Selectmen met with Republican Town Committee Chairman Melissa Makepeace and Republican Nominees for a position of the Board of Registrars:**

- **Michele Rogalski:** Has wanted to get involved with something in town but everything seemed too time-consuming. She works fulltime and has 3 children. Being a Registrar was presented to her, it seemed less time-consuming than other community volunteer positions, her children are older, and she is interested in serving.
- **Peter Nyzio:** Has lived by the Lake for 7 years, runs his own business was called to serve and would like to learn more about the town. If there is a need and he is chosen, he would like to help.
- **Howard Kinder:** Howard was asked to be a nominee. He is more than willing to do anything to do with voting. He is retired from the Air Force and also from the Post Office and works as the Lake Wyola dam keeper. His family came here in 1910; he moved here in 1976.
- Selectmen would like to have room for everyone, and offered other volunteer opportunities for the two not selected.
- **Selectmen unanimously voted to appoint Peter Nyzio as the next Registrar** to see a mix of genders on the board and to see a new face in local politics.

#### Topics

1. **Annual Town Meeting Warrant:**
  - a. Selectmen discussed the final draft of the warrant and its relationship to the proposed FY 13 budget and **unanimously voted to sign the May 5, 2012 Annual Town Meeting warrant.**
2. **Selectmen reviewed and unanimously voted to approve the proposed FY 13 budget for Annual Town Meeting.**
3. **Fire Station Remediation – Update of Oxidation Remediation:**
  - a. Becky summarized the recent visit for well samples: one well was dry and another had groundwater at 4 feet. Groundwater at 5 feet is ideal for the oxidation remediation.
  - b. Next steps will involve meeting Conservation Commission requirements.
    - i. The Conservation Commission supports the project,
    - ii. The Commission needs guidance from their Circuit Rider to address the project.

- c. Becky will report back after Thursday's Conservation Commission meeting.

Select Board Action Items

1. **32B Implementation Report on Sections 21 through 23:** Town Treasurer Voelker went to a training seminar on MGL C. 32B §§21 through 23, which concerns the costs to the town of the current employee health insurance program versus the GLC state run health insurance plan. Since the town's insurance costs are in line with the state's program costs, no changes need be made.
2. **Selectmen unanimously voted to sign an event request form for the 6/10 Lake Wyola Road Race.**
3. **Selectmen signed payroll warrants totaling \$85,465.14.**
4. **Selectmen signed vendor warrants totaling \$467,382.49.**
5. **Selectmen unanimously voted to approve the minutes of April 9 and 21, 2012 as written.**

Topics the Chairman Could Not Reasonably Have Anticipated

1. April reported that the Water Resources Committee has reviewed the Open Space Plan and will review and vote on their final recommendations at their next meeting.
2. Amherst-Pelham Regional Schools Superintendent Maria Geryk will "step the committee through the educational component of regionalization" and the 3-town Regional School District Study Committee will have to pay for the financial and governance component of the training.
  - a. A future timeline includes informational meetings for the public
  - b. A special town meeting to approve, and
  - c. Everything to be in order by December 2013. A major component is to educate the public on the financial impact.
    - i. Pelham has expressed an interest in doing something different.
    - ii. Shutesbury and Leverett had the Shutesbury Education Study Committee and then formed the Regional School District Planning Committee.
    - iii. Amherst's Town Meeting agreed that Amherst could participate in the Regional School District Study but only after at least 2 public forums.
    - iv. The Committee will write a proposal to the Pioneer Valley Planning Commission for funding a governance training component necessary to understand the numbers.
3. Becky reported on the April 23 Emergency Management Team meeting's consideration of the **generator for the school and subsequent follow-up with Fire Chief Tibbetts today: the town will go out to bid a second time and has relisted the bid on the Central Register.**

The Select Board **adjourned at 9 P.M.**

Respectfully submitted,

Leslie Bracebridge  
Administrative Secretary