

March 20, 2017, 7:00PM Selectmen's Meeting

Present: Ernest Cardillo, Stephen Shatz, Don Chabon, Danielle Fillio, Ray Miyares, and Ivria Fried

Chuck welcomed everyone to the meeting.

First on the agenda Chuck presented Michael's Restaurant ABCC decision.

Steve gave an overview of the meeting's purpose. It is just a meeting to see if the Select Board would agree with the ABCC suggestions, suspend some portion or not of the suspension for some period of time, the remaining 17 days.

The 50 day suspension issued by the Board of Selectmen was modified by the ABCC to 37 days with 20 days served. Ray stated that we could hold a portion of the 17 days in abeyance.

Attorney Mark Tanner representing Michael's spoke to the three charges levied to Michael's. The ABCC made their decision based on these charges; service of alcohol to a minor, serving an intoxicated person (not proven), and for felony for hindering the police investigation. He has served 20 days. He asked the Select Board to suspend the remaining 17 days with the ABCC.

Michael's has had two violations in 30 years of service. Attorney Tanner presented letters from neighbors in support of Michael's and while it does not make what his client did right but recommended that the entire 17 days remaining be left in abeyance while understanding that the Board feels that some of the suspension should be served.

Steve asked if the \$5,000 charitable donation was made and it was. It was decided by probation officer to donate it to the Lenox Memorial School Health Program.

Steve continued that the Board accepted to keep the ABCC decision of lying to the Police Officer and destruction of evidence in the case. A license involves a public trust and the destruction of evidence which was done purposefully and over time, is a direct violation of the Trust Agreement and Steve feels that the suspension left by the ABCC should be served.

Chuck recommended that with the 17 days remaining, 12 days should be served and 5 days held in abeyance for two years. The 5 days held would add to any other violations to any aspect of a license. Steve agreed.

Ms. Abdalla spoke to the moral character of her husband and read specific letters of support from different community members. A mistake was made and he served his due time but evidence was not destroyed.

Don stated that he appreciates their role in our Town and asked that possibly in lieu of this decision a fee could be imposed to upgrade their establishment therefore upgrading our downtown.

Chuck felt that that was discussion for a later date and still recommends his decision. Don suggested deferring the decision to a future meeting.

Steve moved to hold 5 days of the remaining suspension for a period of two years which would be added to any subsequent violations. If no violations in two years probationary period, the abeyance would go away. Twelve days are to be served.

Chuck seconded the motion. Don abstained.

Michael's recommended Sunday, Monday, Tuesday for 4 weeks and Chuck said that he would rather have the 12 days served as a straight suspension. Steve agreed that it should be served immediately.

Bob Jones of 6 Prospect Hill Road felt the penalty was misplaced and that the weight of it would be felt more by the employees than the owners.

Steve said that the ABCC supported the Board.

Steve called the vote. Chuck: Yes, Steve: Yes, Don: Abstained. Time is to be served immediately.

Next on the agenda was Attorney Elisabeth Goodman presenting a special permit for Arthur Kreiger and Rebecca Benson for their home on 4 Grove Road.

Steve explained Special Permit processes for non-conforming lots and structures. The Special Permit granting authority is limited to the finding that the change to the non-conforming structure not be substantially more detrimental to the neighborhood.

The owners would like to add a small screened in porch to the backside of their house. The neighbors do not object to the project.

The Conservation Commission needs a jurisdictional sign-off.

There was no one in attendance wishing to speak.

Steve motioned to close the hearing. Don seconded the motion. Vote to close was unanimous.

Steve reviewed letters and moved that the proposed alteration to this structure is not substantially more detrimental to the neighborhood and to approve this project. Don seconded, all were in favor.

Next on the agenda is the discussion to hire a Town Administrator. Don proposed that the feeling is to begin the process. The first step would be to post the current job description as a draft on the web page. Don would encourage citizens and departments to make comments on the job description. Suggestions would be reviewed in two weeks to decide on a final description and advertise for the position.

Don and Danielle will decide on the posting.

Chuck agrees with doing the first part now and then keep all the decisions on the job description until after the elections and include the new Select Board member.

It was decided to create a new post for job description input; solicit suggestions from citizens and boards, committees and department heads and decide after the elections.

Ginger Schwartz asked if there would be a committee of residents to assist and Chuck said we will discuss after the elections.

Next discussed was the Selectmen's budget. Chuck had no issues.

Steve asked how much was spent on litigation last year. Is \$50,000 adequate or too much? Could \$35,000 be a possible litigation line to bring the budget down?

Steve suggested that we bring the litigation line down to \$35,000. Chuck moved to approve the Selectmen's budget with the \$35,000 litigation line.

Steve seconded, all in favor.

Last on the agenda are the National Grid/Verizon easements.

Steve explained the cell tower has been constructed and was erected last Friday; the balance of the electrical work will be completed this week. The solar project is mechanically connected also awaiting connection to the grid. To do this,

We will need an amendment to lease cell tower fiber optic electrical connections. The cell tower will have fiber optic and electrical connections to pole 17 on Glendale Middle Road and we need to grant a license to Verizon New England to put fiber optic and telephone cables into the right of way.

Steve moved that we approve the granting of the following license/easements for the cell tower and solar projects:

1. License to Verizon New England for the installation of fiber optic/telephone cables and related equipment in the Town's right of way at 5A Glendale Middle Road;
2. Easement to National Grid for installation of a utility pole (pole 17-1) and related equipment in the aforesaid right of way;
3. Easement to National Grid for installation of electric distribution lines and related equipment from Pole 17 over the Town Right of way to pole 17-1;

and

4. Easement to National Grid for installation of poles and related equipment from National Grid property off of Cherry Street over the property of the Town known as 5A Glendale Middle Road and the right of access thereto over a fifty foot wide strip of land, said poles and related equipment to provide electric distribution for the solar array constructed at 5A Glendale Middle Road;and

5. To authorize any member of the Board of Selectmen to execute the documents described above on behalf of the Board.

Don seconded, all agreed.

With no further business the meeting was adjourned.