

Board of Selectmen

Meeting Minutes

April 10, 2019

6:00 PM: Open Meeting

Quorum present: Bernie Fallon (BF), Chair; Peter Skorput (PS); Doane Perry (DP).
Also present: Admin Mark Webber (MW). No press present.

Board reviews and approves previous meeting minutes.

Board reviews and approves weekly warrants.

7:00 PM: BF opens discussion on Rte. 41 Auto, LLC and the business's recent non-compliance with the terms of the Town issued auto licenses (attached). Present are property and current licenses holder Ricky Klein and the auto licenses (Class II and III) listed manager of record, Alan Becker. BF reviews and non-compliance letter and the reasons the letter was sent, including: more than the allowed number of vehicles on the licensed premises under both classes of license; cars not parked in the designated areas and; no distinction between cars for sale and cars for servicing.

Mr. Klein informs the Board that the LLC was transferred from him to Mr. Becker in March of this year. Mr. Klein states that he is very unhappy with the way Mr. Becker is operating at his site and complains that many of the vehicles are junk and not saleable and that his other tenants are complaining that they can't access their leased areas because of cars are parked outside of the licensed areas. Mr. Klein adds that no vehicles are supposed to be parked outside the rear of the building.

Mr. Becker responds that it has taken longer than anticipated to transfer the LLC to his name and that he is trying to run a good business.

Mr. Klein also expresses frustration with Baldwin Motors, LLC, operated by Earl Moffatt, another tenant with both Class II and III auto licenses at the same location. Mr. Klein states that several of Mr. Moffatt's vehicles are junk as well and need to be removed.

MW informs both Mr. Becker and Mr. Klein that although there may have been a legal transfer of the LLC, the Class II and III auto licenses are not transferable. MW states that although these licenses are not governed by the same statutes as liquor licenses, they are similar in the sense that they cannot be transferred without the Board of Selectmen's approval following a public hearing. A transfer of these licenses is treated as a new license. MW refers from an opinion from Town Counsel stating the same and provides a copy of that opinion to both parties. Both Mr. Klein and Mr. Becker state that neither was aware that the licenses couldn't just be transferred as part of an LLC transfer. MW concludes that in order for Mr. Becker to continue to sell cars at the present location, whatever transfer that took place in March needs to be amended to show Mr. Klein as the current license holder with Mr. Becker listed as manager so that the current license remains in place, or that the current auto licenses are void and that Mr. Becker will have to apply for new licenses through the permitting/public hearing process. Mr. Becker requests a 30-day period from tonight's meeting to come into compliance with the terms of the current licenses.

BF offers that the Board would consider a 30-day period but that Mr. Klein and Mr. Becker need to come to an understanding about who will be the license holder and whether or not a new license is required because as of now, it appears that no licenses exist for the property. PS concurs and adds that it looks like new auto licenses will have to be applied for and that all auto license holders need to be treated the same way.

Other Business/Discussion/Action Items:

- BF recaps the 4-5-19 joint meeting with the Richmond Board of Selectmen where the shared town administrator topic was discussed. BF states that the meeting went well and that the Boards agreed to keep the lines of communication open and will share information going forward and will continue to consider a shared administrator if both Boards feel that doing so would be in both towns best interest. But for now, each town will be seeking town administrator replacements independently. Both DP and PS agree that the meeting went well and that the decided course of action made the most sense.
- PS adds that the Richmond Ambulance Service, to which West Stockbridge pays an annual fee for service, has improved service and response times in recent months and that the service is much better than in the recent past and he congratulates their progress.

- MW informs the Board that no changes or edits have taken place since the Boards last review of the FY 2020 budget and annual town meeting warrant. As such, the Board signs the annual town meeting warrant and it is now available for posting.
- Board has a general discussion on an apparent diesel fuel spill resulting from a bus accident which took place this past January on Great Barrington Road in the vicinity of the Mead residence. PS states that he has received inquiries from residents regarding the smell of diesel fuel in the area of the accident. MW adds that Highway Supt. Curt Wilton has also received calls and suggested that the change in weather has melted the ice that was covering the area and it is now exposed. Following a discussion, Board instructs MW to contact DEP to report an apparent diesel oil spill.
- MW informs the Board that May 1 has been advertised for 2 liquor license application public hearings: Shaker Mill Tap House and Shaker Mill Coffee House.
- Monument Next representative Roger Cavanaugh gives the Board an update on the committee's activities. Roger notes that a recent meeting was split but the majority of the committee members were leaning towards a new build option for the Monument Mt. high school rather than a renovation option. Roger adds that the committee will be meeting one or two more times and will be making its formal recommendation to the BHRSD school committee sometime later this spring. It is then up to the school committee to choose new or rebuild options and to apply to the state's school building authority for funding on the chosen option. Roger concludes by stating that any construction would be several years away, provided that the 3 member towns approve a project.

7:30 PM: There being no additional business to come before the Board and no comment or questions from those present, PS makes a motion to adjourn tonight's meeting. DP seconds the motion. Vote taken, 3-0 in favor.

Bernie Fallon, Chair

Peter Skorput

Doane Perry

Date: _____