

**TOWN OF SHEFFIELD  
BOARD OF SELECTMEN  
April 4, 2005 - 7:00 P.M.  
TOWN HALL MEETING ROOM**

Board Members Present: Richard J. Kirchner, Chairman  
Janet G. Stanton, Selectman  
David D. Macy, Selectman

Others Present: Robert Weitz, Town Administrator

Chairman Kirchner called meeting to order at 7:00 p.m.

**APPROVAL OF MINUTES**

Selectman Stanton moved to approve the minutes of the March 28, 2005 Regular and Executive Session meetings, seconded by Selectman Macy. Motion carried unanimously.

**HEARING: ENTERTAINMENT LICENSE - 952 CLAYTON ROAD (THE LANTERN) - MARINA COULON**

At 7PM, Selectman Kirchner announced that the Board of Selectmen will hold a hearing under the provisions of Massachusetts Laws Chapter 140, Section 183A on the application of Marina Coulon of 48 Dublin Road, Falls Village, CT for an entertainment license "in order to provide a sober environment for people to enjoy live bands, DJ's karaoke, AA meetings, picnics, volleyball, etc" at 952 Clayton Road, Ashley Falls, MA 01222.

He stated that those wishing to speak must identified themselves and are allowed 3 minutes.

Marina Coulon stated that she plans to provide a sober environment for recovering addicts to enjoy entertainment & to show that they can be strong & sober & have good clean fun in a nice environment. She also stated that she never received complaints about the septic system & legally, because ownership remains the same, a Title V inspection is not required (However, Title V Inspector Dick Kirchner is scheduled to inspect the system). Selectman Macy inquired about the Fire Safety Code Compliance & was told that they are not due for an inspection until 2007 to install an automatic alarm and sprinkler system & since there will be no grease cooking, the kitchen does not need a special fire extinguisher. As for concerns about noise, they will have the band play softer and will keep back door closed, unless being used for handicap accessibility.

Dennis Downing, attorney for Sheila Couter & Jared Clayton, stated that they wanted clarity and additional information. They have concerns about noise. His understanding is that the business will operate from 8AM till midnight, Thursday, Friday and Saturday, and it will be indoors only, the doors will be closed & the parking lot will be monitored. He expressed that there is concern regarding the lack of clarity of having a commercial building in the middle of a residential neighborhood. Selectman Macy stated that this license will be revisited in December.

Jared Clayton read his sister Sally Strano's (932 Clayton Road) letter dated 4/4/05.

Evelyn Whitehouse who resides behind the Lantern expressed support of the operation & that they deserve to have a chance to make a go of this valuable piece of property & that she had no problem with Dale.

Another couple residing across the street from the property stated that in the past they had supported the Lantern. However, trees in front of the Lantern had been removed & now they can hear lyrics word for

word. On several occasions, they had called the police on The Lantern because they can't tolerate the noise.

Jared Clayton stated that he is a landscape architect & that noise is a "slippery, mysterious thing that acts in unpredictable ways". He stated that a fence would make matters worse & for trees to screen noise, there would have to be many of them: perhaps 150 feet wide, 20 feet. He stated that berm & chips just attract rodents. He feels that there should be defined entrances to the parking lot, a doorman, and a parking lot attendant. In addition he suggested that there be controlled times that people go inside and outside, and a consultant for noise should be hired.

Robert Kotur expressed concern about the septic system. Chairman Kirchner stated that although it not required, a Title V inspection, is scheduled. Mr. Kotur also expressed fear about having various types of recovering addicts in his neighborhood. Sheila Kotur stated that they've owned their 2<sup>nd</sup> home for over 30 years and are about to retire here. She is concerned about the establishment bringing drugs and alcohol in the neighborhood and she stated, "give us some peace before we die. Please."

Harriet Sturges, who resides 250 feet from the establishment, read her April 4, 2005 letter stating she is concerned about noise and the past year has been peaceful & pleasant. "Would you want this noise in your backyard?"

Another resident expressed that he is not concerned about noise & supports the proposed establishment, and thinks the activities would benefit the community. He is against restrictions that could hinder the success.

Selectman Stanton asked Ms Coulon if she had any plans for planting. Ms Coulon stated that she is leasing the property and right now she doesn't have any plans but she would be willing to consider it.

Selectman Stanton also expressed concern about motorcycle noise -- particularly the Harley's. She finds them especially disturbing when 20 of them are together. Ms Coulon responded that unlike Dale, she will not advertise to them. She stated that the same people that go to Church will be coming to her establishment & that it is not a bar scene. As for bikes, there will probably be a few but most don't ride big choppers. Selectman Stanton stated that Dale had motorcycles leave slowly and had riders keep amplifiers down to control the sound.

Selectman Stanton stated that during operation, she would want to conduct a site visit to determine impact of sounds.

Chairman Kirchner asked if anyone else had any comments. No one did. Chairman Kirchner then closed the hearing.

Selectman Macy moved to grant the entertainment permit to Marina Coulon, with the conditions:

- Thursday, Friday and Saturday only
- 8PM till midnight
- When music is playing, doors are not to be left open

Selectman Stanton suggested closing at 11PM on Thursdays. Selectman Macy stated that he regards this as a new venue with new people, completely different & he'd like to give Ms Coulon an opportunity. He pointed out that the permit will not be renewed automatically & that if a problem comes up, they will address it. Selectman Stanton stated that the applicant is sensitive to what has happened in the past & wants to turn it around -- the Turning Point is a very appropriate name. However, she is letting Ms Coulon know her hesitation & asks that she think about this. Selectman Stanton then stated she'd like to try Thursday till 11PM, Selectman Macy stated that he'd like to try till midnight & they can revisit.

Town Administrator Weitz stated that the motion needs to be amended to include that the license is not automatically renewed & will be subject to review prior to renewal.

Selectman Macy moved to amend the motion by adding the condition: not automatically renewed and subject to review prior to renewal, seconded by Selectman Stanton. Motion carried unanimously.

VERIZON NEW ENGLAND, INC. - RE: PETITION FOR JOINT OR IDENTICAL POLE RELOCATION ON FOLEY ROAD

Selectman Stanton voted to approve the petition for joint or identical pole relocation on Foley road, pending approval of the Highway Superintendent, seconded by Selectman Macy. Motion carried unanimously.

CTSB - RE: AGREEMENT BETWEEN CTSB AND TOWN OF SHEFFIELD:

Jim Balfanz, President of Community Television for the Southern Berkshires, discussed CTSB's request to amend the cable television contract by increasing the percentage Sheffield subscribers are charged for its public access channel (CTSB) from 3% to 5%. He explained how CTSB currently receives its revenue. [CTSB may receive matching funds up to 1/2 percent from the cable provider based on the other 4 town's fund-raising, and he indicated that the other 4 towns serviced by CTSB pay 4%, and CTSB is asking the other 4 towns to increase their rate to 5%.] He stated that he estimates that the increase would be approximately 93 cents for the classic subscriber in Sheffield. The additional income would allow CTSB to hire 2 additional employees to do programming and increase educational programs. The Board asked if CTSB can really support 3 channels & inquired about dead air space. Mr. Balfanz indicated that even if they have the additional 2 employees, all three channels couldn't have programming 24 hours, 7 days a week.

Town Administrator Weitz stated that the 3% figure is not a sound comparison because Sheffield's overall cable rate is higher. Jim Balfanz stated that despite this, there is quite a disparity.

Selectman Macy inquired about repetition of programs & live feed from the Town Hall which no longer happens. Mr. Balfanz explained that they are working on getting live feed operational. CTSB purchased a modular unit for the Town Hall but there is a problem with the underground cable which is to be resolved by the Cable Company. Selectman Macy stated that it seems like progress is going backwards. They also discussed sound quality which is being addressed by trying various microphones.

Mr. Balfanz described the steps involved with readying a program for the air, which he considers labor intensive. He wants CTSB to be volunteer driven but professionally run. He wants CTSB to focus less on fund raising so it can concentrate on programming. He stated that how CTSB receives its revenue is now not equitable across the board. Selectman Stanton stated that she needs additional time and information to study this matter, and would like to talk at another time.

APPROVAL OF ANNUAL TOWN MEETING WARRANT

Selectman Macy moved to approve the draft Annual Town Meeting Warrant, seconded by Selectman Stanton. Motion carried unanimously

APPLICATION FOR ONE DAY ALCOHOL LICENSE / TOWN PROPERTY ALCOHOL POLICY

The board will hold voting on the Application for One Day Alcohol License till after the Town Property Alcohol Policy is in place.

Selectman Stanton moved to adopt the attached Town Property Alcohol Policy, with the addition of, #4: " shall abide by Massachusetts laws governing the serving of Alcoholic beverages".

seconded by Selectman Macy. Chairman Kirchner expressed concern about the additional costs for insurance and licenses. He also felt that this policy is not practical for relatively small gatherings, and that the park should not have to be closed for such, and he does not want to make it so complicated to enjoy a beer or two at the town park. He feels that citizens should be able to enjoy the park. Selectman Stanton stated that she feels that the Town Park should not be a place where people drink. Selectman Macy stated he is concerned about possible liability if alcoholic beverages are allowed without permit on town property. Town Administrator Weitz reported that he contacted other towns -- and most do not allow alcoholic beverages on town property because of risk of exposure. Selectman Macy made a motion to approve the policy with the addition of "Those on town property shall abide by all the laws in Massachusetts relative to the serving of Alcoholic beverages". Chairman Kirchner stated that the board will further investigate.

BUSINESS PARK - PURCHASE & SALE AGREEMENT  
- LAYING OUT OF WAY - BUSINESS PARK ROAD

Selectman Stanton moved to sign the purchase of sale agreement of Sheffield Business Park lot 3 (Sean McElroy dba McElroy Scenic Services) seconded by Selectman Macy. Motion carried unanimously.

Selectman Macy moved to lay-out the roadway in the Sheffield Business Park as shown on a plan of land entitled " Definitive Subdivision Plan prepared for Sheffield Business Park in Sheffield Massachusetts", prepared by Kelly, Granger, Parsons and Associates, Inc., Great Barrington, Mass., dated July, 1995, said plan being on file in the office of the Town Clerk. Motion carried unanimously.

#### EXECUTIVE SESSION

Selectman Stanton moved to adjourn the meeting at 7:55 p.m. to go into Executive Session for the purpose of discussing Collective Bargaining and not return to Open Session, seconded by Selectman Macy. Roll Call Vote: Selectman Macy - Aye; Selectman Stanton-Aye, and Chairman Kirchner-Aye.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Beverly Gilbert  
Recording Secretary  
Via video recording