

Minutes of Meeting – April 26, 2023; meeting called to order at 6:00pm. Present: Ed Lane; Dave Roche; Neal Maxymillian; Marybeth Mitts. Absent: Warren Archey.

MOTION by MM, seconded by EL to approve the Minutes of April 12 and April 19. 3/0 vote on April 12 Minutes with DR abstaining and 3/0 vote on April 19 Minutes with NM abstaining.

Citizens Open Forum: Courtney Gilardi invited the Board to attend a forum on “Why be concerned about wireless” to be held tomorrow night from 7-8:30pm, and she will send them the link. She also questioned why the board would be voting on the 5G issue rather than having it voted on at the Annual Town Meeting. The Board agreed that they would take up the issue of 5G at a future meeting. Kate Vaughan from the Planning Board explained that the zoning bylaw to be voted on at the ATM will replace an outdated one that is not in compliance with the FCC. She further stated that the Selectmen will be the permit granting authority on 5G, not the ZBA. However, the Planning Board felt it too confusing to deal with both the wireless bylaw and 5G at the same time, so 5G will not be voted on at the May 4 ATM. Amy Judd questioned why the issue of 5G is not on the ATM warrant for a vote as she feels that both should be voted on at the same time.

Consent Agenda: A Hold was placed on the Rhubarb festival item. The Board questioned where exactly they were hoping to hold the festival: Roche Reading Park or in the green area by the road. After a brief discussion, it was agreed that the green area between the sidewalk and roadway was the intended area. MOTION by MM, seconded by NM to grant permission for the Rhubarb Festival to utilize the green area between Housatonic Street and the Library on June 3 from 9-3; accept a monetary donation to the Police Department. 4/0 vote.

Shots Café came before the Board seeking an alteration of premises on their annual Wine & Malt Restaurant license. They want to include outdoor service on their patio, offering six tables with a limit of two chairs per table. The clerk read the legal notice as it appeared in the newspaper. MOTION by MM, seconded by NM to open the public hearing. 4/0 vote. Attorney Jeff Lynch was present to answer any questions. He explained that the abutters were notified, he offered a copy of a plot plan, stated that all servers are TIPS certified and that they have an alcohol control plan in place. In addition, he went over the previous outdoor dining approval granted by the Board, and stated that the required insurance is in place. EL stated his concern about allowing barriers on town property, with others sure to follow suit. Attorney Lynch reminded the Board that there is a town bylaw that allows alcohol to be served outdoors for a 6-month period, to be reviewed annually. It was agreed that Town Counsel should be consulted, and that the request should be tabled until the May 10 meeting. MOTION by MM, seconded by NM to table this request until the May 10 Selectmen's meeting. 4/0 vote.

Cello came before the Board seeking a new annual A/A restaurant license. The clerk read the legal notice as it appeared in the newspaper. MOTION by MM, seconded by NM to open the public hearing. 4/0 vote. Attorney William Martin and the proposed manager Ray Stalker were present to answer any questions. They explained what type of restaurant will be going into the premises, and what their plans are. MOTION by MM, seconded by NM to close the public hearing. 4/0 vote. MOTION by MM, seconded by NM to approve a new annual A/A Restaurant license to Cello, LLC d/b/a Cello, Raymond Brennen Stalker, Manager, for premises located at 35 Church Street, Suite #2, a/k/a 37 Church Street. 4/0 vote. MOTION by MM, seconded by NM to approve a common victualler and an entertainment license for Pandora canned music to Cello, LLC located at 35 Church Street, Suite #2, a/k/a 37 Church Street. 4/0 vote.

Open Meeting Law Complaint: Sonya Bykofsky filed an Open Meeting Law complaint stating that the March 29 minutes did not contain all of her comments at the meeting, and that she wants the ADA Officer identified and the process outlined for those unable to participate in the Annual Town Meeting. DR stated that he would like to delegate the responsibility to respond to this complaint to the Town Manager. MOTION by MM, seconded by NM to delegate to the TM the responsibility of responding to the Open Meeting law complaint. 4/0 vote.

Review Motions: The Board went through the Motions for the upcoming Annual Town Meeting, determining who will present which ones at the meeting.

By roll call, MM, NM, DR and EL voted to go into Executive Session at 6:42pm to discuss strategy with respect to collective bargaining (Fire).

Minutes Taken By: _____ Minutes Accepted By: _____
Mary Ellen Deming Clerk
Director of Administrative Services Board of Selectmen