



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NEW MARLBOROUGH
OFFICE OF THE BOARD OF SELECTMEN
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**Lawrence H. Davis, III, Chair
Nathaniel H. Yohalem
Tara B. White
Board of Selectmen**

May 20, 2013

The meeting was opened at 6:30pm

Board Members Present: Nathaniel Yohalem, Chairman
Tara White
Michele Shalaby

Others Present: Michael Skorput, Administrative Assistant
Nicole Reid, Administrative Secretary

Announcements

At the executive session meeting held on May 15, 2013, the Selectmen reorganized, and nominated Mr. Yohalem as Chairman. Chairman Yohalem welcomed Michele Shalaby to the Board of Selectmen. He also announced a sincere debt of gratitude to the Boards' previous Selectman, and also tree warden, Lawrence H. Davis, III. "He did a wonderful job, for many, many years. All of us owe Larry a big thank you. He served the Town loyally and well." Chairman Yohalem also made it known that Larry was injured during his work as tree warden and "we all wish him a speedy recovery."

Review, discuss, and sign warrants, correspondence and minutes.

The minutes from May 13, 2013 were approved as presented.

Chairman Yohalem stated there were originally three items to be discussed at the previous executive session meeting. Two of the items for discussion were postponed at the request of one of the participants. "The third item was the investigation that is being conducted of missing items from the firehouse." Due to this being an ongoing investigation, the previous statement is all the Board is at liberty to reference at this time.

Chairman Yohalem also announced three highway superintendent interviews took place just prior to the Selectmen's meeting this evening.

Chairman Yohalem mentioned to the audience that the Board has previously discussed having a Saturday morning meeting. This would give second home owners as well as people who live here all year round the opportunity to meet Michele and to come and ask questions, or

voice their concerns about the Town. At this time, the Board decided to meet on Saturday July 20, 2013 at 10:00am.

Special Permit Application - Buggy Whip

A motion was made and seconded and so voted to open the Public Hearing for a special permit for the Buggy Whip, LLC.

The application reads "One year ago, I received a special permit for a woodworking shop. This application requests permission to change the use for a portion of the woodshop space to B & M per attached drawing."

Ned Odegaard, owner of Buggy Whip Factory, LLC Southfield, MA gave a presentation to ask permission for the specific special exception in his application. He referenced the previous use [last year] was for antique sales [building code "M"]. Last year, he wanted to allow Peter Merket to have his woodshop in a portion of the main building which meant going from building code M to building code F1, which required a special permit and was granted last year.

Mr. Odegaard is back now because there are two ends of the space that was the object of granting the special permit last year. On one end he wants permission for the farm country soup operation to have a purely self-serve retail set up and on the other end he wants to construct an office or studio. The soup retail would go from F1 back to M and the other part of would be F1 going to B [B is the building code for business/office/studio]. This is the first request.

The second request is to take down a portion of it. The concern is to be respectful of the building and its history. Overall the building is not historically significant, however it is socially significant. It is uncertain as to whether he wants to change the use of space and or demolish and rebuild a part of the existing space. The special permit would be accepted by the Board if it was just to address the change of use. The application the Board has in hand this evening does not include a demolition

"It is stated in the by-laws that "pre-existing or nonconforming structures or uses may be extended, altered or changed to another non-conforming use by special permit provided that the Board finds that such a change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing non-conforming use".

Mr. Odegaard stated "The result of the demolition is that the remaining building will be more conforming than the existing one is. It was decided by the Board to hold off on moving forward at this time. It appears the structure would be non-conforming once the work is completed. There seems to be some uncertainty with non-conforming structure vs. non-conforming use.

Selectmen Yohalem: Correct me if I am wrong but the question is, "if there is demolition involved, do you need a special permit?"

Ned Odegaard: Is the work that is being proposed, captured by the provision?

Tom Carmody, Building Inspector: “The question is, is a special permit required for selective demolition on a non-conforming structure?”

It was suggested by the Board and Administrative Assistant, Michael Skorput for Mr. Odegaard to submit a statement of what he would like to do, and the statement will be brought to Town Counsel for proper guidance.

Chairman Yohalem announced that the Board appointed Charles Loring as acting Fire Chief until June 30, 2013. He transitioned into the position from Deputy Chief where his salary was \$2,000.00 a year. The former Chief’s salary was at the rate of \$10,000.00 a year and all fees for inspections were turned over to the Town. Mr. Loring recently agreed to continue to do fire inspections and the fees would continue to be turned over to the own.

A motion was made, seconded and so voted to increase the salary of Chuck Loring as interim Fire Chief to the rate to \$10,000.00 a year retroactive to May 1, 2013 for a two month period.

UPDATES

Hatchery Road: Money was paid to the Town in regard to Hatchery Road on September 28, 2012. A recent review of records indicated that this was incorrectly filed. It was filed under “in lieu of taxes”. The error has been corrected.

Reverse 911: A date has been set for June 3, 2013 at 10:00am. This meeting is for the Department Heads of Police, Fire, Highway, and Emergency Management.

Emergency Management Computer: The order is in process.

Mema: Administrative assistant, Michael Skorput is in the process of completing paperwork to submit for reimbursement of Storm Nemo.

Canaan Southfield Road Bridge: The first month of work is complete and bills were submitted on time for reimbursement of \$23,045.63. The next project update with the project manager of MassWorks and BSC Engineer will be in late May.

Campell Falls Road Bridge: Last month the Board submitted a written request to Peter Niles of MassDOT requesting an Acrow Panel bridge [temporary bridge] for the Campell Falls Road Bridge. The Board was immediately notified from the MassDOT to hold off on the acrow panel bridge until the next inspection is completed. The Board is waiting for the official report.

[The State inspected the Campell Falls Road Bridge and the Clayton Mill River Culvert in early May. The Campell Falls inspection was expedited from late June to early May as a result of the letter sent by the Board. The Clayton Mill River Culvert is not part of the State inspection process, however it was reviewed by the State as a courtesy in regard to a request made by the Board]

Clayton Mill River Culvert: Highway Superintendent, Peter Marks spoke with Mark Dyvelder of MassDOT in regard to the recent viewing. It was verbally suggested to install guardrails and close the bridge down to one lane as soon as possible.

New Highway Truck: Administrative Michael Skorput stated "this bid will be piggy backed with Lenox". The bid came in at \$113,357.00. The Board previously appropriated \$120,000.00. The specs were reviewed by Highway Superintendent, Peter Marks.

A motion was made, seconded and so voted to approve the purchase order for \$113,357.50 for a 2014 dump truck with a plow.

Loader: Michael Skorput indicated that he is currently working on a State bid contract with C.N. Woods. The trade in on the loader will be \$67,000.00.

Mail

Chairman Yohalem reviewed the mail file and read aloud a letter from the attorney for Jonathon Prince and Bridget Hughes stating "they are aware of the structural problems with the Clayton Mill River Road Bridge and they do not permit trucks accessing their property to load or unload while the trucks are on the bridge, nor will they permit any such activity in the future."

Additional mail included a report from the MassDOT for the Umpechene Falls Bridge [wooden bridge] and a list of appointed positions that are due for reappointment in FY2014.

Annual Election: The Town turned down the Fire Department request, and approved the bridge request. The Board has until September 15, 2013 to "take care of business". Administrative assistant, Michael Skorput reminded the Board that it takes a minimum of four weeks to prepare special election or special Town Meeting. Chairman Yohalem suggests waiting on making a decision until the Clayton Mill River Culvert report is received from the MassDOT. At this time, bridge funding will be an agenda item at the Selectmen's Meeting on July 1, 2013.

Norfolk Road Bridge: Highway Superintendent, Peter Marks suggests "steering the water away" to prevent further damage. An estimate for this repair is approximately \$30,000.00. Mr. Marks reminded the Board that permits are necessary from DEP and Army Corps. in preparation for this work.

Candice Marks indicated there is approximately \$80,000.00 available in the bridges and roads account until June 30, 2013

The process to utilize the remaining \$80,000.00 would be to establish the project which would allow the funds to be carried forward.

A motion was made, seconded and so voted to establish a project to be funded for \$30,000.00 to repair the Bridge on Norfolk Road.

Chairman Yohalem asked to the audience if they had any questions or concerns for the Board.

Gene Rosenberg of Rhodes and Baily asked the Board who is responsible to clean up the decrepit barn at the intersection of Cagney Hill and Rhodes and Bailey. Michael Skorput suggested checking with the Board of Health or the Building Inspector to see if it is a hazard to public safety. It was also suggested by the Board to find out from the Assessor who the owner is and then to contact the owner indicating concerns.

Board of Selectmen Summer Meeting Schedule

July 1, 2013

July 20, 2013 – 10:00am

July 29, 2013

August 12, 2013

August 26, 2013

Being that there was no further business to be brought before the Board a motion was made, seconded and so voted to adjourn at 8:00pm.

Respectfully submitted,



Nicole Reid
Administrative Secretary