

**Board of Selectmen
Minutes
December 16, 2008
Center School Offices
6:00 p.m.**

Selectmen Alan Sanderson, Jr. called a special meeting of the Board of Selectmen of the Town of Whately to order on Tuesday, December 16, 2008 at 6:00 p.m. Also present were Selectman Jonathan Edwards and Paul Newlin and Town Administrator/Town Clerk Lynn Sibley.

6:00 Public Hearing – Transfer of Liquor License from IOCMA to Circle K

James Beres, Manager of Circle K Massachusetts, LLC was present representing Circle K. No abutters were present and it was agreed to waive the reading of the public notice which was advertised in the Daily Hampshire Gazette on December 4, 2008. All abutters were informed of the public hearing by certified mail. In addition to the original application Mr. Beres submitted a Master Agreement, Financial Arrangement letter, and a Birth Certificate for Mr. Beres. Mr. Beres explained that Irving Oil Corporation will continue to own the property and run the gas portion of the business and Circle K will be leasing the building and running the convenience store portion which includes the liquor license. Circle K has gone before the ZBA for a Special Permit to change the signage to bear the Circle K emblem. The Irving Oil signs will remain advertising the gas. Jonathan Edwards stressed the importance of strict sale restrictions of alcohol and that all staff should be educated in all the laws governing liquor sales. The present manager Jim Boyd will continue to manage the new Circle K. Alan Sanderson, Jr. asked about site maintenance and courtesy to the neighbors. Irving Oil is responsible for all the underground maintenance such as the tanks and Circle K, LLC will be in charge of the building and above ground maintenance. The Selectmen stressed the importance of keeping patrons from going behind the fence and keeping the grounds clean of trash. The Selectmen approved the license with the same restrictions as were on the IOCMA license which were hours of 8 a.m. – 11 p.m., locked storage of wine and malt during off hours, no sale of single products less than 16 ounces, and the state mandated restrictions for Sunday sales. The application will be forwarded to the ABCC for their approval. The agreement between Irving Oil and Circle K is expected to be completed in 6 – 8 weeks.

The Selectmen will change the location of their January 27th meeting to the Town Hall so that a public hearing on the Weatherization grant program can be held at an accessible location.

The Selectmen also declared a state of emergency for the elementary school effective on December 9, 2008. The school had considerable water damage to the Main Office, Principal's Office, Teacher's Lounge and 4 classrooms. Ceiling, wall and carpet damage will be repaired during the school vacation. There was also some damage done to computers, electrical strips and the copier.

There being no further business to come before this meeting, it was adjourned at 6:15 p.m.

Respectfully submitted,

Paul K. Newlin, Clerk