

November 6, 2017 7:00PM Selectmen's Meeting

Present: Don Chabon, Chuck Cardillo, Terry Flynn, Danielle Fillio

Don welcomed everyone and called the meeting to order and made some announcements.

Don stated that the winter parking ban is in effect, November 15th through March 15th, with no overnight parking to help with snow removal.

Don thanked Stockbridge Housing Authority for their payment of \$877.60 in lieu of taxes for property on 7 Pine Street.

Don made a motion to open the public hearing for Tanglewood Earth Removal Permit in accordance with Article XII of the Town Bylaw and to waive the reading of the notice to be incorporated into the minutes. Chuck seconded; all were in favor.

The notice follows:

Notice is hereby given that the Board of Selectmen, acting as a Special Permit Granting Authority, will hold a public hearing at the Stockbridge Town Offices, at 7:00 p.m. on Monday October 16, 2017 to consider the application of the Boston Symphony Orchestra for property located at 3A Hawthorne Road. The applicant is requesting authorization, pursuant to Section 4.10.B.20. of the Zoning Bylaws to allow temporary construction trailers to be used by workers on large projects. The property is in an R-4 zone.

The application is filed in the Town Clerk's Office and the Selectmen's Office. The application can be reviewed in either office during normal business hours.

Donald M. Chabon,
Chairman

The Berkshire Eagle
September 25, 2017

The Berkshire Eagle
October 2, 2017

Phil Breault from Consigli apologized for removing soil from the site without the proper permit. All removal had stopped after receiving the cease and desist. There is another 3200 cubic yards left to be removed. If the permit is approved there is two to three days of trucking to remove the remaining soil. The restoration scope: there is a proposed 400,000 bond amount to happen in the summer and fall of 2018. They will bring back in about 500,000 cubic yards of top soil and with landscaping; it should take about a week of trucking.

Charles Kenny, 5 Meadow Road asked if the trucks would be going over any of the Town bridges in need of repair and Chuck said no.

Kim Noltemy from Tanglewood said that if any trucks go by way of Church Street, they will stay below 30 MPH as requested by the neighbors and not on the roads before 8 PM as requested.

Don stated that he appreciated her efforts.

Terry said that a lot of underbrush was cut and removed on the corner of Hawthorne Street and Hawthorne Road and Kim said that it will all be replanted as a part of a reforestation.

With no other comments, Don made a motion to close the public hearing. Chuck seconded; all were in favor.

Don made a motion that the earth removal permit be granted in accordance with all of the terms and conditions specified in the application; provided, however, that all work authorized hereby shall be conducted in accordance with Article XII of the Town's General Bylaws and that no significant changes from the application shall be authorized except after a further hearing and approval by the Select Board; and provided further that, in accordance with Section 2.4 of Article XII, the permit shall not issue until a bond with surety satisfactory to the Select Board has been furnished to the Town and approved as to form by the Town Counsel in the amount of \$400,000 to secure performance of the restoration of the land in accordance with the approved plan, and for preserving the sightliness of the area, and for meeting the requirements of public safety. Chuck seconded; all were in favor.

Don made a motion to approve the bond company Federal Insurance Company. Chuck seconded; all were in favor.

Danielle said that once she receives the \$400,000 bond, the permit can be issued.

Don moved on to the appointment of a temporary Town Collector. He stated that they have received two resumes; one from Christine Goretti and the other for Karen Williams.

Don made that motion to close applications. Chuck seconded; all were in favor.

Discussion was opened. Chuck said that discussion should start upon if they will be combining the Treasurer and Collector positions. Terry said that they are currently looking at appointing a temporary Collector. He continued by saying that with the current Treasurer temporarily taking over the Collector position it will help inform them on combining the positions in the future. One discussion will be if it is wise to combine those two positions and secondly, does the Town want to make the transition from elected positions to appointed positions. He sees this as an opportunity for input from actual experience.

Don asked with that being stated, did the Board want to appoint Karen as temporary collector. Terry first expressed his gratitude to Christine for applying and her efforts and enthusiasm.

Don made a motion to appoint Karen Williams as temporary Collector until a successor is qualified.

Danielle stated that this is the way it needed to be stated because dependent on how the Board decides to move forward, under the statute; the Board is only allowed to appoint her until May.

Chuck seconded; all were in favor. Don congratulated Karen and again thanked Christine.

The Board asked for comments.

Ginger Schwartz, 22 Main Street, asked if the Board had looked into benefits and downsides and possible scenarios to evaluate.

Terry said that they had not but they will be looking at these aspects. Don said that they are thinking about these options as they are critical positions to the Town and if they go to elections, there is the possibility of getting unqualified candidates. Many towns do combine these positions and also have them as appointed positions.

Don said that there are two ways to proceed. One way is to go for a special act of the State Legislature. This was recommended to the Board and it would require a Special Town Meeting and they would have a warrant article to that would permit the Select Board to request Smitty Pignatelli to pass this act. Once passed at the Special Town Meeting the Town would have an appointed and joint position. Danielle added that if they decide to do a Special Act, and have it worked out to be enacted for May, it would need to be done sooner than later. January 22nd would be cutting it close. The other date options are December 11th or January 8th.

Don said that the second way would be to go before the Annual Town Meeting in May with three warrant articles; one and two to make the positions appointed, three: to make the positions combined and this would go on the ballot.

Danielle said that this would make for a confusing ballot as they will not know if these articles will pass at the Town Meeting. Not knowing if it will be approved, the Town will have to allow people to take out nomination papers. The ballot will have three different questions for each position.

Don said that as the Chair he was going to send a letter to Smitty, advising him that this is coming. At a Select Board's meeting the three Selectmen have to vote to put these articles on the Warrant.

Brandi page, 28 East Street, said that currently they are three positions and in the interim Karen will be doing both. She asked if they combine the positions if it would be three people or two doing the three positions. Don said that it would be two people doing the three positions.

David McCarthy, Church Street, asked for clarity that they are looking at making both positions appointed.

Chuck said yes and Terry added that they are also talking about combining the positions to become one appointed position. Terry also said that he did not want them to rush into making these decisions. He felt that while he is open to the idea, the downside is that there are many people that like to elect these positions and does not feel that they will necessarily get non-qualified people. He would like to have more input from the Town and believes that they should go with the January meeting date.

Don said that he does not like talking away elected positions and believes in the process, but this seems to be the better choice for the Town. He believes in the Town weighing in also.

Danielle again stated that they have January 8th or January 22nd as options for January.

Stu Hirshfield, 6 Meadow Road, said that one month is not much of a test period to determine if this would work. He felt pushing it out further would be better.

Terry question what the harm would be if it were pushed off.

Charles Kenny said that the government of the Town is reaching out to get people's feelings and that putting it off would be helpful.

David McCarthy said if the State Legislature filing date is missed, they have to go to a Town Meeting. Another problem is that there will be a legal requirement to keep the positions elected. Danielle said that Karen can only be appointed until May and that she cannot re-run. To clarify David said that if they want more time, they skip the special act and just say; let's see how it works out does not recognize the obligation to the elections. He also agrees with better financial management but also the need to be explicit on how the discussion will happen.

Anita Schwerner, 10 Lake Drive, asked if the job description and qualifications would need to be changed if combining the positions and would there be qualifications. She questioned that if there is a job description if there would then be interviews. It was answered that there would be interviews if the positions were appointed but not if elections. The Selectmen discussed the multiple possible scenarios.

Charles Kenny said that there seemed to be two goals, one combining the positions and one whether they are appointed or elected. He felt it was it was up to the Town to make the decision if that person is qualified.

Tom LaBelle, 39 Church Street, asked that if it were possible for Karen to run and be elected for both positions and in the meantime look at all positions could they wait until the spring and make no decisions now. It was discussed that one individual could hold two elected positions but one person could not be paid for two elected salaries. Danielle said that it needed to be checked on. Tom said that he is not against the positions being appointed but some people may not want to lose an elective position. They could also in the meantime, without being rushed, look at other positions such as Town Clerk; review all of the positions and involve the Town in the process.

Ann Rabinowitz, Lake Drive asked if the Collector position needed to be voted on in May and the answer was yes.

David McCarthy asked if they could combine the two positions, putting the Collector duties under the Treasurer position with a special act and later decide on making it appointed or elected. The answer was yes and by doing this Karen's combined position would not be in jeopardy by election as she still holds the Treasurer position for two more years. Danielle said that she did not know if this could happen as it is all written under one statute being: decide if you want the positions appointed or elected then if you want to combine the two positions this is the process. She did not know if there was another section of the statute that just deals with the combination.

Brandi said that combining the positions is completely different than doing away with the Collectors position. She did not believe that you could do away with it as there are specific roles under the Department of Revenue for each position but they could combine the positions. She said that many towns have the combination as done in Lee, and it functions very well. Her opinion was to combine the positions and later look at whether to make it and other positions appointed. She stated that elected positions are vulnerable compared to appointed.

Don summed up that he would like to see if they could do a Special Act to combine the positions, part one, and push it back into January. Don said that he would propose an Article that everyone would be able to look at ahead of time, advise Smitty that it was coming, and set a time for the meeting. Terry was concerned that they would have enough time to have a public hearing. Don said that they would make the time. The Town garage would also be another article.

Don moved on to their schedule:

There will be a meeting on Tuesday, November 14th at 9:00AM to discuss the Highway Garage, Facilities Manager report, Historic Preservation Commission, and updates with the School Board members. There will also be an Executive Session meeting at 12:30PM on the 14th.

There will be Monday night, 7:00PM meetings on November 27th, December 4th, December 11th, December 18th and at 9:00AM on Wednesday January 3rd. The Special Town meeting could be on January 8th or January 22nd. It was agreed that the Special Town Meeting would be on January 22nd.

Chuck asked about a public meeting and it was agreed to have it on December 18th.

Barb Kenny, 5 Meadow Road, asked why it was necessary to have a Special Town Meeting. Danielle explained that it was necessary to have the Town to vote to get money to finance the Highway Garage and to do so in January would help to speed up the process and work could begin in the spring and have it operational in the fall.

With no further items on the agenda, Don made a motion to adjourn. Chuck seconded, the vote was unanimous.