

Monday February 6, 2017, 7:00 PM - Selectmen meeting

Present: Chuck Cardillo, Steve Shatz, Don Chabon, Danielle Fillio

Chuckie welcomed everyone to the meeting.

Mary Boyce from Church Street, Stockbridge came in to discuss Stockbridge's entertainment and alcohol policies when granting permits to Naumkeag and the Trustees of Reservations and asked the Selectmen to consider when granting the permits to take into consideration what neighbors say. Last year there were 30 night time permits granted. She feels that daytime activities are wonderful and night time events and permits, such as weddings, are business in a residential neighborhood. She does not believe that license pricing and taxes are equitable to the town businesses and tax payers. Mary feels that the volume is too loud; there are traffic issues and cemetery parking issues with events at Naumkeag. She would like the Town to look into collecting taxes from the rental house since it is not being rented by the Trustees. She stated that drainage and run-off issues are getting worse and CPC grants that are given to Naumkeag should be giving back to the town.

Mary would like to see rates increased for permits and specific restrictions being made on each license, such as not amplified music.

Chuckie stated that the Select Board is listening and that Danielle is working with Town Counsel on drafting an Alcohol license Policy and an amendment to the Licensing of public Amusements Bylaws to bring it up to date and so that it can coordinate with the Alcohol License Policy.

Steve explained it is inappropriate to continue discussion without the applicant being present.

Tom Labelle from Church Street stated that representatives have come before the Board but nothing was done regarding the complaints.

Steve let the abutters know that they will have time for discussions when the applicants come before the Board with their applications.

Next on the agenda was an update on the Highway Garage. Steve related that the recent Special Town Meeting approved a transfer of \$200,000 from stabilization to use for corrective measures. The building has been vacated and the Highway Department is working on corrective measures. The Building Inspector reviewed the safety of the building which led to a supervisory order which may lead to a condemnation order of the building. There are unknowns on this site and the soil needs to be tested. The funds appropriated will be used for the soil testing and building demolition. The above ground tanks are currently being drained. If we are lucky, we will be able to build on this site. The Flood Plain may pose major issues with types of rebuilding requirements and conservation restrictions. The Talbot Center may need to be relocated.

Steve continued that it is possible to have a pre-fab building built on site and we will soon have amounts to be discussed with the joint meeting with the Finance Board.

Steve stated that for anything that exceeds a \$50,000 expense State procurement laws are in effect. It is possible to have an emergency proclamation which will help bypass some of the bidding laws for the demolition of the building. Will still need bids for but will not have to follow procurement posting requirements for demolition. This is a six-figure project. There will be more to follow at the next Selectmen's Meeting on the 21st of February.

Craig Berger from 8 Meadow Road asked if the garage was condemned and who does this. Steve responded that the structural engineer said that it should be and Ned issues the order.

Steve began discussion on the Solar and Verizon updates. The solar array is complete and waiting for the connection to National Grid, hopefully this summer.

The second project, the Verizon cell tower, is located to the rear of the landfill and is located on the 'stump dump;' where stumps from the sewer and water project were dumped. Verizon is working on building the concrete slab as the foundation for the monopole. In the beginning of March, the tower will be erected and will be connected to the grid service hopefully by May. Currently we cannot allow public access but we hope that once things are up and running we will be able to allow residents to view the projects at the site.

We are hopeful that we may have at least one co-locator on the pole; each additional co-locator is an additional \$6,000 per year to the Town. We will be getting \$24,000 per year from Verizon.

Attorney Richard Dahoney representing the Interlaken neighborhood group brought concerns about the Cottage Era Bylaws which have been presented to the Planning Board for review. He stated that he feels there is a procedural defect on how the ordinance had been handled, specifically the Board vote of the Board of Selectmen as the petitioner. He asked that the Select Board tonight to withdraw their petition based on procedural issues; to reset the process and allow public input.

Attorney Alex Glover strongly urged the Board correct the procedural issues and to withdraw before it goes to the Planning Board tomorrow night.

Dr. Charles Kenney believes that this amendment will have a detrimental impact on the neighborhood. This is one of the biggest projects that have come before the Town and the residents should be involved. As a resident for over 40 years and he questions the procedure.

Chuckie stated that the by-law changes were looked at and done well before the Desisto project came forward. The procedure is correct and in the planning boards hands. They will come up with their recommendations and bring it to the Selectmen. The Selectmen are working with Town Counsel to move forward.

Don stated that this is a controversial issue and made a motion to withdraw our support for this, let it come before the Selectmen again and work with everyone and start the process all over. Withdraw support for these by-law changes until more information is brought to this Board.

The motion is not seconded and is off the table.

Steve and Chuckie again state that they will refer comments to Town Counsel and follow recommendations.

Attorney Alex Glover said that the Planning Board is making a recommendation not actually voting to change the by-law. Steve confirmed her statement and concluded that if they make no recommendation the existing by-law will stay in place unless there is an attempt to repeal the existing by-law and that it will be referred to Town Counsel.

Stuart Hirshfield from 6 Meadow Road asked that Town Counsel would speak with their counsel, Mr. Dahoney. The Board agreed this would be a good idea.

Gary Pitney from 37 Church Street, who is the chairman of the planning board asked if they would have an answer for tomorrow and Chuckie said that they should

Anita Schwerner from Lake Drive stated that she was confused with the presentation when Steve said that he represented Selectmen. Previous by-law changes, 2013, were made with the developer to come up with something that would fit their needs. At the direction of Town Counsel and the Board of Selectmen, Steve wrote the changes together with Chris Heep.

Craig Berger stated that there was enough controversy and that the Selectmen should look into issues before moving forward with such a strong stance.

Kate Fletcher questioned that if there is an error as it sits on the current by-laws (two) , how can we move forward. Error on changes there is an issue with current bylaws if they were done proper sponsorship is before the Planning Board.

Steve answered that if there are errors in the by-law it would be appropriate to bring them up at the Planning Board meeting tomorrow and we will bring these issues before Town Counsel.

John Hart from Rattlesnake Mountain Road, who is the co-chair of the conservation Commission, stated that we may have the cart before the horse. Desisto had gone before the Conservation Commission previously and gave them access to the property. The developers need to have an application put before them. Considering a change to the by-law, it should have to comply with Conservation issues.

Steve said that they do not have granting authority as they do not have a project before this Board and addressing or commenting on a project that has not been presented is not allowed. This discussion is about the bylaw changes, not the project.

Stuart stated that the current bylaws need to be updated and or corrected before we can amend.

Danielle stated that if there is a discrepancy she is unaware but she will double check with this issue.

Don discussed the South County Shared Services meeting on January 23rd in Sheffield. They invited twelve towns and seven showed up. Attending towns were Sheffield, New Marlborough, Stockbridge, Tyringham, Monterey, and Sandisfield. West Stockbridge, Great Barrington did not attend. The discussion was about sharing services which included sharing department heads, meetings, equipment, business supplies, ambulance, fire trucks, police, staff and central Human Resource Departments. Many aspects were on the table for discussion. Another meeting will be held on Tuesday February 21st at 10:30 AM and Don will attend.

With no further questions and the meeting was adjourned.