

June 26, 2017 7:00 PM Select Board Meeting

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

Don welcomed everyone to the meeting.

The first item on the agenda Stockbridge Bowl Association to approve a settlement offer with GZA.

Richard Seltzer GZA Environmental is the engineering consulting firm hired by the Town to do all the preliminary analysis before the Town can go out to bid on the Dredging Project of 22,000 cubic yards of sediment which needs to be cleared before the five foot drawn down to kill the milfoil. GZA was hired in 2014 and proceeded to work under a contract. It had a "not to exceed" upset limits which the GZA ignored and sent the Town bills. When told that this was not a part of the deal they stopped work. The Town brought in Town Counsel with the assistance of Jennie Merrill. In negotiations and GZA wanted to bill their full hourly rate and were told that it would not happen. GZA backed off \$150,000 and it was agreed that that was a fair settlement. The SBA has already raised the total amount of GZA billings and under the Mass. DEP Clean Water Act Grant which is a \$672,000 reimbursable grant; the Town is reimbursed dollar for dollar, every dollar paid to GZA. The SBA has deposited \$150,000 to the Town upon sign on with GZA. Even with the settlement, as long as the DEP grant is there we will continue to be reimbursed. On behalf of Jennie Merrill he asked the SB to allow the settlement to be signed. Don explained a data sheet in front of him. He asked Richard about payment and he responded that payment of \$72,000 this weeks will be for compromise for work already done by them; Change Order#3. Don asked where it was coming from and Danielle responded \$54,748.29 and 78,199.85. Richard said they were asking for approval to pay the \$54,748.29 that was held up from 2016 and an additional 78,199 to bring current with GZA for work to date. They will then enter into contract for future work for \$158,000.

Terry questioned the \$229,474 and was told that was the total payment they were requesting. Richard said that total payments over all \$485,000 and the SBA has raised 2.8 million dollars. They have a treasury who will pay all amounts to GZA

Danielle said that the Town has the payment for the \$54,748 as they were already reimbursed, but asked where the \$78,199 was coming from. Richard said it was in the Town's bank account already and Danielle asked if he wanted to use his CPC money. Richard said no, it is money that was already transferred to the Town. Danielle stated that Elaine said that that \$150,000 was gone. Richard disagreed.

Terri questioned how long the DEP monies would be available and Richard said they are protected through June of next year, and then the project will have to be refunded. There is some risk that Washington may not enforce and stop funding; there are however no guarantees.

Chuck said that if that money is not in the account and it has to be paid by June 30th

The dredging should cost about 2 million dollars. They are two years away and therefore have two years to raise funds.

They need to determine that the endangered snails will survive the dredging project.

Dredging would be slated for the winter after next.

Do made a motion that we enter into a settlement agreement with GZA for the Stockbridge Bowl dredging project and to authorize the Chairman to sign said agreement ,change order, and any other documents needed to complete such settlement offer and to authorize payment to GZA for services rendered, pending Town Counsel approval. Chuck seconded, all were in favor.

Don stated that with confusions in the past, all communications will need to go through Danielle. Richard agreed and said for the future, if Danielle shares the building with SBA we will try to monitor it also. Michael Nathan and Richard Seltzer are managing the project for the SBA.

Michael Nathan spoke that he had been in touch with Mr. Wellencamp but it was put to the side. Don said that he and Danielle will discuss it further.

Next on the agenda was Mark Volk from Foresight Land Services with a public hearing for a Special Permit for Bernard Haan for property located at 16 Beachwood Drive.

Don made the motion to open the public hearing, all agreed. Do made the motion to waive the reading of the notice and incorporate them in the notes.

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, June 26, 2017 to consider the application of Bernard Haan for property located at 16 Beachwood Drive. The applicant is requesting authorization, pursuant to Section 6.1.2. of the Zoning Bylaws to allow the extension, alteration reconstruction or change of use of a nonconforming single-family dwelling. The property is in an R-2 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.

Mark Vole from Foresight Land Services presented a special permit for a preexisting, non-conforming parcel at 16 Beachwood Drive. He proposed the project to replace existing house, in the same footprint, and a new building to replace the out building, making it less non-conforming. The out building is a living quarter currently and is going to a garage below and living space above, not a full apartment.

Bob Mc Grath, 17 Beechwood Drive, questioned living buildings outside of the main building and went on to discuss the Stockbridge Bowl and chemicals.

John Hart, Rattle Snake Mountain Road and member of the Conservation Commission wanted to remind the Town that back in the 70s the Town voted to never consider putting chemicals in the Bowl again.

Don agreed that this fact is well known but does not relate to the Special Permit.

Don made the motion to approve the application as presented based on the finding that those changes would not be substantially more detrimental to the neighborhood. Chuck seconded, the vote was unanimous.

Terry suggested that all Special Permits go to the Planning Board first for recommendation and then to the Select Board. Don agreed.

Next on the agenda was Brian Cruvey, General Manager at Naumkeag , to review June events and approve July events. Brian asked to request approval for the events for the rest of the summer. Danielle said that on July 10th a public hearing will be held to present the new Entertainment Policy. Chuck said that there have not been any complaints.

Don moved that they approve the one-day alcohol and event permits for the Naumkeag at Night events to be held from 5:00 to 8:00PM on July 6th , 13th and 20th and their Garden Party on July 22nd from 4:00 to 7:00PM; Chuck seconded, the vote was unanimous.

Tom LaBelle, Church Street, added that after the last meeting concerning Naumkeag's permits, he spoke with Marc and Margaret from Naumkeag and suggested that in the future when there were problems, they get together as neighbors instead of coming into a meeting. He said that there is no debate on the value of Naumkeag as it may have appeared; just adjusting conditions among neighbors.

Next on the agenda was contract discussion with Mungy Studios for website design.

Terry suggested that Danielle could meet with interested people with ideas to run by beforehand so that the upfront work is already anticipated. He felt that this would be beneficial and it was agreeable. Don agreed that this was already the case.

Don made a motion to enter into contract with Mungy Studios of Stockbridge, Massachusetts for website design in the amount of \$235.00 a month. Chuck seconded, the vote was unanimous.

Next were the FY18 Yearly Appointments and announcement of vacancies.

Don made a motion that they make the following appointments as of July 1, 2017:

Veterans Agent: Laurie Hils, District Director – 1 year (2018)

Board of Registrars: Nancy Wilcox – 3 years (2020)

Berkshire Regional Transit Authority: Open

ZBA: Tom Schuler – 3 years (2020) and an alternate position available

Terry noted that the ZBA and Conservation Commission would like more time to make their recommendations. The context historically is if there is a vacancy, the Boards make their recommendations. Don asked how much time was needed.

Ron Broker, Chair of the Conservation Commission, stated that historically the Commission looks to the community for members and they can run short. Michael Roisman had submitted a request to be one the Board and the commission will meet to discuss the position.

Berkshire Regional Planning: Carol Owens – 1 year (2018)

Conservation Commission: John Hart – 3 years (2010), Jay Rhind – 3 years (2020), an opening for a position for 2 years, the remainder of a vacated term.

Council on Aging: Suzanna Rodgers – 3 years (2020)

Community Preservation: Opening for one year (2017)

Wire Inspector: Nick Fredsall – 1 year (2018), Henry Blanchard, alternate _1 year (2018)

Highway Superintendent: Leonard Tisdale – 1 year (2018)

Special/Reserve Officers: Jacob Stringer – 1 year (2018), Zachary DeSantis – 1 year (2018), Chad Heath – 1 year (2018)

Constables: Darrell Fennelly – 1 year (2018), Donald Hopkins – 1 year (2018), Rosario Messina – 1 year (2018), Kirk Nichols – 1 year (2018), Michael Bourisk – 1 year (2018), Tom Rubino – 1 year (2018), Shauna Slater – 1 year (2018)

Community Preservation Committee – Carol Owens – 1 year (2018)

Don said concerning the ZBA they have two people interested and will relay then to the ZBA.

Don moved that they all of the appointments be approved. Chuck seconded, the vote was unanimous.

Michael Roisman, 44 Glendale Road, spoke questioning the Old Town Hall and if they were paying rent. Chuck said that they do not pay rent, only maintenance. Michael asked what was happening with the building and the Committee looked at options and the Waldorf School and the Norman Rockwell Museum. The School is going elsewhere and the Rockwell has not come forward with any requests. He also asked about nonresidents speaking at Town Meetings. If they ask the moderator to speak and he approves, they may speak.

With no further items on the agenda, Don made the motion that the Board move into Executive Session to discuss contract negotiations with Danielle Fillio for the position of Town Administrator because the chair has determined that such discussion in open session would have a detrimental effect on such contract negotiations and not to convene in open session after the conclusion of the executive session. Roll call; I Terry, I Chuck, I Don.