

July 19, 2017 9:00AM Select Board Meeting

Present: Don Chabon, Chuck Cardillo, Danielle Fillio

Don opened the meeting and mentioned that for health reasons Terry Flynn will be back by mid-August, possibly August 21st. He wished him well.

Don announced the upcoming meeting dates: July 24th, Monday at 7:00PM; August 7th, Monday at 7:00PM; August 16th, Wednesday at 9:00AM; August 21st, Monday at 7:00PM; Sept 11, Monday at 7:00PM, August 20th, Wednesday at 9:00AM and August 25th, Monday at 7:00PM.

Don mentioned discussion about getting together with the Town's non-profits. Don is looking forward to getting the process started.

First on the agenda was the Highway Department with bridge updates and costs.

Steve Mack from Foresight Land Services stated that they are working on the two Averic Road bridges and the BCD Bridge on Rt. 183. Preliminary bid estimates for the Averic Road bridges are 1.4 million dollars for both and for the BCD Bridge on Rt. 183 around \$600,000 to \$700,000. They are schedule wise ready for the Averic Road bridges to go out for bid any time but are a little behind with the 183 bridge.

Don asked about recent estimate changes based on new State requirements and if it would be an issue and Len said that they will need to get additional financing through grants. Both repairs will have to go through the Chapter 85 review process which creates the framework for the design. The Small Town Bridge Program or \$500,000 will be applied for the Averic Bridges to offset the difference. Len said that he is applying for the P-grid funding of 2 million dollars for the Larrywaug Bridge but if the Town does not get the P-Grid, he will apply for the STRAP Grant of \$1 million dollars and the Averic Road Bridge repair may need to be sacrificed. Chuck asked about the 183 South repair and Len said that they are looking at it. There is an abutment collapse and are evaluating it. Chuck said that once it is evaluated, decisions will be made on finance.

Len gave an update on the Highway garage. He said that Maxymillian who is taking care of the contaminated soil has given them the release to bring it up. There is also asbestos sheeting that will be taken care of and the garage will then be ready for demolition.

Tom LaBelle questioned what the 183 South bridge is and Chuck responded that it is on 183 South in Glendale. Len added that it is technically a 6 foot span culvert/ arch similar to the Curtisville and Larrywaug bridges.

Next on the agenda was Chief Fennelly with police department updates. Darrell said that Office Slater is now Recruit Office Slater and all reports are positive from the Academy. December 15th is her tentative graduation date. In June, Darrell and Officer Nichols graduated from the FBI Leader Trilogy and achieved the Trilogy Award for the completion of three sets of classes based on police leadership.

Darrell continued that Office Desantis will be leaving the Department by the end of the week and will be going to Officer School for the United States Army. They will be looking for another officer.

The Department is into their busy season with Tanglewood and street paving projects.

Officers are spending more time in the downtown area and next year they will be looking into possible funding hours for downtown presence.

There have been two meetings for the planning of the Josh Billings race and things are progressing nicely and there so not seem to be any significant changes other than the possibility of construction on Church Street at that time. Officials have been notified and contingency plans are being looked at.

Darrell discussed parking on Pine Street. He feels that any vehicles in the road there takes up half the road and does not believe it is a good plan. The new plan was to ask for four parking places which still obstruct the roadway. Darrell made recommendations to remove a few trees to make some off road parking if regulated. Chuck made a motion to deny the four parking spots. Don seconded and the vote was unanimous. Darrell added that he understood the difficult situation they are having with the need of increased parking but the additional spaced would need to come from land on their own property.

Next on the agenda was the Facility Director with project updates. Chris said that as of Thursday afternoon of the previous week, the Verizon cell tower went on line. It works for Verizon customers with 4G or higher phones. The Town incomes yet remain to be determined. The Solar Array was mechanically completed on time and what remains is the interconnection with National Grid. The Town has negotiated to exit the property from the South and connection time frame is down to October of this year.

Chris continued that they are continuing to work with FEMA pursuing a Grant to fund the drainage improvements for the Town Hall. Construction will be from the rear parking lot of the building and outflow of the Housatonic River, from the back of the building, through the park, through the baseball field and out to the river. Most recent communication with FEMA is that they are requiring an archeological study which is expected. Digging will be in about the same location as the old pipes. A scope of work is being developed and funding remains to be seen. At this point in anticipation, Chris has spoken with Danielle and the Town Accountant about carrying moving forward surplus funds from the FY17 facilities budget to at least offset the costs but should know within a week. He is anticipating the next construction season.

Chuck asked about the security cameras for the Town Offices that were approved a couple of years ago and Chris responded that the project is on the horizon. Chris said that they would be adding to the current, very limited security system. The building is currently open and accessible more than operating hours and a system is being pursued.

Next on the agenda was the Fountain Committee updates. Mark Wilson discussed that the Dog and Cat fountain is in need of repair again. There was a restoration 25years ago but it is in need of restoration again. The committee is looking for funding for an assessment, engineering and scope of work to

determine what needs to be done to restore its function. The water trough fountain is also a fountain owned by the Town but they are currently looking only at the dog and cat fountain. The committee is an advisory committee to the Select Board for the upkeep of the Town owned fountains. Mark who is a curator for the Trustees of Reservations along with Kate Fletcher, Gigi Kingston and Carl Sprague are the committee members. They will be looking at both State and Federal funding along with any private funding that could be raised for the project. As it is a part of the historic district they could go to Massachusetts Historical for project funding also. Don asked how much work is needed and Mark responded that they would be looking at making a copy of the fountain that is there, make changes to move the power box, and possibly recirculating the water. There is no time line until they have a scope of the project. Chuck made a motion to appoint the committee members as an ad hoc committee as proposed. Don seconded and the vote was unanimous.

Next Don listed the following FY18 Appointments and moved to appoint Tom LaBelle as member of the Conservation Commission and Louise Gachet and Michael Roisman as alternates for the Conservation Commission. Chuck seconded and the vote was unanimous.

Next on the agenda was 37 Interlaken Road with review and discussion of status and activities with continuation of their Entertainment License application. Don began that the Board is looking at their application for an entertainment license, the adherence to sign regulations and the promotion and vision of their project. He began that Don had received complaints about the signage for 37 Interlaken Road and Ned Baldwin, the Building Inspector has been looking into the sign regulations. Don read from a draft that two signs were authorized and in question are the number of signs out there, signs and placement are not what were presented, there are temporary signs draped over the fence, question of lighting of the signs and the building. Don will forward the issues to Ned. Don also asked that all issues to be addressed to selectmen@townofstockbridge.com.

Ginger Schwartz, Main Street, asked if concerns are signed so that people will know who is concerned and Don said that they are.

Don moved to re-open the application for the July 22nd entertainment license that was continued from the July 10th meeting. Chuck seconded, the vote was unanimous.

Robert Akroyd from Greylock Design with Tony Guthrie, managing partner, briefly updated the event. They retained service of a structural engineer and services of Architect Robert Harrison for a life and safety report for the mansion. A number of modifications were also made to the mansion itself to allow for guided tours. They have walked the building with both the Building Inspector and Fire Chief.

The intention for the Saturday event is to host a family style event from 10:00AM to 2:00PM where they will have an outdoor barbeque permitted the Tri-Town Board of Health, a permitted tent, a small quartet of chamber musicians from the Boston University student group, performing non-amplified music from noon to 1:30PM, guided hikes, a face painter, and Roger the Jester performing. They have an arrangement with the Police Department to provide traffic detail, four Fire Department members with a fire truck standing by on the property.

Don mentioned the report from the Building Inspector who is no longer issuing a temporary certificate of occupancy.

Josh Peyron, 62 Interlaken Road, asked who was invited. Response was that the event is for local people but was advertised in the Berkshire Eagle. He questioned the number of people who attended the previous two open houses and how many people were expected at the Saturday event. Mr. Guthrie responded that they expect from 100 to 150 people. Mr. Peyron's concern was what might happen to the property, especially noting concern of increased traffic on the road.

Attorney Richard Dahoney representing some of the neighbors of 37 Interlaken Road addressed zoning and stated that the property is residentially zoned, should not be used for commercial business and cited that the Board should not approve an Entertainment License that would be in violation of other codes. He asked the Board to deny the entertainment permit and to consult the building inspector concerning future commercial activities.

Chuck asked if they were charging for the event and the response was no and that they are a residence. Chuckie asked Mr. Dahoney what then makes it commercial and Mr. Dahoney said that they were a for profit entity. Chuck said that he did not believe that this event was for a commercial purpose. Danielle said that they have a recommendation from Town Counsel that states that the section of zoning bylaw that Attorney Dahoney was referring to is for principle use but they are Town Counsel said that what they are doing is not as a principle use but as an accessory event.

Don read Town Counsels' letter that stated that Counsel, Chris Heap had reviewed Richard Dahoney's letter and that they do not believe this Family Fun Day rises to the level of the zoning violation. The owner of the property is proposing to throw a onetime party that will last for several hours. This party is slightly unusual in so far as the owners are inviting the general public but it still seems to fall within the scope of a permissible accessory use of the land. Thinking might change if the owner were renting the property out to a third party; this would transform it into a commercial activity and if these activities were a regular occurrence it would then become a principle use on its own but neither of those facts are present. Based on what is known about the event, it does not seem to run afoul of the zoning bylaws.

Mr. Dahoney argued the point.

Howard Harrison , architect of record for 37 Interlaken Road, spoke that the residence's current use is as a single family home and an accessory use as determined by the Building Inspector and that they should be granted the Event License.

Stuart Hirshfield, 6 Meadow Road, stated that this event is a continuation of events and open houses that 37 Interlaken has held. It is a plan to excite the community of their development plans; a commercial and marketing project which he feels is purely commercial. He feels that the events remain commercial for future revenue in a residential area. He also questioned the number of people being allowed on the property.

Mr. Dahoney asked if the owners intend to report the cost of the event as a business expense on their Federal and State Tax Returns. Danielle stated that this is not relevant to the event permit. Mr. Harrison also added that this would not be the venue to discuss take.

As Ned Baldwin had to leave to attend another meeting, Ned handed the Board letters of structural and electrical inspections deeming it safe to enter the building. There will also to be fire and police detail at the event for safety.

Charles Kenny, 5 Meadow Road, spoke as an abutter and stated that if this will be a single family residence in the future, he would be totally for it. He however does not believe that the plan is for it to be a single family dwelling in the future; it is an illusion. He urged the Selectmen not to move forward under the illusion that this is a single family residence.

Anita Schwerner, 10 Lake Drive, agreed that this seems to be a commercial enterprise. She asked if alcohol would be served and the response was no. She also questioned the crowd size.

Josh Peyron went back to the question on attendance numbers.

Don said that he heard what everyone was saying but the Board needs to follow the advice of Town Counsel, which is that the event is admissible with no reason to deny. Don himself has serious questions about the value of the project for the Town. As far as for traffic Police will patrol; the building structure was accessed; this is currently a single family residence; there are no bylaws to support the vision and some developers change them but there is nothing against that; concerning their advertisements and promotions they are allowed by free speech. While he still has serious questions, Don said that he was hard pressed to find a reason to not approve the entertainment license.

Chuck added that as the house sits now it is a single family dwelling. Most of the complaints have to do with the future vision and the Board cannot comment without an official application before them.

Chuck moved that they approve the Entertainment License for the Family Fun Day. Don seconded. The vote unanimous.

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