

SELECT BOARD MEETING MINUTES
Wednesday, December 19, 2018
9:00 AM
TOWN OFFICES, 50 MAIN STREET

Present:

Don Chabon, Chuck Cardillo, Terry Flynn and Danielle Fillio

Call to Order:

Don called the meeting to order.

Announcements: Don noted the holiday closings for the Town Offices.

The Select Board will meet on January 7th, 16th, and 28th. He suggested February meeting dates of February 6th, 18th and 25th.

Status Reports: Don said that the meeting for the Traffic Study will be on January 7th. The RFP for the planner is on-going. Don discussed appointing a committee for Short Term Rentals and thought that it may be a good idea to hand it over to the Zoning Review Committee.

Minutes: Don made a motion to approve the minutes for November 7th, November 28th and December 10th. Terry seconded; all were in approval.

Agenda:

Pole Hearing - National Grid/Verizon

Don moved that they open the hearing for Verizon New England, Inc. and National Grid for their newly installed joint pole locations and to waive the reading of the notice to be incorporated into the minutes. Chuck seconded; all were in approval.

Notice is hereby given that the Board of Selectmen, acting as a Special Permit Granting Authority, will hold a public hearing at the Town Offices, 50 Main Street, Stockbridge, at 7:00 p.m. on Monday, December 10, 2018. Verizon New England, Inc. and National Grid are requesting permission to install 3 new jointly owned poles on Richmond Mountain Road across from existing poles numbered 16, 17, and 18.

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

Donald Chabon,
Chairman

The Berkshire Eagle
November 30, 2018

After a review of the project, Don moved that they approve the application as presented. Terry seconded; all were in favor.

Planning Board Appointment - Select Board & Planning Board

Danielle noted that in order to appoint to an elected board, the Board of Selectmen and a quorum of the Board in question must vote at the same time to approve the appointment to fill the remainder of the term. Danielle said that the Select Board voted to appoint Stu Hirshfield and that the Planning Board voted 5-0 to appoint Stu Hirshfield. As not done in conjunction with the Selectmen, Don would like to have an official statement from Town Counsel and recommended continuing until the next meeting.

2019 Seasonal Population Increase Estimation Form – Don moved that they approve the estimated seasonal population increase which is 5,000 residents. Terry seconded; all were in approval.

I Shree-2, LLC - New Annual Package Store Wine and Malt License

I move that we open the public hearing for I Shree-2, LLC and waive the reading of the notice to be incorporated into the minutes. Chuck seconded; all were in approval.

BOARD OF SELECTMEN
TOWN OF STOCKBRIDGE
PUBLIC HEARING

The Stockbridge Board of Selectmen will conduct a public hearing on Wednesday, December 19, 2018 at 9 a.m. in the Town Offices, 50 Main Street, Stockbridge, to act on Wine and Malt Only Package Store License Application under M.G.L. c.138, §15, as submitted by Kamleshkumar M Patel, the proposed Manager of Record for I Shree-2, LLC, for the property located at 11 South Street, and which application is available for review at the Stockbridge Town Offices in the Selectmen's Office.

The Applicant is seeking approval for a new Wine and Malt Only Package Store License, at the premises described as a single floor gas station convenience store, consisting of approximately 1,500 square feet, with seating for 4 persons, and 1 entrance and 2 exists. The building has occupancy of 30 persons.

Comments thereon may be submitted in writing to the Selectmen/Town Administrator's office, by noon on Tuesday, December 18, 2018, or in person at the hearing.

Donald M. Chabon,
Chairman

Don thanked the applicant for coming and asked them to waive the 30 day acting requirement for the ABCC and allow the Board to continue the hearing until they have all required information to complete the application. The applicants agreed.

Don move to continue the application with applicants approval until January 16th to let them get all supporting documentation for submittal to the board. Terry seconded; all were in approval. .

Annual Alcohol licenses –

Don moved to approve the following Annual Alcohol Licenses as presented for:

Berkshire Theatre Festival, Boston Symphony Orchestra – Tanglewood , Theresa’s Stockbridge Café, Michael’s Restaurant, Once Upon a Table, Red Lion Inn, Stockbridge Golf Club, Stockbridge Sportsmen’s Club, Stockbridge Wine Cellar and Wheatleigh. Chuck seconded; all were in favor.

Annual Entertainment License –

Don moved to approve the following Annual Entertainment Licenses as presented for:

Berkshire Botanical Garden, Berkshire Theatre Festival, Boston Symphony Orchestra – Tanglewood, Chesterwood, Michael’s Restaurant, Naumkeag, Norman Rockwell Museum, Red Lion Inn and Wheatleigh. Chuck seconded.

Terry Flynn asked about the statement in Naumkeag’s permit indicating the event time being “5 PM - 8PM, generally,” and he would like to strike the word generally from that and asked if that word was in any of the other permits. Danielle said no and explained “generally” was so that lights could remain on past 8 p.m. allowing to clear people off of the property. General Manager, Brian Cruvey that he was in agreement with the striking of “generally” from the application as long as they are not penalized if their lights are left on longer than 8 PM to allow people off of the property and to close things down properly. Danielle added that the BSO has their events until 11:00 PM and it takes time to allow for patrons to exit the property.

Church Street resident Mary Boyce said that Naumkeag was in a residential district, had over 50 entertainments since June and that residents are limited to two tag sales per year. Due to the fact that Naumkeag has entertainment, alcohol and side events on what is really a house and garden property, she sees them as a business. She asked why they are not held to the same standards as Town residents. She continued that as far as money making goes, Naumkeag does not pay taxes, has rented out a residence for over ten years and do not pay real estate taxes on that. She also noted that a greenhouse was built which will be another money maker. She felt that there are different standards for residents and did not understand why the Trustees can have a business in a residential area and would like this researched by Town Counsel. She stated that she did not have sympathy for the 9:30 shutting down of the lights when the event is supposed to be closed at 8. She did not think that they were that organized and that parking and traffic is a problem. She also felt that as they are running a business in a residential district, the Selectmen should put the resident’s best interest forward.

Chuck stated that all of the Town’s non-profits are located in residential neighborhoods, they all make noise, they all make money and it is not right to single Naumkeag out. He continued that if the Town would set regulations it would need to be done across the board. He said that Tanglewood holds concerts until 11 p.m., Chesterwood has evening weddings and they are both nonprofits in residential areas. He said that Christmas lights go off at 8:30, they are not a

noise issue and he felt that Naumkeag was getting beat up for something that every other nonprofit is doing.

Don said that there are also often times concerns about events at Tanglewood.

Terry said that he did not disagree with Chuck's statements but that a policy should cover everyone. He felt that questions should not be considered contentious. He also wondered when a place like Naumkeag has fundraisers, if the profits are going directly and solely to the upkeep of Naumkeag or if they go into a central account in the Trustees of Reservations. He felt that this could be answered differently from each nonprofit but felt it would be important information to then have for a basis for a rational discussion. He also felt most importantly that when people are complaining they are not doing it with hostility, just looking for a form of limitation and would hope that there would not be an equally hostile reaction because people are daring to question and ask for some limitation. He also felt that whatever the Town's posture was towards Naumkeag, there should be a posture toward other institutions; in that context also looking at the density of the residential area where the institutions are located as that could be a factor.

Brian Cruvey said that Naumkeag has made compromises with the neighbors with 8 o'clock stop times and have cut out weddings and the Naumkegger due to complaints and wanting to be good neighbors. He felt that if there are legitimate complaints that they are doing things that cause a detriment, they are willing to listen, not be hostile and make changes. He felt that this seemed more like a principle debate and not something that was founded in a substantial complaint. He said that eight o'clock is very early and they are not impacting the residents on Church Street with traffic, work to be as safe as possible and pride themselves on making Naumkeag not just a place for tourists and the summer but also a place for the community both during the summer and off season. They are trying to add value to the community and be good neighbors. Chuck added that they are doing a great job. Terry again stated that he was not disputing their intentions or anything else but did feel that Mary's questions on commercial activity and nonprofits were legitimate questions and feels it should be looked at and explored. Brian agreed and said that until there is a decision reached on the broader construct of nonprofits versus residential versus business; Naumkeag was doing their best to accommodate complaints and concerns. Chuck restated that the 8:00 p.m. restriction was originally placed because of a noise issue.

Don amended the motion to approve the Annual Entertainment Licenses as presented for: Berkshire Botanical Garden, Berkshire Theatre Festival, Boston Symphony Orchestra – Tanglewood, Chesterwood, Michael's Restaurant, Naumkeag, Norman Rockwell Museum, Red Lion Inn and Wheatleigh and that they strike the word "generally" from Naumkeag's application. Terry seconded; all were in favor. The vote was Don I, Chuck I and Terry I.

Special Municipal Employees for Conservation Commission

Don moved that all consultants who:

(a) are engaged by the Stockbridge Conservation Commission under the provisions of *M.G.L. c.44, §53G*; and

(b) are, because of that engagement, considered “municipal employees” under *M.G.L. c.268A, §1(g)*; and

(c) do not earn compensation from the Town of Stockbridge for more than eight hundred hours of work per year;

be designated as “special municipal employees” as defined in *M.G.L. c.268A, §1(n)*.

Terry seconded; all were in favor.

Fire Department Scam / Questionable Transactions - Select Board report

Terry read the following motion which was approved 2-0 in executive session:

I move that, effective immediately, Fire Chief Ernest J. ("Chuckie") Cardillo be placed on partial administrative leave, with pay, from his position as Fire Chief of the Town of Stockbridge, during which time he shall cease to perform the duties of the Stockbridge Fire Chief, except as follows:

1. Mr. Cardillo shall continue to serve as the Town's Fire Inspector, exercising the powers and duties set forth in *M.G.L.c.148, §§10A and 26F1f2*;
2. Mr. Cardillo shall continue to serve as a certified Emergency Medical Technician (EMT) for the Town, as defined in 105 CMR 170.020;
3. Mr. Cardillo shall perform such additional tasks as are assigned to him by the Interim Fire Chief appointed by the Select Board to serve during the period of Mr. Cardillo's administrative leave; and
4. Except as necessary to perform the tasks enumerated herein or during vacation, sick or personal leave time, Mr. Cardillo shall be present at a Stockbridge Fire Department facility during the hours of 7:00 a.m. until 3:30 p.m. Mondays through Fridays and available to respond to any public safety emergency or call requiring Fire Department response within the Town or pursuant to any mutual aid agreement with other Towns.
5. Mr. Cardillo shall devote a minimum of 40 hours per week, including vacation, sick, weekday holiday and personal leave time, to the duties set forth in this Amendment.

Terry added that interim Fire Chief would be Neil Haywood and the assistant chief would be Peter Socha. He continued that meanwhile negotiations were ongoing and there could be no further discussion on that topic.

Don stated that in addition was the policy/procedural items was the reimbursement of the vendors in question and Town Counsel was reviewing and will be advising on cost versus probable result. They have enlisted the Town auditors to access the Town's purchasing and procurement policies and make recommendations. He noted that the Town does have a in place a formal written procurement policy adopted on November 2017. In addition they are requiring all bills over \$2,500.00 or from vendors with multiple billings to be approved by the Town Administrator. Additionally all Fire Department bills need Town Administrator authorization for payment. An afternoon meeting would be held with all department heads reviewing the situation and reissuing the policy and emphasizing compliance. Once there is an auditor's report they will be meeting with the financial team to see if any additional policy decisions need to be considered.

Don commended on the professionalism of everyone during this difficult process.

Adjournment:

With no further business, Don made a motion to adjourn. Terry seconded; all were in approval.