

**STOCKBRIDGE SELECT BOARD MEETING MINUTES**  
**Thursday, August 13, 2020**  
**6:30 p.m.**  
**TOWN OFFICES, 50 MAIN STREET – Zoom Meeting**

**Present:**

Chuck Cardillo, Roxanne McCaffrey, and Patrick White

**Call to Order:**

Chuck called the meeting to order.

Chuck first noted that the Board needed to sign and post the State Primaries' Warrant for the elections.

Next the Board was to sign the Fiscal Year End Transfers and Chuck had some questions before signing. Chuck made a motion to table this until the next meeting. Patrick seconded; all were in favor.

Next on the agenda was a Special Permit hearing for Emerald Lake Nominee Trust, Lori A. Robbins, Trustee for property at 20 Mahkeenac Shores Road. Chuck made a motion that the Board open the hearing for the 20 Mahkeenac Shores Road special permit. Patrick seconded; all were in favor.

Notice:

BOARD OF SELECTMEN  
TOWN OF STOCKBRIDGE  
SPECIAL PERMIT HEARING

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 6:30 p.m. on Thursday, August 13, 2020 to consider the application of Lori A. Robbins (Trustee of the Emerald Lake Nominee Trust) for property located at 20 Mahkeenac Shores Road. 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. Persons wishing to access this on-line public hearing should consult the posted Agenda for instructions and access codes. The application is filed in the Town Clerk's Office and the Selectmen's Office from where a digital copy of the application can be requested.

Ernest J. Cardillo,  
Chairman

The Berkshire Eagle  
July 22, 2020

The Berkshire Eagle  
July 29, 2020

Lori Robbins spoke on the application. She stated that the lot is non-conforming with regards to lot size, frontage, front yard setbacks, all side yard and rear setbacks, maximum lot coverage and density. The only conforming aspects are the use and height. The applicant is seeking to demolish the existing structure and reconstruct a new 2 story dwelling that will have a poured foundation and walk out basement. Off street parking will be provide

for 3 vehicles. The new dwelling will not create any new nonconformities. Lori also noted that the new dwelling will not increase any pre-existing non-conforming setbacks. The proposed building will be on the existing footprint. The architect, Pam Sandler gave a review of the proposed home. Chuck noted the Planning Board had signed off and the Historic Preservation Committee signed off on the demolition. Chuck asked for comments of which there were none. Chuck made a motion to close the public hearing. Roxanne seconded; all were in favor. Patrick made a motion that the Board accept the special permit for 20 Mahkeenac Shores Road. Chuck seconded. Vote: I Patrick, I Roxanne, I Chuck.

Next on the agenda was a discussion with Board of Health and a Mosquito Control Presentation by Chris Horton. Dr. Kenny, Board of Health chair, thanked Chris Horton for attending and noted that the Board of Health has reviewed the program in the past and that the program is important State-wide but locally it does not have any current medical merit as the incidents of West Nile Virus and EEE being only one case of West Nile in Berkshire County in 2018 and none for EEE since 2013. Dr. Kenny said that the adulticides being used are Duets which do pose some risks. He said that the use is laudable when there are incidents. He noted that there is also the possibility of the development of resistant mosquitos. Looking at the Stockbridge Bowl algae bloom, the Board of Health was interested in the locations and timing of the particular chemicals used. In addition, The Board could not obtain specifics on costs and funding. Dr. Kenny did not feel that there is a documented or clear need for the program from a medical point of view or from a public safety point of view; but more so now to not recommend it at the present time. He believes that this is why the towns of Lee, Lenox, Great Barrington and West Stockbridge have decided not to participate in this program. He also noted that in the towns who do not participate, the incidents of virus are the same as in Stockbridge. Board of Health member, Henry Schwerner said that they all agree with Dr. Kenny and feel that there is cause for concern. Jim Wilusz, Tri-Town Board of Health, said that there is much confusion on whether mosquito control in general is a disease program vs a nuisance program and that his personal feeling is that many communities utilize it as a nuisance program. They would rather see the adulticideing done as a response to disease prevalence rather than spraying because mosquitos are a nuisance. Henry added that the program has been going on since 1945 and it can be approved again or dismissed. Dr. Kenny added that as an alternative, the DPH and CDC recommend as a first line, when there isn't a disease situation, using DEET spray, which also protects against Lyme Disease. Next, Chris Horton from Berkshire County Mosquito Control presented a slide presentation on mosquito management. He noted that the process to control mosquitos is integrated mosquito management which is knowledge based, surveillance driven and resource limited. Mr. Horton reviewed the management process and said that they use a bacterial product for larval control. If there is an issue with adults, they use a product called Duet. He felt

that the product was misrepresented and has been used for over 30 years with no verified ill effects and is regulated by the EPA. Mr. Horton shared a GIS Maps of breeding locations and treated catch basins in Stockbridge. Mr. Horton was not aware that the Board of Health specifically wanted to know what they do and where they do it; what, when and where. There are also three mosquito trap locations in Stockbridge and the collected mosquitos are sorted by species and samples are sent to DPH in Boston where they are tested for arbovirus and they have found significant arbovirus in the Town of Stockbridge in the mosquito population. While statistically people aren't getting West Nile Virus or EEE in Stockbridge, measures that have taken place over the last 10 years and before which would have mitigated the risk to the population for West Nile Virus. In 2019 there was not a detection of West Nile in the population and was also not detected in the mosquito population. In 2018 ten pools of mosquitoes tested positive for West Nile virus in Stockbridge. He noted that this is a public health risk. Each of these ten isolations (samples from 3 trap sites) was followed by a response of treatment. The treatment significantly reduces the mosquito population and usually knock out the positive findings for several weeks from the site. Roxanne questioned what the frequency of the surveillance is, when and how done. Mr. Horton stated that traps are set weekly, one night per week and those samples are sent weekly on Tuesdays with results on Thursdays. Routine mosquito control treatment is on Friday mornings, which is when a response treatment would occur. Roxanne questioned they types of reports sent to the Town and Stockbridge Board of Health. Mr. Horton said that he indicated to the Town Manager each time there was a positive result and as Tri Town Health is the reporting agency for Mass DPH, Jim would have been informed of each isolation. Roxanne questioned when and where the maintenance of drainage systems is done. Mr. Horton stated that drainage from Pine Street, behind the tennis courts, through Riggs, behind Sergeant Street, through Naumkeag, across the road through a culvert, to a drainage channel behind the transfer station, and eventually to the Housatonic River. This drainage system is maintained yearly. Roxanne asked if it is coordinated by Highway or Water and Sewer Departments and the response was that he talks regularly with the Water Department but as they are working in wetlands others would need to be permitted to do that work, therefore it is done on their own. Patrick questioned treatment without positive detections and asked if they could be a part of the program but only treat when a positive vector for one of the two diseases is found. Mr. Horton understood his concerns but stated that the science says that high vector populations (of the mosquito which transfers the diseases) are a hazard in themselves; by spraying for a high number of mosquitos in a specific location, the goal is to reduce the population of vectors and slowing the process of amplification of the virus in the environment. Patrick again asked why not only treat as a response when the virus is found. He also noted that they spray in response to resident complaints and an indication of high mosquito populations in the field. Patrick said that he felt that spraying should not be driven by who complains about mosquitos. Hank Schwerner, Board of Health, said that Mr. Horton supplied a

map of Pittsfield when asked to come before the Board of Health. He added that the surrounding towns of Lee, Lenox and Great Barrington are not a part of the program and they have the same issues as Stockbridge; what is the difference? Mr. Horton said that Stockbridge has a serious flood plain issue and that Stockbridge supports a higher quality of life with high end resorts who have benefitted from mosquito control. Roxanne said that this is the first time she has seen this information and questioned why the Town would not receive regular reports on specifics and why the Town would not be able to direct nuisance control. Mr. Horton said that all the Board would have need to do was to ask; they have a data base that can be available to the Board at any time. He said that the request came for this meeting with an associated cost to each of the treatments, which they don't track costs for specific treatments as they vary. Chuck asked if they contact the Highway Superintendent when they do the catch basins and Mr. Horton said that he had contacted the Highway Superintendent two to three days ago and Len indicated that the catch basins are cleaned for the season in early spring and as their treatments do not begin until July, they do not overlap. Chuck again asked how a budget is arrived at if they do not have costs and Mr. Horton said that they do have treatment costs. Chuck asked if the budget ran out would they stop treatment and the response was no. Mr. Horton said that Stockbridge contributes 30 plus thousand dollars to the project but if Stockbridge has problems that exhaust the funds, the State would contribute to keep them on tract. Mr. Horton stated that the funding (\$34,000 for Stockbridge) is established by a look back budget and the individual Towns are assessed base on a formula based on three factors: 1) the population of the Town or City, 2) the equalized tax valuation of the Town or City and 3) the size of the land area. Dr. Kenny stated that the idea of this being a public health risk is being over emphasized when looking at the data throughout the State and if necessary treatment is warranted, but if a nuisance control program the Town deserves to know what is going on and when it happens; a good accounting of what is going on. He also said that he disagrees that there are not human health effects and that it is not an accurate statement. From a Board of Health point of view they should 1) label it a nuisance control program and 2) the Town deserves to have a suitable accounting of what is going on so that people in the Town see when and where this is happening and weigh in on if they do or don't want it to happen. Locations such as Tanglewood who benefits from being sprayed every week on a regular basis, mount up in terms of cost and perhaps the application should be reviewed. He said that he did not like the idea of this being so vague. Mr. Horton said that the best way to move forward would be for the Stockbridge Select Board to request to the Commission that oversees the project and ask for specific information or a reporting schedule with specific deliverables and that it could be provided. The Board said that they would follow up with Mark. Jim Wilusz clarified that he is the agent for all three towns but has never been included in any type of communication with respect to positive samples; maybe there is a communication problem between Town Administrators or not, but he never recalled being notified of positive samples. Looking at the 2019 annual

report that Mr. Horton had up on-screen share, Jim said what was striking to him was what was eluded to that mosquito control was a comprehensive program and education, community outreach, the larvaciding in the spring; should all take place initially and adultciding is a case by case basis that reviews the risk, but even in this report no isolations of West Nile Virus or EEE were found yet the Duet was applied multiple times from June to September, 18.4 gallons, meaning there were no positive samples of West Nile Virus in bugs found yet but spraying was happening since the beginning of the season. Jim had the 2017 report which is similar but Duet was applied beginning June 16, 2017 all the way through mid-September yet the first sample of positive mosquito was October 31<sup>st</sup>, meaning multiple adultciding applications had happened without a positive bug sample. Jim felt it important to know that adultciding is not happening as a result of positive samples, it's the opposite. Jim also stated that the Board of Health had reached out to gain information, a year to a year and a half ago and received very little information, and more recently a follow up. Mr. Horton said that they are available at any time to provide information to any Board of Health and are always open to that communication. Dr. Kenny spoke to the use of Mr. Horton's use of the words 'high risk' and that the DPH currently lists Stockbridge as a Town that has a remote risk of EEE and a low probability risk of West Nile Virus. Patrick noted that as this program was endorsed at Town Meeting and would need to be on a Town Meeting Warrant and a vote to be unendorsed. In the meantime he would like to improve upon the communication issue and put it on the Board of Health if they were to make a recommendation to the Town to put on the Warrant if they felt the item is warranted. Roxanne asked that Mr. Horton send the information he presented to the [selectboard@townofstockbridge.com](mailto:selectboard@townofstockbridge.com) email then they have a discussion about the information that they would like to request from the commission on a regular basis and what kind of a schedule they would like reporting and specific information they would be asking for. Mr. Horton agreed that it was the best way to move forward. Jaimee Minacci added that she felt that fear is not a quantifiable statistic and cannot base spending over fear or nuisance. She stated that a standard of life is an opinion not a fact.

Next discussed was Sidewalk Safety/Parking spaces near Main St. Café. Patrick said there were concerns from people about passing through the outside tables and possibly consider removing parking spaces outside the business temporarily and route pedestrian traffic around the tables as opposed to through the tables. Roxanne stated that this option would be a serious safety hazard and Town Counsel would not endorse this idea. She continued that there are various safety issues, one being COVID-19 and people passing through tables with unmasked patrons, secondly tables being close to curb where vehicle pull in to park and this also applies to the Lost Lamb seating. If the curbed tables are removed the issues go away. Another issue with allocating parking spaces is where do you stop. Chuck suggested looking further into this and the possibility of barricades. Roxanne noted that this is on

the main street of Town and said it was agreed that restrictions have been lifted but if there was an issue, it would be addressed. She said that taking back the curb side tables on both sides of the street is the safe thing to do. Joe Sonsini responded that he concurred with what was said as far as the lack of six feet and the parking danger. Roxanne said that they do however have other options which were discussed. Joe said that he appreciated what the Board had done and would do what needed to comply. Barbara Zanetti said that initially the discussion was not to have pedestrians walking through tables and still feels that possibly for safety something could be added to the sidewalk to identify a side walk safe zone from tables. Kate Fletcher asked if they were aware about Massachusetts Department of Transportation funds provided for the quick launch- quick build grant program, which provides grants for cities and towns to quickly implement or expand improvements to sidewalks, streets, public parking lots, to support public health, safe mobility and renewed commerce. Roxanne said that they had already applied.

Next on the agenda was a discussion on the Town Office AC. The AC is not operable as a line from the building to the unit has a leak. Chuck said that Chris has an engineer looking at it tomorrow. It will not go into next season which was suggested. It will be worked on as soon as possible. Roxanne asked what could be done in the mean time for those offices most affected, including the BHRSD, if a lengthy process; such as some portable AC units. Chuck felt that it could be done within the week but will know more after meeting with the engineer. Barb Zanetti commented that it is not all about comfort, with COVID proper air flow is required in the buildings and if not up to par employees may need to work from home. Chuck said that some systems and hallway fans are in place. Charlie Kenny said that airflow in a room is important, with proper ventilation. He said that it is an important issue.

Patrick recused himself from the next item. Chuck stated that Berkshire Waldorf was requesting use of the gym for classroom use from August 31<sup>st</sup> until June 4<sup>th</sup> with about 18 students and rotating teachers. Chuck said that as the building is not open to the public, they would not be able to accommodate them currently. Chuck made a motion to deny the request. Roxanne seconded; Roxanne and Chuck were in favor.

Next, Roxanne gave a Code Red Update. She said that lately the Town needed to send out some code red messages and she wanted to reminded residents to register for Code Red if they haven't already done so, even if they were in the old system. The sign up is available on the website and there are many options available. If people do not have internet service, paper signup sheets are available at the Transfer Station, the Police lobby and the Town Clerk's office. Once completed they can be returned to the Town Offices and information will be input by the Town. Patrick noted that Code Red messages come in as ECN Communications on land line phones.

Roxanne also reminded residents to sign up for the 2020 census as the Town has very low response.

Chuck next noted a thank-you letter from the Board to Austen Riggs In lieu of tax payment of \$1,600. The Board extended their tanks.

Kate Fletcher asked the Board check on the Fountain Committee's request for restoration proposal for the dog & cat fountain and the water trough as a proposal has not yet been posted. Chuck said that they would check in with Mark.

**Adjournment:**

With no further business, Chuck adjourned the meeting.