



Select Board

21 State Line Road PO Box 525 West Stockbridge, Mass. 01266-0525

Tel. (413) 232-0300 x319

Fax. (413) 232-7195

E-mail: admin@weststockbridge-ma.gov

Select Board Meeting Minutes

July 8, 2020

21 State Line Road, Town Hall

6:00 PM: Open Meeting

Quorum present: Select Board Members: Eric Shimelonis, Roger Kavanagh and Kathleen Keresey, Town Administrator Marie Ryan, Police Chief Marc Portieri and Police Sergeant Rosario Messina.

Signed warrants.

Review and act on previous meeting minutes.

Meeting Opened at 6 PM

Town Administrator, Marie Ryan, opened the meeting. Eric began by welcoming the new Board members and all the citizens who had joined the meeting through Zoom. He stated that the Town is trying to allow as much participation in meetings as we can and that we will try to get better as we go along.

Marie then welcomed the new Board members as well. She then asked for a nomination for Chair. Eric then explained that he has had a tough first year as a Select Board member and he feels it will be in the best interest of the Town to have some new voices and someone who the Board would greatly benefit from having as a chair. He then nominated Roger to be the new Chair, Kathleen seconded and all were in favor. Then Marie asked for a nomination for a Clerk of the Board and Eric nominated Kathleen, Roger seconded and all were in favor. Marie then asked for a nomination for the Secretary of the Board and Roger nominated Eric, Kathleen seconded and all were in favor.

Agenda Items/Action/Discussion Items:

Discussion – Chris May

Chris May explained to the Board that the homeowner had plans designed and then COVID-19 hit and the homeowners are healthcare workers and got extremely busy. They were able to get a quote on their plans but the numbers came in too high for their budget. In the meantime, Chris had submitted the plans and had gotten the building permit and paid the fee. Once the homeowners decided they just could not get this done right now due to COVID-19 and the high estimate, Chris contacted Brian DuVal, Building Inspector and asked about getting the permit fee back. Chris stated that Brian told him there are no refunds and that was the policy. Chris is looking to ask the Board for a solution that is fair to the homeowners.

Marie then stated that she spoke with Brian about this and Brian sent her an e-mail response which she read out loud which was:

"If they wish to keep that permit active they can. The code allows a permit to be open for two (2) years. Work is required to begin in 6 months of receiving it, but with a written request it could be extended another 6 months. They cannot transfer the fee to another project."

Chris felt this was a great solution and he will write a letter to Brian to extend the permit for the additional 6 months and that way the homeowners will not lose their permit fee. Chris thanked everyone. The Board had no further comments.

Funding Sources – Kathleen Keresey:

Kathleen mentioned to the Board that there is a grant she would like the Town to apply for, it is the Shared Streets and Spaces. She explained what it was. Marie told the Board that she had already submitted a general submission in regards to biking, walkability and sidewalk improvement through this grant.

Eric congratulated the Town on approving the Community Preservation Act and said that he was informed that it was the highest positive number of votes so far for any town that has accepted this Act. Eric also mentioned that the Town is on track to getting a \$125,000 grant through Green Communities. He said that most of the work has been completed to qualify and he is working on the final items needed to submit the application to being accepted as a Green Community. He said these funds can offset the costs of many projects in Town including items such as possibly boilers, of which we need a new one at the DPW/Fire Department currently.

Roger and Kathleen want to look further into the Shared Streets and Spaces Grant to get something more specific submitted.

Kathleen then noted that these new types of committees/groups (Master Plan, CPA, Shared Streets and Spaces) will need input from the community as to what types of projects they want in town and she suggested that the Board look into ways of reaching out to get input and involvement from the community. The Board decided that they will also discuss this at the next meeting as well.

Police Department Update – Police Chief Marc Portieri:

Marc told the Board that the Department had 4,000 calls so far this calendar year. Last year they had 6,800 in total for the year. Marc attributes the high number of calls to COVID-19. Kathleen asked what type of calls he received. Marc said that some of the calls were from residents that were afraid someone was breaking into their houses. Eleven of them were Section 12 (mental health issues). He feels that COVID-19 has a lot to do with the increased calls due to people losing their jobs, less money, depression, etc.

Marc then informed the Board that Police Officer Brandon Messina will be attending the Full Time Academy in September as long as COVID-19 does not cause a delay. He said that currently Brandon is working full time because he got a 290-day waiver for him to be full time and has 290 days to attend the academy. Roger asked if Brandon will stay after we pay for the academy and Marc assured Roger that Brandon will be staying here.

Marc told the Board that when COVID-19 hit, he started with 24/7 coverage in the Department but now has cut back to 24-hour shifts on only 4-5 days per week. He said he switches which days each week so no one knows exactly when there is full coverage. He felt this was necessary for residents' safety with the break-ins. He also said that they are also giving out more citations. The Department handed out up to 45 citations in the past two weeks. Marc said he has also implemented 4-hour shifts on Main Street. He said that they are trying to mostly give warnings and are trying to educate people who are speeding through town and making illegal U-turns. They are trying to be the best at community policing and connect with the residents instead of causing them more hardship with tickets that have a fine attached to them.

Marc let the Board know that the new cruisers will be in place by the end of the month. Roger asked how he is getting this so fast and Marc explained that the place where he gets the vehicles asked him if he would be needing one when COVID-19 hit, and Marc said he was putting in for a new one at Town Meeting so the dealer bought as many as he could back in the beginning of March, and included one for West Stockbridge. Marc said that since he had one for us already, we did not have to wait long once it was approved at the Town Meeting.

Eric asked Marc about policing people who are not wearing masks in the areas like around 6 Depot. Marc said that they cannot do anything to people who live together and/or are more than 6 feet away from each other. The law is if you are more than 6 feet apart you do not need to wear the masks outside. Marc said that they try to enforce this and encourage and educate people to wear the masks and some put it on and others just ignore us. He said they do the best they can to get people to be safe.

Kathleen expressed her concern about the traffic and trucks j-breaking coming down State Line Road hill and asked if Police presence would help with that, suggesting maybe after a bunch of ticketed fines they may drive slower. Marc said that he has recently spoken with the owners of the frequent truckers (Gary O'Brien and Daley Trucking) and asked them to tell their drivers to try not to do that and slow down in that area. He said he will see if that helps.

Kathleen asked which days are the Police doing the 4-hour shifts on Main Street and Marc said they are out there mostly on Saturdays and Sundays at either 11 AM to 3 PM or 10 AM to 2 PM.

Discussion of total road closure on Center Street – Rouge Restaurant

Maggie Merrell, owner of Rouge, stated that she is requesting permission for Center Street to be closed during her business hours; Wednesdays through Sundays at 5 PM until close to enable her restaurant to have outdoor dining without worrying about the safety of her staff and the patrons.

Roger stated that he was at the last meeting and thought that this was already decided that one lane would be closed and everyone seemed to be good with that. He then asked Maggie what has changed since then. Maggie said that she has gone to Lenox and Great Barrington where they have outdoor dining with one lane of traffic going through and she feels it does not work. She said the cars are loud and a distraction from an enjoyable meal. She feels it is not successful to have traffic driving by while dining outdoors. She stated she also feels that closing the road would be beneficial for all, such as Truc and 6 Depot as well. Jeremy Kenny (Manager at Rouge) stated that this situation is changing daily and they are just trying to find a way to make it work and keep the business going. He said the logistics need to be safe and functional for everyone. He and Maggie really want and request full access to the street blocked for everyone's safety. Roger asked if Maggie had spoken with the Police Chief and the DPW Director. Maggie said yes and that is why she was on the agenda to get permission to have the road closed.

Eric said he really wants to help the local businesses anyway he can. He is in full support of doing what action the Board feels comfortable with to help. Kathleen asked the Police Chief where the disconnect is on this issue. Marc said he feels it is not a huge challenge to do this. He said they need to block off each end but that he is comfortable as long as they have two Police Officers, one at each end for safety. Kathleen asked if this was a statute or law and Marc said no but it is for public safety to make sure nothing happens with cars still trying to drive down the street. He also had a concern for the Farmers' Market on Thursdays as well as in an emergency for ambulances that may need to go down Moscow Road because they would need to drive around the block to get to it. Marc had another concern and that was the tables remaining set up in the parking spots all the time. He feels this will not work for the businesses during the day because it takes away those spots for customers during the day on that street. Jeremy and Maggie said they could put the tables up on the sidewalks during the day.

Roger asked if it was essential for two Officers to be present and Marc said that is how he felt, yes. Maggie asked if the cost of the Officers is their cost and Marc said yes. He stated that the Town does not have it in their budget and it is not a guarantee if they paid it and then submitted it to the COVID-19 Relief Fund if they would get that money back so it has to be on Rouge to pay.

Kathleen stated she really wanted to resolve this issue tonight and Eric agreed. Roger wanted to come to a conclusion that everyone would agree upon as well. There was some discussion about putting a large Town vehicle at one end and only needing an Officer at the other end. Marc then got DPW Director, Curt Wilton on the phone to talk with the Board. Eric asked Curt if it would be possible to put a Town truck to block one end or some other barrier. Curt said that he has several types of barriers and that Maggie should come see him and they can see what would work. Maggie agreed to see Curt. Eric then specifically stated that this is on Rouge to get the barriers and set them up and take them down. He did not think Town staff should be doing this. The Board agreed with that.

Eric stated that it seemed like this was the decision reached by all:

- Maggie meets with Curt for barriers to be used
- Rouge is responsible for the labor to set up and take down the barriers
- Tables and chairs will be removed from the parking spots so other business owners' customers can use those spots.
- There will be one Police Officer on patrol during hours of operation to wander as needed.

Maggie had a concern if someone is in the parking spots when they are trying to set up. There was some discussion about possibly putting signs up so no cars parked there after a certain time. Jeremy and Maggie stated that this is all new information and that they would have to sit down and figure out how it will all work out.

Marc and Roger stated that they need to get out the word that the street will be closed during those times so that the residents are informed. The discussion included notices in the Local Yodel and for Rouge to help in getting the word out.

Police Sergeant Rosario Messina also mentioned his concern that people may still want to walk down the sidewalk. This could cause an issue since the sidewalk will have tables and staff working on the sidewalk. Rosario just wanted Rouge to be aware so they could help in preventing this from happening for safety reasons. There was no further discussion and the Board felt confident in closing the road and for Rouge to work with the Police Chief and Curt Wilton on this.

Select Board Speak Time:

Eric discussed the issues in the past year with Fire Chief Peter Skorput and the fact that he is on Administrative Leave currently. He said that he has filed a disclosure form in the Town Clerk's office regarding the Executive Session that will be held this evening. Eric said that he will recuse himself from the Executive Session and allow the new Board members to continue with working on this issue. He then stated that he is recusing himself from the Executive Session.

Kathleen asked Marie about opening the public restrooms and Marie said there currently is no date set for the restrooms to open. Marie explained that it is all a Board of Health call and that

she will have Earl Moffatt, Board of Health Agent attend the next meeting and give updates. Kathleen also asked about funds to possibly put out picnic tables around Town for people to purchase takeout food and then be able to sit and enjoy their meals. Marie said should would ask Elaine, Town Accountant about that as well.

Kathleen asked about the next steps for the CPA. Marie explained the next steps are to create and approve a Town Bylaw to establish a committee so the funds can be used. Marie said this can be done at a Special Town Meeting in the future. Eric stated that there may be a need for a Special Town Meeting for some items involved for the Fire Department as well.

Eric asked the Board if they would like to hold an extra meeting next week to go over a few things and all agreed. The next meeting will be held on Wednesday, July 15th at 6 PM.

Kathleen asked Marie to purchase the Selectmen's Handbook for the Board. She also asked Marie if Earl could give the Board more information about the E. coli issue in Williams River and Alford Brook. Marie said she will have Earl attend the next meeting to go over any questions the Board may have. Kathleen asked Marie about having an Open Meeting Law class for the Board and Marie said she already contacted town Counsel and they are willing to do it and Marie will get some available dates and get back to the Board on that.

Citizen Speak Time:

Frank Landsberger asked the Board if the Town needs to spend the money upfront when using grant money or, do we just get the money and then spend it. Eric explained that the Town just gets the money then can spend it right away.

Joe Roy, Jr. thanked everyone for having the meeting set up on Zoom and he really appreciated being able to watch and participate.

Roger then stated the following:

THE BOARD WILL CONVENE INTO EXECUTIVE SESSION and Not to Return to Open Session, Executive Session, under MGL C. 30A, Sec 21 (a), 2 (conduct strategy session in preparations for negotiations with non-union personnel) and not to return to open session.

Roll Call Vote Chair's Declaration: I declare, under MG.L. c.30A, (2) that the purpose of the Executive Session will be to discuss strategy in preparation for negotiations with non-union personnel of the Town and Not to Return to Open Session at the conclusion of the Executive Session.

Roll Call Vote: Roll Call Vote to enter into Executive Session.

Kathleen – Yes

Roger – Yes

Open Meeting ended at 7:50 PM.

Respectfully submitted,

Marie Y. Ryan