



Select Board

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

Tel. (413) 232-0300 x319

Fax. (413) 232-7195

E-mail: admin@weststockbridge-ma.gov

Select Board Meeting Minutes December 19, 2022

Quorum present: Select Board Members Kathleen Keresey, Chair, Andrew Potter and Andrew Krouss and Town Administrator Marie Ryan

Kathleen called the meeting to order at 6:00 PM and listed Select Board members present.

Andy Potter made a motion, seconded by Andy Krouss, to approve the minutes from December 5, 2022.

Roll Call Vote:

Kathleen Yes

Andy Potter Yes

Andy Krouss Yes

Motion Approved.

Citizen Speak:

Truc Nguyen discussed her concerns in regards to Andy Krouss as a Select Board member voting on the Entertainment Licenses for the Foundry. She stated that she thought since he was on the Historical Society it may be a conflict of interest since she thinks that the Foundry and the Historical Society are in a partnership. Andy responded that the Historical Society has only ever had two events at the Foundry and there is no partnership. They do not have any future events planned at the Foundry and he does not feel he has a conflict of interest and can judge the approval without prejudice.

Truc also requested that the Board to be considerate when approving the licenses and how they effect the neighboring businesses and homes.

Annual Alcohol License Renewal for the Foundry:

Kathleen stated that the Board received a letter right before the meeting from Earl & Jackie Moffatt, Maggie Merelle and Truc Nguyen about their concerns for the Entertainment Licenses to be approved for the Foundry. The letter will be placed in the public record attached to the minutes of this meeting.

Kathleen made a motion, 2nd by Andy Krouss to approve the Annual Alcohol License for 2023 for the Foundry.

Roll call Vote:

Andy Potter Yes

Andy Krouss Yes

Kathleen Yes

License Approved.

Annual Entertainment License and Sunday Entertainment License Renewal for the Foundry:

Kathleen made a motion, 2nd by Andy Krouss to approve the Annual and Sunday Entertainment Licenses for 2023 for the Foundry.

Andy Potter requested that the application forms be completed with the missing phone number. Amy will provide that information.

Roll call Vote:

Andy Potter Abstain

Andy Krouss Yes

Kathleen Yes

License Approved.

Auto Class II & III License and Taxi Renewal for William B. Kie DBA: WBK Construction:

Kathleen stated that Billy Kie is having health issues and is unable to attend this meeting. She requested that the Board approve the licenses for 6 months at which time the Board can have a discussion with Billy prior to extending the Licenses.

Andy Krouss made a motion, 2nd by Kathleen to approve the Auto Class II & Class III Licenses and Taxi License for a 6-month period to expire on June 30, 2023 for William Kie DBA WBK Construction.

Roll call Vote:

Andy Potter Yes

Andy Krouss Yes

Kathleen Yes

License Approved.

Select Board Speak:

Andy Potter reported that the 8 Town School District Planning Board meet last week and he believes they have a final version of the make-up of the proposed new 8 Town Regional School District School Committee. The next step will be to work on the financial aspect of the new school district.

Andy informed the Board that he is still working on the records retention project and will keep the Board updated as he progresses.

Andy Krouss will be contacting the Massachusetts Broadband Institute to get more assistance and information on bringing high speed broadband to West Stockbridge. He will keep the Board updated.

Kathleen made a motion to adjourn, seconded by Andy Krouss at 6:50 PM.

Roll Call Vote:

Kathleen Yes

Andy Potter Yes

Andy Krouss Yes

Meeting adjourned.

Respectfully submitted,

Marie y. Ryan

Marie Y. Ryan
Town Administrator

December 19, 2022

Selectboard Town of West Stockbridge, MA

To West Stockbridge Select Board Members:

As the Board members consider the granting of Entertainment licenses to the Foundry for the upcoming 2023 period, this letter is to share our collective experience as it relates to impact to specific businesses which directly share property lines with the Foundry.

We believe that any consideration of any license for The Foundry at 2 Harris Street needs to address the following impact and detriment to our businesses, specifically as it relates to any entertainment which would allow amplification of outdoor events and must specifically address enforcement of any violations.

We would like to remind the Selectboard that it is not just ONE business that has experienced detriment due to the allowance of the amplification of outdoor events from entertainment licenses granted by the Selectboard, it has impacted THREE long-standing businesses, and a family's residence.

Charles H. Baldwin's Extracts

- During 2020 and 2021, amplified noise from the Patio Bar and the Foundry Green was disruptive to our business and customers; and
- Specifically, sound checks during the hours that Baldwin's is open for business.

Rouge

- During 2020 and 2021, excessive noise from Foundry events held outdoors impacted the fine dining experience of Rouge's customers, specifically during Covid when many of our customers were dining outside;
- Many have shared this experience in their own testimonies during the Planning Board hearings related to the granting of the Special Permit;
- Lack of crowd control resulted in constant trespassing on Rouge property during these events, specifically Rouge's back parking lot; and
- The lack of these controls, noise, trespassing, parking had a direct impact on Rouge's business.

Truc Orient Express Restaurant

- In 2020, subjected to amplified noise from the Patio Bar and lack of crowd control resulted in parking on our property and trespassing;
- Summer 2021, amplified noise from an unpermitted business, the Foundry, allowed to hold events on an unpermitted stage facing the Foundry Green caused loss of business, as customers did not want to dine out on the deck;
- Summer 2021, lack of crowd control resulted in the constant trespassing on Truc Orient Express property – specifically in the back parking lot, which continued to happen in 2022 despite conditions which were put into place by the last Selectboard; and
- Summer 2021, lack of parking controls resulted in Foundry customers parking on Truc Orient property, despite signage and barricades to deter this, and this continued to happen in 2022 despite conditions attached to their Special Permit.

The Nguyen/Duong Private Residence

- 2020, 2021 - amplified bass and drums through our home residence, and again in 2022 despite conditions on the Special Permit granted in Sept 2021;
- 2020, 2021 - Parking violations on Nguyen/Duong private residence, and in 2022 despite conditions attached to the Special Permit granted in Sept 2021; and
- 2021 – Trespassing on Nguyen/Duong private property with liquor and cannabis violations from Patio Bar customers.

Respectfully, we are requesting that this letter be entered into public records as the collective summary from the ONLY three directly abutting businesses, and a family residence, to share their property lines with the Foundry.

Respectfully submitted,

Jackie & Earl Moffatt
Charles H. Baldwin & Son's

Maggie Merrell
Rouge Restaurant

Trai thi Duong & Truc Nguyen
Truc Orient Express
Out of Vietnam
Nguyen Family