



Select Board

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Select Board Meeting Minutes July 26, 2021 Via Zoom

Open Meeting

Quorum present: Eric Shimelonis, Select Board Chair, Roger Kavanagh and Kathleen Keresey, Select Board Members, and Marie Ryan, Town Administrator.

Others in Attendance: Police Chief Marc Portieri, Police Sergeant Rosario Messina, and Public Works Director Curt Wilton

Eric called the meeting to order at 6:00 PM.

Kathleen made a motion to approve the minutes from July 12 and July 14, 2021, seconded by Roger.

Roll Call vote:

Kathleen	Yes
Roger	Yes
Eric	Yes

Eric began the meeting with the Excessive Noise Enforcement agenda item.

Excessive Noise Enforcement: Janelle Austin, Attorney from KP Law

Eric stated there have been complaints of excessive noise at the Foundry and Turn Park which were discussed at the last meeting. The Board has asked Town Counsel Janelle Austin to attend this meeting.

Janelle gave an overview of excessive noise regulations

1. The State Noise Regulations apply only to commercial and industrial matters not entertainment industry.
2. The Town Noise Bylaw limits decibel levels in residential areas only and don't apply to the commercial district.
3. Excessive Noise complaints are handled by the local authority, such as the Select Board.

Janelle stated that the local authority decides if there is an excessive noise issue on a case by case basis. The local authority needs to take account of all the evidence such as the location of the business and zoning district at a public hearing with the establishment and the complainant. She also stated that an Entertainment License allows the local authority to decide what it considers excessive noise and attach restrictions with the license.

Eric mentioned that there are many towns similar to West Stockbridge that have a more complete noise bylaw. He will research this and the Board can create a bylaw that best fits our Town. He recommends the Board work through a process and move forward with creating a new bylaw.

Roger asked how the Board should move forward with the current complaint. Eric suggested that the next step is for the Board to create the text of a new bylaw for the next Town Meeting. Roger would like to see a method in determining the excessive noise level as well as the limits. Eric agreed and will research other similar bylaws for the Board to begin working on this.

Police Union - MassCOP: Police Sergeant Rosario Messina and MassCOP Representative Bobby Murphy

Roger asked Bobby Murphy why would the Board sign off on Voluntary Recognition of the Union instead of going through the normal process mentioned in a letter from Jennifer Smith, Attorney at MassCOP.

Bobby Murphy responded that no matter which process is used, the end result is the same. The Voluntary Recognition takes less time to complete. Roger's concern is if the Board signs the Voluntary Recognition, then the Part-time officers will not be properly consulted about joining the union. He does not want the Town to discriminate against the Part-time officers and be at risk of a lawsuit. Bobby stated that the Department of Labor Relations (DLR) has determined that only Part-time officers that have a regularly scheduled permanent work schedule are able to join the union. Bobby said the Board could go through the normal process, include the Part-time Officers who want to sign up and let the DLR determine if they are eligible to join.

Roger asked if a union representative would be the person to work with the Board when it comes time to negotiate the officers' contract. Bobby said it is up to the officers if they want to do it themselves but the union will step in if asked by them.

After this discussion, Eric said the Board would like the Police Department to go through the normal process to join the union. Rosario thanked the Board for their time.

Berkshire Cider Project at Farmer's Market: Kat Hand

Kat Hand, owner of Berkshire Cider Project, requested the Board approve a Farm Winery License for Berkshire Cider Project to sell cider at the Farmer's Market on Thursdays for the 2021 season. They were able to sell their cider last year at the Farmer's Market and did well.

Eric made a motion to approve a Farmer Winery License for Berkshire Cider Project for 2021, seconded by Kathleen.

Roll Call vote:

Kathleen	Yes
Roger	Yes
Eric	Yes

Hiring of New DPW Employee: Public Works Director Curt Wilton

Curt informed the Board that he has advertised for a new Buildings and Grounds Superintendent. He received two applications, both of whom were interviewed last week by Curt, Marie and Jamie. One applicant dropped out over the weekend. Curt explained that the remaining applicant has skills that will benefit the DPW and would be a great fit. Curt said that the applicant has accepted the position upon the approval and appointment of the Board. He requested that the Board appoint Frank Alfonso to the position of the new Buildings and Grounds Superintendent.

Roger asked if this new employee works Monday through Friday, who will be cleaning the public restrooms on the weekends. Curt said he has someone who cleans the public restrooms on the weekends and that arrangement is working out well.

Eric made a motion to approve the appointment of Frank Alfonso to the position of Buildings and Grounds Superintendent, seconded by Kathleen.

Roll Call vote:

Kathleen	Yes
Roger	Yes
Eric	Yes

Marked Parking Spots: Director of Public Works Curt Wilton

Eric explained that, at a previous meeting, the Board discussed with Curt the possibility of marking parking spots on Old Great Barrington Road, Oak Street and Moscow Road. A letter was sent to residents on those roads and the Town has received many responses expressing opposition to this idea. Eric stated that this idea was brought forth at a time prior to the discussion of a possible municipal parking lot behind Berkshire Bank. The Board agreed that the idea of marked parking spots on these should be dropped since the Town is pursuing a license agreement to lease and maintain the parking lot owned by 6 Six Depot and Werkshires to create municipal parking.

Harris Street Extension Bids: Director of Public Works Curt Wilton

Curt met with three firms to request bids to perform a feasibility study of a project to extend Harris Street to Moscow road. Once Curt receives the plans from the firms, he will present them to the Board.

Roger asked Curt if he had given the firms a written Scope of Work for the feasibility study. Curt responded, no, he met with the firms at the site in order for them to view the access issue and to be able to come up with ideas and options.

License Agreement for Leased Parking Lot: Eric Shimelonis

Eric said that he had incorporated changes to the License Agreement for the parking lot owned

by 6 Six Depot and Werkshires that were suggested at the last Board meeting. Roger and Kathleen had no further changes. Town Counsel will be asked to review the agreement and then the Board will be able to send it to the owners of the property for their comments and review. Roger inquired about the possible increase in the cost of insurance. Marie had asked the insurance company if there would be an increase cost and they responded that there may not be an increase but they will need to see the finalized agreement before determining that.

Roger asked the Board if there should be a public hearing or notification to the abutters of the parking lot. The Board agreed to do some outreach. Kathleen asked to have a letter mailed to the abutters explaining that the Town will be improving and maintaining the parking lot and there is no change of use. Roger and Eric agreed.

Town Administrator Update: Marie Ryan

Marie has been working with representatives from Great Barrington, Monterey, New Marlborough and Sheffield on the hiring a shared Human Resource Director. An ad for the position was published and they are currently receiving applications. The group will meet on Tuesday, August 3rd to discuss who they would like to interview. On Monday, August 9th the group will complete the interviews and determine who they choose to hire. The Town of West Stockbridge's share of this resource will be approximately 2 hours per week.

On Wednesday, July 28th, Marie and Police Chief Marc Portieri will be attending a meeting in Great Barrington with State Officials and representatives from Stockbridge and Great Barrington and to discuss the dangerous entrance at the High School. She will report back to the Board at the next meeting.

Select Board Speak:

Eric expressed his concern about the vaccination rate in Berkshire County, which currently has one of the lowest vaccination rates in the state. He urged people to get vaccinated and noted there will be a clinic at Bartlett's Orchard on Thursday, July 29 from 4-7 PM.

Roger mentioned an email the Board received from Finance Committee Chair, Bob Salerno about ARPA (American Rescue Plan Act) funds. Bob suggested the Board discuss this funding in future capital budgeting meetings. Roger asked Marie to get more specific information about this funding.

Citizen Speak:

Frank Landsberger inquired about the status of the Main Street pedestrian crossing concerns. Roger stated that he has started to do some research on this issue and has been in contact with the consulting firm that studied crosswalks in Lenox and Great Barrington. He said there is a possibility that some of the work could be funded under the Complete Streets Program but more work needs to be done to determine if that is possible. Frank asked about a proposal for a Land Trust that was brought up at a previous meeting by Carter White. Eric told him that Carter's discussion was an informal preliminary presentation.

Mitch Greenwald stated that Town Counsel's discussion about excessive noise bylaws was not proven with cited cases or any references to regulations. He urged the Board to look at similar Towns and comparable situations when researching what other Towns have for noise bylaws.

Mitch Greenwald stressed to the Board that they gave the Foundry their Entertainment License for 2021, and they can re-open the approval and include regulations with noise limits and restrictions.

Truc Nguyen stated that at a previous meeting Curt Wilton offered signs for her to use for parking. At the time, she did not feel the need for those signs. She asked Curt if she may use those signs as temporary signage until she can order some of her own for parking. Curt agreed to provide temporary signs.

Roger made a motion to adjourn at 8:08 PM, Kathleen seconded.

Roll Call vote:

Kathleen Yes

Roger Yes

Eric Yes

Meeting adjourned.

Respectfully submitted,

Marie Y. Ryan

Town Administrator

Documents:

Minutes: July 12 and July 14, 2021

Brochure for MassCOP

Berkshire Cider Project Application for Farmer Winery Liquor License