



Select Board

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Select Board Special Meeting Minutes Meeting via Zoom June 2, 2021

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: Curt Wilton, Director of Public Works and Marc Portieri, Police Chief

Eric called the meeting to order at 6:00 PM and announced the Board Members present.

This meeting is to discuss an issue of access to Harris Street via Merritt Way by property owners, which involves Amy Brentano, owner of the Foundry and Truc Nguyen, owner of The Orient Express.

Eric reported that Amy Brentano has recently reached out to Truc Nguyen with a proposal to allow the road to be open during all Foundry events, without interruption. Such an agreement is a private matter between the two property owners.

Eric pointed out that there have been a multitude of falsehoods circulating on this issue. He encouraged everyone to dig deeper before believing rumors or passing judgement on this issue, as it is a complex one. The Select Board doesn't have the legal latitude to regulate businesses follow the law.

Eric explained that prescriptive easements are established through a court process. None has ever been established on the property at # 2 Harris Street. Around 1995 when the Main Street bridge to Harris Street was closed down, Ed Merritt was approached about an easement for what is now known as Merritt Way, but no agreement was reached between he and the town at that time, and none was pursued by the town in the intervening years.

This Board must follow the law first, but will always use what latitude we have to support town businesses, and we will try to go above and beyond to be of assistance to all. On this particular issue, this Board has put in many hours of research and diplomacy, and has volunteered a number of solutions in an effort to help this difficult situation.

Eric reiterated that the planners in the town have been aware of the problems in our downtown street grid for some time, and that the Select Board has completed the important first step of finalizing a purchase agreement with National Grid for the land covering Moscow Road. The next step, and potential long-term and permanent solution to the Harris Street problem is the proposed *Harris Street Extension*.

Roger believes that the Town should work to fix the issue that has been allowed to sit dormant for years waiting for an occurrence. He made the following motion:

The Board will instruct the West Stockbridge Town Counsel to immediately begin the process of making the assumed right of way between Harris Street and Center Street into a legal and permanent right of way using whatever legal means necessary to make that happen.

Kathleen requested Roger repeat his motion, which he did. Kathleen asked Roger if he meant the right of way being Merritt Way, and he responded yes. Roger stated that the current ongoing negotiation is between two private property owners and his motion has to do with an assumed right of way that needs to be made permanent and legal. He feels it is the Town's obligation to take care of this right away.

The motion failed to get a second from either Kathleen or Eric.

Eric stated that he would like to have the feasibility study of the *Harris Street Extension* completed first. It's a better solution, as it will not bifurcate a business owner's private property in half, in a prime location and at a critical placement. The *Extension* would also solve the issue of having Harris Street connected to a Town road. If it isn't somehow feasible to do the *Extension*, then perhaps the Board could re-visit Merritt Way as a solution, but he would like this to be a good-faith negotiation and not a court process.

Roger does not agree with this and feels the need for the Town to act now and get the issue clarified. The Town started this and now should fix this so it is a legal and permanent right of way. He said that Town waiting to get this completed is like kicking the can down the road. Roger agrees that the Harris Street extension is a great idea but it does not solve the right of way issue.

Kathleen disagreed that this is kicking the can down the road. She mentioned the motion from the last meeting where the Select Board voted to investigate a feasibility study for the *Harris Street Extension*. She said that just because it can't happen right away does not mean that it can't happen. Kathleen would like to see due process be allowed to play out.

Curt discussed the status of the feasibility study. He has solicited estimates from 3 vendors by email and is waiting for replies. He does not think this is kicking the can down the road. This is to connect a public way (Harris Street) to another public way (Moscow Road). This could solve the land locked Nguyen property.

Eric believes that in the short-term Merritt Way will continue to generously be left open as it has for many years. It will be up to the two property owners to coordinate and to agree on the

logistics of Merritt Way staying open during events, and again, this is a private matter. The Board, in the meantime, is committed to a long-term solution by pursuing the *Harris Street Extension* before exploring other more detrimental solutions.

During citizen speak time, several people spoke with conviction that something needs to be done to assist the property owners as best we can.

Curt requested that the Board allow the Department of Public Works to assist the Foundry in securing a safe road way during their events by offering the use of any of their barriers, signs, etc. Eric made the following motion, Kathleen seconded:

The Board authorizes Curt and the DPW to lend any necessary materials to the Foundry for a safe opening of Merritt Way during their events.

Roll Call vote:

Eric, yes Roger, yes Kathleen, yes

Motion approved.

Roger suggested to Curt that while it is a good idea to assist by providing materials to help with safety, he would like the two parties to have their own conversation and process. Curt should step back and wait to be asked by them for what they may require. The Board and Curt agreed.

Roger made a motion to adjourn at 7:00 PM, Kathleen seconded.

Roll call vote:

Eric, Yes Roger, Yes Kathleen, Yes

Motion Passed.

Meeting adjourned.

Respectfully submitted,

Marie Y. Ryan

Town Administrator