

**STOCKBRIDGE SELECT BOARD MEETING MINUTES**  
**Thursday, July 28, 2022**  
**6:30 p.m.**  
**ZOOM MEETING - TOWN OFFICES, 50 MAIN STREET**

**Present:**

Patrick White, Chuck Cardillo, Jamie Minacci and Mike Canales

**Call to Order:**

Patrick called the meeting to order.

Patrick opened public comment.

Steve Fradley, 9 Christian Hill Road asked about the status on the cat & dog fountain. Mike said that with a leak in the basin, it will be replaced in the fall and the recreated fountain will come back.

Eric Tarlow mentioned a dip in the road when crossing the Red Lion Inn intersection and going onto Pine street. Mike said he would have highway check it out.

Anita Schwerner thanked the Select Board for appointing her to the Cable Advisory board. She also noted the State extension of hybrid meetings to March 2023.

Patty Caya asked about accessory dwelling units and Patrick said that the current bylaws are what is current.

Joseph Newberg, Mahkeenac Heights, said that there are two large trees overhanging the road near the Town beach and south.

**Minutes**

Take action of meeting minutes for May 12<sup>th</sup>, May 19<sup>th</sup>, May 26<sup>th</sup>, June 9<sup>th</sup> and June 23<sup>rd</sup>. Chuck made a motion to accept the minutes. Jamie seconded; all were in favor.

**Fire Engine**

Patrick said that they need a vote that the maximum useful life of the fire engine to be financed with a portion of the proceeds of the \$4,000,000 borrowing authorized by the vote of the Town passed May 16, 2022 (Article 7) is 20 years. This is a requirement of bond counsel.

Chuck made a motion to accept the twenty years. Jamie seconded; all were in favor.

**Stockbridge-Munsee Band of Mohicans**

Patrick said that the Massachusetts Statehouse council has asked to vote to approve new language for Bill H4627: *An Act relative to the transfer of original documents to the Stockbridge-Munsee Community of the Mohican Nation from the town of Stockbridge.*

Chuck made a motion to approve the language. Jamie seconded; all were in favor.

Next a request letter from Bonnie Hartley was read into the record by Patrick:

I am writing to regarding the Town's consideration of returning the "Indian Burial Ground" parcel of land in Stockbridge to the Tribe (shown on map attached).

Our program has the official and sacred responsibility for our Nation to preserve our ancestral burial grounds and other cultural sites such as these in our Mohican homelands. I am offering additional information for your reference: Attached is the text of the 1809 land agreement by five

Stockbridge-Munsee sachems wherein they state that this remaining area of our land in Stockbridge had not been relinquished and which they asked resident Dr. Oliver Partridge to assist in preventing the "soil from being removed that the bones our Ancestors may there lie undisturbed." This agreement was made under pressure of a planned road project and as a last resort to advocate for the grave site protection, while our Nation was being forced to remove further west. 🍂

If the concept is supported at the Town Selectboard meeting. Historic Preservation requests that the Town send an official letter to the Stockbridge-Munsee Tribal Council informing them of the Town's interest to return the Stockbridge Indian Burial Ground back to the Tribe. for their consideration as our Tribal Government.

Patrick said that what is most important to them is a plan to protect and maintain the burial ground.

Patrick made a motion that they empower Town Counsel, working with Michael Canales, to work with the Tribal Council, to figure out if there is a way to bring a warrant to Town Meeting and if there is, then we can decide, once we see what it is, whether we will endorse putting it on the Warrant. Chuck and Jamie said they had no issues with it. Patrick asked for all those in favor. Aye Chuck, Aye Jamie, Aye Patrick.

#### Harvesting:

Patrick said that Town Employees will be used for harvesting in August and September. Patrick also asked if the harvester could remain on the lake until the end of September and Mike said he would look into it.

Patrick said that Vermont, Connecticut and Michigan all exempt harvesting from their local DEP regulations and asked the Board if they would support and effort if SBSC and our consultants to authorize a request from our state house delegation to exempt harvesting from DEP regulation. Chuck said that he was not in favor of this and that weed harvesting everything in the lake is not good for the lake. Jamie also said that she agreed with Chuck. Roxanne McCaffrey said that she also agreed with Chuck and Jamie but a conversation could be addressed with Smitty Pignatelli to bring forth a bill where towns could opt in if they have a Great Pond within their town, to opt in to take over management of the body of water.

#### Second Homeowner Meeting:

Joseph Newberg, President of the Mahkeenac Heights Association, thanked Hugh Page and the highway department for their work; thanked the Board, the Recreation Committee and Highway for the upgrades to the Town Beach. He asked that Mahkeenac Heights roads continue to be maintained during the winter. He also asked about the possibility of creating a pathway from Indian Road to the beach and a crosswalk near the blind curve; all for safety.

Jane Karlin thanked the Town for its upgoing maintenance of the Town cemetery and also stated that she appreciated the extra kayak racks at the beach.

Jay Dubner questioned that there was discussion that second homeowners being charged extra property tax and felt that it will take away from their other second home owner donations to the Town. Patrick said that the residential exemption is evaluated, it

occurs at the tax classification which typically occurs in October. Patrick's feeling is that this ensures that everyone can afford to pay their taxes and live here. It is a shift and one that is done in many communities.

Joseph Newberg stated that there seems to be a presumption that every second homeowner is wealthy and it is not true. Patrick said that this is not about penalizing one community over the other, but to better support those of need.

Peter Ungaro said that the Finance Committee makes the recommendation and did not support enacting the RT last year. He felt that more parameters need to be discussed.

Patrick said that this was not the tax classification and agreed that much discussion is yet ahead. Chuck voted against it originally and said that they need to come up with actual numbers and see who it benefits and who it hurts before bringing this to the public. There is a lot of work yet to do.

He said there will also be public hearings.

Patty Caya said that it causes acrimony in the community and is in fact a penalty for part time residents.

Barbara Kornfield asked if there was an average assessment for second home owners and the answer was no; they take the median assessment value of on all homes and set the residential exemption any where from zero (at now) to 35%.

She asked about the Main Street intersection. Chuck said that studies were done and a round-about does not fit. Currently they are using painted lines as a trial run with a center raised bump and cross walk jut outs, all decreasing the size of the intersection. He said they will be having open public meetings on the approved design. It is not considered a dangerous intersection.

Dick Jaffe asked if the residential exemption is an automatic exemption for each and every resident and Patrick said yes. Mr. Jaffe said with the rational to be helping the residents in need, why wouldn't the more affluent members of the community share in this assistance. He said that there are numerous examples of how second home owners are being discriminated. Patrick asked for examples. He replied that they are limited as to what committees they can serve on and positions they can hold, not able to run for office, nor have the same voice on how the community is run, they do not place a burden on the school district or other aspects of the community. Patrick said that any second homeowner can sit on an appointed committee. The majority of homes are owned by second homeowners whose voices are important to the Town. Running for office is set by the State. Zoom participation is advocated for all. Patrick said that he disagrees with people not wanting to support the schools. Mr. Jaffee said that he recognized the State regulations and has always supported the schools. Patrick said that if they had more options for the residential exemption, they would look at more options. The tax increase is very impactful to people on fixed incomes and that this is not a stick it to the second

home owners' idea. He is mostly focused on the people in need in the community. Jay Bikofsky also suggested a public hearing for this discussion.

#### Town Cane:

Steve Fradley gave a brief history of the cane. He is the great grandson of the manufacturer of the Boston Post cane. In 1909 the Boston Post initiated the cane and the intent was to award the cane to the oldest resident in town. It was a tradition that went on for many years. They had manufactured 700 canes to be distributed throughout Maine, New Hampshire, Massachusetts and Rhode Island to Towns, not cities. Jorja said she felt very strongly that the Stockbridge cane should remain with the Town at the Stockbridge Town Offices. It was always her goal to have it displayed in a shadow box on displays with the names of the recipients. Patrick made a motion that they empower Jorja and Steve and Mike to work together on figuring out a permanent home for the cane in Town Hall. Jamie seconded; all were in favor.

#### New Scholarship Fund:

Patrick briefly spoke about the new optional Scholarship Fund and asked to have Jorja, Peter Dillon and Mike to figure out how to implement any awards. Jorja said that they currently award seven scholarships; four of which are Stockbridge scholarships managed by the Treasurer and as years went by, they were invested with Berkshire Taconic Foundation. Four can be awarded to Stockbridge residents only, one (private) is for Stockbridge and West Stockbridge. They currently have nine members on their committee and she is willing to work on this scholarship also. Jorja, Mike and Peter Dillon will work on it together.

#### Ice Glen Update:

Bob Leverett and Ken Gooch gave a status report on the Glen. Ken said that the ash trees were injected last year for control of the Emerald Ash Bore. The Ash trees look good aside from two that came down from storm damage. He recommended that they be treated again next year. The summer hemlock treatment: not a lot of trees were injected, out of 350 trees surveyed only 45 -46 trees were injected due to a late start and slow injection take. You would not see any results until next year on whether the treatment is working. There are faster systems. Patrick asked if future RFPs could use the faster system and Ken said if the specs are written up that way then yes. He also recommended basal bark spraying up to what is allowed by acreage as you get a lot more trees done. The next injections can be done from September to November. Mike said they can go separately for the basal bark spray, can restart with the current injections or rebid all of it. Chuck's opinion was to continue with the injections and start the basal bark spraying; along with going out for the faster injections. Chuck made a motion that we follow that. Jamie seconded; all were in favor.

#### Second Averic Road Design Grant:

Michael said they are setting up the punch list items for the first bridge. They received the grant for the Chapter 85 design of the second bridge with anticipation that they would apply for up to a half a million dollars for the building of the bridge next spring.

The core sampling of the Tuckerman Bridge showed that the foundations are solid. This means the original estimate of \$1.7 million design should be accurate.

Affordable Housing Trust Fund:

Jay Bikofsky, Chair of the Stockbridge Finance Committee and the Chair of the Affordable Housing Trust Fund Committee. This committee has completed its objective. The initial committee has explored the development and conversion of market rate rental properties to affordable housing for the elderly, moderate-, and low-income households as well as considering down payment grant assistance to first time qualified home buyers. The objective of the initial committee was to develop a declaration, statement of purpose, to be implemented by a permanent committee. He thanked the members of the interim committee. At prior Town Meetings, \$225,000 has been approved by CPC and the Town to be used for this purpose. A seven-person Board of Trustees is proposed with staggered terms; two people for one year, two people for two years and three people for three years with at least five being permanent Town residents. Powers of the trustees: to accept and receive property with funding allowed by MGL 44B, exclusively for community housing; purchase and retain real and personal property 3) execute and deliver deeds and assignments; employ advisors, agents, accountants, appraisers and lawyers as deemed necessary; to borrow money as deemed advisable for mortgages and pledge assets as collateral; to sell and lease and exchange properties at public auction or by private contract and to manage and improve properties as well as abandoning interest in those considered not worth retaining. The trust shall conduct an annual audit and meetings should be held at least quarterly. Patrick said that they would appoint the committee at their next meeting. Chuck made a motion that they accept the Trust Fund documents. Jamie seconded; all were in favor.

Community Preservation Gift Fund:

Patrick suggested creating a Community Preservation gift fund where people can donate to the Town CPC fund. Chuck said ok. Jamie seconded; all were in favor.

Take action on one-day alcohol permits for:

Chesterwood:

For a reception on August 3<sup>rd</sup> from 6:30-8:30 pm

For a reception on August 4<sup>th</sup> from 6:30-8:30 pm

For a reception on August 10<sup>th</sup> from 5:30-7:30 pm

For a reception on August 12<sup>th</sup> from 5:00-7:00 pm

For a reception on August 17<sup>th</sup> from 5:30-7:30 pm

For a wine tasting on August 18<sup>th</sup> from 5:00-8:00 pm

For a reception on August 25<sup>th</sup> from 5:30-7:30 pm

For a wedding on September 10<sup>th</sup> from 4:00-11:00 pm

For a reception on October 8<sup>th</sup> from 5:00-7:00 pm

Chuck made a motion to approve. Second; all were in approval

Take action on one-day alcohol permits for:

Berkshire Botanical Garden

For a wedding on August 6<sup>th</sup> from 5:00-11:00 pm

For a W. Food Bank event on August 7<sup>th</sup> from 5:00-8:00 pm

For a wedding on August 13<sup>th</sup> from 4:00-11:00 pm

For a wedding on September 10<sup>th</sup> from 4:30-11:00 pm

For an exhibit opening on September 16<sup>th</sup> from 5:00-11:00 pm

For a wedding on October 1st from 5:00-11:00 pm

Chuck made a motion that they approve the Botanical. Patrick seconded; all were in approval

Take action on one-day entertainment for Wheatleigh for a wedding on August 27<sup>th</sup> from 7:00 – 11:30 pm. Jamie questioned the 11:30 end time. Mike said that this is to extend their 11:00 p.m. end time. Chuck made a motion that they accept the Wheatleigh's 11:30. Jamie seconded; all were in favor.

Take action on one-day alcohol license for Norman Rockwell Museum for a fundraiser on August 20<sup>th</sup> from 1:00-4:00 PM

Chuck made a motion that they accept it. Jamie seconded; all were in favor.

Take action on one-day alcohol license, wine and malt only, for Hand Crafted for a fundraiser on August 7<sup>th</sup> from 3:00-6:00 pm at 2 Depot Road. Chuck made sure it was for all outdoors and with a yes, Chuck made a motion to accept it. Jamie seconded; all were in favor.

Take action on Fire Chief's contract

Chuck excused himself.

Patrick made a motion that they accept the Fire Chief's contract. Jamie seconded. Aye Jamie, Aye Patrick

### **Adjournment:**

With no further business, Patrick adjourned the meeting.

Please see <https://ctsbtv.org/government-channel-1303/> to view the full meeting.