

STOCKBRIDGE SELECT BOARD MEETING MINUTES
Thursday, October 15, 2020
6:30 p.m.
TOWN OFFICES, 50 MAIN STREET Zoom Meeting

Present:

Chuck Cardillo, Roxanne McCaffrey, Patrick White, Mike Canales and Michael Blay

Call to Order:

Chuck called the meeting to order.

Annual Tax Classification Hearing

Town Assessor, Michael Blay began by stating that the Tax Classification hearing is typically scheduled right before submitting for the tax rate and in order to do this the Selectmen have to agree on either a single tax rate or a split tax rate by adopting a residential factor. They also have separate votes which need to take place; one for a residential exemption and one for a small business exemption. First Mike went through the process of selecting a residential factor. Historically the Town has had a single tax rate. Last year's tax rate was \$9.87. By adopting a single tax rate this year with a residential factor of one, the projection is a residential/commercial/industrial/personal property single tax rate of \$9.78, a nine-cent decrease over last year. The purpose of the hearing is to decide if there should be a single tax rate or a split tax rate. The fair cash value percents are: the residential percentage is 89.4072, open space is 0, the commercial percentage is 5.7358, the industrial percentage is .5521, personal property percentage is 4.3049. By keeping a single tax rate; a residential factor of one, you would be adopting these percentages. There is the option to shift the percentages over to the commercial, industrial, and personal property class, which basically the Board of Assessors does not typically recommend a split rate in the Town as the commercial, industrial, and personal property class only bear a 10.95 percent of the entire tax levy. Shifting the burden would not make that much of a difference because there isn't a lot of commercial or industrial property in the Town. Again, they recommend keeping a residential factor of one and a single tax rate.

Next, would be the adoption or no adoption of a residential exemption and a small commercial exemption. Mike reviewed both exemptions and said that for both you are still calculating and raising the same amount on the tax levy, you would just be shifting the burden of who would be responsible for that amount. The Board of Assessors is recommending a residential factor of one. The Board discussed developing a committee with the Assessors to begin looking into other these exemptions and the options available for the future.

Peter Strauss, a second home owner said that he felt that the property owners around the lake already bear a significantly higher proportion to the real estate tax to the Town compared to the people who live in Town.

Patrick made a motion that the Board adopt the 1.0 Residential Factor of one. Roxanne seconded; Vote: I Roxanne, I Chuck, I Patrick; all were in favor.

Patrick made a motion that the Board not adopt the residential exemption.

Roxanne seconded. Vote: I Roxanne, I Chuck, I Patrick; all were in favor.

Patrick made a motion that the Board not adopt the Small Commercial Exemption. Roxanne seconded. Vote: I Roxanne, I Chuck, I Patrick; all were in favor.

Roxanne made a motion that they look into putting together the figures so that next year, early on they can have accurate information to make an informed decision. Chuck added the need to create a committee to work on this.

Next on the agenda was to take action on minutes for September 10th, 17th and 24th. Chuck made a motion to accept the minutes for those dates. Patrick seconded; all were in favor.

Next was to sign and post November 3rd Election Warrant.

The Board next took action on Citizen's appointment of Karen Marshall to Chair of Cemetery Commission. Chuck made a motion that the Board appoint Karen Marshall the Cemetery Commission chair. Patrick seconded; all were in favor.

Next, the Board took action on appointment of Candace Currie to the Cemetery Commission. Patrick made a motion to appoint Candace Currie to the Cemetery Commission. Chuck seconded; all were in favor.

Next, the Board took action on appointments to the Cultural Council: Ed Lane, Janet Egelhofer, and Rena Zurofsky. Patrick made a motion to appoint those three. Roxanne seconded; all were in favor.

Next, Chuck stated that they had a few questions on yearly appointments and decided to table it until the next meeting.

Next was the continuation of Special Permit hearing for J.D. Realty Trust C/O Patricia Button for property at 9 Main Street with a request to continue to October 22, 2020 at 6:30 p.m. Chuck made a motion to continue. Patrick seconded; all were in favor

The Board then opened discussion with Dave Lanoue Re: Special Permit 20 Mahkeenac Shores Road. A special permit was given a while ago and a few minor changes to the footprint were added to the plans. Patrick did not believe that the bylaws allowed for changes to the footprint or drawings after it has

gone through the Conservation Commission, Planning Board and Select Board. Abutters Bill Loutrel and Tom Fynan at 18 Mahkeenac Shores Road stated their concerns referencing the rough sketch in the meeting packet which look noting like the approved design and changing the footprint of the house is a critical item. He said that they are very concerned and they do not know that it is a minor change as there are no dimensions on the sketches.

Judith Uman, another immediate abutter also stated her concerns as the changes are not visible on the new plans. Tom Fynan stated that his concern was that the supported plan is very different from the new house and that there are no dimensions.

Abutter Dorothy Kahn also stated her similar concerns.

Jeff Rae, the property owner, said that he understood some of the concerns and that their goal is to be transparent and the proposed changes are fully disclosed on the footprint, a net reduction of 38 feet. Based on the drawings, noting has changed to the house other than the elevation. They are adhering to the landscaping plan. He said that there is no desire to go around the project rules or regulations. Patrick said that they need to look at neighborhood impact and the abutters need to have information on the changes. Mr. Fynan referenced zoning bylaw 8.2 which says the only structure to be built is the one approved, this one looks completely different and there are no dimensions.

Jamie Minacci said that the Conservation Commission did approve this permit for the same footprint and a slightly higher elevation, but asked if changes are made, wouldn't it need to come back to Conservation. Mr. Rae said that they are willing to do whatever is required were reaching out to the Select Board for guidance. Chuck said that this was new territory and he felt that they needed to find out legally what needed to be done. Chuck made a motion to continue this until their next Thursday night meeting at 6:30 p.m. (October 22, 2020). Roxanne seconded; all were in favor. Chuck asked that drawings be submitted by the next meeting. Mr. Fynan again asked the Board to look at the zoning bylaw 8.2.

The Board next discussed Trick or Treat. The Tri-Town Board of Health encouraged the Town to cancel Trick or Treat for 2020. Chuck said that Lee was going to have their Trunk or Treat and Great Barrington and Sheffield have a policy for residents only; 5:30 – 7:30, masked, six feet apart and lights on if you are giving out prepackaged candy. Chuck recommended that they should have the same as Great Barrington and Sheffield so that they are on the same page, on the same night and with the same time frame. Roxanne agreed and reminded everyone to take the necessary precautions. Patrick stated that with the nature of communicable disease the Town should follow the advice of the Health Department and cancel Trick or Treat; keeping a community of about half seniors safe. Roxanne noted that if people do not want to participate, they keep their lights off. Chuck felt that the Town should have Trick or Treat with guide lines. Dr. Charles Kenny, chair of the Board of Health said that he understood the ideas but he added that the recommendation from Tri-Town and the three member Boards of Health resulted from the following: the CDC is

against it, we presently see a rise in cases all around the world and in Massachusetts, and one of the key ways the Boards of Health have been able to combat the disease is through contact tracing. Door to door trick or treating makes contact tracing impossible and undermines it completely. Roxanne said that with this tracing, she understands the point of view. Roxanne asked Charlie if any safe alternatives were suggested. He said that other Halloween options following safe distancing were discussed but cancellation was for traditional door to door trick or treating. Roxanne suggested coming up with a safer alternative. Brandie Page said that in Otis they are doing a drive through Trick or Treat at the Town Hall with all participants registering and staying in their cars. Candy will be prepackaged. Chuck asked to table discussion until October 22nd.

Chuck made a motion to enter into Executive Session: Pursuant to *M.G.L. c.30A, §21(a)(3)*, the Select Board will enter into executive session for the purpose of discussing strategy with respect to the following litigation matters, discussion of which in an open meeting may have a detrimental effect on the Town's litigating position:

- *Stockbridge Bowl Association v. Stockbridge Conservation Commission*, Berkshire County Superior Court C.A. No. 1976CV00032
- *Stockbridge Bowl Association v. Stockbridge Conservation Commission*, Berkshire County Superior Court C.A. No. 2076CV00140
- *In the Matter of Stockbridge Bowl Association*, DEP OADR No. WET-2019-11

The chair declared that the Board will not return to open meeting session upon completion of the executive sessions. Vote: I Patrick, I Roxanne, I Chuck.