

Selectmen's minutes of meeting October 21, 2019

Members present: Mark Newman, Brian O'Rourke, George Riley, Joanne Grybosh, Dolores Harasyko, Admin. Asst.

Called to order at 7 p.m.

Minutes reviewed and signed.

Purchase orders reviewed and signed

Library Trustees Clare English, Kathy Burrows and Mary Turek in, along with librarian Terry Spohnholz to discuss expanding the children's section of the Library. Clare explained the history of the Community Center/Library. The upstairs of the Library is overcrowded and they do not have room for the children's section. They would like permission to move the children's section downstairs and keep within the parameters of the original grant requirements. Terry presented a floor plan for the children's section. She explained that if they were not allowed to move the children's section she would have to start eliminating books from the adult section to make room. She doesn't want to do that because many patrons like to have complete sets of books from various authors. Once downstairs they would like to have all cabinets and book shelves on wheels so that they can move them to make room for any boards or committees or the playgroup. Nina Carr from the playgroup says this change will only enhance the playgroup and use of the library. They have a gift fund through the Friends of the Library that will help with some of the cost of this. Town Manager Joanne will check with a furniture wholesaler also.

Motion by Mark, second by Brian, passed unanimously to accept the floor plan for the expansion of the children's section of the library.

Jennifer Pilbin in to provide an update on land usage on her property on West Hubbard Road. She stated that she does not want her name or family names in any paper articles.

She is in the process of preparing to build a house and is currently living in an RV with her son and mother. She received a fine today for being in violation of the town's bylaws regarding living in an RV. She is in the process of getting perms done. Parson is doing the design for the well and septic. She feels she will be in compliance soon. She stated that she needs to stay in the camper to work on the house. She is seeking a 30 day leniency from the permit process and she would like the fine forgiven. Mark clarified that the fine is \$100 per day. She responded that it will cost the town money to fight her in court. She referred to past camper violations. Brian responded that her information is not correct. He went through the process that the town has been through to get the correct bylaw in place to enforce the citation and fines. Brian stated that the well and septic have to be installed and inspected before a building permit can be issued. Ms. Pilbin would still like a 30 day waiver. She is ordering a modular home. She is convinced that this could be done before the snow starts. She is convinced that she can have a house delivered in 6 to 10 weeks. She stated that she never received written information on town letterhead describing what she needed in order to live in town. Brian responded that she was well informed about the process on several occasions. She has chosen to not comply with the bylaws. She stated that she has a good case against the town and will go to her lawyer if necessary. Brian responded that this law is very clearly black and white, there is no gray area. He has already reviewed this with our Town Counsel and has no problem going to court. Brian responded to the bylaw, it does need to be addressed, however that will take a town vote. The town voted on the current bylaw and the

only way to change a bylaw is by town vote. They as selectmen cannot deviate from the bylaws. She has not been before the Conservation Commission as of this date. Brian said she is way off from 30 days. Conservation Commission members Clare English and Mary Turek present. Clare responded that the Conservation Commission will need to do an RDA and submit plans. Clare stated that they met on the 3rd Tuesday of the month. They will need that time to place the hearing in the paper, do a site visit and review the plans. An earlier scheduled meeting is not possible. Brian reiterated to Ms. Pilbin that they cannot clear land dig the well and septic or dig a foundation before going before the Conservation Commission. Ms. Pilbin now would like a 90 day waiver.

Brian responded that with all due respect her planning has to be better. Just because she didn't research town requirements is not our fault. It is up to her to find out what is required. He stated that if we give her a waiver then we would have to give one to everyone. Brian stated that she is not the only camper violator that has received a fine. There were 3 others issued today and they will also receive one every day until they comply with the law.

Mark said he doesn't have a problem giving her a permit for the camper once she has meet all the requirements of the bylaws.

Dolores suggested to her months ago to look into a short term rental when she explained the bylaws to her regarding campers. Ms. Pilbin responded that she can't afford the rents.

Mark responded that we are bound by the law and cannot set a precedence by giving her a waiver.

George responded that she is in a tough place but she has also put us in a tough place. He agrees with the other selectmen that we must follow the law. George said that he is sure that she can find a reasonable rent.

Mark reiterated that we are bound by the law. The camper violation fines will continue everyday. Nina Carr provided some history regarding the bylaw for camping. It was passed overwhelmingly to not allow camps or trailers but that you could get a permit while building or repairing a home from the Board of Selectmen.

Ed Brozman in to present a list of questions regarding marijuana operations. He has reviewed the status of all town in Berkshire County.

Question #1: Is there any legal impediment to the town initiating a warrant for the May 2020 town meeting that would address the banning of marijuana as it relates to commercial growing and processing in the town? Mark responded "no".

Question's 2 through 6 refer to the process of creating a bylaw and banning all marijuana facilities. Mr. Brozman asked if the selectmen would be willing to hold up on signing the Host Community Agreement which is necessary for a growth facility. The Selectmen responded that they will not hold up the process as long as the proper processes are being followed.

Discussed voter participation at town meeting and town elections. Mr. Brozman asked if second homeowners were allowed to vote at town meeting and town elections. Dolores responded only registered voters of the town are allowed to vote. Anyone can attend a town meeting, it would be up to the Moderator to allow people to speak, but only registered voters can vote.

Dolores reviewed the process and timeline for creating or changing a zoning bylaw.

She reviewed the process of a special permit and abutter notices.

Discussed tax revenue.

John Burrows asked about sales tax generated from a growth facility. Brian responded that the law allows for 3% and the town can vote an additional 3%.

Discussed the request from the DCR for their intent to purchase approximately 5 acres of land on Route 8 which already abuts state owned land.

In accordance with 301 CMR 51.08, I hereby certify that on October 21, 2019 at a duly held meeting of the Town of Sandisfield Board of Selectmen, an announcement was publicly made regarding the Commonwealth's interest in acquiring the fee or other property interest in approximately 5.0 acres of undeveloped land, located in the Town of Sandisfield adjacent to the Sandisfield State Forest and shown by the locus map marked "Exhibit A". The announcement was signed by Chair Mark Newman.

Motion by Mark, second by Brian, passed unanimously to accept and sign the annual Cultural Council Grant.

Selectmen's updates:

Brian has been working on obtaining snow bars for the DPW garage.

Reviewed mail

Reviewed and signed warrants

Town Manager updates:

Joanne reviewed what she has accomplished in the one week she has been her. She has researched, drafted and submitted the Community Compact IT Grant for \$18,000.

She is reviewing the Complete Streets Grant. She has already received a list from the state on prequalified contractors, she is moving forward with this grant.

She is also reviewing the cardboard compactor grant.

She will be attending the work session with the Town Treasurer and Accountant to discuss broadband funding.

Fire Chief Ralph Morrison requested that the Fire and Police be included when there are road closures due to weather. Joanne will make sure that happens.

Nina Carr commended the Selectmen on hiring Michael Johnson as the Public Safety Officer. He is already making a difference in the community.

Meeting adjourned at 8:27 p.m.

Mark Newman

Brian O'Rourke

George Riley