

BOARD OF SELECTMEN VIRTUAL MEETING

Wednesday, October 14, 2020 – 6:00 PM – Via Zoom

PRESENT: Alan Hanson, Chair; Roger Manzolini, Selectman; Neal Pilson, Selectman; Danielle Fillio, Town Administrator; Lauren Broussell; Elizabeth Goodman, Town Counselor; Jeff Komrorer, Noise Control Engineering ; Christian Hanson, Owner Balderdash; Peter Miller; Leslie Breeding; Holly Stover; Ron Veillette, Con. Comm.; Alison Cole; Miles Garfinkle, Rick Bell, Donna Hanson, Alex Rosenblum

Opening Statement: Neal read the Executive Order regarding public meeting law revisions during the COVID-19 pandemic.

Balderdash Special Permit: Neal provided a brief history of the creation of the permit, which included a provision for a yearly review and possible revisions. After a full summer season, complaints about the noise from Balderdash impacting the residents of the Richmond Pond has resulted in this public discussion of the permit. In preparation for this discussion, the Town employed a Sound Engineer to monitor the sound levels at the source and at the residential locations.

That report was distributed to anyone who asked for a copy, and the engineer, Jeff Komrorer, was at the meeting to explain what the process involved. He noted that he brought big speakers and amplifiers to Balderdash and set them in the same locations where they would be for a live band. In addition, the residential area was mapped, and the decibel level was set at 90, which was the level that Christian agreed was the level set for the events. Consistent measurements were taken, and it was determined that by the time the sound reached the railroad track, the db level read between 40 and 45 dbs, which is lower than the permit allows. He took 12 measurements all around the Shores and said he personally was unable to hear the music. A measurement at residences on Chestnut Road showed background sound at 47 and the music at 49 dbs. On Spruce Road the background level and music levels were within 2 dbs of each other. Jeff said that there are some atmospheric conditions that might be different from the areas he tested that could change those readings.

Neal and Alan took casual readings from a phone app on a separate occasion and found that the level of the music was below that of normal conversation.

There was a discussion of the definition of “nuisance” which included the condition that the noise level be 10 dbs or more above the ambient level. Neal noted that although measurements of the decibel level indicates that the noise is not at objectionable levels, residents have objected. It was agreed that “nuisance” is subjective, and Neal is looking for steps that can be taken to reduce the level of disturbance for residents of Richmond Shores without negatively impacting Christian’s business. He proposed some discussion points he felt would be helpful:

- Remove from the Farm Function Permit those events that involve late night hours and large numbers of people and cars. Require that Balderdash request Special Permits for each of those events.
- Ask Balderdash to implement some sound mitigation (some examples of which are included in the report). Neal suggested a sound baffle of some kind to be erected behind the musicians to lower the sound level.
- Limit the number of band members to 2-3.
- Have all private events, such as weddings, held indoors.

Christian responded by reporting that the Farm Function events of the summer included only small events: 5 weddings of about 50 people each and some company meetings. No concerts were scheduled or held. He noted that he is fine with the idea of limiting the band to 3 players or less as part of the language of the permit.

Christian felt that the Thurs/Fri/Sat/Sun wine-tasting events, at which there is music, are within the normal course of business and do not fall under the Farm Function Permit.

Jeff lead a discussion about the use of a sound baffle and other sound-deadening devices he could recommend that could reduce the db level by 10 to 12 dbs.

There was a discussion of Balderdash renovating an existing barn on the property to be used as a venue for future events. That might reduce the amount of sound going down to the Pond, but the renovation may not be completed in time for next summer's schedule and there would have to be an amendment to the Farm Function Permit to include the barn.

The floor was then turned over to the public for comments.

Leslie Breeding wanted to clarify that it was not just "some" residents who have registered complaints about the noise, but six families on her block and a petition signed by 18 people. She noted that she does not accept the numbers used to check the sound levels for the report, but believes they are actually much higher.

Allison Cole spoke about having to put up with constant music every Thurs, Fri., Sat and Sun. She would like to have the live music and the speakers inside the barn for all events and a blanket permit for all types of events.

Alex Rosenblum described how upsetting it was to him to be unable to talk to his children or grandchildren because of the constant sound in his yard. He said he had retired to Richmond Pond in order to spend his golden years in a bucolic setting, which he thought Richmond Pond would be. He was disappointed to find what he considered to be an inappropriate business creating an intrusion into that peace and quiet.

Peter Miller described how his guests were unable to put young children to bed at their normal hours because of the music.

Lauren Brousell said she has been to Balderdash on several occasions and found that the music is not loud at the source. She commended Balderdash for doing an excellent job in creating a very pleasant venue.

A question was raised as to whether the barn doors would remain closed or open during an event in the summer.

Farm Function is defined in the bylaws as including weddings. Christian believes that playing music is a normal farm function of his wine-tasting sessions. That raised a question as to whether outdoor music is a normal part of the winery function. After discussion of whether that is allowed by right under the winery permit, a suggestion of continued monitoring to be done during the actual events was agreed to by everyone.

Jeff noted that the question of the barn doors having to be open in the summer could be resolved with the addition of some noise abatement material to mitigate noise. Peter asked that attention be paid to drumming noise, which was not done in this investigation. It was agreed that would be done.

There being no further discussion from the audience on Balderdash, the Board asked Danielle to work on changes to the Permit with Beth Goodman.

The next agenda item was Holly Stover who approached the Board to discuss the annual Richmond Congregational Church's fund-raising Pancake Breakfast. Proceeds from that event go to support the Food & Fuel Assistance program and it was feared that the pandemic would preclude holding it this year. Fortunately, Tammy Jarvis the School Cafeteria Director, offered to do the breakfast as a "grab & go" on the usual day, November 21st. Holly asked the Board to provide her with a letter authorizing Holly and Linda Kaye to solicit local stores for donations to the function. As the project had been approved by the School Principal, the Board had no concerns. Roger moved that the Board provide the letter of authorization as noted above. The motion was seconded by Neal Pilson and passed by unanimous vote.

Review of Interim Municipal Agreement for Shared Fire Dept. Services: Alan advised the group that the agreement included attachment A, which provided for the Fire Chief's salary of \$15,914 annually, to be paid monthly; a \$500 monthly stipend from West Stockbridge for his work there and \$40 per month per inspections. After noting approval of the agreement by Attorney Goodman, Al moved that the Board accept the Agreement as read. The motion was seconded by Roger Manzolini and passed by unanimous consent.

Trick or Treating: There was a discussion of how trick or treating might be permitted to go ahead in this time of pandemic. The consensus was that guidelines requiring masks and social distancing be disseminated and that people who prefer not to have children come to their door leave their houselights off. Danielle suggested that the Town might want to also create Trick or Treat bags with Halloween masks and glow sticks for parents to pick up at Town Hall. That

suggestion was well received by the Board who suggested that the funds for that come out of the Selectmen's budget.

Town Administrator Report: Danielle had good news to report – the new Town Grader was delivered today. That raised the need for a discussion of the lack of storage for Highway Dept. equipment. Danielle suggested that the barn currently housing the COA van be converted to one large door so that the grader could be housed there. She added that the large van is not used by the COA and should be made surplus and sold. If, in the future, a need for a van to accommodate larger groups of people should arise, West Stockbridge has agreed that they would pay half of the cost of obtaining one.

Report from the Conservation Commission: Ron advised the Board that the View Drive situation had resulted in an Enforcement Order. The Con Com is issuing tickets to three agencies, the State and the two contractors. This was a clear violation of the Scenic Mountain Act.

Ron then asked the Board to turn over one of the lots potentially up for auction to the Con. Com. in perpetuity so that it cannot be changed. The lot is waterfront property and is within the buffer zone and is also an endangered species habitat. Ron suggested that the other four lots be sold but that the waterfront property be turned over to the Con. Com. The Board told the Con. Com. that an official letter needed to be drafted requesting to turn over the lot to the Con. Com. to retain permanently and delivered to the Board for consideration.

Approval of Minutes of the September 14, 2020 meeting of the Board of Selectmen: Neal advised that he had read the minutes which included his revisions. Alan moved that the minutes of Sept. 14, 2020 be approved. The motion was seconded by Roger and approved by unanimous vote.

Selectmen's Matters: Alan raised the issue of looking into electricity delivery rates. A discussion resulted in Danielle offering to look into a possible Municipal Aggregation.

There being no further business before the Board, Alan moved to adjourn the meeting. The motion was seconded by Roger and adopted by unanimous consent.

The meeting was adjourned at 8:20 PM

Signed:

Alan Hanson, Chair