



New Marlborough 5 Village News

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BROADBAND UPDATE A LAST-MINUTE GLITCH

By Barry R. Shapiro



Residents who follow the Board of Selectmen Agendas had reason to be excited when they looked at the agenda for the November 21 meeting. “Sign Cable License Agreement with Charter Communications,” read one entry.

“Sign Assessment and Contribution Agreement...for Broadband Funding” read another.

It appeared that New Marlborough’s long wait to secure agreements with a provider of high-speed internet service was coming to an end.

Not so fast, said the state Department of Telecommunications and Cable (DTC). Before the Town can sign anything, it advised, it needs to hold a public hearing and, before the Town can hold a public hearing, Charter needs to complete and submit Form 100, which sets forth in great detail Charter’s proposal to provide services to the Town, Charter’s history and financial status, and other relevant data. According to its website, the DTC “oversees the telecommunications and cable industries in Massachusetts, working to ensure that residents receive high-quality communications services at just and reasonable rates while promoting sustainable competition in the communications marketplace.”

Following notice of this unexpected requirement, the Board of Selectmen abruptly cancelled the November 21 meeting and quickly made plans to obtain the Form 100 from Charter and thereafter to proceed to a public hearing (which requires two weeks’ notice to town residents).

Board of Selectmen Chairman Michele Shalaby is eager to move forward. “We hope to have the public hearing as soon as it’s reasonable to do so,” she said. “The purpose of the hearing is for members of the public to have an opportunity to ask questions of Charter about their ability to provide cable service. The Board will be there to listen and take into account the public’s comments and then either sign the Cable Licensing Agreement with Charter as currently drafted or negotiate any further changes.”

Barring changes in the agreements with Charter, the selectmen planned to sign on November 21, the final deal will contain the provisions outlined below. The “deal” is set forth in three separate documents, current drafts of which were obtained by the NM5VN: 1) a Grant Disbursement Agreement between Charter Communications Entertainment I, LLC (a Charter affiliate) and the state, acting through the Massachusetts Technology Colaborative (the Massachusetts Broadband Institute, commonly known as MBI, is a division of the Colaborative); 2) a Contribution and Assessment Agreement between the Town and the state, acting through the Executive Office of Housing and Economic Development; and 3) a Cable Television License between Charter Communications Entertainment I, LLC and the Town. The following information is drawn from these three agreements:

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Broadband, continued

When will service start? The expectation is that construction will be completed within two years from the date that all agreements have been signed, so look forward to high speed service by December 2021, possibly earlier. The agreement provides that Charter must have the network built and operational within twelve months from the time that all pole licenses and “make ready” work is completed. That work is expected to take between six and eight months so, in theory, the network could be “lit” within eighteen months.

What is the cost to build the network? The actual cost is not certain. What is certain is that the state will provide funding to Charter in the amount of \$3.15 million (paid in four installments pursuant to the Grant Agreement). Any costs of construction above that amount will be paid by Charter.

What is the cost to the Town? The Town has agreed to pay the state \$720,000 to reimburse it for a portion of the \$3.15 million it will pay to Charter to build the network. The state will offset this \$720,000 amount, plus interest at 3½ percent, from state aid payable to the Town during the fifteen-year period after construction is complete (\$62,514 per year). There are no other costs to the Town.

How much of the Town will be wired? The Agreement provides that service must be made available to a minimum of 96 percent of the residential premises in Town. Some residences on the outskirts of Town which do not have any frontage in town (for example, a residence whose driveway starts in a neighboring town although the house itself is in New Marlborough) might not have service, but every effort will be made to cover more than 96 percent wherever possible.

What will broadband service cost the subscriber? The cost will match that set forth on the Charter website. (Charter operates its internet business under the “Spectrum” name.) A recent check of the Spectrum website (www.spectrum.com) showed “triple play” packages of internet, phone and television with prices ranging from \$99.97 per month (for television, 100 Mbps internet service and unlimited nationwide telephone

service) to \$139.97 for the same package with more extensive television channels. Many variations on this are available for those residents who only want internet with or without telephone service. Basic cable service starts at \$44.95 per month. All figures quoted are before taxes and applicable fees.

Will pricing be competitive? Pricing must be comparable to that which Charter charges in other towns within a 100 mile radius of New Marlborough.

Is this a “fiber” network? That is the expectation, although the word “fiber” is not utilized in the agreements. Charter noted that it primarily uses an all-fiber network but that there are locations where some non-fiber cables may be used. The speed, however, will be comparable to an all-fiber network.

Speaking of speeds, what will they be? The agreements provide for 100 Mbps download and 10 upload, a considerable upgrade from the DSL service offered locally by Verizon which is typically no faster than 3 Mbps download and less than that for uploads.

What is the length of the Town’s contract with Charter? Fifteen years, renewable thereafter for up to ten years. The TV contract is not exclusive, meaning that, in theory, the Town could issue a license to another company to provide cable television services.

Will there be an installation charge? Any residence within 250 feet from the nearest access point (typically a pole on the road) will be charged a “standard” connection fee of \$49 for connecting to the system (the installation would be aerial). All other installations, including underground installations, are considered “non-standard” and will be charged an amount at a rate set by Charter in accordance with applicable law.

What about private roads? So long as Charter can gain access to the private road, private roads are treated in the same manner as public roads (meaning that homes on private roads will have service available, assuming the residences are within the 96 percent of the town to be serviced).

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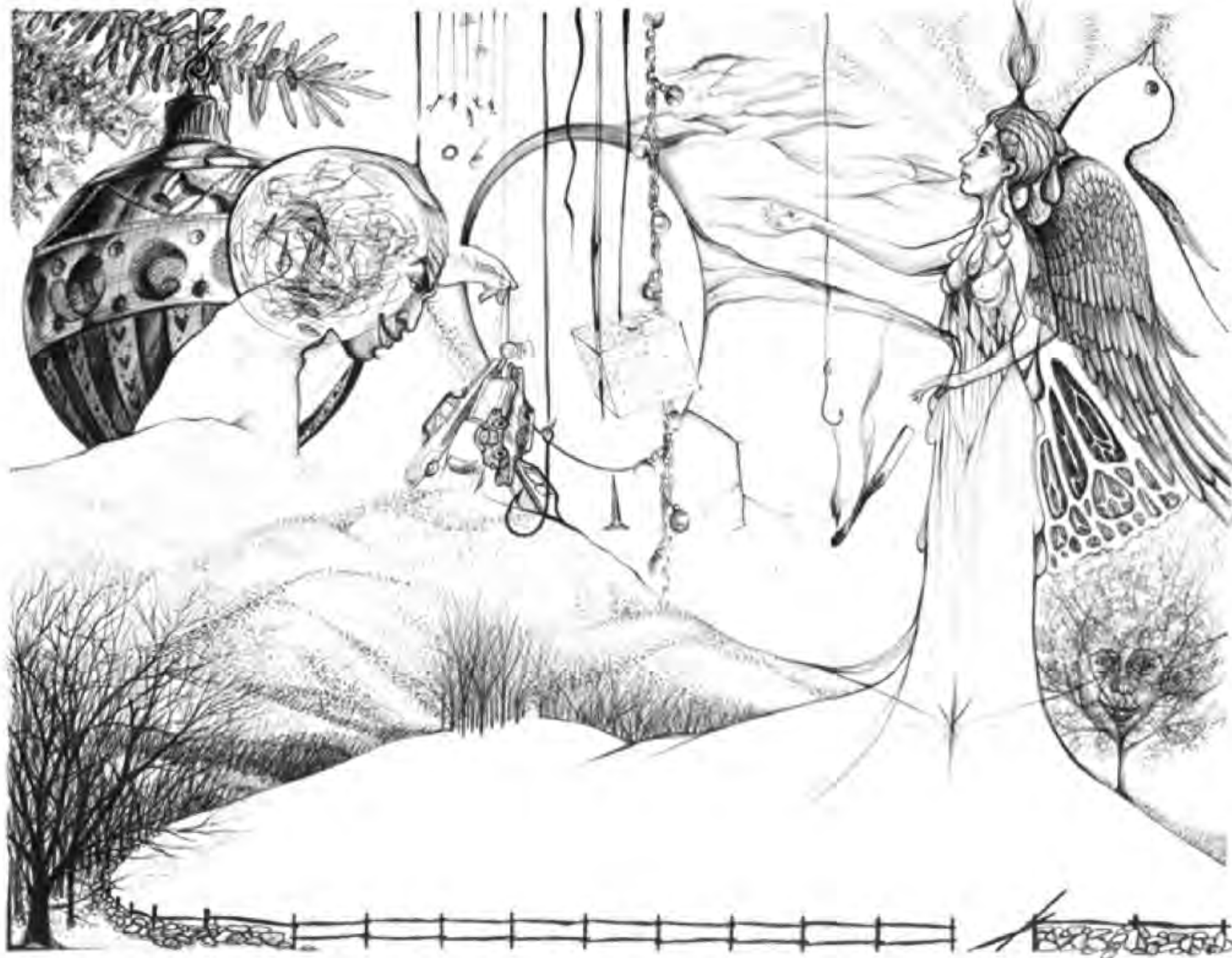
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So, the next steps are the receipt of the Charter-completed Form 100 and then a public hearing, to be held after the requisite two weeks' notice is given. If the interest in broadband evidenced everywhere around Town from the transfer station to dinner tables is any

indication, it will be a very well attended event. And then, assuming no major modifications to the agreement ensue, the Board can finish what it set out to do at its ill-fated meeting of November 21.

Stay tuned.

□



December

Season's Greetings: In January 1979, lured by the romance of California, I found myself at twenty-three living in a small room in a "cheap hotel" in North Beach, San Francisco. Arriving just in time for the riots and mayhem following the murders of Mayor George Moscone and Supervisor Harvey Milk the previous November, I was overwhelmed — amazed by the city, isolated from my family and friends, broke, and in culture shock. Eventually I was able to make a living painting signs, repairing wicker furniture, and doing graphic art. I also received a grant to study at the nearby San Francisco Art Institute. But that January, I decided to create a calendar, one page per month, as a way to document the year to come. While making art, I don't strive for a preconceived narrative. Looking back, however, from the perspective of some four decades, Decemberr, as I call it, seems to depict a struggle between earthly wants and spiritual needs, between a scramble-brained joker dangling baubles of temptation and a semi-transparent angelic figure, rising from the sensuous curves of the Berkshire landscape — Mother Nature herself.

A few years after my return to the Berkshires, I had the entire calendar printed at Study Press in Dalton, Massachusetts. It can be seen on my website- www.anngetsinger.com/series.

—Ann Getsinger

Town Business Is Your Business

BOARD OF SELECTMEN



October 22: With all three selectmen present, the Board met with Patricia Mullins of Berkshire Regional Planning Commission (BRPC) to discuss applying for another Community Development Block Grant (CDBG).

As previously reported (September 2018), the Town earlier this year was awarded a \$200,000 share of a \$1 million CDBG housing rehabilitation grant, partnered with the Town of Cheshire. This time around it wants to apply for money to bring Town Hall into compliance with the Americans with Disabilities Act (ADA).

CDBG grants are funded by the federal Housing and Urban Development Department but overseen and administered by the states. They are generally awarded for repairs to low and middle-income housing but can also be used for infrastructure projects and ADA compliance work.

As with the earlier grant, BRPC will prepare and submit the application and in return the Town agrees to appoint BRPC as the administrator of the grant, if the application is successful. For its efforts BRPC, according to guidelines from the federal Housing and Urban Development Department, which funds the grant, will be entitled to as much as twenty-seven percent of the value of the grant, which on a \$1 million award would come to \$270,000.

As explained by Ms. Mullins, the Town Hall project would typically be a two-phase, two-year effort, with the first phase resulting in a biddable design package for the Town Hall modifications, while the second phase, for which a second grant would be needed, would provide money for the construction. Ms. Mullins suggested the Town consider teaming up this time with Sheffield, which is seeking a CDBG grant to bring the building housing its police department into ADA compliance. As Ms. Mullins has previously pointed out, the majority of grants that get funded are regional grants involving the collaboration of two or more towns.

In preparing the application, the Board will look to the newly formed Commission on Disabilities for recommendations to make Town Hall more accessible, most probably including redoing the bathrooms and installing a lift to provide handicapped access to the second floor. The Disabilities Commission is currently working with BRPC on an ADA Self-evaluation and Transition Plan for such Town facilities as Town Hall, both fire houses, the transfer station, and Umpachene Falls Park, a necessary first step before the Town can begin applying for ADA-related state and federal funding.

The Board will also need to form a design selection committee, typically three to five members, to review and approve the design document. Grant applications are due March 1, 2019, with the awards being made in July.

The Board appointed New Marlborough resident Mike Leining as the Town's wiring inspector and Lawrence (Butch) Ray, also of New Marlborough, the alternate inspector. Because Mr. Leining, who was the alternate inspector, does a lot of electrical work in the Town and since he can't inspect his own work, the Board, on the advice of Owen Wright of the Building Department, agreed to appoint Jim Kerns as a second alternate. Mr. Kerns has been filling in as the Town's temporary wiring inspector since September. All three appointments are effective immediately and will run through June 30, 2019.

For her broadband update, Michele Shalaby said Charter is asking the town to sign a "streamlined" version of the cable franchise agreement that is apparently based on a franchise agreement Charter presented to the Town of Peru. She said from a cursory reading, it appears similar to the Egremont version, which the Town was prepared to sign, but fortunately, she said, the Town's broadband attorney, William Hewig of KP Law PC, is apparently familiar with both versions and can net out the differences.

Ms. Shalaby reported that in response to an email she sent Charter summarizing the Town's reservations about the overall deal, Charter said it wants to address the concerns in a conference call late next week.

In town administrator updates, Mari Enoch reported that the annual contribution from the Massachusetts Cultural Council to the Town's Cultural Council this year comes to \$4,500. She also noted that the Town has heard from an engineering firm it has started the design work for replacing a Campbell Falls Road bridge over the Whiting River. As she noted, the state is already working on designs for the repair or replacement of four other Town bridges through its Transportation Improvement Program. These include the Umpachene Falls Road bridge, the so-called "steel bridge" on Norfolk Road in Southfield, as well as Lumbert Cross Road and Canaan Southfield Road bridges. "I don't know what the time frame on this one is," Ms. Enoch said, "but that's lot of bridge work that's getting done."

Finally, she reported that although "there were eight rural communities in our area that received \$7.3 million" in MassWorks grants this year, "we were not one of

them.” The Town will reapply for the grant — \$1 million to rebuild a 2.3-mile section of Route 57 — next year.

Under selectmen updates, Nat Yohalem once again addressed the question of why the Board does not respond to questions on Maggie’s List. To begin with, he said, it would end up being a full-time job “if one of us was to respond to every inquiry about Town business, and say we did respond, for example, to a question about what’s going on with Charter, we’d get a dozen follow-on inquiries.” Secondly, individual Board members “cannot make binding statements on behalf of the Board,” according to the state’s Open Meeting Law. And finally, he pointed out that Maggie’s List, which is run by a private individual, does not reach everyone in the Town.

To find out what’s going on with the Board, he suggested attending selectmen meetings, reading the 5 Village News, reading minutes on the Town website, or visiting Town Hall where “you can look at not just the minutes but the drafts of the minutes — they’re public documents, too.” And if someone doesn’t want to do any of those things, he continued, “they can simply pick up the telephone on any Monday, Wednesday or Friday and talk to the town administrator or they can pick up the phone seven days a week and call any of the selectmen, all of whose names are all in the telephone book.”

October 29: After approving the minutes from the October 15 meeting, the Board, led by Chairman Shalaby, took strong exception to the Egremont Board’s decision not to pay its school assessment until the Southern Berkshire Regional School Committee agrees to open the Egremont school building. As widely reported, the Egremont school, as part of a settlement between the district and the town, was set to open this fall with thirteen students, but a dispute over lead levels in the building led the School Committee to move the students to the Sheffield campus.


The Board will look to the newly formed Commission on Disabilities for recommendations to make Town Hall more accessible.

In retaliation the Egremont board voted unanimously at its October 15 meeting “to withhold any further payments to the School District until such time as the class has been moved into the Egremont School House.” Egremont’s quarterly assessment payments come to roughly \$400,000, with the next one due in two weeks. “The reason I bring this up,” Ms. Shalaby said, “is because I see the five towns as partners in the School District, and withholding payment of our assessments, to me, is not an appropriate means of working within the district.”

She then asked the Board, what, if any, action New Marlborough should take in response. Mr. Yohalem agreed to draft a letter on behalf of the Board to the School Committee with copies to the other towns, urging the Committee and Egremont to sit down and resolve their differences by November 15, when the next payment is due. The letter, he said, would state that New Marlborough is in total support of the School Committee’s position, and that if the payment is not made in a timely fashion, “the district should take all steps to collect the money including, if necessary, litigation.”

In addition, Ms. Shalaby, who said her concern is that it sets a bad precedent — “I don’t remember any town in any dispute with the School District saying they were going to withhold their payment” — will send an email to the chairmen of the other boards, including Egremont’s, asking them “to come to an understanding as boards of selectmen that this is not the way we are going to resolve disputes, by withholding payments.”

In other matters, the Board received a letter from the Massachusetts Department of Agricultural Resources, asking it to make a public announcement of a proposed acquisition by the state of an Agricultural Preservation Restriction (APR) on 200 acres of farmland owned by Warren R. Wilcox of Sheffield.



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The acquisition, if approved, would protect the land from development in perpetuity. The Wilcox farm straddles the border between New Marlborough and Sheffield where Brewer Branch Road joins Hulett Hill Road, sixty-eight acres of which are on the New Marlborough side of the line, according to Town Administrator Enoch. The land is used primarily for forage for livestock. For the purpose of providing legal notification to the public of the acquisition, the official notice, dated October 15, 2018, and signed by APR Coordinator Ronald Hall, was read into the record by Chairman Shalaby and posted on the Town Hall bulletin board. The Board then agreed to a Department of Agriculture request that the Town reduce the legal notification period for finalizing the acquisition from 120 days to 60 days "to expedite the process."

In Charter developments, the focus continues to be on the cable licensing agreement between Charter and the Town. As reported earlier, there are two versions of the document, the so-called Peru version and the original Egremont version that the Town had indicated back in August it was ready to sign.

Steve Klein, who, with former Broadband Committee Chairman Richard Long, has been advising the Board, reported that the Town's broadband attorney, William Hewig, has sent the Egremont version back to Charter's Melinda Kinney with the items of concern to the Town highlighted. Ms. Kinney, he said, would review the changes and "circle back" as soon as possible.

Ms. Enoch reported the state legislature's approval of \$40 million in supplemental Chapter 90 funds for FY19, which is 20 percent above the typical Chapter 90 funding level. She said New Marlborough's share of that is \$67,648, bringing the Town's total Chapter 90 funding for the current fiscal year to \$405,893.

Peter Schuyten

**Individual Board members
"cannot make binding statements on
behalf of the Board," according to
the state's Open Meeting Law.**

November 5: The meeting was called to order at 6:20 p.m. by Selectman Nat Yohalem, who, in Ms. Shalaby's absence, acted as chair. The first order of business was to express the Select Board's sympathy to Ms. Shalaby and her family for the loss of her father on October 31. "Sadly," said Mr. Yohalem, "we also lost Bill Simpson, the town's former fire chief. Our thoughts and prayers go out to both families." A card will be sent to each family.

Prudence Spaulding, the Town's animal inspector, presented the Board with a summary of her responsibilities: ensuring that all animals, including cats and dogs, have food, shelter, and protection from rabies. If farm animals are brought into New Marlborough, she checks to ensure they came with a certificate of health from their home states. Dogs reported to have been aggressive or to have bitten someone are quarantined in their homes. At least once a year, she inspects all barns — a coop with even one chicken is considered a barn under state law. There are, she reported in a brief written report, fifty homes with agricultural animals, down from fifty-one last year. The number of chickens is rising, despite many flocks being raided by predatory animals.

In response to a request from Town Secretary Sharon Fleck, Mrs. Spaulding said she shares a copy of the annual animal report that she sends to the state with the Police Department but that the report was confidential and could not be otherwise disseminated.

Ms. Enoch then provided details on the easement the state Department of Transportation (DOT) has requested for Umpachene Falls Park for the replacement of the bridge over the Konkapot River. The easement, which was signed by Mr. Yohalem in his capacity as acting chair, will temporarily give the DOT control of the land. After replacing the bridge, the DOT will be responsible for restoring the driveway into the park and reseeding the lawn. **No adverse impacts to the land are expected and the park will remain open.** In response to a question from Selectman Tara White, Ms. Enoch said she would check to determine if walk-in accessibility would be affected. Bids for the work associated with the project will go out in February.

Mr. Yohalem said he expected to meet with Charter representatives on November 8 to sign a broadband agreement if consensus is reached. The Town will be represented by Ms. Enoch, advisors Richard Long and Steve Klein (by telephone) and Ms. Shalaby if she is available. If an agreement is not reached, Ms. White asked that Charter be required to pledge for its completion by a specific date.



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Turning to Board of Selectmen updates, Ms. White reported she would be meeting November 8 with representatives from Monterey, Sandisfield, Tolland, and Granville to discuss the need for improvements to Route 57. State Representative Smitty Pignatelli was expected at the meeting. To adequately address Route 57's decline, she said, the towns must provide or secure from other levels of government funds totaling \$20 to \$30 million.

In his BOS update, Mr. Yohalem reported that the school union E contract had been okayed.

He also noted that a meeting is planned, date to be determined, for representatives of the towns that comprise the Southern Berkshires Regional School District (SBRSD) to address the decision of Egremont's selectmen to withhold its regular November payment until the South Egremont School is reopened. Counsels will also be in attendance. The school has remained closed because of concerns about lead contamination. "Hopefully," Mr. Yohalem said, "we will be able to convince Egremont to make the November payment."

To adequately address Route 57's decline, the towns must provide or secure from other levels of government funds totaling \$20 to \$30 million.

Anne Sommers

November 14: With all three members present, along with special broadband advisors Richard Long and Steve Klein (via telephone), the meeting convened at 4:40 p.m. Chairman Shalaby briefly reviewed the status of the three constituent agreements that will need to be signed to move forward with Charter.

She indicated that the Contribution and Assessment Agreement between the Town and the Massachusetts Executive Office of Housing and Economic Development was agreed to and ready to go. Pursuant to this agreement, \$720,000 would be offset from state aid payable to the Town in order to repay the state for part of the cost of construction of the broadband network. Payments would bear interest at a rate to be set when construction is complete and would be paid back over

fifteen years from that point.

The second agreement is the so-called Grant Agreement between Charter and the Massachusetts Technology Collaborative (the Massachusetts Broadband Institute is part of the Collaborative). In this agreement the Collaborative will make a grant of \$3.15 million to Charter to be used to construct the network in New Marlborough. Ms. Shalaby indicated the agreement is ready to be signed as well, although it appears that one issue may need to be ironed out.

And finally, there's the Cable License Agreement between the Town and Charter, dealing primarily with television service in town, which still needs to be finalized, as a number of open issues remain. A meeting was

scheduled with Charter for the next day, November 15, to resolve the open issues, and in order to prepare for that meeting, the Board voted to go into Executive Session. But before the public left the room Ms. Shalaby reiterated her hope that the agreements could be finalized very shortly.

Barry R. Shapiro

November 19: Before convening its regular meeting, the Board, with all three selectmen present, met in joint session with the Commission on Disabilities to discuss

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the ADA Self-Evaluation and Transition Plan and to consider appointing an ADA coordinator whose job it would be to plan and coordinate the Town's ADA compliance efforts.

As previously reported, the plan, which the Commission has been working on with Berkshire Regional Planning Commission's (BRPC) help since last August, is a necessary step before the Town can start applying for state and federal funding to bring Town Hall into ADA compliance. Commission members in attendance included Chairman KellyAnne McGuire, John Hotaling, Marilyn Fracasso, John Pshenishny, and Tom Stalker.

To date, BRPC has produced two drafts of the plan based largely on comments provided by the Commission. However, according to Ms. McGuire, the Commission still has additional comments it would like to see incorporated.

There were other concerns, as well, about the plan's merits or lack thereof, including the quality of the writing, the document's format, the method by which the priorities were assigned, even the number of columns making up the report's tables, until finally Ms. Shalaby interrupted to ask, "But how good does the plan need to be right now? If we understand our priorities and if there's enough [in the plan] to apply for grants so we can fulfill those priorities, are we at a reasonable place where we can move on to get a coordinator on board to serve our priorities?"

And indeed on that point, the Commission seemed very clear. "Our first priority," according to Ms. McGuire, "is Town Hall, making both the upstairs and downstairs accessible for voting and attending town meetings." Ms. Shalaby, however, had a somewhat different take. "I don't know that we need to be coming up with specific solutions right now," she said. "We just need to say, okay, we want to make sure everyone can attend town meeting and that they can vote. It's the function of attending Town Meeting that matters. And I think our next step then is to get that coordinator, and then we'll meet with you again."

But rather than tackling the question of how to go about finding someone with the qualifications and experience to implement the Act, Ms. Shalaby said, "Let's put on a future agenda an outreach plan for advertising to get a coordinator." Ms. McGuire concurred and asked to be part of the hiring process.

With that the meeting adjourned, and the Board convened its regular Monday meeting, in which the first order of business was a Charter update from broadband advisor Steve Klein and Town Administrator Enoch. In

a conference call last week, according to Mr. Klein, the Town finally reached verbal agreement with Charter on the remaining issues holding up the signing of the cable-licensing contract. He said all three agreements that need to be signed to move the Charter deal forward are now essentially in final form. "There are no outstanding controversies among the parties at this point."

He then recapped for the meeting the high points of the Charter deal. He said Charter has agreed to serve a minimum of 96 percent of the residences in town, irrespective of where they are or where their poles emanate from; that the fee for a standard installation of 250 feet of aerial connection is \$49, and that Charter has up to one year after the pole licenses have been procured to wire the town.

Charter has agreed to charge the same amount here for its service that it charges within a 100-mile radius, which, as Mr. Klein pointed out, includes customers in competitive markets such as Springfield, Albany and Hartford. And finally, in terms of Internet speeds, the agreement stipulates Charter will provide 100 Mbps download and 10 up. The town and the other parties have agreed to sign the three documents "as simultaneously as physically possible, because they really do fit together," he said, "and the deal is only a deal when all three are signed."

Then it was Ms. Enoch's turn, who said there are still several steps yet to be taken before the signing can take place. **The first, which is required by the state Department of Telecommunications and Cable, is the filing by Charter with the Town of a Form 100, which is essentially an application to operate a cable television system.** The Town then has to hold a public hearing on the application, requiring at least two weeks advanced noticed in a local newspaper, and that once the hearing has been held, the Town can then issue a

"Our first priority," according to Ms. McGuire, "is Town Hall, making both the upstairs and downstairs accessible for voting and attending town meetings."



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cable license to Charter. It's at that point that all three documents can be signed. She estimated the signing would likely take place sometime in January.

In other matters, Ms. Enoch reported there were as yet no bids for the annual snow and ice removal contract, intended to supplement the Highway Department's plowing efforts in the Canaan Valley Road area. While noting the difficulty of finding an independent contractor — as most of them apparently prefer doing private plowing — Ms. Enoch said Superintendent Loring is continuing in his efforts to find one.

There was only one bid for the heavy equipment rental contract, according to Board Secretary Sharon Fleck, and that was from Joe Wilkinson for the same amount he bid last year and only one bid for the Town's tree work from John Field, who also bid the same as last year. And finally, there was only one bid for some of the highway materials contracts, included processed gravel, unprocessed bank-run gravel, washed winter sand, and three-inch crushed stone, and that was from the Wilkinson firm, but there were no bids for topsoil, fill and the rest of the crushed stone.

On Superintendent Loring's recommendation, the Board awarded the heavy equipment, tree work, and highway materials contracts to the sole bidders, and Mr. Loring, according to Ms. Enoch, will rebid the remaining materials contracts.

There have been some interesting developments regarding the road grader the Town is buying from Caterpillar for \$325,000. Apparently, due to an internal mix up at Caterpillar, the wrong grader was ordered and is due to be delivered by the end of December. The grader that Mr. Loring actually ordered is about to be put into production, Ms. Enoch said, but won't be ready for delivery, depending on where it's being assembled, until sometime between May and July.

The error, however, is turning into a win-win for the Town. Caterpillar, said Ms. Enoch, has offered the Town the use of the wrong grader, due in December, until the one that was ordered arrives, at which point Caterpillar will swap them out at no additional cost. Then, too, the grader the Town will ultimately receive has more horsepower than the one Mr. Loring originally ordered. So the Town will be getting more grader for its money, plus the free use of the mis-ordered grader for half a year.

The Board voted to authorize purchase orders for the two graders, along with a cover letter summarizing the transaction, all three of which Chairman Shalaby then signed. In a related matter, it agreed to finance the grader, which has a useful life-expectancy greater than the usual five years of most municipal vehicles, over ten years and opted for a ten-year fixed-principal loan, rather than a series of ten one-year notes.

The Board assigned term limits to the members of the recently-formed Commission on Disabilities, as recommended by Commission Chairman McGuire, as follows: Mr. Stalker, three years; Mr. Hotaling, one year; Mr. Pshenishny, three years; Ms. Fracasso, one year; Prudence Spaulding, one year; and Ms. McGuire, two years. The terms are retroactive to July 1, 2018, when the Commission was formed.

Ms. White reported on the latest meeting of the five Route 57 towns, which was also attended by Rep. William (Smitty) Pignatelli. She said the group, comprising Monterey, New Marlborough, Sandisfield, Tolland, and Granville, discussed the \$5 million earmarked by the state for culvert repairs along Route 57 and sought Rep. Pignatelli's help in getting the money released. The towns are also seeking help from the Boston-based engineering firm BSC, which has previously done road and culvert work for New Marlborough, in putting together a preliminary plan for the culvert repairs. Rep. Pignatelli has apparently agreed to present the plan to Governor Charlie Baker in an effort to expedite the disbursement.

And finally before adjourning, the Board reviewed and approved the minutes from the November 5 and November 14 meetings. □

Peter Schuyten

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CONSERVATION COMMISSION

September 22: Commission members John Schreiber, David Hosford, and Dave Herrick convened the month's meeting.

Dr. Schreiber re-opened the hearing for Ravine Falls Trust/Scheffey family for permitting the drawdown of the pond and repair of the dam gate on North Road. Tom Coote, Berkshire Environmental Research, updated the Commission that the additional permitting details requested by the Department of Environmental Protection (DEP) had been supplied. The Notice of Intent (NOI) was approved pending Mr. Coote's submitting the degrees, minutes, and seconds coordinate values locating the work site.

The Commission then accepted two Certificates of Compliance for two NOIs: one for Mark Leavitt of 19 Konkapot Road and the other for National Grid for work on 747 Rhodes and Bailey Road.

Shannon Boomsma of White Engineering then addressed the Commission on the continued hearing for Ian Devine of 61 Steepletop Road. Ms. Boomsma gave the Commission an update on the permit for dredging Harnett Pond and explained that the permit is awaiting a 401 Water Quality Review sign-off from the Massachusetts Environmental Policy Act office, as well as a third party habitat review. The hearing was continued until next month.

Ms. Boomsma then submitted an NOI for Marc Gourevitch and Sabrina Cherry of 98 Lumbert Cross Road to permit removing trees within the riverfront area of the Umpachene River. Ms. Boomsma explained that all the trees under consideration directly threaten the residence and/or the utility lines and that no proposed removal is within twenty-five feet of the resource area. After some discussion the applicant decided to withdraw the NOI and instead exercise an exemption in the regulations which permits tree removal for residential

firewood if the removal does not exceed 5,000 board feet or ten cords of wood.

Finally, Ms. Boomsma updated the Commission on the Enforcement Order issued to Deanna Mummert of 105 Hartsville Mill River Road. Ms. Boomsma submitted the restoration plan for the work area. In order to meet compliance and to further stabilize the site, several conditions would be met: that future mowing would not occur within the bordering vegetative wetland to the Konkapot River; that grass and clover would be established in the work area; that young sprouted poison ivy would be pulled up by hand; and that inspection of the site for two future growing seasons would be allowed. The Commission noted that the DEP had requested that the restoration planting of four native shrubs be completed by November 1. Ms. Boomsma noted that the plant selection for silky dogwood would need to be substituted and that she would source equivalent native material to be planted by the deadline.

In new business, Peter Hagen, representative of the Lake Buel District, was on hand to request extensions to two existing NOIs. Mr. Hagen requested that one of the NOIs addressing mitigation of beaver activity on Lake Buel be amended to allow annual maintenance to the beaver dam. The Commission agreed with the logic of the amendment and noted that permission is subject to DEP approval.

Dr. Schreiber then informed his Commission members of a workshop he attended that covered best practices for building walking trails in resource areas. Consideration was given to calling an informational meeting with the New Marlborough Land Trust and possibly a larger "symposium" with other entities involved in building walking trails. The Commission agreed to give such a meeting further consideration. □

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HOW WE VOTED

First of all, New Marlborough, take a bow. We came, we saw, we voted — at a rate that was 60 percent higher than the nation as a whole. Analysts have heralded a near-record national turnout for a midterm election, which, at 49.2 percent of registered voters, was higher than any midterm since 1914. But this figure pales next to New Marlborough's 72.2 percent. Of the 1,078 registered voters in town, 779 cast a ballot. The opportunity to vote early — an innovation in Massachusetts starting with the 2016 election — may have helped: 159 New Marlborough voters cast early ballots; 45 voted by absentee ballot.

With the exception of the governorship and a School Committee race, New Marlborough voters were on the winning side of every candidate and ballot question. Here are selected town votes, plus how our percentages compared with those of the state and county as a whole:

GOVERNOR

Baker/Polito.....343 — 45% (state: 67%)
 Gonzalez/Palfrey.....419 — 55% (state: 33%)
 17 voters left this line blank

BERKSHIRE COUNTY ATTORNEY GENERAL

Andrea Harrington.....524 — 67% (county: 58%)
 Paul Caccaviello.....151 — 19% (county: 34%)
 104 blanks (Caccaviello was a write-in candidate)

QUESTION #1, MANDATING NURSE-TO-PATIENT RATIOS

Yes.....167 — 21% (state: 30%)
 No.....593 — 76% (state: 70%)
 19 blanks

QUESTION #2, on the formation of a committee that would weigh the constitutionality of the 2010 Citizens United decision giving corporations the same rights to free speech as humans

Yes.....561 — 72% (state: 71%)
 No.....181 — 23% (state: 29%)
 37 blanks

QUESTION #3, to retain a 2016 state law that prohibits discrimination on the basis of gender identity in places of public accommodation

Yes.....570 — 73% (state: 68%)
 No.....174 — 22% (state: 32%)
 35 blanks

The winners of other elections were all supported by at least 70 percent of New Marlborough voters: Elizabeth Warren, U. S. Senate; Richard Neal, U. S. House of Representatives; and state officers, Attorney General Maura Healy, Secretary of State William Galvin, Treasurer Deborah Goldberg, Auditor Suzanne Bump, Councilor Mary Hurley, State Senator Adam Hinds, State Representative Smitty Pignatelli, Clerk of Courts Deborah Capless, and Register of Deeds Michelle Laramme-Jenny.

Jane Burke of New Marlborough was elected to a four-year term on the Southern Berkshire Regional School District School Committee. In other School Committee contests, Kenneth Knox of Egremont received 51 write-in votes from New Marlborough, versus 15 for G. Melendez-Delaney, to win a four-year term by about the same margin as district-wide. Alford resident Jefferey Blaugard out-pollled incumbent Carl Stewart by more than two to one in a write-in race, though Mr. Stewart won in New Marlborough 49-41. In Sheffield, with two seats on the Committee contested by four candidates, veteran Committee members Bonnie Silvers and Dennis Sears were returned by significant margins over Jon Bruno and Tim Schroepfer. Here, the winners outpolled the losers by more than two to one.

At the end of the day, the real winner in New Marlborough was democracy. If the rest of the nation voted at our rate of participation, democracy in America would be alive and well. □

Joe Poindexter



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A QUALIFIED 'YES'

A Majority of the Town OKs at Least Some Marijuana Businesses

The results are in. Six out of ten respondents to a survey distributed to New Marlborough residents by the New Marlborough Cannabis Ad Hoc Committee (CAHC) said they would allow at least some types of commercial marijuana establishments in town. Beyond that, however, sentiments were mixed. A little more than three in ten gave all forms of cannabis businesses their approval. A quarter said they would approve some businesses but not others. Four in ten said they would nix all types of marijuana commerce entirely. The survey did deliver one clear message: Whether they approved of it or not, three out of four respondents said the Town needs a bylaw that addresses commercial cannabis.

These findings were announced by CAHC Chairman Dan Doern at a much-anticipated public gathering November 14, the third such informational meeting since the Committee was established at the Annual Town Meeting last May and appointed by the Board of Selectmen shortly thereafter. The Committee was charged with researching legal adult-use marijuana businesses and options available to the Town, sharing the results of that research with the Town, and, after surveying the opinions of the townspeople, reporting its findings to the Planning Board.

The Committee went to great lengths to get the word out. Besides the two informational meetings which, together, were attended by almost 100 people, the CAHC reached the community through local newspaper articles, radio, public access television, and several email blasts. Members also presented information at Elihu Burritt Day and small local group meetings, along with spending time at the New Marlborough Transfer Station speaking with residents.

It then mailed the survey, including a postage-paid return envelope, to 1,045 registered voters in town. It also posted the survey on-line, not only for voters who may have preferred that format but also for second

homeowners, part-time residents, and business owners. "Although registered voters are the only people in town who can legally vote," said Mr. Doern, "we need to hear from as many stakeholders who live here as possible, and that includes second homeowners and those who own a business in town."

The CAHC received 522 responses, 441 from voters and 81 from second home owners and business owners; 390 surveys were submitted on paper, 132 online. This represents a response of 43 percent — an unusually high rate in the world of surveys, said Mr. Doern. The Committee, he said, appreciated the time people took to express thoughtful opinions — seventy-seven respondents added a comment to their survey response.

Mr. Doern then presented the survey results.

- Question 1, should the Town allow all, prohibit all, or allow some types and prohibit some types? 33.4 percent allow all; 39.2 percent prohibit all; and 26.7 percent allow some types and prohibit some types.
- Question 2, if a majority of townspeople choose to allow adult-use marijuana businesses, which, if any, of the adult-use marijuana businesses should the Town then allow? Respondents identified craft cooperatives, micro-businesses, and cultivators as their top three choices, out of the eight marijuana business options provided. (The other types of businesses surveyed were product manufacturer, retailer, research facility, testing laboratory, and transporter.)

Asked where they lived, the respondents named Clayton: 6.9 percent, Hartsville: 13.8 percent, Mill River: 26.5 percent, New Marlborough: 25.8 percent, and Southfield: 27.2 percent.

Comments ran the gamut from outright dismissal — "We are already in a great opioid crisis, what genius thinks we need to add more drugs to our problem?" — to reasoned acceptance — "If we can allow unsightly



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solar fields, certainly we can allow marijuana farming or facilities, out of sight, which add to the tax income and can be regulated to be permitted.” About a dozen respondents mentioned that regulations or by-laws could address the size of a prospective business and its location and setbacks. Others commented that bylaws should be written to address all commercial businesses, creating comprehensive zoning in town instead of zoning for just one industry. A number of respondents thanked the CAHC for the work they are doing around this issue and for reaching out to everyone.

Since the survey had just recently closed, Mr. Doern said “there was still much digging to do” but recommended that the Planning Board, which is now in possession of all the survey data, proceed with its own analysis in deciding on a course of action.

Planning Board Chairman Peter Tiso thanked the CAHC and asked what conclusions it had reached. Committee members, said Mr. Doern, agreed they could take just one deduction from the survey: the need expressed by fully 75 percent of the respondents — on both sides of the cannabis question, as well as those in middle — for new zoning bylaws.

Discussion followed on the potential content of such bylaws. CAHC member Jackson Liscombe noted that the survey did not elicit this information and that bylaws may have to be proposed for the eight different types of marijuana businesses under consideration, plus a general bylaw that would regulate any businesses the Town did not prohibit.

Mark Carson of the Planning Board expressed reservations about any restriction on the use of private property. “Each village is different,” he said, “and it’s hard to tell people what to do with their land...I want to be sure we don’t shut the door on people who have been trying to sell their land.”

Mr. Tiso spoke of the high bar for any kind of prohibition. In towns, such as New Marlborough, that passed the legalization of marijuana in the 2016 state referendum, the town needs a 2/3 majority vote at

town meeting and a majority vote at the town election to prohibit all commercial marijuana businesses. Prohibition of a specific business would require the same 2/3 majority at a town meeting and a majority in the town election.

Mr. Tiso found the responses to survey Question 2, in combination with comments about preserving the town’s rural character, particularly instructive. Accounting for the respondents’ concern for environmental issues, micro-businesses and craft cooperatives would seem appropriately sized for New Marlborough, he said.

Eric Schaeffer of the Planning Board noted that the Oasis proposal in Hartsville was presented by a developer, not someone directly involved in commercial marijuana, and so was not subject to the same stringent regulations a marijuana licensee would have to have meet. Mr. Tiso concurred, but Mr. Doern pointed out that “the facility would still have had to comply with the cannabis laws if the developer wanted to rent the buildings to a marijuana business.”

To a question from Michael Shocket of the CAHC on the timing of a Planning Board decision, Mr. Tiso said, “I would like to propose that we vote on a general course of action by our next meeting. We still need to study, but we should be at least able to say that we are going to shoot to have a bylaw that would set guidelines by the Town Meeting.” Other members of the Planning Board expressed a need for additional meetings to study the issue, but all concurred, in view of the upcoming Annual Town Meeting next May and the fact that the moratorium ends June 30, on the need to move expeditiously.

As the meeting drew to a close, Mr. Doern asked if the Planning Board needed anything further from the CAHC. Peter Tiso responded that providing all the information in a package for the public, as the CAHC has been doing, and making it available on the Town website in a manner that those who are not familiar with the data would easily understand would be helpful. Mr. Doern agreed to do so as soon as possible. □

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The following two articles originally appeared in The New Marlborough 5 Village News in its first year of publication, 2000. John Sisson's piece on the early days of Mill River makes a brief mention of native son Marcus Rogers, which prompted us to include an article from the very first issue of the NM5VN about the illustrious Mr. Rogers. This article was written by the late John Manikowski, who was one of our founding members (and who created the drawing of Umpachene Falls that graces our masthead).

MILL RIVER:

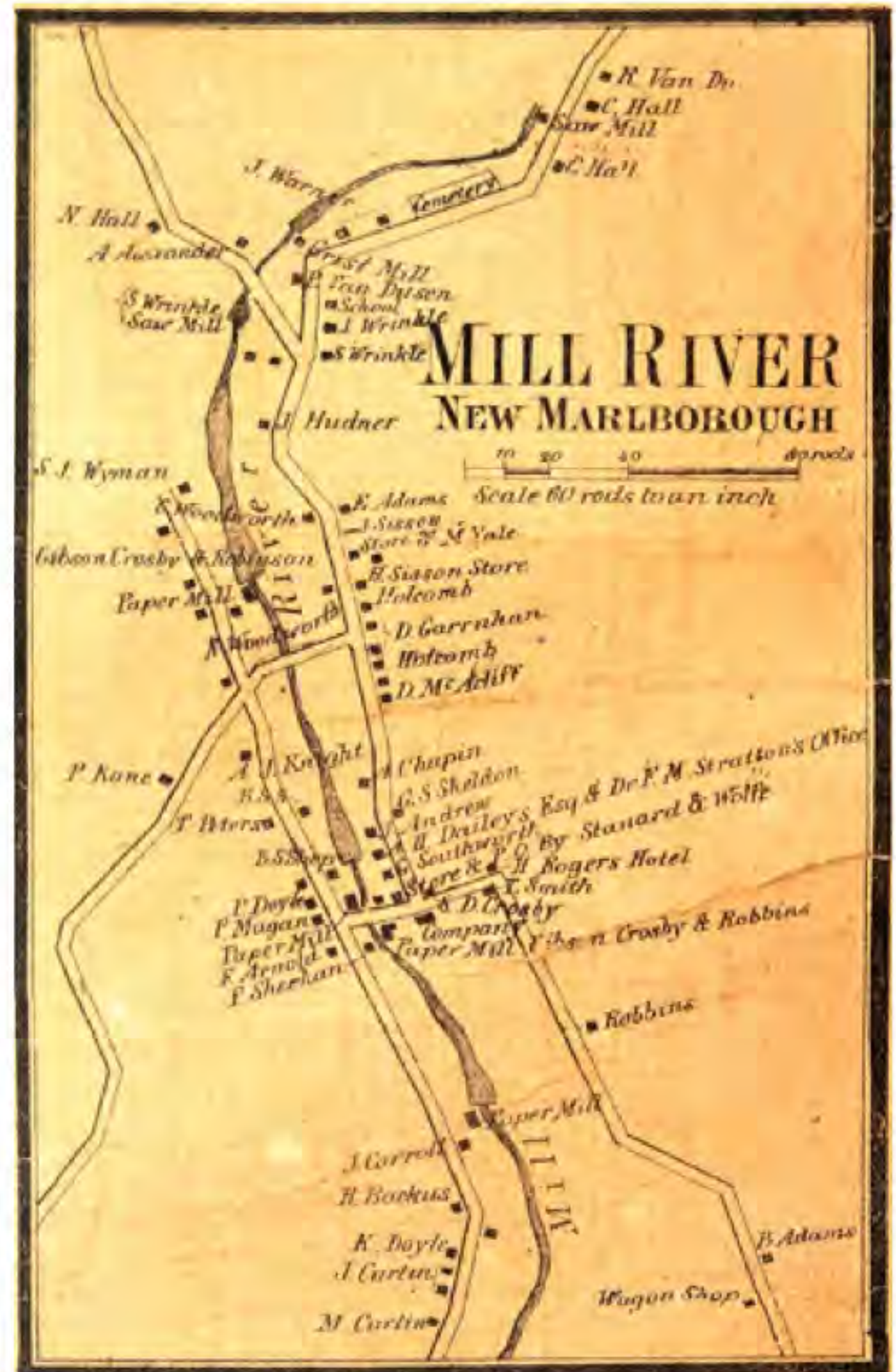
A Dammed Good Site Becomes a Village

By John D. Sisson

The village of Mill River owes its life to the Konkapot River, which some 260 years ago flowed free and wild over its rock-strewn bed through a land unnamed and unnumbered. The Konkapot and the Umpachene were brim full of fat fish, and the only human presence was that of the people who, under the leadership of Chief Konkapot, would come to be called the Stockbridge Indians.

In 1739 a meeting was held in the home of one Widow How in the town of Marlborough, about midway between Worcester and Boston (or, as in some accounts, at the How Tavern in nearby Sudbury), and it was there that plans were made to open four new townships between Hartford and Albany, to protect a land route between the Connecticut and Hudson Rivers. (Some histories ascribe this directive to orders from the British crown.) Township #2 was to become the town of New Marlborough, and a settlement was planned for the place where a river, then called the Iron Works River after a downstream iron works, provided a source of water power. This site became Mill River.

The first mill erected was a saw mill, for which Nahum Ward gave a bond of 500 pounds to build and keep operating for a period of twelve years. Nahum, however, sold his rights to Elias Keyes (rhymes with "eyes"), along with the acreage that was part of the original grant, at a tidy profit. The solidly constructed mill operated for the better part of two centuries, finally succumbing to the ravages of the wind and weather during World War I.



The 1858 map of Berkshire County includes this inset map of Mill River. Looking at the Konkapot River as it winds through the village, one can clearly see five points where the dams were in place to harness the river's flow in the service of industry.



A southerly view of the Crosby and Robinson paper mill, showing the large containment of the Konkapot River's water above the mill dam.



A late nineteenth century photograph of the Crosby and Robinson paper mill. The dam that supplied the power for this mill, located just north of the Hayes Hill Road bridge, was largely destroyed in 2012 by Hurricane Sandy's heavy rains. The impressive foundation of this mill still stands, and is well worth a visit.



A photograph of the staff of the Creamery in Mill River, revealing a time in the history of the village when employment was at a high.



A postcard view of Mill River, with the General Store on the right. The Post Office hasn't changed location since!

With lumber for buildings readily available, other mills and homes and businesses soon arose. The first grist mill was erected in 1753, just upstream of the Keyes saw mill. Paper mills started up in the early 1800s, providing employment for several hundred people. As a result, New Marlborough's population soared to more than 2,000. Another result of all the mills: the hills around Mill River were almost completely denuded. Despite the lack of trees, an 1885 *Gazeteer of Berkshire County* described Mill River as "one of the loveliest villages in Southern Berkshire." The same *Gazeteer* mentions the Mill River Hotel, which was presumably Marcus Rogers's home, across the way from Town Hall, to which Rogers returned to spend the last years of his life. (For more on Marcus Rogers, see the accompanying article.)



which continued for another twenty-five years. Today, all that remains of these once thriving businesses is a scattering of impressive stone foundations along the banks of the Konkapot.

Meanwhile, the village retains its quintessential New England charm. Life still swirls around the single General Store and Post Office, with the garage the only other business still operating in the village. And, today, as before the meeting in Widow How's home, the Konkapot flows free and wild over its stony bed, while a second growth of trees covers the hills. □



Above, A turn-of-the-century view of Mill River in winter, with what was then known as Peter's bridge in the foreground and the Congregational Church in the distance, perched up on the hill overlooking town.

Left, Main Street of Mill River, looking southwards, in a photograph dated 1905.

The paper-making business ultimately failed because of the high cost of moving paper products to a rail head, the closest being at Canaan, Connecticut. In the late 1880s, J. Carroll & Company was turning out five tons of book paper a day. By the turn of the century, all manufacturing of paper products had ceased; one by one, the remaining mills gradually closed their doors. There were two holdouts: the Sisson Saw and Planing Mill (originally, Keyes Mill), which ceased operating during World War I; and the Brewer Saw Mill,



A panoramic view of the junction of the Mill River Great Barrington Road and the Mill River Hartsville Road, with what was then the H. D. Sisson home on the right and the saw mill to the left.

THE RISING SUN: SOUTH COUNTY'S FIRST NEWSPAPER

By John Manikowski

Anyone starting – or re-inventing – a newspaper in South County should take a moment to pay homage to Marcus Rogers, who was born in Mill River in 1835, founded *The Rising Sun* at the ripe old age of nineteen, and went on to gain national and even (to stretch the facts only slightly) international renown as a small-town newspaper publisher.

Rogers started his publishing career with a nest egg of \$14. This represented his savings from working after school as a clerk at the Mill River Store and Post Office (then called Hollister's). He purchased lead type and other printing equipment, jury-rigged his mother's cheese press into a workable printing press, and started bringing out a three-column monthly, which he called *The Rising Sun*. It carried news of "fires, serious accidents, marriages, and deaths," to quote from his description of what he deemed worthy of publication.

He seems to have quickly acquired a newspaperman's nose for news and a good sense of the sort of fare folks might want to read. So he solicited anecdotes and gossip from friends and Mill River neighbors and hired stringers in adjoining towns and villages to keep him posted on goings-on around the South County countryside.

The paper lasted a year. The enterprising young man with a combination of printer's ink and wanderlust in his blood then set off for Pittsburgh, Pennsylvania, where he found a job with a small evening newspaper, and eventually wound up working for a major daily, *The Pittsburgh Post*. Working sixteen-hour days, he learned the printing trade from the ground up. Returning to the Berkshires, he joined the staff of *The Berkshire Courier* in Great Barrington in 1862, and bought it three years later.

He brought a wry wit to the paper. A single sample must serve – a paragraph from a Local Items column in the May 29, 1862, *Courier*: "These times are about as scarce as dimes in an editor's pocket. The fine weather keeps farmers busy and makes business dull. With no elopement cases to chronicle, no gossip to record, we feel like manufacturing news ourself



Marcus Rogers, in his prime.



The New Marlborough Public Library, seen here nearing completion in 1923, was one of Marcus Roger's lasting accomplishments — the result of his successful efforts to secure funding from Andrew Carnegie.



The *Rising Sun* printing press, fashioned out of Marcus Roger's mother's cheese press, can be seen at the New Marlborough Historical Society's exhibits in Town Hall. photo by Larry Burke

if something does not happen soon. Won't somebody do something worth mentioning?"

Under Roger's leadership, the *Courier* acquired the reputation of being among the best of the country's small-town papers, and the publisher's views on the "practical management of a country newspaper" were respectfully cited in papers as far away as London.

Rogers enjoyed travel. With his wife, Electra Shaw of Great Barrington, he toured the U.S. and traveled widely abroad – to Morocco, Italy, Spain, and France. In 1879, he sold the *Courier* to *The Springfield Republican*, but he couldn't live long without a newspaper, so in 1887 he bought *The Berkshire County Eagle* in Pittsfield. He redesigned the paper, which was then a weekly, boosted its circulation, and then sold it in 1889. He had come a long

way since using a made-over cheese press to bring out his first paper, but, as he wrote in his memoir, "nothing equals the satisfaction and enjoyment I had in publishing *The Rising Sun* in 1854 when a boy of nineteen years."

Marcus Rogers was instrumental in securing \$5,000 from Andrew Carnegie to help build the first New Marlborough Free Public Library. (The Pittsburgh steel magnate helped finance more than 2,800 free public libraries across the United States.)

Rogers died in 1926 at the age of ninety-one. Both he and his wife are buried in the Mill River Cemetery. □

Acknowledgements: This article is based on two sources: *An Informal*

History of the Town of New Marlborough, Massachusetts, 1739 – 1975, edited by Claudette Callahan, published by the New Marlborough Bicentennial Commission in 1975; and the bound editions of *The Berkshire Courier* in the New Marlborough Historical Society at the Town Hall.

NEIGHBORS



Mike and Kay Jaffe, residents of Brewer Hill for forty-three years, will enter a new phase of their lives in early December. While visiting one of their sons at his home in Tallahassee, Florida, they became aware of the abundance of senior living facilities in the area. Their daughter-in-law did some research and identified one such facility that she thought they'd like. Subsequently they spent a week exploring the place,

liked what they saw, and signed up.

Mike's reaction to seeing photographs of the facility was, "Sure are a lot of old people – most of them are younger than I am!" Kay was enthusiastic about their new surroundings, a three-room apartment that is light and bright even on a rainy day, three meals a day ("Very important!"), and weekly housekeeping. She also liked the fact that the complex is limited to 103 residents. She noted that there are plenty of easily accessible activities in the area and that their son has built a workshop at his home where he and Mike can work on "projects."

The Jaffes purchased acreage on Brewer Hill Road in 1973 and finished building a house two years later. Kay said their first weekend in New Marlborough was "Fourth of July, 1775 – oops! – 1975. Sometimes it feels that way." They moved here full-time in 1988, and immediately became involved with community activities. Kay, who had been a librarian at Brandeis and Boston Universities, was active in the Town library, while Mike was a longtime member of the Zoning Board of Appeals and served as liaison for the selectmen in the planning and building of the new highway garage. They'll miss their friends here, of course, but are very much looking forward to their next chapter.



photo by Larry Burke

Mike and Kay Jaffe at a party in their honor, hosted by Alan and Elizabeth Lombardi.



Bill Simpson

Native son and lifelong resident **Bill Simpson** passed away at his home on Clayton Mill River Road on October 29 at the age of sixty-six. Upon graduating from Mount Everett Regional High School, Bill joined the United States Air Force in 1970. He served with the Strategic Air Command and was stationed at the Minot Air Force Base in North Dakota. Five months before his discharge, he married his wife of forty-four years, **Sharlene Holmes Simpson**. He was honorably discharged in October, 1974.

Bill was a master plumber, licensed in both Massachusetts and Connecticut, and took great pride in his work. His many customers appreciated his skill, ingenuity, and responsiveness. He also enjoyed being his own boss.

Bill was a member of the New Marlborough Fire Department for twenty-eight years. He served as chief from 1994 to 2003, when he retired from the Department. He was also a member of the Canaan Fire Department for several of those years. For relaxation Bill enjoyed golf, football, baseball, and

motorcycles and was a fan of the Dallas Cowboys and the New York Yankees.

Bill was proud of his long service to the community, both as a professional plumber and as a dedicated member of the Fire Department. Fellow firemen recall Bill with affection:

Bob Dvorchik: Bill was a master craftsman, as the plumbing he did in my house is a work of art. As fire chief he was a gifted leader. He once accompanied me to a training, even though he had been through it and knew would it would have no interest for him, because he never asked any of us to do something he wouldn't do himself. Most of all he was a true friend.

David Smith: Bill was the chief when I joined the Department in 2000. At the time, I was working nights, and, at my first Fire Company meeting, I told Bill that, because of work, I wasn't sure that I could make every meeting or training session, but that I would do my best. Bill replied: "Your family comes first. Your work comes second, and the Fire Department comes after." It wouldn't be a stretch to suggest that most everyone in the Department struggles with those priorities from time to time, and some balance them better than others. When I find those priorities getting out of order, I think back to Bill and appreciate that the lessons learned aren't always about fighting fires.

Louise Yohalem has this recollection: Two weeks after 9/11, Nat and I, our two children, their spouses and our three very small grandchildren spent our first weekend in our new home in Mill River. Around 3:00 a.m. the fire alarms went off with a vengeance. I called the Fire Department. Within less than fifteen minutes, what seemed like

every fire truck in southern Massachusetts streamed into our driveway and the Fire Company, in full regalia, came running through our house, up and down the stairs. As we all stood by in our nightclothes, we learned, to our great relief, that the alarm was set off by construction dust in a smoke detector.

A few months later, I was having a morning coffee at the Mill River General Store and noticed the man sitting at the next table. "You look very familiar to me," we each said to the other. "I'm Bill Simpson, the fire chief," he introduced himself. "I'm Louise Yohalem," I replied. "I've been to your house," he told me. "Oh! I didn't recognize you without your uniform," I replied." To which he responded, "And I didn't recognize you in your clothes."

photo by Kenzie Fields



Norman Tinker, center, rear, returns to New Marlborough Central School.

This item is from **Kenzie Fields**: At [son] **Peter's** birthday last week the sweetest thing happened at the school before we left. An older man stopped and asked if I minded if he took a photo of the kids playing. I was uncertain at first, but as we started talking he explained he had grown up in Clayton and had gone to New Marlborough Central. His name is Norman Tinker, and he was back for a family reunion (he lives in Maine now). He got very teary explaining it all to me and how happy he was to see kids playing in the schoolyard. I gathered the kids around and told them who he was, and I really have to compliment the kids because their reaction was one of sincere and genuine interest in Norman and pride in their school. They pointed out the new backstop and ball field, and asked him questions about what had changed. It was adorable. □

compiled by Barbara Lowman: deeuell@yahoo.com

OUR WILDLIFE NEIGHBORS

Don Beauchamp sent in the following report of his wildlife observations in Clayton: "Not much happening this past month, probably due to all the rain, but on October 17, five small **deer** visited my apple trees to feast on the drops. I was able to get a photo of a young one looking at me from no more than eight feet away. I did see a **bluebird** across the river, and, on November 6, I looked out the kitchen window to see a coyote walking across the lawn toward the river."

The **coyotes** are definitely active now. **Owen Hoberman**, who lives on Canaan Valley Road, sent along a shot of a large coyote, with this description of its activities: "A few weeks ago, this coyote showed up in one of my pastures and I, along with our two dogs, chased it into the woods. This past Sunday morning, he/she was sniffing outside the house and, of course, the dogs were going wild. He/she then went around the back near the dog run, and while our dogs were confined to the run, he/she was trotting back and forth near them and even assumed the canine play posture, which is, as you are aware, similar to a bow. After a few minutes of this the critter departed, hopefully not to return."



photo by Don Beauchamp

A young deer

I have seen similar behavior by coyotes with our own dogs, and, if you look online, you will find many accounts

photo by Owen Hoberman



A coyote visits the Hobermans

of coyotes luring pet dogs away. Some people say this is no more than an urban myth, but some years back, a friend of mine on Cape Cod who owned one of our Labrador pups witnessed it being lured into a stand of corn by a single coyote, whereupon it was attacked by a small pack of coyotes. The young dog, Otis by name, escaped, but nearly died of a deep wound to his abdomen.

A sparse report this month, perhaps due, as Don Beauchamp said, to the heavy rains we've had – keeping humans and animals alike under cover. I hope there will be many sightings to be described by our readers in the coming month (hint, hint). □

Compiled by Larry Burke: lburke2@me.com

RECIPE OF THE MONTH

With the holiday season upon us, my thoughts turn to all the yummy food that is found at this time. Hanukkah is early in December this year and brings latkes, jelly doughnuts, and brisket to your table. Christmas brings turkey, ham, and Christmas pudding. It's also the time of year I start to miss home with friends and family talking about their beach holidays, prawns, mangoes, and sunshine. To bring some of that warmth and sunshine to our Mill River table, we always make a pavlova, named in honor of dancer Anna Pavlova, who visited Australia in the 1920s. A pav (as the Aussies call it) is a staple of the festive season so if you have never tried one, you are in for a treat. □

Fiona Kerr

Aussie Pavlova

Ingredients

- 6 egg whites
- 1-1/2 cups (300g) superfine sugar
- 2 teaspoons white vinegar
- 1 tablespoon cornflour
- 1 tsp vanilla extract
- 10 oz. thickened cream
- Your favorite fruit for decorating

Method

Step 1: Preheat oven to 250°F. Line an oven tray with parchment paper.

Step 2: Use an electric mixer to whisk the egg whites in a clean, dry bowl until soft peaks form.

Gradually add sugar, 1 tablespoon at a time, beating well after each addition, until meringue is thick and glossy and sugar is dissolved. Rub a little meringue between your fingers, if it's still gritty, continue to whisk until sugar dissolves. Add the vinegar and cornflour and fold until just combined.

Step 3: Spoon the meringue onto the lined tray and use a spatula to shape into an 8-inch disc.

Bake in oven for 1-1/2 hours or until pavlova is dry to the touch. Turn off oven and leave, with the door ajar, to cool completely. Transfer to a serving plate. Use an electric mixer to whisk the cream in a medium bowl until soft peaks form. Spoon onto the top of the pavlova. Decorate the top of the pavlova with fruit, such as passionfruit, mango, raspberries, blueberries, strawberries, and/or banana. Serve immediately.

Note: Once cooled the pav can be stored in an airtight container for a day before being decorated with cream and fruit. Leftover egg yolks can be used for custard.

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THE LOG

Police Department (selected entries)

- Oct. 2 7:27 p.m. A resident reports lights and gunshots in the mile-long corn lot on Clayton Mill River Road.
- Oct. 4 2:13 p.m. Following the discovery of an abandoned backpack in Pittsfield, an officer contacts its owner in Mill River, who says that it was stolen from a motor vehicle in Lee the previous May.
- Oct. 5 8:01 a.m. Officer jump-starts a vehicle with a dead battery on Mill River Great Barrington Road.
- 3:56 p.m. A motorist, with an open container of alcohol in his vehicle, is arrested on County Road for driving under the influence.
- 5:21 p.m. An officer alerts the Highway Department of a dead deer at the intersection of New Marlborough Southfield and Norfolk Roads.
- Oct. 6 3:26 p.m. A Hotchkiss Road resident reports hearing six or seven gun shots in the vicinity of Thousand Acre Swamp.
- Oct. 7 1:05 p.m. An officer assists a driver locked out of a vehicle at Gedney Farm.
- 1:09 p.m. An Alum Hill Road resident reports hearing shots fired in a nearby field between 10:00 p.m. and midnight on two different evenings in September.
- Oct. 8 8:13 p.m. Tree on wires on North Road near the Monterey border.
- Oct. 11 9:49 p.m. A carpenter reports apparent vandalism — a rock through a window — at a construction site on Peter Menaker Road.
- Oct. 12 2:45 p.m. Responding to a report of screaming near Bock Way in the Lake Buel area, an officer discovers children running through the woods.
- 3:53 p.m. Alerted by a nearby resident, an officer informs the Highway Department of a tree blocking Brewer Branch Road.
- 8:11 p.m. An officer calls in the animal control officer when a Canaan Southfield Road resident reports that her Alaskan malamute is missing.
- Oct. 15 4:03 p.m. A South Sandisfield Road resident reports that a suspicious SUV containing two men pulled into her driveway and approached her son, who had just gotten off his school bus, with questions about their house.
- Oct. 16 12:53 p.m. An Alum Hill Road resident reports cuts through the plastic covering of the hoop house on his property.
- Oct. 18 3:30 p.m. A Hartsville resident complains that, while hunting geese in the mile-long cornfield on Clayton Mill River Road, he was screamed at and told to leave by a Clayton resident.
- Oct. 19 10:30 a.m. A Campbell Falls Road resident reports that her cat is missing.
- 9:29 p.m. A resident reports a downed tree completely blocking North Road.
- Oct. 21 10:23 a.m. The Campbell Falls Road resident reports that her cat is still missing.
- 11:22 a.m. When a downed tree, partially blocking Norfolk Road in Southfield Village, is removed by a passerby, a call to the Highway Department is canceled.
- Oct. 23 6:15 a.m. A passenger who had departed from a car on Knight Road reports that the driver, possessing heroin on his person and in the vehicle, had driven off in the direction of Mill River Great Barrington Road.
- Oct. 24 2:16 p.m. A Canaan Southfield Road resident reports that \$8,000 worth of goods had been fraudulently charged to her husband's credit card account.
- 5:03 p.m. Following up on a complaint, an officer determines that a hunter on property adjacent to Mill River Southfield Road had the landowner's permission.
- Oct. 27 1:21 p.m. Tree on wires on Hartsville New Marlborough Road.
- 1:23 p.m. Tree reported down on Mill River Great Barrington Road.
- 1:29 p.m. Tree on wires on New Marlborough Southfield Road.
- 1:38 p.m. Tree on wires and wires aflame on Hartsville New Marlborough Road.
- 7:51 p.m. A section of Hartsville Mill River Road closed because of tree on wires.
- Oct. 28 1:38 a.m. Message is left with the animal control officer after a caller reports two cows walking in the middle of Route 57 just east of New Marlborough village.
- 11:32 a.m. Large tree blocks Hotchkiss Road near its junction with Norfolk Road.
- Oct. 30 1:48 a.m. A driver reports hitting and injuring a coyote on Mill River Great Barrington Road.

8:56 p.m. A caller reports a Pekinese style dog loose on Mill River Great Barrington Road.

Oct. 31 8:44 a.m. A Southfield resident reports the possible theft of her horse the previous night, then calls back at 1:16 p.m. to say that the horse has been found.

8:06 p.m. An Alum Hill Road resident reports a suspicious vehicle driving around the mile-long cornfield on Clayton Mill River Road.

Graham Frank, Chief of Police

Fire and Rescue

Oct. 8 9:15 a.m. Hartsville New Marlborough Road Medical Call

Oct. 12 3:07 p.m. Clark Way Medical Call

Oct. 17 6:45 p.m. Mutual Aid to Great Barrington Medical Call

Oct. 21 2:00 p.m. Clark Way Medical Call

Oct. 27 1:39 p.m. Hartsville New Marlborough Road Wires Down

Oct. 27 2:22 p.m. Mill River Great Barrington Road Wires Down

Oct. 29 6:29 p.m. Clayton Mill River Road Medical Call

Oct. 30 10:43 a.m. Canaan Southfield Road Medical Call

Oct. 31 2:45 p.m. Hayes Hill Road Medical Call

David Smith, Fire Company President

HIGHWAY DEPARTMENT NEWS

The Highway Department is prepared for winter and will provide reasonable snow and ice control to public roads and properties. Our top concerns will continue to be personal safety, environmental protection, and cost. We ask that motorists use their best judgment and recognize that they are traveling at their own risk in inclement weather. The Department is responsible for more than ninety miles of road. With only six highway workers, we ask for your patience and cooperation.

On school days, bus routes take priority. After the paved roads are plowed, the unpaved roads are plowed. During a rain storm, when road temperatures drop below 32°F, unpaved roads freeze almost instantly, and the sand that is applied quickly freezes over. We will treat roads during a storm, and right after the storm passes, but please be aware that it is not possible to keep unpaved roads passable at all times. Sand, for residential use only, is always available at the Highway Garage. New Marlborough residents are asked to take no more than two buckets at a time.

Highway workers do their best to avoid damaging private property. Anything installed in the Town's right-of-way (mailboxes, fences, signs, etc.) is placed there at the owner's risk. The Postal Service recommends that mailboxes be placed six to eight inches away from the edge of the road. Creating an apron where the mail carrier can pull off the road to make deliveries is ideal. Because roads vary in condition, please use your best judgment and understand that the Town does not reimburse for property damaged by snowplows. Privately owned installations should be inspected regularly to insure that they are secured properly and that wood posts have not rotted.

Please review the following guidelines:

- Use common sense and refrain, when possible, from driving during a snowstorm.
- Reduce your speed and drive cautiously.
- Avoid distractions. The use of electronic devices while driving is never wise, especially during a winter storm.
- All-season radial tires are not the best choice during winter months in New England. Putting snow tires on your vehicle, or using studded tires if you travel on unpaved roads is recommended.
- Do not park your vehicle on any road or property that is maintained by the Town.
- Vehicles parked in driveways should be far enough off the road to allow plow trucks to pass safely.
- Plowing or blowing snow into Town roads is illegal and dangerous. Please find proper means to dispose of snow on your property; violators can be ticketed by the police.
- Tune-in to the local weather forecasts and pay attention to changing conditions.

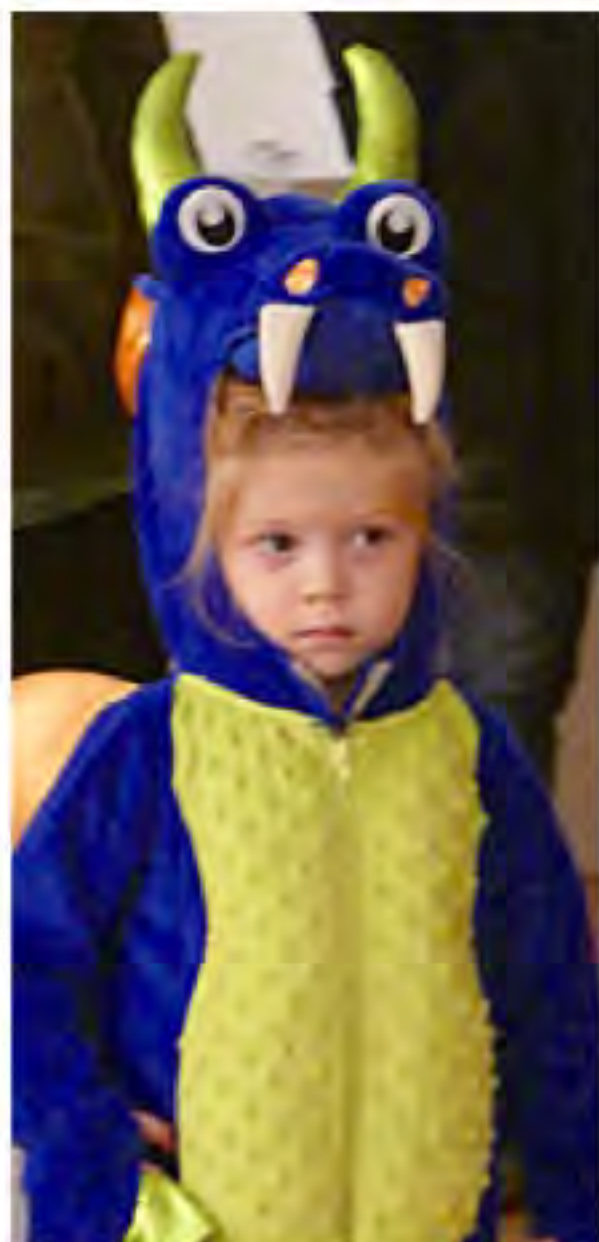
According to Homeland Security Presidential Directive 8, highway departments/public works are considered first responders. As defined by the Directive, first responders are individuals who are responsible for the preservation and protection of life, property, evidence, and environment during the early stages of an incident. Highway workers have the additional burden of being the last to leave the site of an emergency. New Marlborough is lucky to have a dedicated, responsible group of men working on our roads.

All of us at the Highway Department want to wish all of you a happy, safe holiday season. □

Charles Loring, New Marlborough Highway Superintendent

SCARY FUN UNDER STORMY SKIES

Nothing Stops the Annual Halloween Celebration



The forecast of a nor'easter caused the annual Halloween party on October 27 to relocate from the Old Mill River Cemetery and New Marlborough Central School to the welcoming shelter of the New Marlborough Meeting House. Mother Nature wasn't done yet, though; tree fall knocked out electrical power in most of the town for several hours that afternoon. Fortunately, the Meeting House has a generator, so the celebration carried on, with more than seventy-five children and adults in attendance.

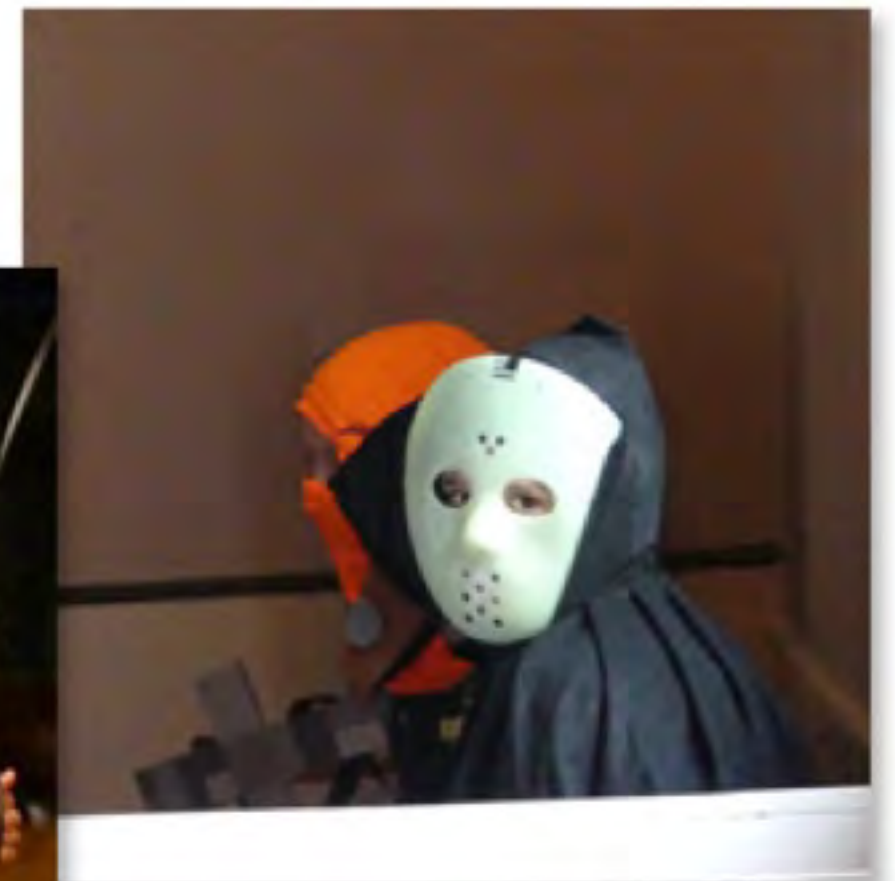
A historical presentation, which was to have taken place in the in the Old Mill River Cemetery, focused on early settlers Jebediah Sisson (played by David Hastings) and his wife, Wealthy Freeman (Anita Cook), who settled in New Marlborough in the late 1700s. The family history proceeded through their grandson, Henry Sisson (Erik Callahan), who was the great-grandfather of current resident John Sisson. In 1888 John's grandmother, Harriet Freeman, married Edmund Ormsbee, bringing those two prominent New Marlborough families together. Anita Cook (daughter of John Ormsbee Senior, who died in 2012) proudly presented her own grandson, Silas Cook, who represents the tenth generation of the Freeman family. Many members of the Sisson and Ormsbee families were proudly on hand.

With this bit of town history neatly dramatized in a script from our local genealogist, Judy Thompson, the assembled moved downstairs to the Gallery. There a party under the direction of Librarian Deb O'Brien, our town's most ardent fan of Halloween, kicked into gear. The celebrants — from toddler to codger, in costumes both bright and scary — danced to a fiddler's tunes and consumed vast quantities of orange and black cupcakes.

The event was sponsored by the Friends of the New Marlborough Library, the New Marlborough Historical Society, and the New Marlborough Land Trust, with special thanks to the New Marlborough Fire Department and to the New Marlborough Village Association for making available its Meeting House. □

Barbara Lowman, photos by Sandra Fusco Walker





NMVA WINTER HOUSE CONCERTS

The New Marlborough Village Association presents the first of two Winter House Concerts on Sunday, January 20, 2019. This concert features the violin-piano duo, Sarah and Gilles Vonsattel, performing works of Bach, Beethoven, and Ravel. Both Sarah and Gilles have appeared in 2018 on a New Marlborough series: Sarah with a trio for the February House Concert, and Gilles as piano soloist for Music and More. Both were extraordinary concerts. Sarah plays with the Metropolitan Opera Orchestra. While teaching at

UMass Amherst, Gilles also carries on a solo career.

The second concert on Sunday, February 17, will be announced later.

The Winter House Concerts begin at 4:00 p.m. and last an hour with wine and hors d'oeuvres served afterwards. Both concerts will take place in private homes. Seating is limited, so please make reservations by calling 413-229-2785 or by going online at www.newmarlborough.org. □



In case you misplace this copy of the paper or want to get a jump on next month's issue (it's usually on-line a day or two ahead of delivery to your mailbox), you will want to know that the 5 Village News is always available at our website NM5VN.org (back copies, too). Better yet, it comes in full color. Check it out.



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STEPPING UP TO THE BARD

Mount Everett Students Present a Sterling Much Ado About Nothing

by Angus Kerr

The fall season brings with it many new activities, though few can compare to the Shakespeare & Co. Fall Festival, an annual event that invites students from across Berkshire County to explore the Bard's words. This year, the commemorative 30th festival, included ten plays performed by ten individual schools spread across the county, where students were able to fight, kiss, and yell with the full power of Shakespeare.

The Fall Festival maxim is that it is not a competition but a cooperative endeavor.

Participating students are given free passes to each of the other schools' performances. They bring their own understanding of the plays, which creates an intensely interactive audience, building support for the actors and actresses on stage. Activities such as Check-in, where students share how they are feeling at the beginning of each rehearsal, help bring the casts together and make it a truly team-oriented activity.

It should be noted that the language of Shakespeare's plays presents notoriously difficult challenges. Part of the Fall Festival's mission is to give every student the chance to come to terms with the playwright's words. Before rehearsals get underway, weeks are dedicated to dictionary work on the play, so that students can grasp a full understanding of what every phrase means. Following these intense sessions of analysis, the plays are set on their feet, as each scene is worked, and students begin to truly experience the anger, passion, heartbreak, joyfulness, woefulness, and romance of a Shakespeare play.

Swords are eventually added, as are spectacular costumes, and rehearsals begin to stretch later and later. Tech students help prepare lights and sounds



photo by Larry Burke



Middle, Mary Shalaby and Angus Kerr lit up the Tina Packer Theater in Lenox with their rollicking performances in the roles of Beatrice and Benedick. Above, from left, Jake Martin, Monterey, Jordan Kameyer, Egremont, and Ben Shannon, Sheffield.

photos by Larry Burke and Kenzie Fields

Mount Everett students delighted a packed theater at Shakespeare and Company with their rendition of *Much Ado About Nothing*, culminating the 30th season of the Shakespeare in the Schools program.

to complete the scene. During the final "tech week" for a Fall Festival performance, rehearsals can go for nearly seven hours, on top of the typical eight-hour school day, all of which requires immense dedication and passion on the part of participants.

Ten students from New Marlborough, including Cece Caldwell, Sofia Giumarro, Maple Webster-Ben David, Caroline Haiss, Angus Kerr, Evie Kerr, Mary Shalaby, Mickey Masters, Mike Fass, and Odie Fields, participated in Mount Everett's production of *Much Ado About Nothing*. The play, a Shakespeare staple that combines love, wit, humor, and betrayal was performed both at Mount Everett and at Shakespeare & Co.'s Tina Packer Playhouse, alongside the productions of nine other schools. For many, the festival is, as Mary Shalaby, who portrayed Beatrice in Mount Everett's production, describes it, "the highlight of my year and I can't wait to continue meeting new people and spending time with those I already have connected with." It's a place for any or all students to come together, learn, and laugh from the Bard's words. □

Angus Kerr starred as Benedick in Mount Everett's *Much Ado About Nothing*

NEW ACQUISITIONS AT THE LIBRARY

Adult Fiction

- A Cloud in the Shape of a Girl*, by Jean Thompson
- Where the Crawdads Sing*, by Delia Owens
- The Lake on Fire*, by Rosellen Brown
- The Lighthouse Keeper's Daughter*, by Hazel Gaynor
- Shell Game*, by Sara Paretsky
- Winter in Paradise*, by Elin Hilderbrand
- Ambush*, by James Patterson
- The Rainwatcher*, by Tatiana De Rosnay
- The Colors of All the Cattle*, by Alexander McCall Smith

Adult Nonfiction

- Killing the SS: The Hunt for the Worst War Criminals in History*, by Bill O'Reilly
- In the Hurricane's Eye: The Genius of George Washington and the Victory at Yorktown*, by Nathaniel Philbrick
- Leadership: In Turbulent Times*, by Doris Kearns Goodwin
- The White Darkness*, by David Grann

Children's Fiction

- Half Upon a Time*, by James Riley
- Lulu's Mysterious Mission*, by Judith Viorst
- The Bad Guys in the Furball Strikes Back*, by Aaron Blabey
- A Web*, by Isabelle Simler
- The Epic Adventures of Huggie and Stick*, by Drew Daywalt

Children's Nonfiction

- The Atlas Obscura Explorer's Guide for the World's Most Adventurous Kid*, by Dylan Thuras
- The Lost Words: A Spell Book*, by Robert MacFarlane

DVDs

- | | |
|-------------------------------|----------------------------------|
| <i>The Affair Season 4</i> | <i>Broadchurch Seasons 1,2,3</i> |
| <i>The Americans Season 6</i> | <i>Love, Cecil</i> |
| <i>Breath</i> | <i>My Man Godfrey</i> |



Winter Library Hours

- Mon. Wed. Sat. 10:00 a.m. – 5:30 p.m.
- Tues. & Fri. 1:30 p.m. – 5:30 p.m.
- Fri. 1:30 – 7:30 p.m.

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Town Times

Board of Selectmen: Every Monday at 6:00 p.m.

Town Administrator: Monday, Wednesday, and Friday, 8:30 a.m. - 2:30 p.m.

Planning Board: Second and fourth Wednesday at 7:00 p.m.

Board of Health: First Tuesday of the month at 7:00 p.m.

Conservation Commission: Last Saturday of the month at 9:00 a.m.

Board of Assessors: Monday through Thursday, 8:00 a.m. - 1:00 p.m.

Fire Department training: Every Tuesday at 7:00 p.m. at the fire station

Building Inspector: Monday 5:00 p.m. - 7:00 p.m.; Thursday 8:00 to 10:00 a.m.

First Responders: Meeting/training: First and third Wednesday
at 7:00 p.m. at the fire station

Cultural Council: Second Thursday at 4:15 p.m. at the library

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Window hours: Monday - Friday 11:30 a.m. - 3:30 p.m.

Saturday 9:00 a.m. - 11:30 a.m.

Southfield (413) 229-8476

Window hours: Monday - Friday 9:00 a.m. - 12:30 p.m. and 1:30 p.m. - 4:00 p.m.

Saturday 9:00 a.m. - 12:00 p.m.

(The Southfield Post Office lobby is open from 7:00 a.m. to 8:00 p.m.)

Town Treasurer: Monday & Tuesday 8:00 a.m. - 2:00 p.m.

Tax Collector: Monday through Thursday 9:00 a.m. to 2:00 p.m.

Selectmen's Administrative Secretary: Monday - Friday 9:00 a.m. - 2:00 p.m.

Dog and Animal Control Officer: John Springstube 413-232-7038

Town Clerk: 229-8278; 7:30 a.m. - 3:30 p.m. weekdays; Saturday by appointment

Town Hall: 229-8116

Police: Business office: 229-8161

Transfer Station Hours:

Wednesday: 9:00 a.m. - 1:00 p.m.

Saturday: 9:00 a.m. - 3:00 p.m.

Sunday: 9:00 a.m. - 1:00 p.m.

PERMITS ARE DUE JULY 1

and can be purchased for \$125 at Town Hall, the Transfer Station, or by mail. Please enclose a self-addressed, stamped envelope. Late fee of \$150 after August 15.

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We welcome advertisements from businesses owned by New Marlborough residents.

Other businesses can be listed in the Service Sector (see back page). Questions, rates? Call Barbara Lowman: 229-2369

NM5VN Editorial Team

Joe Poindexter, issue editor; Diane Barth, designer;

Martha Bryan, Jane Burke, Larry Burke, Barbara Lowman,

David Lowman, Peter Schuyten,

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Contributing writers and artists: Ann Getsinger, Angus Kerr,

Jodi Rothe, Mary Richie Smith, Catherine Twing,

Tara White, and Michele Shalaby. Index: Donna Weaver

New Marlborough 5 Village News

appears monthly,

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The next issue will be dated January 2019.

All copy must be submitted no later than December 17.

For advertising, contact Barbara Lowman, tel: 229-2369

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- **Design+Planning:** Christopher Blair; Since 1986, creative, budget-aware design. Achieve your goals for additions, alterations to an existing home or new construction. (413)528-4960. chris@design-planning.com.
- **Fine Jewelry:** Designers and manufacturers; custom orders/commissions welcome; expert repairs. 45 years experience. Sachs Reisman, Inc. 25 Maple Ave., Sheffield (413)229-0050
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- **Susan M. Smith:** Attorney At Law; Concentrating in the areas of Estate Planning, Estate Administration, Elder Law, Real Estate and Zoning Matters. ssmithlaw@barringtonlawoffice.com or (413)528-4300
- **Reiner White:** General Contractor; (413)229-8450
- **Woodruff Mountain Landscaping:** Excavation and landscape contracting, all forms of stone work and masonry, and outdoor services, including lawn mowing and yard work. (413)229-2919 woodruffmountain@aol.com

To list your business here, contact Barbara Lowman (413)229-2369