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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### OFFICE OF THE TOWN MANAGER SELECTBOARD'S MEETING AGENDA

**MONDAY, SEPTEMBER 17, 2018**

**6:00 PM – EXECUTIVE SESSION**

**REGULAR SESSION IMMEDIATELY FOLLOWING**

**TOWN HALL, 334 MAIN STREET**

### **ORDER OF AGENDA**

#### **6:00 PM - OPEN MEETING**

##### **1. CALL TO ORDER:**

**6:00 pm** Open Session

**6:00 pm** Conference Room

#### **CONVENE INTO EXECUTIVE SESSION and Return to Open Session - Town Manager's Conference Room**

**A.** Executive Session, under MGL c.30A, §22(g)(1) to review the release of executive session minutes and under MGL c.30A, §21(a)(3) and (6), to discuss litigation strategy relating to pending litigation known as (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134; (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 2018MISC000240; and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road, if the Chair declares that an open meeting may have a detrimental effect on the Town's litigating and/or negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

Roll Call Vote

**B.** Executive Session under MGL ch. 30A, sec 21 (a) (3) to discuss pending litigation and mediation relative to Environmental Appeals Board proceedings in re: GE, RCRA Appeals Nos. 16-01 to 16-05; if the chair declares such discussion, if held in open meeting, may have a detrimental effect on the legal position of the Rest of River Municipalities legal action with EPA and GE. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

Roll Call Vote

**Chair's Declaration:**

I declare, under MGL c.30A, §22(g)(1) and under M.G.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to review the executive session minutes and to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134; and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 18MISC000240; and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road; and to discuss pending litigation and mediation relative to Environmental Appeals Board proceedings in re: GE, RCRA Appeals Nos. 16-01 to 16-05 and Rest of River Municipalities legal action with EPA and GE because discussions of the foregoing in open session could have a detrimental effect on the litigating and/or negotiating position of the Town and to **Return To Open Session** at the conclusion of the executive session.

**Motion Convening the Executive Session:**

I **move** that the Select Board go into executive session under MGL c.30A, §22(g)(1) and under M.G.L. c.30A, §21(a)(3) and (6) for the purposes and reasons declared by the Chair and with the Board and to **Return To Open Session** at the conclusion of the Executive Session.

**Roll Call Vote:****OPEN SESSION:****2. APPROVAL OF MINUTES:**

August 27, 2018 Regular Meeting.

June 28, 2018; July 9, 2018; July 16, 2018 and July 23, 2018 Executive Session.

**3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

A. General Comments by the Board.

**4. TOWN MANAGER'S REPORT:**

A. Department Updates

B. Project Updates

- Construction Projects
- Request for SB's directions on Rule of Award for Electrical Aggregation

**5. PUBLIC HEARINGS:**

A. Selectboard to Convene as Sewer Commissioners to set FY 2019 Sewer Rates.  
(Discussion/Vote)

- a. Open Public Hearing
- b. Explanation of Project
- c. Speak in Favor/Opposition
- d. Motion to Close Public Hearing
- e. Motion re: Findings
- f. Motion re: Approval/Denial/Table
- g. **Reconvene as Selectboard**

B. Application of Berkshire Cooperative Association, Inc. d/b/a Berkshire Co-Op Market, Daniel Esko, Manager for a New Package Store Beer and Wine Liquor License at 42 Bridge Street, Great Barrington, MA. The premises consist of a supermarket area, four bathrooms, a café seating area and two means of entrance/exit. (Discussion/Vote)

- a. Open Public Hearing

b. Motion – Continue Public Hearing to SB October 15, 2018, 7:00 pm meeting.

**6. LICENSES OR PERMITS:**

- A. Bryan R. Culliton/Berkshire Design Center for Bostwick Gardens LLC for a Driveway Permit 899 Main Street. (Discussion/Vote)
- B. George Laye/The Guthrie Center for Two (2) One Day Beer and Wine Liquor Licenses for Friday, October 5, 2018 and Sunday, October 7, 2018 from 6:00 pm – 12:00 pm at 2 Van Deusenville Road. (Discussion/Vote)

**7. OLD BUSINESS:**

- A. SB - To Consider Revision of Local Policy regarding the number of Beer and Wine Package Store Liquor Licenses. (Discussion/Vote) Continue to SB October 15, 2018, 7:00 pm meeting.

**8. NEW BUSINESS:**

- A. SB - Discussion of 2019 Regular Meetings Calendar. (Discussion/Vote)
- B. SB - Discussion of FY 20 Budget Policy.
- C. SB - Discussion of FY 20 Budget Schedule. (Discussion/Vote)
- D. SB - Discussion of Town Meeting/Election Calendar 2019. (Discussion/Vote)
- E. SB - To Be the Fiscal Agent for Cultural District. (Discussion/Vote)

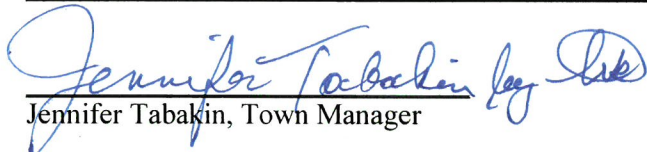
**9. CITIZEN SPEAK TIME:**

**10. SELECTBOARD'S TIME:**

**11. MEDIA TIME:**

**12. ADJOURNMENT:**

**NEXT SELECTBOARD'S REGULAR MEETING: Monday, September 24, 2018, 7:00 P.M.**

  
Jennifer Tabakin, Town Manager

*Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*