

Selectboard Meeting Minute

Monday May 18, 2020, at 6:30 pm via Zoom

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*****ALL VOTES ARE ROLL CALL*****

- Call to Order-6:30 pm-Open Meeting
 - Chairman S. Bannon began meeting at 6:30 pm. Those present from the Selectboard were L. Davis, K. Burke, B. Cooke, E. Abrahams, M. Pruhenski, Town Manager, and Assistant Town Manager, C. Rembold.
- APPROVAL OF MINUTES
- Approval of Minutes
 - March 23, 2020, Regular Meeting.
 - E. Abrahams made a motion to approve the Minutes from March 23, 2020, B. Cooke seconded; roll call vote: L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5 - 0.
- SELECTBOARD'S ANNOUNCEMENTS / STATEMENTS:
 - Abrahams reminded everyone that the Covid Task Force still meets twice a week to talk about the response. There is room at the hospital. All the planning and social distancing is working and following the Governor's Orders.
 - He continued by suggesting additional outdoor space for dining when restaurants can be open. He mentioned that it might involve the Board of Health, DPW, alcohol permitting, it could help with social distancing/crowding.
 - L. Davis wanted to mention the Reid Cleaner's windows and that a committee formed in charge of brightening it up.
- TOWN MANAGER'S REPORT
 - Mr. M. Pruhenski read Chief Walsh's retirement letter aloud. He congratulated him on four decades of service to the Town. He will work with the Chief to hire a new Chief, not a civil position, as approved by Board a few years ago. Mr. Pruhenski also wanted to acknowledge that he would like to congratulate the Chief later.
- PUBLIC HEARINGS
 - Continuation of Special Permit Application for School Street Parking, LLC, c/o Phillips International Holding Corp., 5 Cheshire Road, Pittsfield, to construct and operate a commercial parking lot in a B-3 zone, and for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, MA. (Discussion/Vote)
 - K. Burke reached out to the Ethics Board to see if there was a conflict of interest in her position with the Farmer's Market, located near the proposed parking lot. The Board of Ethics deemed that it was not a conflict and suggested she fill out a 23b disclosure (a disclosure of the appearance of a conflict) for the record. K. Burke filed the form with the Town Clerk on May 6, 2020, at the Town Hall.

- Deliberation as to Findings. C. Rembold began by saying the findings are in the packet, as voted on from the last meeting. This is the starting point; they are not final until they are voted on tonight. He started at the General findings, page one. These are items that had been changed at the last meeting. Everyone agreed that item B looked good. Continuing with Finding C, concerning the water quality, moved on to item D, comprised of 6 criteria items. Some changes had been made in number one and had been voted on at the last meeting.
- L. Davis let the group know she wanted to talk about Criterion one (1). She began by saying it does not go with the intent of the zoning (B3). She then listed each item in correlation to the zoning criterion. A gated parking lot is not pleasing. A gated parking lot does not create a pleasant shopping or working environment. A gated parking lot does not foster a pedestrian environment. A gated parking lot does not produce infill. A gated parking lot does not encourage a shared compact parking area, creating pedestrian areas, or minimize the number of curb cuts. Lastly, the gated parking lot does not maintain affordable dwelling units but rather demolishes one and does not go in the B3 zoning definition.
- L. Davis made a motion to go back to the original criterion one, facts and findings, at the Selectboard meeting of April 13. She continues, reading, "the Board finds the following, that the parking lot benefits the tenants of 321 Main Street. The parking lot benefits the community only indirectly by providing an amenity to the tenants of 321 Main Street, by reducing parking pressure only from the office tenants. It demolishes a dwelling and a business, one that helps the community, does not promote shared parking, but rather restricts parking to only private tenants and does not encourage affordable housing." B. Cooke seconded.
- Discussion: E. Abrahams mentioned, can aid in pedestrian use, by parking and walking, that it could fit in B3, not the other descriptions.
- B. Cooke agrees with L. Davis, does not fit with the Master Plan at all.
- Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "nay"; and S. Bannon, "aye"; 4-1, passes.
- Two. L. Davis began by saying that the proposed parking lot is not adjacent to 321 Main Street. There is no formal pedestrian connection from the proposed lot to 321 Main Street. She wants to lose the words "The Board also finds that while" to change emphasis. S. Bannon said he would take this as a motion from L. Davis. The motion is to remove the six words, B. Cooke, seconded.
- E. Abrahams said, "It seems fine to me."
- Roll Call Vote: L. Davis, "aye"; K. Burke, "nay"; B. Cooke, "aye"; E. Abrahams, "nay"; and S. Bannon, "nay"; 3 - 2; failed.
- Criterion three, no comments from Board.
- Criterion four, no comments from Board.
- Criterion five, no comments from Board.
- Criterion six, L. Davis commented that this would not increase the tax base. She wants to change it to be more explicit by saying, "this parking lot will not increase the tax base, and will not create any employment. L. Davis made a motion to change the wording, K. Burke seconded.

- K. Burke asked C. Rembold if the information (of the tax base) could be used. He stated it is a grey area because it was her notes.
 - K. Burke wanted to make an amendment to the motion, made by L. Davis, to say the current proposed use will not provide a higher tax level as the existing mixed-use building, E. Abrahams, seconded; roll call vote; L. Davis, "nay"; K. Burke, "aye"; B. Cooke, "nay"; E. Abrahams, "aye"; S. Bannon, "aye"; 3-2; amendment passes.
 - The first motion, as amended, Roll Call Vote: L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; 5-0. All in Favor.
 - Chairman S. Bannon states that the Board goes on to the Findings, with the following Conditions.
 - 1) Access with abutters was finalized.
 - 2) Foster Lot would be open nights and weekends for the public.
 - 3) Quality of water district.
 - Chairman S. Bannon asked for a vote on the Findings.
 - E. Abrahams made a motion to accept the findings of fact for Special Permit 895.19 as amended, as reference A; B. Cooke, seconded.
 - Discussion: L. Davis disagreeing that the benefits outweigh the detriments. She continues that the private, gated parking lot does not go with the B3 zone. There is less money for the tax base, no additional employment. The good news is it has spurred awareness for parking. The B3 zoning could be re-evaluated to see if it works in small areas, such as this one. B. Cooke agrees with L. Davis. It does not fit with the Master Plan of Town. E. Abrahams made comments that there is a need for more parking. He also stressed, he does not like the idea of a gated lot. B. Cooke brought up that the Town citizens had voted on the Master Plan at the Annual Town Meeting. S. Bannon commented that the current building fits the mixed-use of the Plan. However, the lot has been for sale for approximately 15 years. He does not like the idea of a gated lot that would be empty on weekends and holidays. L. Davis then said the positive is it brings up the B3 zones on smaller lots for the Planning Board. We need to abide by the Master Plan and zoning that the Town has voted on previously.
 - Roll Call Vote; L. Davis, "nay"; K. Burke, "nay"; B. Cooke, "nay"; E. Abrahams, "aye"; and S. Bannon, "nay"; 4-0; does not pass.
 - E. Abrahams made a motion that after discussion of the above findings, the Board finds the benefits do not outweigh the detrimental effects, L. Davis seconded; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "nay"; and S. Bannon, "aye"; 4-0.
 - Motion re: Approve/ Denial/ Table: L. Davis made a motion to findings and fact disapprove of special permit 895.19, B. Cooke seconded; roll call vote, L. Davis, "aye"; K. Burke, "nay"; B. Cooke, "aye." E. Abrahams, "nay"; and S. Bannon, "aye"; 3-2. (Special Permit does not pass).
- 6. LICENSES OR PERMITS
 - Massachusetts Electric d/b/a NATIONAL GRID and Verizon New England, Inc. Request for Permission to Relocate (1) JO pole # 2 on Elm Ct. beginning at a point approximately 200 feet north of the centerline of the intersection of Elm St. National Grid request to relocate pole #2 on Elm Ct. to permanently move overhead conductor away from church restoration on Elm Ct. (Discussion/Vote).

- Steven Haywood began by explaining that they need to move the pole to the other side of the road.
 - E. Abrahams wanted to know if the forsythia bush would be damaged?
 - Mr. Hayward explained that he looked at the problem in many different ways.
 - K. Burke mentioned she would dig up the homeowner's bush for her.
 - Pedro Pachano spoke on behalf of the Church. The need to move the pole is to fix the the Church's belfry.
 - E. Abrahams made a motion to approve moving the pole; B. Cooke seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5 - 0.
- NEW BUSINESS
 - SB – Police Chief William Walsh Announcement. (Discussion) The announcement was made earlier during the Town Manager report.
 - SB – Review and Approve DRAFT 2020 Index of Articles for the Annual Town Meeting.
 - Mr. Pruhenski began discussing this topic. He and staff meet this morning, they decided on Fifteen (15) Articles that seemed essential. This document is still in process, and Town Counsel has not reviewed the Articles before this meeting.
 - Mr. M. Pruhenski directed the group to open up to the index of the Warrant Articles. He then began by saying Articles 1-9 were deemed essential, skip to 12- 14, 18, 28, and possibly 21. B. Cooke said 21 is covered under 19.
 - He also said that these address the rental assistance program, and the AHT has a purchase and sale agreement. He feels Articles 19 and 20 are essential.
 - E. Abrahams made a motion to include warrant articles 1-9, 12-14, 18-20, & 28 for June 22, 2020, Annual Town Meeting, B. Cooke seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0.
 - SB – Annual Town Meeting – Discussion with Town Moderator and Town Clerk.
 - Mr. Pruhenski identified three (3) Annual Town meeting options; 1) wait until safer to hold a meeting. The Town will go to a 1/12th budget until the budget passes. 2) to some outdoor meetings. 3) to have a smaller / reduce the quorum, and only do essential business if the legislation passes.
 - Michael Wise, 4th option is to have limited agenda while we wait for legislation. (shorter in length) He has been receiving emails from other towns that they are doing outdoors. He mentioned that we get to Phase 2 of Governor's Orders. He has thought of a type of drive - in a meeting, using the WSBS radio station to broadcast the meeting.
 - S. Bannon stated he does not feel comfortable having a meeting in MMRHS auditorium with 500 people on June 22, 2020.
 - M. Wise spoke that we could hold an emergency meeting without the citizen's petitions. Annual Town Meeting is to happen before the end of the fiscal year, which is June 30.
 - Eileen Mooney asked whether the 15 Articles are one evening or two.
 - S. Bannon answered it would be in one evening.

- M. Loubert asked whether the Citizens' Petitions would happen because there is a lot of work to go into them.
- S. Bannon tried to clarify. He said we (the Board) had not decided yet.
- M. Loubert said she is confused about them.
- S. Farina wanted to know if Mahiewe Tent could bring a tent for the football field.
- O' Dwyer then asked where the number 15 has come from.
- M. Pruhenski replied that the 15 articles that were identified by the staff as essential.
- Cooke thought the parking lot with WSBS broadcast is best. He continued by saying that all the chairs have to be wiped down if we go to the football field, and the PA is not a good way.
- O'Dwyer wanted to know how the voting could be done.
- Jen Messina, Town Clerk, questioned how the secret ballot could be done safely and accurately also.
- E. Abrahams motioned to have a 15 article, Annual Town Meeting, outdoors, on June 22, 2020. (M. Wise will come back on June 8, 2020, with more information.); B. Cooke seconded.
- Discussion: Cooke wanted to know if it has to be only 15 or can other articles be at the meeting.
- M. Wise spoke to that to change the number; the change has to be done seven days before June 8, 2020, meeting to change this, in reducing the quorum. B. Cooke said he wants to keep it the number of water flexible. M. Loubert stated she wanted to go on the record that she is opposed to this scenario.
- E. Abrahams withdrew the motion, B. Cooke, withdrew his second.
- E. Abrahams made a new motion to have an abbreviated Annual Town Meeting, outdoors, on June 22, 2020; B. Cooke seconded. Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0.
- SB – Absentee & Early Voting for Annual Town Election (ATE). (Discussion/Vote) (E. Abrahams recused himself.)
 - M. Pruhenski started the conversation that the elections are on June 30, 2020. J. Messina, Town Clerk, reminded that citizens could go to polls, and any registered voter can do a mail-in/ early vote.
 - Trevor Forbes, Housatonic, spoke on the Democratic process, feels that the vote should be deferred.
 - K. Burke wants a ballot to be sent to all if possible.
 - M. Pruhenski wants to get the word out that there are many options.
 - J. Messina said it is a lot of labor, stamps. She is not sure if she has time. The process is two steps. All voters need to sign the form; then, a ballot is sent to the voter. J. Messina said she needs a signature to get an absentee/mail-in vote.
 - Citizens spoke that she wants all voters to get a ballot.
 - J. Messina said that an actual signature is required by the State.

- Citizens spoke again that if there is a way to send out a stamped envelope to everyone.
 - M. Yaple, 6 Fairview, asked if the form is on the website. J. Messina, Town Clerk, said yes.
 - S. Bannon wanted to get back on track.
 - J. Messina said it has to be done by or on June 30, 2020.
 - L. Davis made a motion to absentee/mail-in Vote on June 30, 2020.
 - Cooke seconded. Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; and S. Bannon, "aye"; 4-0-1.
- SB – Resolution in Support of Expanded Absentee Voting and Votes by Mail.
(Discussion/Vote):
 - L. Davis said Northampton, North Adams, and Pittsfield would introduce a resolution to support expanded Absentee Voting.
 - L. Davis made a motion to approve the Resolution, B. Cooke seconded;
 - Then, L. Davis read the letter of explanation in full.
 - Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "abstained"; and S. Bannon, "aye"; 4-0-1.
- 8. CITIZEN SPEAK TIME
 - M. Loubert, Housatonic, Massachusetts, brought up that the "new information" (on School Street) feels is arbitrary and subjective.
 - Steve Farina, Railroad Street, Great Barrington, concerned about the Town Budget and Annual Town Meeting. Would like an austerity Budget due to the financial losses this year.
- 9. SELECTBOARD'S TIME
 - No one spoke at this time.
- 10. MEDIA TIME
 - No one spoke at this time.
- 11. ADJOURNMENT:
 - Abrahams made a motion to adjourn, B. Cooke seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; E. Abrahams, "aye"; B. Cooke, "aye"; and S. Bannon, "aye"; 5-0: All in Favor.
 - Meeting adjourned at 8:42 pm.

Respectfully submitted, Jamie M. Minacci