

SELECTBOARD'S MEETING MINUTES

THURSDAY, JUNE 11, 2020 6:30 pm

Great Barrington, Massachusetts

LOCATION: Zoom.us

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82642341172?pwd=dHQxUmExQUgwc2p2MnE1UEFN25jZz09>

Password: 495495

Webinar ID: 826 4234 1172

Dial in: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on Town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

6:30 pm: OPEN MEETING (ALL VOTES ARE ROLL CALL)

○ CALL TO ORDER:

- Mr. S. Bannon, Chairman called the meeting to order at 6:30 pm; present were Ed Abrahams, Bill Cooke, Kate Burke, Leigh Davis, and Town Manager Mark Pruhenski.

○ SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

- L.Davis no comments
- K. Burke had a question regarding loud vehicles in neighboring streets, best practices, or which department to reach out for help.
 - Mr. Pruhenski responded by saying that the Great Barrington Police Department would be the first to deal with noise disturbances.
- E.Abrahams no comments
- Mr. S. Bannon, Chair, brought up the hope that local restaurants could place seating outdoors. Permission for this is onerous for Selectboard to take this on for each restaurant, don't meet again until July. He (S. Bannon) wants the Town Manager to take this over, to make the process as easy as possible.
 - Mr. Pruhenski said those with a Liquor License must go to the overseeing Licensing Authority (the Selectboard). Steve Bannon continued by saying those without liquor licenses can be handled administratively by the Town Manager.
- S. Bannon said the Board could meet for a one-item meeting specifically for the restaurant openings.
- Town Manager told the Board that the Board of Health is sending out a letter on Friday, June 12, 2020, asking restaurants that want to expand outdoors to contact Town Hall.
- K. Burke would like to schedule a meeting now for the restaurant approvals.
- M. Pruhenski said there would also be union contracts to ratify.
- L. Davis also asked about the possibility/progress of closing Railroad Street.
- M. Pruhenski said that there is a lot of support for this idea.
- L. Davis asked if this would be possible for the end of June, early July.
- M. Pruhenski agreed that it is something that could be put together that quickly.
- K. Burke brought up the ADA conditions should be considered when making outside plans.
 - E. Abrahams made a motion to authorize the Town Manager to have the final decision on outdoor eating and seating for restaurants, other than with liquor licenses; 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.

○ TOWN MANAGER'S REPORT

- Department Updates
 - The Finance Department will propose going to Quarterly tax payments rather than the regular semi-annual tax payments. This would benefit residents by spreading out the tax burden as well as help the Town with cash flow. The Board can expect a recommendation by late July 2020. If approved, quarterly billing would start in FY22 (July 1, 2022). This would be on the Warrant for the Special Town Meeting for later this summer.

- The second item to discuss tonight is to choose a date for the Board to select a date to ratify any contracts and approved outdoor seating for restaurants with liquor licenses.
- S. Bannon chooses Wednesday, June 23, 2020, at 6:30 pm. (K. Burke reminded the Chairman of the Town Meeting rain date would interfere with this date).

○ OLD BUSINESS

· Review and Approve Final DRAFT of 2020 Annual Town Meeting Warrant Articles. (Discussion/Vote):

- S. Bannon reviewed that all essential articles agreed upon previously would go to Annual Town Meeting; the additional citizen petitions had not been clarified. He continued by saying the purpose of this additional meeting was to make a decision on how to handle the citizen's petitions on the night of the Annual Town Meeting on June 22, 2020.
- Mr. Pruhenski spoke of the Warrant in front of the Selectboard, consisting of 30 articles, nine citizen petitions; the Warrant was posted on the website yesterday (June 10, 2020). In summary, they are proposing they meet as scheduled for June 22 and conduct essential business only, which would consist of addressing most of the financial articles.
- Town counsel informed the TM that the citizen petitions need to put on the Warrant for the Annual Town meeting. Town Counsel suggested that language be inserted between articles 21 and 22 of the index and between 21 and 22 in the Warrant saying, "Despite best efforts to restrict Annual Town Meeting Articles to essential business in response to the Covid-19 pandemic this year, the Selectboard has a statutory obligation to include articles submitted by petitioners." The Selectboard will ask voters to pass over, or to refer to the Planning Board, Articles 22-30, and place those articles that are passed over, or referred to Planning Board, on the next special Town meeting warrant without any further action required of the petitioners." Mr. Pruhenski wants to have the shortest meeting possible for the safety and health of all. He will reach out to each petitioner and asking them for their support of this process.
- K. Burke wanted to know if the Town was sending out postcards this year.
- Town Manager said that the Town was sending postcards about the annual Town meeting this year. He went on to explain how different of a meeting this will be and how important the Town's outreach will be this year.
- L. Davis asked how this process would work, would each petitioner be allowed to go to the mic and state whether they agree to pass over their article or not.
- M. Pruhenski, they need to be on the Warrant, as the Town would proceed as usual. Then they need to ask each petitioner if they could pass over their article. A Town Meeting vote would be required to pass over the article until a later date.
- M. Loubert spoke about the webinar given by the MMA regarding Town Meetings and Elections she attended. She felt the information in the webinar conflicts with the information provided by the Town Manager. She offered to send anyone a link to the webinar. M. Loubert stated that she was working with the AGs Office about this matter. Can voters vote on those, or can the sponsor sign off on having the item moved? She wants her petition to be prepared for the annual Town meeting and how this may be an economic hardship for other petitioners (such as the cost of handouts). Also, she said that the MMA webinar referenced the precautions that would need to be taken, such as the need for PPE by staff. Citizen petitioners who are handing out flyers would have the added expense of purchasing PPE.
- M. Wise (Town Moderator) spoke; he listened to a webinar by MMA and stated that the Board was giving consistent information. He said that yes, the Town had an obligation to put the citizen petitions on the Warrant. Its then up to Town Meeting to decide what to do with them. He was working with Town Counsel to suggest that Zoning petitions be referred to the Planning Board to keep them alive; if passed over, they are rejected, cannot be looked at for two years unless the Planning Board makes a positive recommendation.
- E. Abrahams also attended the webinar.
- M. Pruhenski offered to read an email from D. Doneski, where he replied to two questions asked by M. Pruhenski. 1.) What was the actual statute, and 2.) What would happen if the Board were to ignore the statute? "The statutory foundation for petition articles in section 10, MGL chapter 39. The selectmen shall insert into the Warrant for the Annual Town Meeting all subjects the insertion of which shall be requested of them in writing by 10 or more registered voters. This requirement has not been changed. There are 3 risks 1.) Claim frilled in the AGs office, 2.) Potential lawsuits from petitioners, 3.) There could be allegations of first amendment violations.
- M. Loubert spoke again, asking Mr. Pruhenski could repeat the statute.
- A. O' Dwyer, spoke watched webinar. Ask what happens if loss quorum?

- M. Wise said if Town Meeting loses a quorum, it will be put on another meeting.
 - E. Abrahams made a motion to add articles 22-30 to the Warrant. And also include on the index between articles 21 and 22 the following language: "Despite best efforts to restrict the Annual Town Meeting Articles to essential business in response to the COVID-19 pandemic this year, the Selectboard has a statutory obligation to include articles submitted by petitioners." The Selectboard will ask voters to pass over or refer to the Planning Board, Articles 22-30 on the Warrant, and place those articles that are passed over, or referred to the Planning Board will go on the next Special Town meeting warrant without any special action of the petitioners."
 - 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.
- CITIZEN SPEAK TIME: No one spoke at the meeting.
 - SELECTBOARD'S TIME: No one spoke at this time.
 - MEDIA TIME: No one spoke at this time.
 - ADJOURNMENT: Motion to adjourn was made by E. Abrahams at 7:04 pm. All in Favor. Roll Call Vote, L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; 5-0.

Respectfully submitted, Jamie M. Minacci Record