

SELECTBOARD'S MEETING MINUTES
MONDAY, MAY 13, 2020; 6:30 pm
Via Zoom

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

5:30 PM – **SITE VISIT for 438-446 Monterey Road, Special Permit Application.**

6:30 PM - **OPEN MEETING:** Chairman S. Bannon, called meeting to order at 6:30pm. Those present from the Selectboard were as follows, S. Bannon, B. Cooke, L. Davis, K. Burke, and E. Abrahams.

1. CALL TO ORDER: Chairman Bannon reminded the virtual audience, that this meeting was being recorded, and that no one was allowed to attend in person, lastly, to speak please use the raise hand feature.

2. APPROVAL OF MINUTES:

February 24, 2020 Regular Meeting. E. Abrahams made motion to approve the February 24, 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.

March 9, 2020 Regular Meeting. E. Abrahams made motion to accept, with mentioned changes, "Holly Hammer" and in Selectboard Time: Kate Burke would like the word "Town" before Meetings; 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.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board. L. Davis, the Community Preservation Committee met yesterday, they discussed what the recommendations to the Town Meeting will be for FY21.

4. TOWN MANAGER'S REPORT:

A. Department Updates: Rebecca Jurisk, Board of Health, will take briefly about re-opening plans for Town.

Ms. Rebecca Jurczyk, Board of Health Agent, spoke about the State/ Governor's Plan and the State Board of Health Department decisions are made at the State level. The local government is to follow the mandates. The meeting is tomorrow, May 14th, 2020, 6:30 pm. At this meeting, the conversation will be about re-opening. One of the topics will be the idea that each business, designate a person to make sure that customers have masks on, that the Store is following the capacity limits, sanitizing hands/ surfaces, lines and social distancing. The document will be a working document, which can be used for guidance. She continued by saying "we don't really know what the Governor's Plan is yet". The Board of Health will ask that restaurants that have been closed to be brought up to date on safety concerns.

L. Davis asked about "enforcing" mask use in public. Ms. Jurczyk responded by saying that it's primarily done through a "complaint" process. She explained that a citizen will contact the Board of Health or the GBPD. She continued by saying, not a "great" system, though this is what's in place right now, citizens are not "shy" to speak up. She then follows up, to see what roadblocks there are in the business to follow the mandates.

B. Project Updates: C. Rembold, Assistant Town Manager, spoke of the Reid Cleaners building in Town. He said that the Town was granted 1/2 Million dollar grant from the US EPA, to clean up the Reid Cleaners building. The Town of Great Barrington, took over the site about one year ago for non payment of taxes. Upon completion of the US EPA assessment program of the extent of contamination of the area. The grant process was very competitive; only 6 grants were given out in Massachusetts, only 2 "clean -up" grants in all. The work / clean -up will start in calendar year 20-21. After this the Town can decide how best to use this languishing building, to be productive or useful. E. Abrahams thanked Mr. Rembold for his efforts, and that this savings is helpful to the Town. L. Davis was also very grateful for the effort. In closing Mr. Rembold, thanked the partners at Berkshire Planning Commission for their help.

M. Pruhenski, wanted to announce the Annual Car Show, put on by the GBFD, will not be occurring this year, they will sponsor the event next year.

6:30 PM

5. PUBLIC HEARINGS:

A. **Continuation** of Special Permit Application from MRI Investments, LLC for a medically supervised substance abuse detoxification facility at 438-446 Monterey Road, Great Barrington per Sections 3.1.4 B (10) and 10.4 of the Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing: E. Abrahams made motion to Open the Public Hearing, B. Cooke, seconded the motion; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0.

b. Explanation of Project: Nick Arienti, Esq., spoke on behalf of the proposed project, for the applicants. The applicants are MRI Investments, at 438-446 Monterey Road, Great Barrington. Application was applied according to Sections 3.1.4 B (10) & 10.4. The property is an R2 (residential) zone, was a part of the former Eagleton School, which was foreclosed on in 2017, by Pittsfield Cooperative Bank, who are currently the owners. Building was built in 1966; has had some renovations over the years, such as 1985, and more recently. The space is approximately 5200 square feet, consisting of two floors. The bottom floor (street level) has administrative and business offices, and upstairs houses a least 12 bedrooms, additionally there is a kitchen on site as well.

MRI Investments would like to operate a Medical Detoxification and Treatment Center, to help those suffering from substance abuse, and starting the recovery process.

The applicants are not owners as of yet, they are in contract, and doing the work in hopes of becoming the owners of the property. The proposal is filed per Section 3.1.4 B (10): that states hospital, sanitarium, nursing, or convalesce use; Mr. Arienti said it fits at this site. He spoke that the building would not change, or footprint, not expand parking, or pavement. There would be modifications to septic system primarily, and to the interior of the existing building. Trilla & Trilla would be doing extensive interior renovations, for inpatient intakes, medical detox, medical services, group and individual therapy, family therapy, and after care planning. Included in this plan, will be an Administrative and Business staff and offices, Medical Doctor/ Director, skilled nursing care, 16 patient beds maximum.

In application is updated site plan, tax information, and a abutters list. Applicants did some outreach on their own, as best they could. The applicants feel that they have not been able to do outreach face - to - face with the Town, the firefighters.

Police Department, abutters, etc. The applicants are Justin Dufour and Tim Besch, are MRI Investments, and are the co-owners of Desert Mountain Health, in Phoenix, Arizona, for 10 years. Jeff and Justin Dufour, are local, from Dalton, Massachusetts originally, have family here.

Justin Dufour, was unmuted, and spoke, he is currently the owner of multiple treatments centers in multiple states. Currently in Arizona, in Scottsdale, at Desert Mountain Health. It is a carbon copy of the treatment center they are proposing. Spoke of his recovery, and his treatment process. He has been working in the recovery business for the last 10-12 years. Owners in Arizona, Denver, Ohio, Connecticut, and possibly Massachusetts.

Mr. Arienti, wanted Matt Puntin to speak about the well and septic system. There is an existing septic system, no town septic or water. There will be need for additional water and septic, to pass Title 5, and for the sprinkler system in the building, when title of occupancy is awarded.

Matt Puntin spoke about the minor repairs that are needed, with ventilation and drainage. There are several plans from the past, think can use these old plans. There is a public water system, with enough capacity to service the building, the bigger issue is the sprinkler system. The sprinkler needs a great amount of water and pressure to work properly. There will be tanks underground to store water for the system, with a pump.

c. Speak in Favor/Opposition:

M. Loubert, Housatonic, Massachusetts, asked about the cost of the stay at the treatment center. She stated she was looking at website, and the description is for an "upscale" Center, what does that mean here in the Berkshires?

Justin Dufour, replied, upscale is a stretch. It will serve ages 18 years and up, usually not those over 55 case by case, all walks of life. Cash pay, \$1500/ day, will accept some insurance, do have some scholarship money available.

M. Loubert said it would be sad to have another Canyon Ranch in our area.

Alex Glover, Esq., was at site visit, represents an abutter, Matt Merrick, of Great Barrington. She feels that this particular project doesn't fit at all with the current zoning. She was sympathetic to the growing needs for substance abuse treatment in our country. The significant difference is that this isn't a good placement in a residential zone/ community. She doesn't feel it doesn't fit the demographic (financially) of the Berkshires, especially in Great Barrington, for the residents to be able to pay the tuition.

Mr. Matt Merrick, spoke as a homeowner/ abutter of proposed project, on Monterey Road and White Birch Road. He worked in the field for 25 years in residential treatment in Vermont. He mentioned from a public safety point of view, if someone wants to leave, they are going to go. The problem is their pockets are empty, they will do anything they need to do to leave or get a fix, such as stealing a car, or break into a home. He mentioned he is paying taxes, almost \$30,000 currently. He is concerned.

L. Davis asked if this is a locked facility.

Nick Arienti, Esq. said that is his understanding. Justin said no, if people want to leave they are going to leave.

Justin asked Mr. Merrick what type of a facility he ran. Mr. Merrick, replied, a residential for 8-21 years old in Vermont.

Nick Arienti wanted Justin to speak on his experience, with abutters.

Justin said because of HEPA, they need to keep patients anonymity. There are nurses, cameras, etc. in place. Never needed locked facility.

E. Abrahams asked if 16 would be the maximum number of patients.

Mr. Dufour replied, yes.

B. Cooke asked if this is a hospital, it has to be 50 feet from a boundary line, does it fit?

Mr. Arienti replied that there would be 3 combined parcels.

K. Burke asked about the area to the East.

N. Arienti said he did not know, does not want to “eyeball” this.

Steve Bannon asked of Mr. Arienti to bring more information about the boundaries for the next meeting.

K. Burke asked Mr. Arienti to talk on the water use now that they are all here together. Matt Puntin replied, that the definition from the State, is the number of people over a length of time. The threshold of 25 people over 60 days, in a calendar year, then it is categorized as a public water supply. Then it takes out of local Board of Health.

K. Burke, went on to talk of the conditions / amount of people in the building, and the number of individuals/ staff using the water.

N. Arienti, said, we are only counting residents, which is 16, not Staff.

M. Puntin, said he can get clarification on the verbiage for next meeting.

L. Davis, queried about fire safety and the amount of water pressure for sprinkler systems if using a well?

M. Puntin answered that there will be underground water tanks and booster pumps.

d. Motion to Close or Continue Public Hearing: E. Abrahams made motion to continue the Public Hearing to June 8 at 6:30 pm., 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.

6. LICENSES OR PERMITS:

A. Michael Murphy/Adams Budz VFW Post 8183 re: Memorial Day services – Discussion.

Mr. Bannon read a letter from Mr. Murphy. The letter outlined the sequence of events the veterans would preform, privately, lasting approximately five (5) minutes.

Mr. M. Pruhenski wanted to make a suggestion of having a “driving parade” through both towns on a Main Street loop to honor our veterans, as was talked with Smitty Pignatelli. Mr. Pruhenski said that Mr. Murphy would like to have the private ceremony and not the parade.

E. Abrahams made a motion to approve the request, L. Davis, seconded for discussion, E. Abrahams, wanted to know if Selectboard is to be present. K. Burke wanted to leave the flag at 1/2 mast for longer.

Roll Call Vote; L. Davis, "aye" ; K. Burke,"aye" ; B. Cooke, "aye" ; E. Abrahams,"aye" ; and S. Bannon, "aye" ; All in Favor, 5-0.

Mr. Pruhenski said Smitty Pignatteli's Office would offer to pay for two banners if the Selectboard decides to do a parade. B. Cooke encouraged the Veterans to take the lead in this holiday, and for them to tell us what they want. K. Burke, asked if the money that was going to be used for the signs/ banners, be used for meals for our veterans (Meals on Wheels).

B. Bob Norris – Application for a Driveway Permit at 70 Sumner Street, Great Barrington.

E. Abrahams made motion to approve the application, 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.

C. Hanna Jensen/The Sweetish Baker LLC – Application for 2020 Common Victualler License at 258 Stockbridge Road. (Discussion/Vote) : E. Abrahams made motion to approve the application for 2020 Common Victualler License, B. Cooke, seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "recused" ; B. Cooke, "aye" ; E. Abrahams, "aye" ; and S. Bannon,"aye" ; 4-0-1.

7. NEW BUSINESS:

A. SB – To Approve a Grant of Conservation Restriction granted by Myrin Institute, Inc. to New England Forestry Foundation, Inc. for the 216.13 acres on Monument Valley Road.

Mr. Chris Nye spoke on this proposal. He received an enthusiastic approval from the Conservation Commission last week The property is off Monument Valley Road, by Barbieri Pond to Blue Hill Road, 6 miles to Stockbridge, Massachusetts. To protect over 200 acres much is wetlands to Stockbridge. The Myrin Institute could sell off the land in future. An abutter put up some money to protect this track of land. He continued that this could protect this in perpetuity from being chopped up. New England Forestry Representative, Sophie Traconte said that this would definitely help to protect this land. She added that the New England Forestry has been around since 1944 and has 1.1 million acres of land in conservation.

Mr. Cooke asked if the trails would be open to the public. Mr. Nye, replied, yes, and Greenagers do the trail maintenance.

Mr. Abrahams made motion to approve the Grant of Conservation Restriction. 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.

B. SB – Local Economy Meeting – Post COVID 19 – Schedule date and time for a Special Meeting. (Discussion/Vote) M. Pruhenski had meeting with Deb. Phillips about what the economy will look like after Covid 19.

Deb. Phillips spoke. She has been working on many boards about finding resources in our community. She wanted to start a conversation about continued self sufficiency and economic resilience within our community. She is suggesting a bigger conversation with more partners in Town to how we could improve and strengthen after Covid 19.

Town Manager will come back with a future date, to say when this will be happening.

C. SB – To Approve Waiver of Right of First Refusal of Abigail Haupt, LLC for property

adjacent to Hurlburt and Alford Roads as shown on the Assessors Map 31, Parcel 12A (consisting of approximately 11 acres) and portions of Map 31, Parcels 12 and 13 (consisting of approximately 25 acres) for a total of 35.5 acres. (Discussion/Vote)

Ira Kaplan, Esq., asked anyone had questions. He reminded the Board that he was before them in January 2020; that buyer fell through, new buyer is now come forth, same conditions.

E. Abrahams made motion to Waive the Right of First Refusal, 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.

D. SB – Letter of Support for Planning Assistance/Growing Better Great Barrington Grant.

C. Rembold, Assistant Town Manager, spoke on behalf of this grant. He was asking for a letter of recommendation from the Selectboard to strengthen the grant application, which is due this Friday.

E. Abrahams made motion for Chair to sign Letter, with amendments, 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.

E. SB – Town Manager's Performance Evaluation. S. Bannon said that information is on the website, this is the first year using this form. The individual evaluations have sometimes been made public in the past. A request has been made to make them public. S. Bannon feels that the Selectboard, before the next Town Manager evaluation, should make a policy so that there is consistency. All Selectboard members felt comfortable to make the information public. He said that he would like to put on the agenda in future, to make this a policy. M. Pruhenski thanked the Board for everything.

8. CITIZEN SPEAK TIME:

M. Loubert, Housatonic, stated she had a couple of items to talk about. First, was the idea of property values and safety (agenda item 5); the Spectrum site on Park Street. Second, the document of the sanitary and safe sale of Cannibus, it's 10 page document. She wants to know the status of this document. Thirdly, why K. Burke "recused" herself? (K. Burke, stated The Farmers Market vendor; she recused herself).

Eileen Mooney- why was the Public Hearing continued. S. Bannon said there were several things that needed more information. C. Rembold said he would get back to Eileen.

9. SELECTBOARD'S TIME: No one had additional information to share.

10. MEDIA TIME: No media questions.

11. ADJOURNMENT: E. Abrahams made motion to adjourn, 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. Meeting adjourned at 8:23 pm.

Respectfully submitted,

JSI JAMIE M. MINACCI

Jamie M. Minacci
Recording secretary