

MINUTES
GREAT BARRINGTON FINANCE COMMITTEE and SELECTBOARD
JOINT MEETING
TOWN HALL, 334 MAIN STREET
MONDAY, MARCH 25, 2019 at 6:00 PM

PRESENT

Selectboard: S. Bannon, D. Bailly, K. Burke, E. Abrahams (via telephone)
Finance Committee: T. Blauvelt, E. Curletti, A. O'Dwyer, J. Lee, M. Loubert
Town Manager: J. Tabakin

- I. **6:00 PM** - S. Bannon called the meeting to order
- II. Berkshire Hills Regional School District (BHRSD) FY 20 Regional School Assessment.
FINANCE COMMITTEE MOTION: T. Blauvelt made a motion to approve Article 6 to vote to raise and appropriate or transfer funds \$16,133,027 for the operating assessment and \$590,134 for the capital assessment for the total amount of \$16,730,161 of the Berkshire Hills Regional School District or take any other action relative thereto.
FINANCE COMMITTEE SECOND: M. Loubert
FINANCE COMMITTEE VOTE: 5-0: T. Blauvelt-aye, E. Curletti-aye, A. O'Dwyer-aye, J. Lee-aye, M. Loubert-aye

SELECTBOARD MOTION: D. Bailly made a motion to approve Article 6 to vote to raise and appropriate or transfer funds \$16,133,027 for the operating assessment and \$590,134 for the capital assessment for the total amount of \$16,730,161 of the Berkshire Hills Regional School District or take any other action relative thereto.

SELECTBOARD SECOND: K. Burke

SELECTBOARD VOTE: 4-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye, E. Abrahams-aye

Discussion:

D. Bailly encourages both Boards to pressure state representatives to continue looking into education funding reform. This is a good year, but we need help from the State to continue this positive position.

J. Tabakin asks for an appointment to be made for a Finance Board Member to serve on the Economic Development Committee. Also waiting for a Higher Education member from Simon's Rock to respond to calls.

- III. Citizen Speak Time.-None

- IV. Adjournment by Finance Committee.

On a motion by E. Curletti and seconded by M. Loubert, the Finance Committee adjourned at 6:05PM.

**SELECTBOARD MEETING IMMEDIATELY FOLLOWING the FINANCE COMMITTEE
ADJOURNMENT: 6:05 PM**

MINUTES

1. CALL TO ORDER: S. Bannon

2. APPROVAL OF MINUTES:

January 14, 2019 Regular Meeting.

February 11, 2019 Regular Meeting.

MOTION: D. Bailly made a motion to approve the January 14, 2019 minutes as amended.

SECOND: K. Burke

VOTE: 4-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye, E. Abrahams-aye

MOTION: D. Bailly made a motion to approve the February 11, 2019 minutes as amended.

SECOND: K. Burke

VOTE: 4-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye, E. Abrahams-aye

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.- None

4. TOWN MANAGER'S REPORT:

A. Department Updates: J. Tabakin

1. Sue Carmel has had a wonderful year, and has been promoted to Financial Director and Coordinator as of her 1 year anniversary. The Finance Department will now be reporting to her. Sue Carmel brings 30 years of experience in the field.

2. Shaun McHugh has been hired as the new Principal Assessor.

3. Ellie Smith has been hired temporarily to serve as a clerk in the Treasurer/Collector Office.

4. Sean McMahon is returning to the Fire Department.

B. Project Updates

- Economic Development Committee – Appointments and First Meeting – J. Tabakin

An ad was placed seeking interested members. Joe Grochmal had also done outreach while he was here. J. Tabakin recommends the 9 listed below be appointed, and the Selectboard continue to reach out to fill slots that are still empty.

Sean Flynn – K-12 Educational Institution

Tony Blair – Commercial Real Estate

Kate Burke – Selectboard Member

Steve Picheny – Entrepreneurship

Pedro Pachano – Planning Board Member/Architect

Richard Ruth – Member at Large

Karen Watkins – finding member from Mahaiwe for NFP/Cultural District

Vivian Orłowski – worker owned cooperative enterprises

Michael Andelman – General Interest

Still need: Small Business Owner, Large Business Owner, have reached out to Large Business Owners, may need help from the Board to encourage them to jump on board. A finance committee member is still needed as well. A representative from Simon's Rock is to be determined, as well as an AIER representative.

The meeting will be held on Monday April 22.

MOTION: D. Bailly made a motion to accept 8 names, with the exception of Karen Watkins, to serve on the Economic Development Committee, to begin on April 22.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye
(*E. Abrahams phone dropped out)

5. LICENSES OR PERMITS:

A. Permission for an Exhibition at Town Hall, Video Installation. (Discussion/Vote)

Ken Rote – Great Barrington Resident, Simon's Rock representative.

Seeking to feature a video installation of slow-motion portraiture for two nights, two hours each night: 6:30 to 8:30PM on Friday April 26 & Saturday April 27. The installations will be left up for the duration, no holes would be put into the walls.

S. Bannon requests that the team work with a Town Hall representative for the duration.

K. Burke- would an entertainment or alcohol license be needed, and will we be provided an insurance rider from Simon's Rock? No entertainment license, but an alcohol license would be applied for separately and Simon's Rock would provide an insurance rider.

MOTION: D. Bailly made a motion to approve an exhibition at Great Barrington Town Hall for Daniel's Art Party for a two night exhibition from 6:30 to 8:30PM on Friday and Saturday April 26 and 27th. DPW will work with a Town Hall Representative during the set-up, and a staff member will be present both nights.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

B. Renewal of 2019 Seasonal Club All Alcoholic License for Wyantenuck Country Club. (Discussion/Vote)

MOTION: D. Bailly made a motion to approve 2019 Seasonal Club All Alcoholic License for Wyantenuck Country Club

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

C. Mark DeCelle/GB Rotary for One Day Sunday Entertainment License for June 23, 2019 from 9:00 am – 4:00 pm at the Great Barrington Airport, 70 Egremont Plain Road. (Discussion/Vote)

MOTION: D. Bailly made a motion to approve GB Rotary for One Day Sunday Entertainment License for June 23, 2019 from 9:00 am – 4:00 pm at the Great Barrington Airport, 70 Egremont Plain Road

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

D. Kelley Vickery/Berkshire International Film Festival for Three (3) One Day Weekday Entertainment Licenses for May 30 – June 1, 2019 from 5:00 PM – 11:00 PM in the Tent behind the Town Hall by the Gazebo. (Discussion/Vote)

MOTION: D. Bailly made a motion to approve Berkshire International Film Festival for Three (3) One Day Weekday Entertainment Licenses for May 30 – June 1, 2019 from 5:00 PM – 11:00 PM in the Tent behind the Town Hall by the Gazebo.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

E. Kelley Vickery/Berkshire International Film Festival for Three (3) One Day All Alcoholic Liquor Licenses for May 30, May 31 and June 1, 2019 from 5:00 PM – 11:00 PM in the Tent behind the Town Hall by the Gazebo. (Discussion/Vote)

MOTION: D. Bailly made a motion to approve Berkshire International Film Festival for Three (3) One Day All Alcoholic Liquor Licenses for May 30, May 31 and June 1, 2019 from 5:00 PM – 11:00 PM in the Tent behind the Town Hall by the Gazebo.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

- F. Kelly Vickery/Berkshire International Film Festival – Request to grant a Moratorium to lift the Parking Laws in the Town for the BIFF weekend from Thursday, May 30, 2019 thru Sunday, June 2, 2019 and for Permission to Occupy 3 Parking Spaces behind the Town Hall. (Discussion/Vote)

MOTION: D. Bailly made a motion to approve the request to grant a Moratorium to lift the Parking Laws in the Town for the BIFF weekend from Thursday, May 30, 2019 thru Sunday, June 2, 2019 and for Permission to occupy 3 Parking Spaces behind the Town Hall.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

Discussion: D. Bailly asked that the Police put up notices so that residents are aware of the change in parking. K. Burke has concern regarding Church Street parking, if both sides of this street are utilized for parking, it will become too narrow. This will be discussed in more detail.

6. OLD BUSINESS:

- A. **Continuation** – SB to Approve Possible Regulations for Short Term Rentals to be put onto Town Meeting Warrant.

S. Bannon read the following statement prepared by E. Abrahams:

I recommend that we not add additional items to the Town Meeting Warrant for several reasons.

- 1. The meeting is likely to be very long as it is. The zoning changes took 2.5 hours to explain and discuss at the Planning Board Meeting. While some of the changes have been withdrawn, it is still likely to be a long and controversial discussion. Add to that the water bottle ban, the renaming of the middle school, and hundred bridge TIFF, all controversial issues.*
- 2. We have not had time to consider the Air BnB proposal and to look for unintended consequences, how much will an additional tax reduce the number of guests nights in town? What will the impact be on tourist dollars spent here? How many retired residents rely on this income to keep their homes? We should know the answers to these questions before we proceed. There has also been no time for public input. I am not saying we should not do this, I am saying we should take time to know the consequences before we recommend this. We do not have to wait a year, a special town meeting can deal with this and other items we are rushing to the ballot tonight.*

Discussion:

K. Burke: This is a multi-tiered vote. The 6% local tax is already happening, as we tax hotels. We would be voting to first adopt a 3% Community Impact Fee for Professionally Managed Units which are units run by a professional, or ones that are owner-occupied in a 4-unit building. If this passes, it would change the 4-unit building designation into a 2 or 3 family home.

The goal is to get these short-term rentals to register with the town so that we have a better understanding of how many short-term rentals there actually are in the Town. A short term rental is defined as any rental of a property through a host site of 31 days or less, in a row. If they are rented for less than 14 days per year, taxes are not paid at all. The concern of allowing short-term rentals in residential neighborhoods is essentially allowing hotels in residential neighborhoods, which is non-conforming. This decision should not be made based on the financial impact the additional tax may have, it should be based on the appropriate use of Residential neighborhoods.

MOTION: D. Bailly made a motion to create a Short Term Rental Registry, and to include on the 2019 Town Meeting Warrant, if need be.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

Citizen Speak:

Tracy Thornton – Great Barrington Resident, Operates Short-Term Rental

Feels creating a Registry is more work for the Homeowner as well as the Town, and is unnecessary, as the State does provide some information from their registrations that the Town could work with to see the number of short-term rentals.

K. Burke noted that the state registrants are not specific, address-wise. The Town is looking for more specific information as to how often the rental is taking place, if the home is owner-occupied, etc. It is a way to collect better information.

Claudia Lasley – Great Barrington Resident

Asked if there is a cost to register, and is there a list of what the registration would entail? Is the extra revenue going to be reviewed?

No, there would not be a cost, and the details will be available within a month. The revenue will be reviewed.

B. Continuation – Jennifer Clark – Update on the Purchase Installation, Models and Locations of the Water Stations. (Discussion/Vote)

The bylaw is in effect, and has been since January 1st. The enforcement of this law has been postponed to an unspecified date. Help educating the Citizens is being requested. Only about half of the businesses who sell water bottles are currently in compliance, and those who are not have said they have been given incorrect information by Town Hall employees. Ms. Clark provided a handout to be given to those with questions, and those responsible for answering these questions. Citizens can also go to www.gbontap.org for information. A number of businesses in town have agreed to fill water bottles for free upon request.

Funds have been privately raised for the first three water stations, to be installed at the Town Hall, the Mason Library, and at the Housatonic Community Center.

Seeking approval tonight for the models, locations, and installation of the water stations, as well as for the Town to agree to assume maintenance responsibilities after the first year.

MOTION: D. Bailly made a motion to approve the water station models, the three designated spots: Town Hall, the Mason Library, and at the Housatonic Community Center, and for them to be installed.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

MOTION: D. Bailly made a motion to approve the Town assuming maintenance responsibilities of the water stations after the first year.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

Wendy Kleinman – Great Barrington

Has been visiting merchants asking them to comply with the bottle ban. S. Bannon asserted that the ban went into effect on January 1, 2019, though enforcement is not yet in place. Letters to the Editors have been submitted, and we can again review. D. Bailly commented that the citizens approaching merchants are not Town representatives, and cannot take on the role of enforcing the ban.

- C. Proposal to Change the Membership on the Strategic Sustainability and Livability Committee From 7 to 11 Members. (Discussion/Vote)

MOTION: D. Bailly made a motion to Change the Membership on the Strategic Sustainability and Livability Committee from 7 to 11 Members.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

7. NEW BUSINESS:

- A. SB - Proposal to Limit the Number of Marijuana Establishments. (Discussion/Vote)

S. Bannon read the following statement from Ed Abrahams:

Similar concerns to the Air BnB in respect to the length of the meeting, also there has been no study, public discussion, or public input. What is the impact on Commercial rents? How much money are retail marijuana customers spending on other establishments in town? How many is a right number? Are we limiting cultivation, manufacturing and transportation (we've had no applicants yet). What happens to the current license if a license holder wants to sell? What is the process and criteria for giving our scarce licenses? Will this freeze out micro-businesses who don't have the money to get to us first? There are two other marijuana related issues-both zoning- that need to come to Town Meeting. The Planning Board withdrew one due to time issues and two citizens proposed another to the Planning Board which have not yet been looked at. Again, this can be brought up at a special town meeting, allowing us to get public input and consider the best approach. Waiting for a Special Town Meeting will discussion at a meeting that hasn't already been going on for two hours. When the State opened the license proposal, we received 9 applications. We have received one since. We have time to do this right.

K. Burke: the concern is what will happen when marijuana becomes legal in NY/CT and nationally. There is nothing in the bylaws regarding a limit. K. Burke proposes a limit of four marijuana establishments be allowed, two of which be locally (Berkshire County resident of at least two years) or minority owned/economic empowerment business.

S. Bannon: We have approved 5, so they would be grandfathered in. Are Host agreements transferrable? K. Burke does not believe they are transferrable, and are on a 3-year renewal schedule.

MOTION: K. Burke made a motion to limit the number of retail marijuana establishments in Great Barrington to four. Two of those four must be locally owned, or a business of economic development.

SECOND: D. Bailly

Discussion:

D. Bailly: impromptu discussions have been had, especially as Host agreements have come up. Manufacturing is regulated through Special Permit anyway, so can be left off the books. He is hearing from citizens, that they are looking for some sort of limit. Town Meetings are usually long, and the Moderator can always continue the meeting to another night, in lieu of holding an additional meeting.

S. Bannon: Has reservations about this topic. Citizens have expressed concerns over number and locations of establishments.

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

- B. SB - Amendments to the Sign Bylaw to Address Illuminated Signs. (Discussion/Vote)

Jonathan Hankin – Planning Board

The sign bylaw began in zoning, but was moved to the Town bylaws. This is seeking to allow Performance Venues to approach the Planning Board for a Special Permit to install a freestanding sign that has electronic messaging in place of a marquee. St. James Place is the specific venue in mind, as they currently cannot display their events.

S. Bannon expressed concern over electronic signs on Main Street being out of place, and perhaps distasteful.

K. Burke asked for confirmation that this would go through Design Advisory. Jonathan said he would encourage this, but they really have no "teeth".

Sally Harris – President, St. James Place

St. James Place has been open for two years, with 50+ organization performances, only two of which have not been Community based. St. James Place cannot afford to advertise in the way the Mahaiwe can. Banners are often made and hung on the Handicapped rail, but they cannot be read from the street, are not properly lit, etc. St. James' location is optimal, a sign would afford much more opportunity to share event happenings. The sign being sought is static, computer designed, and would not be "flashy".

Jenny Clark commented that specifications for these signs can be included in the bylaw, mas it is very general now.

MOTION: D. Bailly made a motion to send amendments to this bylaw to Town Meeting.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

- C. SB - Order of Articles on the 2019 Annual Town Meeting Warrant. (Discussion/Vote)

MOTION: D. Bailly made a motion to accept the Warrant Articles listing as submitted.

SECOND: K. Burke

VOTE: 3-0: S. Bannon-aye, D. Bailly-aye, K. Burke-aye

- D. SB - To Review the Index of 2019 Annual Town Meeting Non Financial and Citizen Petition Warrant Articles. (Discussion/Vote)

C. Rembold – Town Planner

Changes from the Planning Board:

Not pursuing Planning Board as Special Permit Granting Authority

Not pursuing marijuana manufacturing with cultivation

Not pursuing changes to rear-yard setbacks

Not Pursuing water quality protection district amendments.

Proposes to structure for Town Meeting:

Grouping of bylaw updates and clarifications (Downtown Business District, Design Advisory Committee, and others.)

Grouping of housing opportunities creation: changes to multi-family and two family development. Articles broken into separate items for clarification and ease of progression.

B2 Zone Amendments/Stockbridge Road zoning map.

INDEX OF NON FINANCIAL AND CITIZEN PETITIONS

2019 WARRANT ARTICLES

1. Community Preservation Fund Reserves/ Appropriations.
2. Community Preservation Projects.
3. To Authorize the Selectboard to transfer property at 40 Grove Street to the GB Housing Trust Fund.

J. Tabakin: we own this property through Tax Title, in order for the GB Housing Trust fund to renovate or use for affordable housing, the property must be transferred, which requires Town Meeting approval. Legal proceedings on this are in motion.

4. ~~To Approve Short Term Rentals Regulations "Community Impact Fee" per recent State Law.~~

5. To Authorize the Selectboard to Enter into a Tax Agreement at 671 Stockbridge Road.
J. Tabakin: This is parcel of land next to transfer station, at bottom of Monument Mountain. Current plans from owner are to put in solar panels. This does not approve

the agreement, they will have to go through regulatory approval, but if it is approved, we would then enter into the Tax Agreement.

6. To Authorize the Selectboard to Enter into Tax Increment Financing Agreement and Tax Increment Financing Plan with Community Development Corporation of South Berkshires.

J. Tabakin: this agreement would support the development of the Assisted Living Facility on 100 Bridge St. that is in progress. The tax financing allows them to have enough capital to build the facility, and once the facility is running, it would proceed. This is seeking permission to discuss terms of this agreement over time. The agreement would come back to the Selectboard.

7. To Authorize Selectboard to Seek Approval to Purchase Street Lights owned by National Grid.

J. Tabakin: Seeking authorization from Town Meeting to begin discussions with National Grid. National Grid currently maintains the streetlights. If we own them, we would maintain them. It would be advantageous for the Town to own the lights on Main Street to be able to make adjustments to them: dim, use LED lights, etc. We would see if we can purchase just a section of lights, rather than all.

8. To Authorize Selectboard to Enter into a Ten (10) Year Contract for Recycling Processing Services.

S. Van Deusen: Presently, the recycling goes to the MURPH in Springfield, contracted privately through bulk purchase with Great Barrington and 72 other Towns. We receive a bulk discount and some revenue for this now, but it may begin to cost. J. Tabakin is not sure that signing a ten year agreement would be advantageous. Approving a 3-year contract is legal, but a 10-year contract would have to go before the Town for approval.

Citizen Question: Jenny Clark, are we allowed to go over state lines? S. Van Deusen said yes, but the additional travel time would driver costs up.

9. ZONING: Amendments to Clarify and Update the Bylaw.
30 days is 30 calendar days.

10. ZONING: Amendments to Create Additional Housing Opportunities.

11. ZONING: Amendments to the B2 Zone and to the Zoning Map on Stockbridge Road.

12. To Amend Great Barrington Bylaw to change the Acceptance period for the Citizen Petitions from 30 days to 30 calendar days.

13. To Rename the Berkshire Hills Regional School District Middle School from Monument Valley Regional Middle School to the W.E.B. DuBois Regional Middle School. (by petition)

14. To Modify the Town Code Chapter 41, Article I subsection 41-7. (by petition)

15. To Modify the Town Code Chapter 135, Article II Subsections 135-6 through 135-9 called the water bottle ban. (by petition)

8. CITIZEN SPEAK TIME:

David Magadini – Great Barrington

The time period stated for the Citizen Petition was 29 days, not 30 as required in the bylaws. S. Bannon asserted that the Town Clerk did confirm it was a full 30 days, and met all requirements. Mr. Magadini commented that he wrote a letter to the Attorney General, and suggested the time period be reopened.

9. SELECTBOARD'S TIME: NONE

10. MEDIA TIME:

E. Mooney asked for an update on the Cultural District. S. Bannon confirmed this will be discussed at the next meeting.

11. **ADJOURNMENT:** On a motion by D. Bailly and seconded by K. Burke, the meeting adjourned at 7:45PM.

Respectfully Submitted,

15/ Tabitha Brewer

Tabitha Brewer
Recording Secretary