

Selectboard and Housing Authority Joint Meeting and Selectboard Regular Meeting

August 10, 2020 6:00 PM

<https://us02web.zoom.us/j/83942116525?pwd=ZFFjd0luVkRyWHNaclhQcDZBUWNRQT09>

Dial-in, audio-only: (929) 205 6099

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

*Meeting was taken out of order of the Agenda*

6:00 PM - OPEN MEETING

CALL TO ORDER: (6:05 PM.)

- CALL TO ORDER: Mr. Bannon, Chairman, opened the meeting at 6:01 PM.
  - Those at the meeting were Selectboard members, L. Davis, B. Cooke, E. Abrahams, K. Burke, and M. Pruhenski, Town Manager. Chairman Bannon announced that the order would not follow the typed agenda tonight, as a matter of point.
- SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:
  - K. Burke asked if it was possible to have subtitles on meeting for deaf or hard of hearing individuals. M. Pruhenski said he was ask Amy to look into that.
  - K. Burke also wanted to know if the Board of Health has set a meeting date to review the Housatonic Water Works Water quality test results.
- TOWN MANAGER'S REPORT:
  - Mr. Pruhenski announced that the three student Police Officers, Elias Casey, Connor Storti, and Brandon Hammer have completed their graduated from the academy. They are working full time for the Great Barrington Police Department.
  - The Housatonic Water Works (HWW) will be hosting a virtual informational meeting, August 13 via Zoom.
  - Staff had asked the Selectboard to approve moving forward with a study of the HWW as well as an appraisal. DPW Superintendent Sean Van Deusen has reached out to qualified consultants to begin the study. There should be reports for the Board soon.
  - Mr. Pruhenski acknowledged Mr. James Mercer, Housatonic Water Works, and Mr. Brian Harrington, Deputy Regional Director of Bureau of Water Resources and Deidra from DEP, to discuss the current water quality issues.
  - The Town Manager asked if there were any Board member who wanted to ask DEP any questions, as they were on the line.
  - E. Abrahams asked whom was the best contact for the residents to voice their concerns. Does DEP want to hear them and if so, how. (E. Abrahams stressed that Selectboard is not able to help citizens with their complaints.)
    - Mr. Harrington gave his email; brian.d.harrington@mass.gov. Asked to be cc'd on their emails along with Housatonic Water Works, he would pass the email to the drinking water department.
  - L. Davis asked about the additional expenses, i.e., bottled water, house filtration systems, lost laundry items, is there any repayment to customers. What relief can we offer to residents who have been impacted by the water quality?
    - J. Mercer HWW as far as abatements--DPU, sets rates for water; no, there hasn't been any water rebates. That is something DPU would have to look at, HWW cannot address that directly.
  - L. Davis asked can the customers call your office to voice their concerns.

- J. Mercer, HWW, stated he is in his office every day and will address concerns when people call and email. He said they can't change the water rates structure.
- E. Abrahams suggested that DPU be at the next meeting.
- S.Bannon could someone on the line from DEP explain what their roll is with a private water company, that would be helpful.
  - DEP Rep: regulates water quality standards, bacteria, VOCs, changes to the water system, and regular (3 years) inspections of private/ public water systems in municipalities. The make sure the water is meeting the standards and if not they look to address those standards. These specific issues with HWW are issues DEP does not have a standard for, such as the aesthetic.
  - Deirdre added that private and public water is on the same three-year cycle. Private water companies need a license to distribute water. They also ensure operators are properly licensed with the Division of local licensure.
- K. Burke asked about the 2018 water quality problem, when DEP came to inspect they found flaws in the system. It was also another hot summer. It feels as though three years is too long, even if it's a federal standard. Once every three years just doesn't seem frequent enough. Especially with summers getting warmer and warmer.
  - DEP: Yes, the water system is inspected every three years; if there is a problem, such as in 2018, we will review the issue and inspect. In communication with Mr. Mercer. They are reviewing data and have had staff who are familiar with the system also inspecting. A proposal from HWW on how to address/update these issues is something they could then address.
  - DEP only had the authority to enforce the primary drinking water standards. There are no set standards for aesthetics so they have no authority on the matter.
  - Deidra added that weather a system is public or private it is on the same inspection cycle and measured by the same standards.
- K. Burke asked B. Harrington what was the reason they came out in 2018.
  - Certainly the complaints brought them out there as well as modifications to the plant.
- K. Burke, was curious if the complaints brought DEP out in 2018 why it is that now the complaints are not bringing them out.
  - DEP is limited to its response options (internally). The Department is trying to do as much as they can remotely give the circumstances with COVID-19. They are working with J. Mercer and suggesting modifications and reviewing data. We don't know what other information we'd gain from being there, than what they already have.
  - Deidra at 2018; sometimes high in choline, sometimes not; adjusted that. Chlorine is measured daily. DEP is requiring more routine sampling within the system. The irregularities were found to be due to the HWW process.
- K. Burke how are the sampling locations chosen? Also, Stated her understanding was that more chlorine is needed as the temperature rises and that chlorine is what is disturbing the sediment in the system. Is DEP seeing a correlation again between the amount of chlorine in the system and the sediment?
  - DEP 2018, sometimes there were high levels of chorine, the change of water chemistry was the primary concern. This time, overall the chemistry is more consistent. Deidra stated that treatment plants actually use more chlorine in the winter as the chemical is not as effective when the water is viscus. Chlorine is

measured every day at the point of entry. The additional testing DEP is requiring is on a two week cycle.

- S. Bannon, that the Town has received many complaints from residents about the water and how they can't shower, drink, or do laundry. What Department would we contact to see what can be done about this. DEP is clearly looking at the scientific data. What can people do about what they don't feel like they can shower in? Is there anyone they can contact?
  - B. Harrington there are limitations in what DEP can do. DPU sets rates. Can you change out iron pipes or coat the inside of the pipes? Do flushing in unilateral action. DEP can work with proposed changes.
- L. Davis what direction can we take in regards to the discoloration. Have you had other communities have the same issue? What did they do?
  - B. Harrington, every system is different. Here we are essentially dealing with old iron pipes. That's the challenge. Here we're dealing with essentially old iron pipes. That's really a challenge.
- L. Davis that was the point I was trying to make, this issue is primarily due to the old iron pipes.
  - B. Harrington yes it appears to be.
- K. Burke and there is no DEP regulation on the amount of iron that is safe?
  - Deidra there is a secondary standard for iron. I can think of one system where they had a similar issue and DEP worked with them to change the process in the plant. They made adjustments to their process, chlorine levels, corrosion controls and filter system.
- S. Bannon began to take a few questions from the audience. L. Rockefeller, Park Street, Great Barrington. Is Mr. Mercer keep a log of the number of complaints he is receiving and if so is he passing along those complaints to the town and DEP. Who can we talk to at DPU about the rates?
  - S. Bannon will get L. Rockefeller that information, they just don't have it for this meeting.
- S. Bannon can someone answer the question of the logs.
  - J. Mercer, HWW, meeting on Thursday and during that meeting we'll be discussing our plans for remediating. There will be a Q and A at the end of the meeting. It's a very challenging problem to find out what is causing the discoloration. HWW has hired an engineer from CT to study this issue as well as a firm that specifically deals with discolored water.
- Heather Bellows, Berkshire Eagle, asked about the polyphosphate options for coating the pipes to talk about Thursday.
  - J. Mercer yes you can certainly ask on Thursday. They are reviewing many options and that is one of them.
- Tony Passetto, 206 North Street, Housatonic, been here since 1983, worst ever, looks like "iced tea." I will go to the Thursday meeting. I asked if the plastic water bottle ban is going to be extended.
  - S. Bannon yes that will be on the next agenda.
- M. Loubert, 70 Division Street, asked Deidra's last name is Dorehty. There are standards for everything, though, at a school committee meeting, I wouldn't say, "Let's teach our children just the standards." Why can't we try and get the best water possible for our community. Laundry has also been ruined; my husband has very expensive cleaning rags, courtesy of HWW. Hearing that the water meets the standard is not good enough.

- S. Bannon thanked Dedra and Brian for attending the Selectboard meeting.
  - Mr. Harrington ended that DEP doesn't have any authority to compel the water past the set standards. Most systems are well above the standards.
- L. Davis asked if the HWW would "chip in" to help offset some of the customers' costs. He replied that the HWW is a regulated public utility, tariff set by State, nothing he can do.
  - J. Mercer our Tariffs are set by the DPU. If someone is looking to deviate from that the DPU is the regulatory body that has authority over that. They have an 800 number that customers can call.
- E. Abrahams asked the Board if someone could be at the meeting Thursday, L. Davis said she was planning to attend.
- Request to the Housatonic Water Works Company, Inc. for a Rate Adjustment to Customers. (Discussion/Vote)
  - E. Abrahams made a motion to instruct M. Pruhenski, Town Manager, to draft a letter. The letter would request the Massachusetts Public Utilities, work with HWW to offer rate adjustment to the customers impacted by the most recent water discoloration; in accordance to all / any Massachusetts DPU regulations; B Cooke seconded; Roll Call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke "aye"; E. Abrahams, "aye"; S. Bannon, "aye"; All in Favor; 5-0.
- Janice Keabel/Great Barrington Land Conservancy for Driveway Permit at the entrance to Riverfront Trail, Brookside Road, over Town ROW. (Discussion/Vote) Janice Kabel gave information about the proposed changes to the parking area. The driveway will have two spots, cars will head in, crushed stone laid down, and a 41-foot barrier to protect the trailhead.
  - E. Abrahams made a motion to approve the Driveway Permit At Riverfront Trail, 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, pass.
- Gerard "Poly" Lanoue/ Olde Yankee Street Rods for Temporary Sunday Entertainment License for September 6, 2020 (Rain Date September 7, 2020) from 9:30 AM – 3:00 PM at Bogie's Restaurant, front, and rear fields, if needed. (Discussion/Vote)
  - Applicant withdrawn.
- GB Cultural Council – Request to allow the Grantees to Receive Funding whether they performed or not due to Covid 19, as per Mass Cultural Council directive. (Discussion/Vote)
  - Cultural Council requested this item be passed over at this time.
- Appointment of Election Workers. (Discussion/Vote) E. Abrahams made a motion to accept the appointment of Election Workers for FY' 21, 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, pass.
- Agaves Mexican Grill LLC dba Agaves Mexican Grill, Sandra Sosa, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License with outdoor seating capacity of 60 at 389 Stockbridge Road, Great Barrington, MA 01230. (Discussion/Vote)
  - Open Public Hearing; E. Abrahams made a motion to Open Public Hearing, seconded B. Cooke; Roll call Vote; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0.
  - Explanation of Project: I. Kaplan spoke for the applicant, Sandra Sosa, owner, looking for an All Alcoholic Liquor License.
  - Speak in Favor/Opposition; No one spoke at this time.

- Motion to Close or Continue Public Hearing: E. Abrahams made a motion to close Public Hearing; 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.
  - Motion re Approval/Denial/Table: E. Abrahams made a motion to Approve; 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. Passes.
- Sandra Sosa/Agaves Mexican Grill LLC dba Agaves Mexican Grill for 2020 Common Victualler Restaurant License at 389 Stockbridge Road with outdoor seating. (Discussion/Vote) E. Abrahams made a motion to approve the Common Victualler Restaurant License at 389 Stockbridge Road, for Sandra Sosa/ Agaves Mexican Grill LLC, 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.
- Special Permit application from Guido's Realty, Inc., 1020 South Street, Pittsfield, MA, for constructing a large scale commercial development in a B2 zone and increasing the impervious surface in the water quality protection district. The proposal includes expanding the existing Guido's retail store at 760 Main Street, Great Barrington, parking, stormwater, utilities, and site work. The application is filed per Sections 3.1.4 C (11), 7.9, 7.12, and 10.4 of the Zoning Bylaw. (Discussion/Vote)
  - Open Public Hearing: E. Abrahams opened the Public Hearing for the Special Permit application from Guido's Realty, Inc., 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.
  - Explanation of Project: Matthew Putin, a civil engineer from STI Group, spoke for this project. He submitted site plans to Board. The building proposal is 3300 square feet, approximately doubled in size, adding on all sides. The sizeable commercial project is located in the Water Quality District. He was asking for two special permits, one for the building and one for the imperious area. Few weeks went to the planning board, which was a positive recommendation, though it had traffic concerns. Want to increase parking to 128 spots, 80 in front with rest in the back (currently approximately 90 spots). The Planning Board wanted a third-party traffic study. Stantec did a third party study and which fell in line with the previous traffic study. Water Quality District, there is a water retention basin in the back. The water collected and treated and water can percolate through the ground like a septic system, proposing a whole series of underground infiltration chambers. Large storms would tie into existing systems. Conservation Commission is looking at stormwater management; DEP can ask questions at that time. There may be changes in the back. They were going to tie into public water and Sewer. Lightning and landscaping plans submitted, Chris Rembold was sent it. The special by-law about route 7 corridor, plant trees, 1 tree for 25 feet road frontage. The project is 430 linear feet, which would require 17 trees; he asked for a waiver for this by-law.. He feels that the trees would be blocking the front of the store, and there are wires in front.
  - S.Bannon then asked Rick Bryant, Traffic Study did traffic study, to speak. They did not find anything wrong with the previous study. He was concerned that the study was in 2018, though both studies came with the same numbers. It's called bypass trips for retail use; 36-38% are pulled from the roadway. Did site visit, the left turn lane, northbound and serves Big Y and Guido's. Not a problem unless there is a long queue at the Big Y parking lot.
  - Speak in Favor/Opposition:

- Holly Hammer, 99 Seekonk Cross Road, Chair of Great Barrington, Tree Committee; wanted to know what is meant by a waiver from the tree planting the number of trees, and not wanting to plant trees at that end of Town.
    - Matt Putin suggested that the four trees are existing, keeping those. He does want to plant any new trees on the island in front. He would consider some. S. Bannon asked he could back with a proposal at the next meeting.
    - Matt Maserio spoke to the wall in front of the store and didn't want to plant trees in front of it.
    - L. Davis feels that some more trees and what kind, to be planted, maybe not the entire amount, though some.
    - Motion to continue Public Hearing: B. Cooke motioned to continue the Public Hearing to August 24, 2020, 6 PM., K. Burke 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. Abrahams lost video)
- Special Permit application from Berkshire Aviation Enterprises, Inc., for an aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, per Sections 3.1.4 E(1) and 10.4 of the Zoning Bylaw. (Discussion/Vote)
  - Open Public Hearing: E. Abrahams made a motion to open the Special Permit application from Berkshire Aviation Enterprises, Inc.; B. Cooke seconded the motion; Roll Call Vote; L. Davis, "aye"; K. Burke, "recused"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 4-0-1. (K. Burke's property is under the flight path.)
  - Explanation of Project: Dennis Eagan represents Berkshire Aviation Enterprises, Inc. to use the aviation field. Special application E (1) schedule A of by-laws must also comply with 7.2 zoning by-law. Jim Scalise from SK Design Group and R. Montano, Alander design, is present. He wanted to clarify for improvement of those listening. It has been a preexisting, nonconforming use, predates zoning, "grandfathered" in. The client wishes to grant a special permit use as an aviation field. Mr. Eagan said the use has been continuous since 1931; the 6 elements/ findings already exists. Special permits are for these reasons, uses that are not by right, important to the municipality, like transportation. Mr. J. Scalise of SK Design started by saying at 70 Egremont Plain Road. He shared a screen with the Board of several drawings. Shows runway east and west, along Egremont Plain Road. About 3400 feet along Green River, 2000, Seekonk Cross Roads, and 1100 feet of property. There are terminal building; the hanger is on Route 71, to the North, temporary hangers. If granted the Special Permit, the proposed hangers would meet the exceptions, all below the 30 feet height requirement. It is in R4, and Water Quality Protection Overlay District. We need a site plan review, special permits are for the aviation field and waiver for traffic with Planning Board, extended that meeting. He has some comments from a Planning Board. The runway goes from property line to property line. Proposing to park existing aircraft in the new hangers, not paving, or length of the runway for larger aircraft. Wants a 1% growth rate, as outlined in the Massachusetts Department Transportation Study, for Airports. I looked at the aquifer, which requires mitigation for stormwater. The underground tanks have been tested and are double-lined—landscaping slide. The hangers will be a green color. No tree removal planned. Conservation Commission, Shep Evans, sent voicemail, avoided resource areas. Lead has been tested, came back as no lead problem. The property will still have fuel tanks and 48 aircraft; all the issues that have come up will always be there and unregulated. Hopefully, we can come up with a permitted project. He stressed that move people and ideas.

Traffic study, only 5-6 cars/ hour, 30 cars a day. He was asking for a traffic waiver. Fire Chief doesn't want cars on the road, parking. Some plantings for the dumpster area, to screen it. Neighbor character, this airport is a part of the neighborhood. Impacts on the natural environment, vehicle use. Siting is most important. Had a wetland specialist review. The fuel is deleaded, ahead of other airports. The aircraft will be inside when it rains. No maintenance at the airport or in the business plan. Provides service to people who live in Town—54 aircraft to be stored with a new proposal. S. Bannon suggested that the Board would ask further needs to be brought back, and make public comments for next meeting because it's late. B. Cooke asked about real estate taxes. L. Davis asked for bios of new management and clients. E. Abrahams letter from Ted Hour, imperious definition, and how much is imperious, the elevations of hangers. S. Bannon wanted to continue with the information asked for, public comment, Selectboard will ask questions, and will see what time it is. S. Bannon, reminded that will need a 4-0 vote to pass.

- Speak in Favor / Opposition:
- Motion to Continue Public Hearing: E. Abrahams made a motion to continue the Special Permit application, August 24, 2020, 6 PM., Via zoom.; B. Cooke seconded; Roll Call Vote; L. Davis, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 4-0-1, passes.
- Open Joint Meeting with GB Housing Authority
  - Selectboard and GB Housing Authority Joint Meeting: Roll Call from Selectboard; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye" and from Housing Authority; M. Ryan, "aye"
  - Appointment of member to the GB Housing Authority. One application is Mary Pat Ackers; she wants to help sort out housing. She knows it's a "shaky" board. E. Abrahams to appoint Mary Pat Ackers to the vacancy on the Housing Authority; Mari Ryan seconded; Roll Call Vote; L. Davis, "aye," K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; S. Bannon, "aye"; and M. Ryan "aye": 6-0, passes.
- Citizen Speak Time. No one spoke at this time.
- Adjournment of Joint Meeting. Meeting adjourned at 8:13 PM. by unanimous consent.
- MEDIA TIME: No one at this meeting.
- ADJOURNMENT: Chairman Bannon closed the meeting by unanimous consent at 8:13 PM.

Respectfully submitted,

Jamie M. Minacci

Recording Secretary