

Selectboard Meeting Minutes for August 24, 2020

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

6:00 PM - OPEN MEETING

1. CALL TO ORDER: S. Bannon called meeting to order at 6PM, via zoom conference, those on zoom webinar were L. Davis, K. Burke, B. Cooke, E. Abrahams, and M. Pruhenski, Town Manager.
2. SELECTBOARD TO CONVENE AS BOARD OF SEWER COMMISSIONERS:
 - A. Sewer abatements for the period of July 31, 2019 to December 31, 2019 (Discussion/Vote)
E. Abrahams made motion for Selectboard to convene as Sewer Commissioners; 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. Mark Pruhenski, the Town Manager, reminded the group that the Sewer abatements packet from July 31 to December 31, 2020, was in their packets. E. Abrahams made motion to approve the Sewer abatements, from July 31, 2020 to December 31, 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.
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:
 - A. General Comments by the Board. Selectboard had no comments tonight.
4. TOWN MANAGER'S REPORT:
 - A. Department Updates: Chief Walsh - Officer C. Peebles finished training as Drug Recognition Expert. The training was for two weeks in Franklin, Massachusetts and one week in Arizona. Only two officers from Berkshire County attended. He wanted to remind citizens of some car break-ins. L. Davis asked about Officer Peebles hours if he goes to a different town to help. The other town would pay the time / overtime or court time. His training paid by a grant.
 - B. Project Updates
 - Update on the Housatonic Water Works Company, Inc.
 - Letter to DPU/Invite to DPU: A drafted letter sent to DPU, about the roily water, this summer. Nancy Stevens invited to the meeting tonight, though not in attendance.
 - Dog Enforcement: Lease law is going to be enforced, please keep dogs on a lease in public places.
 - Cook's Garage Water Update: Chris Rembold Assistant Town Manager gave update on Cook's Garage. He began by saying there is about 400 gallons of water / minutes of high quality water; it is not river water or HWW water. He does not know where the water source is; Does it come from the mountain or a well under garage? Over 150 years of walking on mountain, someone would have found the spring. If the water is under the garage; can the garage be developed? Not a public water source, impossible to develop as a public water source. Will need to find

source of water to sell garage. At this time, Great Barrington owns 50% and abutter own 50% of the water, under a shared water agreement.

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5. PUBLIC HEARINGS:

A. Special Permit application from Hillcrest Educational Centers, Inc., to operate a group home at 6 Ramsdell Road, Great Barrington, per Sections 7.6 and 10.4 of the Zoning Bylaw. (Discussion/Vote)

- Open Public Hearing: E. Abrahams made motion to Open the a Public Hearing, B. Cooke, seconded; Roll call Vote; L. Davis, “aye”, K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”.
- Explanation of Project: Esq. Anthony Doyle and John Barry spoke on Hillcrest Educational Centers. Have an application for a special permit, for a group home at 6 Ramsdell Road, across street from Brookside Campus. He feels, that there will not be any increase in traffic, or legal residents, no increase in utilities, no additional fire or police services, and will continue to pay taxes. Minimal changes inside, not outside. Three students and two staff, in 3 shifts to be at property.
- Speak in Favor/Opposition: No one spoke at this time.
- Motion to Close or Continue Public Hearing: E. Abrahams made 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: Findings: E. Abrahams made motion to approve the findings with the typographical change of striking “not”, 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 motion to approve upon the findings and fact to approve Special Permit 912-20 application from Hillcrest Educational Centers, Inc., 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. Special Permit application from Guido’s Realty, Inc., 1020 South Street, Pittsfield, MA, for construction of a large-scale commercial development in a B2 zone and an increase in impervious surface in the water quality protection district. The proposal includes the expansion of the existing Guido’s retail store at 760 Main Street, Great Barrington, as well as parking, storm water, utilities and site work. The application stands filed per Sections 3.1.4 C (11), 7.9, 7.12, 9.2 and 10.4 of the Zoning Bylaw. (Continued from August 10) (Discussion/Vote)

- Re-Open Public Hearing: E. Abrahams made motion to re- open Special Permit 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.
- Explanation of Project: Matt Puntin and Matt Massiero were on the zoom conference to speak of the additional information they were asked to provide from last meeting. He began with landscaping concerns, about the tree requirements, on Route 7. He suggested to add 4 (Pin Oaks) trees on front; keep the 4 (existing) on the side (has plans to plant in back) and have gone to the Planning Board. E. Abrahams wanted to suggest a condition that subject to a tree planting and maintenance plan by the Tree Committee. Matt Maseiro wanted to make sure it is a reasonable request. L. Davis also wants to condition the permit based tree-planting plan by the Tree Committee. M. Puntin is okay with Board’s suggestion

of the final approval by the Tree Committee. Matt Puntin, clarification, latest plan, does not reflect the Tree Committee suggestions, given to Board. Holly Hammer, Tree Committee, feels that they are being reasonable, and not holding anyone up. She feels that is important, to uphold By-Law. K. Burke counted the proposed trees, 4 Sycamore in rear, 4 new in front, 4 replacement trees, 2 red maple in front by sign, 3 river birches.

- Speak in Favor/Opposition
- Motion to Close or Continue Public Hearing: E. Abrahams made 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: Findings: E. Abrahams made motion to accept the findings with proposed conditions, 1. Existing or proposed new trees aged or decline, replace as practical to maintain the landscaping as planned. 2. Prior issuance of occupancy, that lighting such as shut off or dimmed when stores are not operation. 3. Acceptance the current tree planting plan proposed by Guido’s, of one additional Pin Oak, behind fence.
- 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 motion that finds and fact to approve to acceptance of Special Permit 91-20 with conditions as noted; 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. Special Permit application from Berkshire Aviation Enterprises, Inc., for a 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. (Continued from August 10) (Discussion/Vote)

- Re-Open Public Hearing: E. Abrahams made motion to re- open Public Hearing, 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
- Explanation of Project: James Scalise, spoke that he submitted 17 topics of clarification, and submitted to Selectboard, prior to this meeting. There are 48 aircraft; 23 in hangers, 25 on grass. Want to create 33 new spaces for aircraft, with 27 in hangers, and 6 new spots, totaling 54 spots, which is 1% increase growth rate. Well test, no lead. Satisfactory sewer/septic, 50% planes use de-leaded fuel, 1-2 cars an hour, submitted letter for Natural Heritage and Endangered Species, lead test came back as satisfactory, no mishandling of hazardous materials, no increase of maintenance of planes. Willing to accept in conditions. Submitted two new drawings, lighting and landscaping.
- Speak in Favor/ Opposition:
 - i. Tad Heuer, speaking on behalf of three neighbors of the Airport. He requested the Special Permit denied. He talked of the elevation, is 22% taller than originally submitted. The Special Permit burden needs to prove why they be granted. There are 6 criterion to be met, social, economic, fiscal, neighbor character; airport is on 87 acres, I mile radius equals 2000 acres, the area by airport is R2 or R4. He looked at 34 houses, 18 built in 1930, average of others in 1967, with a few teardowns’.
 - ii. Jay Fingerroth- concerned in frequency of flights, height of flights, and increasingly more noise. Airport has not tried to ameliorate these

concerns. The hangers could then house more planes in future. I will conceive.

- iii. Claudia Shaperio: She doesn't want this to be the same GE to the Housatonic River. Wanted a letter read for record. No deed as 70 Egremont Plain Road. They already have a Special Permit. Paperwork shows that it has recycling plan.
 - iv. Jeffery House - Hulbert Road, asked if they get the Special Permit, could they do what they want? Asked if they have the DOT Report, Statewide Airport Plan.
 - v. It states it needs hangers. There are only three private airports in Massachusetts. Privately owned means you cannot access federal funds, unless town gives them the Special Permit. A well-versed lawyer can get a foothold, and get in, go to next steps. FAA will get involved; Neighbors will then need to get a permit to build on their own property. Ellen added that planes take off and land all weekend.
 - vi. Doug Stewart - couldn't unmute self. B. Cooke, what would the increase in excise taxes? If it is \$30,000 / year, it is not a lot of money. Scalise replied that that is about right, though not a tax expert. Total of \$ 45,000/ year, for real estate costs. Promising to follow DOT study of 1% growth. Will add some excise taxes, from planes. Not increasing overall activity.
 - vii. Vicki Windman - How many Great Barrington residents have planes at airport?
 - viii. M. & J. Peretti- Seekonk Cross Roads, how many flight students? Does not feel that any economic impact at all.
- Motion to Close or Continue Public Hearing: E. Abrahams made motion to continue to September 14th, 6pm., via zoom; Roll Call Vote; L. Davis, "aye"; K. Burke, "recused"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; 4-0-1.

6. LICENSES OR PERMITS:

- A. Richard Rothbard - American Art Marketing for three (3) temporary Weekday Entertainment License for their Berkshire Arts Festival to be held at 389 Stockbridge Road on Saturday August 29, Saturday September 5, and Saturday October 10, 2020. (Discussion/Vote): Withdrawal at this time.
- B. Richard Rothbard/American Art Marketing for three (3) temporary Sunday Entertainment License for their Berkshire Arts Festival to be held at 389 Stockbridge Road on Sunday August 30, Sunday September 6, and Sunday October 11, 2020. (Discussion/Vote): Withdrawal at this time.
- C. Justin Thomson for a Driveway Permit at 64 Castle Hill Avenue. (Discussion/Vote) Brian Bordonaro from Clark and a Green on call. E. Abrahams made motion to approve Driveway Permit, B. Cooke seconded; Roll Call, L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; 5-0, All in Favor.

7. NEW BUSINESS:

- A. Appointment of Member to the Conservation Commission (Discussion/Vote); E. Abrahams made motion to appoint M. Lanoue to the Conservation Commission; L. Davis, "aye"; K. Burke, "aye"; B. Cooke, "aye"; E. Abrahams, "aye"; and S. Bannon, "aye"; All in Favor, 5-0,.

- B. Bottle Ban extension (Discussion/Vote): M. Pruhenski, spoke that retailers can sell single use water bottles. To extend or not? S. Bannon, said that the residents need water bottles. K. Burke said maybe another month. L. Burke wants to go backroads ban. M. Pruhenski said there is retailer list, can notify them. K. Burke made motion to extend the lifting the bottle ban to September 30th, B. Cooke seconded; L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “ nay”; and S. Bannon “nay”; 3-2, passes..
 - C. Request to increase advertising fees due to increased advertising costs. (Discussion/Vote): Passed for this meeting. M. Pruhenski asked to pass over, for later.
 - D. Review and approve the final draft of the 2020 Special Town Meeting Warrant articles. (Discussion/Vote) M. Pruhenski said there is 32 articles in packet. Council has not gone over them. Staff is working on summary of these. M. Loubert wanted to know as a Citizen Petitioners, would they be able to review? M. Pruhenski said that the citizen’s petitions would not be summarized. E. Abrahams made motion to approve final draft of the 2020 Special Town Meeting Warrant articles, B. Cooke, seconded; Roll Call Vote: L. Davis, “aye”; K. Burke, “aye”; B. Cooke, “aye”; E. Abrahams, “aye”; and S. Bannon, “aye”; 5-0.
8. CITIZEN SPEAK TIME:
Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.
- 1. Michelle Loubert: Could she have Nancy Stevens email address from a DPU. She wants to correct Selectboard that the roily water happens all year round. Thanked S. Bannon for acknowledging Chair, about water bottles for drinking water, in Housatonic. Wants to know about the shared ownership with Cooke’s Garage.
 - 2. Susie Fowle, Kirk Street; asked about letter to DPU.... M. Pruhenski said the letter went August 17. (N. Stevens, Director of Consumer Division Massachusetts of Public Utilities). Asked about water station using Cooke’s Garage. Thanked or putting ban back in place.
9. SELECTBOARD’S TIME: No one spoke at this time.
10. MEDIA TIME: No one spoke at this time.
11. ADJOURNMENT: Chair adjourned meeting by unanimous consent at 8:02 pm.

Respectfully submitted,

Jamie M. Minacci
Recording Secretary