

Selectboard & Finance Committee Joint Meeting &
Selectboard Regular
Meeting Monday, December 16, 2019
Town Hall, 334 Main Street Great Barrington, Massachusetts

I. Meeting was called to order at 6 pm. Present at the Joint Meeting were Selectboard Chair, S. Bannon, E. Abrahams, K. Burke, L. Davis, W. Cooke, Finance Committee Chair, A. O'Dwyer, M. Loubert, T. Blauvelt, W. Curletti, M. O'Connor, and Town Manager, M. Pruhenski.

II. Selectboard and Finance Committee:

Tax Classifications & Exemptions (discussion/vote).

Shaun McHugh, Principal Assessor handed out an Executive Summary packet listing the four major exemptions & discount options. He was at the meeting to give more details on the levy. The first one, is Open Space discount, is not used by Great Barrington. The second one, is Residential Exemption, uses all residential class properties. This includes apartment buildings/ houses. The burden usually gets shifted to the tenants, thus driving cost upwards, and therefore, making the renting costs less affordable in Town. Only 13 municipalities use this exemption, it is used in Boston and Cape Cod. The small Commercial Exemption, used for small businesses under \$1,000,000, having no more than 10 (ten) employees, certified by the Department of Employment & Training. The property owner is the direct beneficiary of this benefit, doesn't need to give it to the tenants, it only helps the landlord. Lastly, the Single or Split Tax Rate, he is not an advocate of the Split Rate, because it puts too much tax burden on commercial / industry sections, it "creeps" up and it gets too high, then businesses don't want to come into town. T. Blauvelt brought up that Lenox is using this type and he feels that Split Rate does not seem negative. He acknowledged that it may not be a disincentive to Great Barrington, as they try to treat the taxpayer equitably. E. Abrahams suggested to talk about this at a later date. S. Mc Hugh, continued by saying, Chapter land (farm land), taxed at Commercial Rate; Chapter Land assessed value is discounted, then taxed at Commercial. He said always have the same Levy, it's about shifting the burden to another area. By going to Residential Exemption, it would take about a year to put in place. The Split Rate, would have to be voted on. It still takes months to change over. The closer to the Classification Hearing the more challenging it is to make that change for the Assessor's Office. S. Brannon, asked if the group would like S. McHugh to come back with more information about Residential Exemption and the Split & Single Tax Rates. A. O'Dwyer would like to learn more, to make sure that businesses and people want to live in Great Barrington. L. Davis mentioned that M. Wise had worked on this in the past. S. Bannon would like to talk again in about a month and to schedule another meeting. S. McHugh, in closing, directed group to the chart on the last page of the handout, illustrating the possibility of shifting the rate and how the rate/costs change.

III. FY 2021 Budget Policy (discussion/vote): S. Bannon, said that the Finance Committee had voted to continue with 2020 Policy, until they had more time to discuss and examine the FY 2021. Afterwards, the Finance Committee would give their recommendations to the Selectboard. S. Bannon did not feel that it was the time to have this discussion tonight. He suggested making a new date for a Joint Meeting, January 27, 2020, 6 pm (Finance Committee January 14, 2020, 6 pm.)

IV. Citizens Speak: D. Bailey, 207 North Street, Housatonic, spoke that he was hoping to talk about fiscal policy in light of the recent events in the last month with the committees in Town. He stated he feels confident that M. Pruhenski and his staff will create a good budget. Doesn't feel confident that other

committees and boards follow the policy. There were 240 people who called for a Special Town Meeting, which cost the town \$6,000. The turnout was about 300 people, approximately 6% of voting population. They all they said that they didn't want horse racing for revenue. Housing Trust is using CPA funds in Housatonic. How does the fiscal policy fit into strategic planning? Is anyone paying attention or on the same page.

V. Adjournment: W. Curletti, made a motion to adjourn, A. O'Dwyer, seconded, all in favor, (5-0). Meeting adjourned at 6:40pm.

Selectboard Regular Session

1. Call to Order: S. Bannon, Chair opened the meeting at 6:41 pm., present for meeting, K. Burke, W. Cooke, L. Davis, E. Abrahams, & M. Pruhenski, Town Manager.

2. Selectboard Announcements:

- L. Davis, said that Bill (HD 4700) was filed from the Special Town Meeting of December 11th.
- W. Cooke, made contact with Habitat for Humanity about the Grove Street home. He is hoping to hear back soon. It may provide a solution to this property.
- E. Abrahams, wants to pursue a dog park in town, not quite there yet, needs to talk to M. Pruhenski about staff time for the next step.

3. Town Manager Report: M. Pruhenski, talked about the Housatonic School. He will have an Executive Summary ready for the January 27, 2020 meeting. He said he wants to focus on the Continuation of Fulcrum Application on January 13, 2020. Executive Summary will outline the pros and cons, then he will look to the Selectboard for direction. He met with Representative S. Pignatelli, Thursday, to talk to him about the outcome of the Special Town Meeting. Town Clerk, J. Messina generated the warrant, vote, and the motion on Friday and he will move forward to file it in the House.

Division Bridge update - Tighe & Bond, working on temporary repairs while they develop the final design repairs to get passage for cars on the bridge. They are developing an alternative analysis report. The timeline, preliminary designs, January 2020; local permitting, February 2020; approved by DOT, April 2020; final design, May 2020; advertise and award contract, June 2020, construction by July/ August 2020. The cost will be more money. Discussion will need to be had if these costs are worth it. The long term goal is to get all traffic over it, trucks included. Trying to band aid the bridge. It won't slow the long term repair. M. Loubert, spoke about the bridge and the cars, it's an issue. She feels this is what caused the bridge deterioration. Wants to know how the Town will enforce the bridge to be used only for cars. Jeopardizing safety, if not enforced! M. Pruhenski said that he met with DOT officials in Lenox, Representative Pignatelli and Mr. Carnevali from Governor's office, by phone, about the update of Brown Bridge repairs. Currently contract is out to bid, expected to start in June 2020, work expected to be 6 - 9 months, steel work, railings, priming and painting, to get it back to the load capacity and life expectancy. Traffic management plan will include, 2 /10-foot travel wings, with pedestrian walkway, and construction zone, most likely will begin on the North side of the bridge. Bridge will have two lanes open at all times, made concessions for large trucks to make it without encroaching on construction zone. DOT will notify Town when they need to close lane from time to time, working around peak travel times. They will not work on weekends, holidays or major Berkshire events.

4. New Business: E. Abrahams talked about 8 School Consolation Committee, need to create a School District Planning Board each of the eight (8) towns needs to create a School District Planning Committee, consisting of 3 members. Then the 8 Committees will need to form a Board consisting of 24 members. The three (3) members of the district planning committee, appointed by the Town Moderator, one from school committee board, two at large. M. Wise, spoke about this also, this town doesn't have a school committee, can we use Regional school committee. E. Abrahams made motion to form a Regional School District Planning Committee, consisting of three members appointed by Town Moderator, as per MGL C71 Section 14, to explore regionalization between SBRSD & BHRSD. One member being a member of the school committee and the other two at large community members, W. Cooke, seconded, All in Favor, (5 - 0). M. Wise, mentioned to advertise the committee, he would take care of this part. The committee is to report its recommendations to Town Meeting. It is basically a "study" committee, to see if consolidation will work. This the first in a series of committees.

4. Licenses & Permits:

A. Pascal Francisco/ Donaji Mexican Restaurant LLC dba Donaji Mexican Restaurant for Annual Weekday Entertainment License At 389 Stockbridge Road, Suite 2, in Great Barrington. E. Abrahams made motion to approve the Annual Weekday Entertainment license, W. Cooke, seconded, All in Favor, (5 - 0).

B. Pascal Francisco/ Donaji Mexican Restaurant LLC dba Donaji Mexican Restaurant for 2020 Annual Sunday Entertainment License at 389 Stockbridge Road, Suite 2, Great Barrington. E. Abrahams made motion to approve the application for the Annual Sunday Entertainment License at Donaji Mexican Restaurant, W. Cooke, seconded, All in Favor, (5 - 0).

C. Brent Albuquerque/ All Star Auto Salvage LLC dba Formel Auto Salvage for 2020 Class II (Second hand Vehicle Parts License). M. Formel spoke of the purchase of Formel Auto Salvage, contiguous on the License. Discussion of the class numbers; Class II, sell second hand cars, Class III, Savage parts and sell the parts. B. Albuquerque, has no plans to expand.

E. Abrahams made motion to approve Class II License, W. Cooke, seconded, All in Favor, (5 - 0).

D. Brent Albuquerque/ All Star Auto Salvage LLC dba Formel Auto Salvage for 2020 Class III License.

E. Abrahams made motion to approve Class III License Application, W. Cooke, seconded, All in Favor, (5 - 0).

E. 2020 Annual License Renewals, as per list attached:

E. Abrahams made motion to approve all the applications for 2020 License Renewals, W. Cooke, seconded, All in Favor (5 -0): S. Bannon - recused himself from Fairview Hospital on the Common Victualler/ Food application vote; (4 -0-1).

6. Old Business:

A. L. Davis would like to add banning Marijuana stores from the Downtown corridor to the Community Forum on Marijuana zoning Meeting. There was no objection from the Board.

7. New Business:

A. SB/ set date for public forum to discuss Marijuana License Limits.

~ January 22, 2020, 6 pm, Public Forum (no vote)

~ January 27, 2020, SB will discuss amendments to the Marijuana Zoning Bylaw.

A. Citizens Petition Period January 2, 2020; 8:30 am - January 31, 2020; 4 pm. S. Bannon, made request for a motion to be made to open the Citizens Petition Period. E. Abrahams made motion to open the Citizens Petition on January 2, 2020 through January 31, 2020, W. Cooke, seconded, All in Favor, (5 - 0).

8. Citizen Speak: none

9. Selectboard Time: L. Davis, to keep the townspeople aware of the Bill on horseracing going through the House.

10. Media Time: Why was the Risingdale Cafe License not renewed? S. Bannon, answered, they requested it not to. Any movement in the Old Firehouse sale? M. Pruhenski, answered that it is being used to store town equipment, no sale at this time.

11. Executive Session

A. S. Bannon, called for a motion to enter the Executive Session into Executive Session, under MGL c.30A, §21(a)(3) to discuss litigation strategy relating to pending litigation relating to 11 Roger Road known as: (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134; and (2) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL); and (3) Town of Great Barrington v. GJO, LLC, Southern Berkshire District Court Docket No. 1829C11000008, if the Chair declares that an open meeting may have a determinate effect on the Town's litigating and/or negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

Abrahams made the motion to go into Executive Session and not to Return to Open Session, W. Cooke, second; Roll call vote; L. Davis, yes; K. Burke, yes; W. Cooke, yes; E. Abrahams, yes; S. Bannon, yes; All in Favor, (5 - 0).

B. Executive Session under MGL c. 30A, sec.21 (a)(3) to discuss pending litigation and mediation relative to Environmental Appeals Board proceedings in re: GE, RCRA Appeals No's. 16-01 to 16-05; if Chair declares such discussion, if held in an open meeting may have a detrimental effect on the legal position of the Rest of River Municipalities legal action with EPA & GE. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.


E. Abrahams made a motion to go into Executive Session and not to Return to Open Session. L. Davis, recused herself, Roll Call vote; K. Burke, yes; W. Cooke, yes; E. Abrahams, yes; S. Bannon, yes; 4-0-1; L. Davis recused.

Chair' Declaration: S. Bannon read: I declare under MGL c.30A, §21(a)(3) that the purpose of the executive session will be to discuss pending litigation strategy relating to 11 Rodger Road known as 1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C. A. No. 1876CV00134; and (2) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL); and (3) Town of Great Barrington v.GJO, LLC, Southern Berkshire District Court Docket No. 1829C11000008 and to discuss litigation strategy regarding pending litigation and mediation relative to Environmental Appeals Board proceedings in re:GE,RCRA Appeals Nos. 16-01 to 16-05 and Rest of River Municipalities legal action with EPA and GE because discussions of the foregoing in open session could

have a detrimental effect on the litigation and / or negotiating position of the Town and Not To Return To Open Session At the conclusion of the Executive Session.

11. Adjournment: Selectboard meeting ended at 7:24pm (Vote 5-0). Selectboard went to into Executive Session.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Jamie M. Minacci,
Recording Secretary