

Great Barrington Select Board

Town Hall, Great Barrington, MA 01230

Minutes of August 27, 2018, meeting

The meeting opened at 7 p.m. Attending were Steve Bannon, Dan Bailly, Ed Abrahams, Kate Burke and Bill Cooke. Also Town Manager, Jennifer Tabakin.

2. Action on Minutes

Mr. Abrahams asked that, in the minutes of April 23, 2018, item 10, reference to the Freedom of Information Act be replaced with "public records law." He moved to accept the minutes as amended, Mr. Bailly seconded and the board was unanimously in favor.

Mr. Abrahams asked that, in the minutes of June 4, 2018, item 1, reference to Katherine Allen be changed to "Karen Allen." He moved to accept the minutes as amended, Mr. Bailly seconded and the board was unanimously in favor.

Mr. Abrahams moved to accept the minutes of June 28, 2018, as written, Mr. Bailly seconded and the board was unanimously in favor.

3. Selectboard Announcements

Ms. Burke asked that a review of all town job descriptions and evaluations be placed on the agenda. And also she asked for review of better ways to communicate with town boards and employees.

Mr. Abrahams announced the Great Barrington Agriculture Committee and Housatonic Heritage will hold a free public walk at McAlister Park Sept. 30, 2018. He said Friends of Great Barrington Libraries will offer a free documentary film series beginning Saturday.

4. Town Manager's Report

Town Manager Jennifer Tabakin said a \$1.9 million contract has been awarded to Northern Construction Services for street and sidewalk on Railroad Street, Bridge Street to the River, Church Street and the parking lot at the top of Railroad Street. She said the town will seek further grant money for work not covered in this contract.

She said Town Counsel and Zoning Enforcement Officer Ed May had submitted a report on the temporary storage of fuel oil in a truck at Great Barrington Airport during construction of a permanent tank. Mr. May said any enforcement would have to come from the section on accessory uses, not 3.1 but 9.2.

5. Tax Classification Public Hearing

The Select Board and the Great Barrington Fire District Prudential Committee (Walter F. Atwood, chair) opened simultaneous public hearings at 7:12 p.m. to discuss tax classifications for FY2019. Assessor Chris Lamarre said the boards could avail of open space, residential, small business and other exemptions, but in the past has set a single rate. He said the town's valuation is \$785+ million, up \$38 million from the previous year, 5.1 percent. He said the Fire District's levy is 4778,139 for a rate of 99 cents, down 10 cents. He said the town's evaluation is \$1,494,974,463, up 3.8 percent. The town's levy is \$23.5+ million, up 3.8 percent. The proposed single rate is \$15.72, up 74 cents. He said the town is \$729,887 below its levy limit. Mr. Lamarre provided a written report to the board.

Board members discussed the merits and drawbacks of splitting rates or approving exemptions beyond some that are already available. Mr. Lamarre said it would take a year to implement a split rate, as determinations would have to be made on combined residential/business uses. Ms. Tabakin said the Assessor's Office would need an improved computer system and software. Ms. Burke expressed an interest in the office speeding flexibility in adopting a different rate structure. Mr. Lamarre said this should be brought up in the spring during budgeting and Finance Committee meetings. He said a committee may be needed.

The Prudential Committee voted unanimously to adopt a single rate.

The Selectboard voted unanimously to adopt a single rate.

6. Licenses/Permits

A. Jane Ralph/Construct Inc., permission for annual Walk to Prevent Homelessness starting at Ski Butternut and ending at Barrington Fairgrounds, Sept. 23, 2018. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

B. Robin Vickery/Great Barrington Fish & Game for 10 one-day beer and wine liquor licenses, Sundays Sept. 16 to Nov. 18, 2018, 338 Long Pond Road. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

C. Carrie Chen, manager/Berkshire Pleasure dba The Barrington, 2018 for an Innholder license, 281 Main St. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

D. Kamleshkumar Patel/1 Shree-3 for 2018 Common Victualler license, 229 Stockbridge Road. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

7. Old Business

A. Vivian Orlowski, chair, Great Barrington Agricultural Commission, gave a presentation on a Pollinator Action Plan, a copy of which is available on the town website and at libraries. She said small pieces of town land are being planted as demonstration sites. She said Sean VanDeusen, Great Barrington DPW, has taken several actions to encourage bees, butterflies and birds, including limiting depths of roadside mowings, using no pesticides, filling empty planters with pollinator-friendly plants and requiring specific reseeding at construction projects.

Items B C and D, Other Agenda items were deferred to another meeting.

8. New Business

A. Nancy Cooley was appointed to the Agriculture Commission. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

B. Holly Hamer was appointed to the Tree Committee. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

C. The Town Manager was authorized to send a letter to Massachusetts DOT requesting permission to paint red, as well as white stripes on sidewalk crossings. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

D. Selectboard designated Ms. Burke and Mr. Cooke to serve on a task force to assess options for local regulation pertaining to AirBnB rentals. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

E. Chairman Bannon said he has heard that two Great Barrington businesses plan to file for beer-and-wine package store licenses. The Massachusetts Alcoholic Beverage Control Commission has determined the town's population justifies 2.5 all-alcoholic package store licenses and five beer-and-wine package store licenses. Town meeting several years ago voted to end seasonal licenses and convert all existing licenses to all-alcoholic. Thus in the ABCC's quota based on the Federal Census for the Town that the town is over the limit for the all-alcoholic package store licenses, and under four beer-and-wine package store licenses. The Selectboard's policy since 2003 is to grant no new licenses. He said he would like the board to discuss policy before any applications come in.

Matthew Massiero, Guido's, said he purchased a license (through acquisition of another business) for \$50,000 10 years ago and it would be unfair to add competition to an already saturated market. He said he understands two licenses are available, Trotta's and Locke, Stock & Barrel.

Ed Domaney, Domaney's Liquors said there is a license for every 1,000 people who live in town and people are sufficiently served. Licensees had to pay for their licenses. He said he and staff card potential purchasers and are conscientious.

Mr. Bannon read an email from Locke Larkin, Locke, Stock & Barrel, who made similar points and said there is no cap on restaurant licenses.

Joe Aberdale, Aberdale's, said his family purchased the former Splan's license. Alcohol is a controlled substance, he said, and license holders are closely regulated. He said the eight businesses now licensed share information. He said his business sponsors youth sports teams and is involved in the community.

Sean Kane, Trotta's Liquors, echoed the earlier speakers. He said his employees are all local. More licenses would slice the pie thinner.

Ray Almorì, Plaza Package, displayed a box of confiscated bogus driver's licenses. He said he pays a lot for software to verify identifications.

Matt Rubiner, Rubiner's Cheesemongers, said the ABCC recognizes four more beer-and-wine licenses. He said he would like to add artisan wines to his offerings. Regarding competition, he said many of the present license holders also sell cheese, cured meats, olive oil and chocolate. That is unfair, he said.

Mr. Massiero, Guido's said the door would be opened to Price Chopper or Berkshire Co-op Market or Cumberland Farms seeking licenses.

Mr. Aberdale said licenses are recognized as assets by lending institutions.

Jennifer Henderson, Plaza Package, said the Selectboard is regulating marijuana, also a controlled substance, and limiting the number of vendors.

In response to a question, Helen Kuziemko, executive secretary in the Town Manager's office, said all licenses were converted to full alcohol through special legislation following a town meeting vote in 1983. Seasonal and beer-and-wine licenses all became all-alcoholic beverage licenses. Each pays a yearly license fee.

There was further discussion. Mr. Abrahams said he would like to hear from an industry authority why alcohol is so-regulated and not, as an example, toy stores. Ms. Burke wondered aloud if the board could vote to limit only two new licenses. Ms. Kuziemko said the Board would need to change its standing policy. She said existing licenses can be transferred anywhere in town (subject to Selectboard and ABCC approval).

Ms. Burke moved to table discussion until more information is available. Mr. Abrahams seconded and they and Mr. Cooke said aye. Mr. Bannon and Mr. Bailly said nay. Motion carried.

F. To create a seven-member Great Barrington W.E.B. Du Bois Legacy Committee of residents of Berkshire County, to report to the Selectboard, for the purpose of preserving and promoting the name, written words and ideas of town native W.E.B. Du Bois and to direct the Town Manager to advertise for members of the committee. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

G. To Designate Mr. Bannon and Mr. Abrahams to select a consulting firm to assist with the process of hiring a new Town Manager. On a motion by Mr. Abrahams, seconded by Mr. Bailly and voted favorably by all five members.

H. To hear from Tom Doyle and Eric Steuernagle of the Berkshire County Board of Realtors regarding their designations as town monitors for Great Barrington. They said there will be a Housing Summit on Sept. 20 in Pittsfield.

Citizen Speak

Barbara Dean thanked the board for creating a Du Bois committee — coincidentally on a day exactly 55 years after he died in Ghana. She was told individuals could apply for appointment by sending a letter to the Town Manager's office. Selectboard members said any out-of-town appointees should not participate in any votes regarding expenditures of town funds.

Holly Hamer gave the opinion there are too many flappy flag banners in front of businesses in town and they should be prohibited.

Adjournment to Executive Session

The chairman at 9:10 p.m. read a declaration for the board to adjourn to executive session to discussion litigation strategy regarding litigation (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, and GJO LLC v. Zoning Board of Appeals et al, Land Court, noting that votes may be taken during the session. Mr. Abrahams made the appropriate motion to adjourn to executive session, and not to return to open meeting. The vote was Burke aye, Cooke aye, Bailly aye, Abrahams aye and Bannon aye.

Respectfully submitted,



Bernard A. Drew
Recording Secretary