

SELECTBOARD'S MEETING AGENDA

MONDAY, SEPTEMBER 17, 2018

6:00 PM – EXECUTIVE SESSION

REGULAR SESSION IMMEDIATELY FOLLOWING

TOWN HALL, 334 MAIN STREET

PRESENT

Steve Bannon
Dan Bailly
Ed Abrahams
Kate Burke
Bill Cooke- Absent

Town Manager, Jennifer Tabakin

6:00 PM - OPEN MEETING

1. CALL TO ORDER:

6:00 pm Open Session
Chair, Steve Bannon called the meeting to order at 6:00PM

6:00 pm Conference Room

CONVENE INTO EXECUTIVE SESSION and Return to Open Session - Town Manager's Conference Room

- A.** Executive Session, under MGL c.30A, §22(g)(1) to review the release of executive session minutes and under MGL c.30A, §21(a)(3) and (6), to discuss litigation strategy relating to pending litigation known as (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134; (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 2018MISC000240; and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road, if the Chair declares that an open meeting may have a detrimental 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.

MOTION: Ed Abrahams motioned to convene into executive session to return to open session following the conclusion of executive session.

SECOND: Dan Bailly

Roll Call Vote: Kate Burke, **yes.** Dan Bailly, **yes.** Steve Bannon, **yes.** Ed Abrahams, **yes.**

B. Executive Session under MGL ch. 30A, sec 21 (a) (3) to discuss pending litigation and mediation relative to Environmental Appeals Board proceedings in re: GE, RCRA Appeals Nos. 16-01 to 16-05; if the chair declares such discussion, if held in open meeting, may have a detrimental effect on the legal position of the Rest of River Municipalities legal action with EPA and GE. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

Roll Call Vote

Chair's Declaration:

I declare, under MGL c.30A, §22(g)(1) and under M.G.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to review the executive session minutes and to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134; and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 18MISC000240; and (3) GJO, LLC v. Ronald Majdalany et al, Land Court Docket No. 18MISC 000240 (KCL) and to review the release of Settlement Discussions/Offer to Purchase and Acceptance relating to land known as 11 Roger Road; and to discuss 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 litigating and/or negotiating position of the Town and to **Return To Open Session** at the conclusion of the executive session.

Motion Convening the Executive Session:

I **move** that the Select Board go into executive session under MGL c.30A, §22(g)(1) and under M.G.L. c.30A, §21(a)(3) and (6) for the purposes and reasons declared by the Chair and with the Board and to **Return To Open Session** at the conclusion of the Executive Session.

MOTION: Ed Abrahams motioned to re-convene into open session of the public meeting.

SECOND: Dan Bailly

Roll Call Vote: Kate Burke, yes. Dan Bailly, yes. Steve Bannon, yes. Ed Abrahams, yes.

OPEN SESSION:

2. APPROVAL OF MINUTES:

August 27, 2018 Regular Meeting.

Ed Abrahams asked to clarify the wording of Holly Hammer's statement during Citizen Speak Time. The minutes are presently written so that Ms. Hammer was making the suggestion to prohibit certain flags as part of the Town's Sign Bylaw. However, Ms. Hammer was stating that in certain flags are in fact prohibited under the Town's bylaw and that bylaw should be enforced.

MOTION: Ed Abrahams motioned to approve the minutes with the proposed changes.

SECOND: Dan Bailly

VOTE: 4-0

June 28, 2018; July 9, 2018; July 16, 2018 and July 23, 2018 Executive Session.

MOTION: Ed Abrahams motioned to approve the executive session minutes.

SECOND: Dan Bailly

VOTE: 4-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

Dan Bailly announced that the CPA committee is now accepting the first round of applications; these applications are due October 1, 2018. Mr. Bailly said potential applicants should contact the

Town Planner's office for more information. Steve Bannon asked for an update from the Town Manager on what the Town is applying for using CPA funds. Ed Abrahams said there was a recent ribbon cutting ceremony at the new boat launch at Lake Mansfield.

4. TOWN MANAGER'S REPORT:

A. Department Updates

B. Project Updates

- Construction Projects:

The bidding process for the roof mounted AC unit at the Mason Library, the lowest bidder came in at \$51,398.00. Work will begin to replace 650ft. of sewer line on Castle Hill Avenue in the next two weeks; the project is estimated to cost about \$12,000. Annual line painting has begun and completion is expected in the next ten days and the total cost is \$25,000. The Town Hall roof repair project has been completed. A notice to proceed has been awarded to Northern Construction for work on Railroad Street, Bridge Street, and Church Street. The contract is for 2.1M, and 1.9M of this was awarded by the Mass Works Grant the Town received. The Knob Hill drainage improvement project was awarded to the lowest bidder which came in at \$297,835.00. This project is expected to be completed in November, 2018. Mass Dot Project Review Committee has approved the initial application for 6.9M to rebuild South Main Street from Saint James Place to the Senior Center; this is the first step in eligibility for the Transportation Improvement Funds. The ADA variance for the Town Hall front steps has been submitted and work is expected to be completed by the end of spring, 2019. Funding for this project will be split between town approved funds and CPA funding.

- Request for SB's directions on Rule of Award for Electrical Aggregation:

The Town Manager asked for further direction from the Selectboard on the Rule of Award. Ms. Tabakin said that last year the Board opted out of charging a tax on the service, however it is highly recommended because the tax could help fund a position to cover the responsibilities associated with this program. Ms. Tabakin said that the administrative work is already happening in her office and the funds to accommodate the extra work is currently coming out of the general fund. This tax will pay for the admin work so Town funds do not have to be used. Dan Bailly asked if this administrative work is required by the contract. The Town Manager said it is the work required to facilitate the contract, it is not optional. Steve Bannon asked the Town Manager what work Town employees are accomplishing verses what Colonial Power is accomplishing. The Town Manager said Town employees are answering phone calls related to customer questions and responding to correspondences. The Town Manager said this tax would provide the Town with about \$20,000 in revenue. Dan Bailly asked to not include the administrative fee in the contract. **MOTION:** Ed Abrahams motioned to authorize the Town Manager to sign an agreement with the lowest priced, 100% green energy bidder assuming that it is lower than the National Grid standard product.

SECOND: Dan Bailly

VOTE: 4-0

MOTION: Ed Abrahams motioned to approve the administrative fee of .001 per kWatt hour.

SECOND: Kate Burke

VOTE: 1-3 Steve Bannon, Dan Bailly, and Kate Burke Opposed.

The .001 per kWatt hour tax will not take effect. The Town Manager was instructed to bring more information to the Board regarding the administrative work that is accomplished.

5. PUBLIC HEARINGS:

A. Selectboard to Convene as Sewer Commissioners to set FY 2019 Sewer Rates.

(Discussion/Vote)

a. Open Public Hearing

Motion: Ed Abrahams motioned to open the Public Hearing

Second: Dan Bailly

Vote: 4-0

- b. Explanation of Project
Sean Van Deusen, Public Works Director said there is no need for a sewer rate increase at this time. Mr. Van Deusen said that impact fees are going into effect as of January 1, 2019 which will generate additional revenue. Dan Bailly asked if the impact fees will go directly to the enterprise fund. Mr. Van Deusen said yes, the Wastewater Treatment plant will receive the additional revenue.

- c. Speak in Favor/Opposition

- d. Motion to Close Public Hearing

Motion: Ed Abrahams motioned to close the Public Hearing.

Second: Dan Bailly

Vote: 4-0

- e. Motion re: Findings

Motion: Ed Abrahams motioned to keep the sewer rates the same.

Second: Dan Bailly

Vote: 4-0

- g. **Reconvene as Selectboard**

Motion: Ed Abrahams motioned reconvene as the Selectboard.

Second: Dan Bailly

Vote: 4-0

B. Application of Berkshire Cooperative Association, Inc. d/b/a Berkshire Co-Op Market, Daniel Esko, Manager for a New Package Store Beer and Wine Liquor License at 42 Bridge Street, Great Barrington, MA. The premises consist of a supermarket area, four bathrooms, a café seating area and two means of entrance/exit. (Discussion/Vote)

- a. Open Public Hearing

Motion: Ed Abrahams motioned to open the Public Hearing.

Second: Dan Bailly

Vote: 4-0

Motion: Ed Abrahams motioned to continue the Public Hearing until the next Selectboard meeting on October 15, 2018 at 7:00PM.

Second: Dan Bailly

Vote: 4-0

6. LICENSES OR PERMITS:

A. Bryan R. Culliton/Berkshire Design Center for Bostwick Gardens LLC for a Driveway Permit 899 Main Street. (Discussion/Vote)

Motion: Ed Abrahams motioned to approve with the conditions as provided.

Second: Dan Bailly

Vote: 4-0

B. George Laye/The Guthrie Center for Two (2) One Day Beer and Wine Liquor Licenses for Friday, October 5, 2018 and Sunday, October 7, 2018 from 6:00 pm – 12:00 pm at 2 Van Deusenville Road. (Discussion/Vote)

Motion: Ed Abrahams motioned to approve

Second: Dan Bailly

Vote: 4-0

7. OLD BUSINESS:

- A. SB - To Consider Revision of Local Policy regarding the number of Beer and Wine Package Store Liquor Licenses. (Discussion/Vote) **Continue to SB October 15, 2018, 7:00 pm** meeting.

MOTION: Dan Bailly motioned to revisit this agenda item at the October 15, 2018 Selectboard meeting.

SECOND: Ed Abrahams

VOTE: 4-0

8. NEW BUSINESS:

- A. SB - Discussion of 2019 Regular Meetings Calendar. (Discussion/Vote)

Motion: Ed Abrahams motioned to approve.

Second: Dan Bailly

Vote: 4-0

- B. SB - Discussion of FY 20 Budget Policy.

The Board agreed there should be more clarification around the wording of '*the tax rate should be affordable.*' For the time being, they decided this section should be written as '*within these financial goals keep the tax rate as low as possible.*' The Selectboard decided to strike the second section of the policy dealing with setting a tax rate. Steve Bannon suggested editing the timeline as currently outlined so that the Selectboard shall receive budget books at the beginning of the budget process in order to review the big picture and then look into individual town departments subsequently. The Selectboard agreed to edit section 6 of the budget policy to include meeting with the Regional School Committee, the School Committee's meeting will be February 26, 2019 at 7:00PM in Stockbridge. Steve Bannon said this policy will be approved at the next Selectboard meeting, September 24, 2018.

- C. SB - Discussion of FY 20 Budget Schedule. (Discussion/Vote)

The meeting scheduled for Wednesday, March 6, 2019 was flagged due to the Ash Wednesday Holiday. March 4th and 5th were potential alternative meeting dates.

MOTION: Dan Bailly motioned to approve the budget schedule pending the date change for 3/6/2019.

SECOND: Ed Abrahams

VOTE: 4-0

- D. SB - Discussion of Town Meeting/Election Calendar 2019. (Discussion/Vote)

Ed Abrahams said that he would recommend not having a mini town meeting this year. Steve Bannon said that he will ask the Town Clerk to come to the next meeting to provide input on the schedule and the Selectboard should table this discussion/ vote until the meeting next Monday, September 24, 2018.

- E. SB - To Be the Fiscal Agent for Cultural District. (Discussion/Vote)

The Town Manager said the Town as Agent position means that the Selectboard has the primary fiscal responsibility. The Town will hold funds in a specific account only to be spent on cultural district projects.

Motion: Ed Abrahams motioned to authorize the Town Manager to sign the Memorandum of Understanding with the Downtown Cultural District about fiscal arrangements.

Second: Dan Bailly

Vote: 4-0

9. CITIZEN SPEAK TIME:

Marsha Stanwell, 624 South Egremont Road. Ms. Stanwell said 'thank you' to the Selectboard for monitoring the activity of the airport and instructing the Police Department to monitor the adherence to the rules.

Michael Andleman, 17 Blue Hill Road. Mr. Andleman said "thank you" to the Building Commissioner Ed May for having the authority to slow down the traffic on Roger Road. Mr. Andleman said that increased Gary J. O'Brien trucking activity is also happening on Saturday and Sundays and he would like to see enforcement of these violations on the weekends. Michael Andleman said he is also Co-Chair of the Cultural Council and on behalf of the Cultural Council he would like to invite a member of the Selectboard to attend one of the upcoming meetings.

Michelle Loubert, 70 Division Street. Ms. Loubert said she has high concerns regarding trucks and the speed of traffic on Division Street. Ms. Loubert said the condition of the Division Street Bridge was rated a few years ago and it was given a "Fair" rating. Ms. Loubert has requested an engineering assessment on the bridge but has not heard back. Ms. Loubert said the bridge is in dangerous condition and she wanted to bring it to the attention of the Board and the public. Ms. Loubert quoted the town's master plan, "The Town of Great Barrington aims to have attractive and safe roads for vehicle and pedestrian traffic." Ms. Loubert said this does not describe Division Street.

10. SELECTBOARD'S TIME:

Kate Burke asked for an updated schedule of the meeting calendar after the changes have been added.

11. MEDIA TIME:

The Berkshire Record asked why the Berkshire Coop Public Hearing was pushed back to October 15, 2018. Steve Bannon said they would like to wait until the entire Selectboard is present for the discussion and vote.

Eileen Mooney, The Newsletter asked where the Town is in the office reconfiguration process. The Town Manager said she would prepare a schedule of the dates and present it to the Selectboard.

The Berkshire Eagle asked when the Bridge Street work will start. The Town Manager said the contract has been initiated, but the Town is waiting to hear back from the contractor for a confirmed schedule.

The Berkshire Edge asked for more information regarding the round-about project on Route 7/ South Main Street. The Town Manager said the road is owned by Mass D.O.T and they have proposed an intersection reconfiguration which includes a small round- about. Ms. Tabakin said it will be discussed in a Public Hearing and there will be a formal presentation on the projection.

12. ADJOURNMENT:

On a motion made by Ed Abrahams, seconded by Dan Bailly, and with a unanimous vote the meeting adjourned at 8:20PM

Respectfully Submitted,

Rebecca Jurczyk
Recording Secretary