

SELECTBOARD'S MEETING
MONDAY, JANUARY 14, 2019
7:00 PM – REGULAR SESSION
TOWN HALL, 334 MAIN STREET

Present:

Selectboard

S. Bannon
E. Abrahams
D. Bailly
K. Burke

Town Manager

J. Tabakin

7:00 PM - OPEN MEETING

1. CALL TO ORDER: S. Bannon called the meeting to order at 7:00PM

2. APPROVAL OF MINUTES:

December 12, 2018 Special Meeting.

Changes as per E. Abrahams:

1. Jane "Smith" should be Jane "Green"
2. Board Deliberations: Should say "Mr. Abrahams believes *Mr. Dahoney* owes Ms. Loubert an apology."

MOTION: E. Abrahams made a motion to approve as amended

SECOND: D. Bailly

VOTE: 4-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

E. Abrahams

- The Planning Board is working on Zoning Changes. All should follow upcoming meetings.
- The W.E.B. DuBois Committee has taken over the MLK Day Celebration at the Congregational Church. Will be January 21st and will include day of service beginning at 8AM, www.dubois150th.com for more information.
- Sustainability and Livability Committee is accepting applications for members. Apply to Town Manager's office by January 31st.

4. TOWN MANAGER'S REPORT:

A. Department Updates:

Jennifer Tabakin

- Thank you to all for their help in relocation of offices. Downstairs: 1st floor Treasurers & Collectors Offices have been joined by the Department of Health. Board of Assessors has joined Town Clerk's office space. 2nd floor – Building Inspector's office & other inspectional services. Carpet replacement in Town Accountant office will take place after the Budget Presentation is under way. Most of new signs are up, and all critical things have been relocated from Castle Street to Town Hall. Some furniture remains in storage in the Castle Street space. Some shelving and furniture is scheduled to arrive.

- **Community Police Academy** begins this week, taking place on Tuesday and Thursday nights from 6-9:00PM through January 31st at the Police Department. Participants must be 18, and have been accepted via the application process, space is limited. Topics to include how the officers work, operations, use of force, policies & procedures, etc. Our Department has been nationally recognized in Community Policing. This program can be held again if demand is there.
- **Economic Development Committee:** There has not been a significant response to the ad, we have reached out to different groups and organizations. Anyone interested should contact Jennifer Tabakin-Town Manager.

B. Project Updates: NONE

5. OLD BUSINESS:

A. Continuation of Selectboard's Policies. (Discussion/Vote)

K. Burke: The last revisions were mostly general, and to the meeting schedule. Page 3, Section C-4, was edited to include the bylaw passed in Town Meeting regarding the Chair being encouraged to be clear in regard to audience participation.

MOTION: E. Abrahams made the motion to approve Selectboard Policies as amended.

SECOND: D. Bailly

VOTE: 4-0

B. Continuation of Liquor Policy. (Discussion/Vote)

Discussion: The last liquor policy was struck at a previous meeting. D. Bailly finds the glaring challenge to be assessing the needs and wants of the community. K. Burke spoke with ABCC regarding this challenge. There isn't a very quantitative way to assess needs and wants. At this point, we should allow time to pass prior to assigning the two licenses that are being held by the Town. This would allow us to assess the financial impact on approving those now in place. A legal opinion was given by Atty. Doneski, that "need" is defined as "want". Legal verbiage gives the Board flexibility to have power in determining policy. E. Abrahams commented that if we are able to change policy at any time, then future boards could do so as well. In this case, the policy written would give potential applicants a vision as to how the Board may vote. For now, the State sets the allowable number of licenses to be given, and the Board votes on a case-by-case basis whether or not to grant the license. Ideas regarding this policy should be sent to K. Burke, and this will be revisited.

C. Review of Fire Study. (Discussion/Vote)

J. Tabakin: Commended Chief C. Burger on organization information and his work on the study. Responses are being sought for recommendations detailed in numbers 1-4, and 20.

Chief Burger:

1. Hiring of a new career firefighter position. This was previously approved with stipulation of waiting on study completion. The first recommendation was to go ahead and hire. Permission to proceed is sought tonight.

MOTION: E. Abrahams made the motion to accept the recommendation of hiring a new career firefighter.

SECOND: D. Bailly

Discussion: This is the same position that was previously approved at Town Meeting. It is being brought up tonight to confirm that it was recommended by the study. The salary will be just under 50K, as approved. A'O'Dwyer asked if this includes insurance. It does not, and it is the second career firefighting position in the department.

VOTE: 4-0

2. Adoption of Service Delivery Benchmark (NFPA 1720) Chief agrees that a benchmark is needed, but does not recommend adopting NFPA 1720 at this time. We can meet the needs of the community without adopting this. An endorsement is needed for the department to adopt a benchmark, but one is not available tonight. Chief can come back with one in three months.

MOTION: E. Abrahams made a motion to ask Chief Burger to come back to the Board with a proposed benchmark in a few months, and to endorse a one to two year time frame for implementation.

SECOND: D. Bailly

Discussion: D. Bailly asked for clarification on NFPA 1720, and why the GBFD would be unable to meet its standards. Chief Burger explained that it is the National Standard of cover for fire departments. It breaks down response times and number of personnel that should be on the scene within a certain time frame. By their definition, Great Barrington/Housatonic is “urban” and says we should have 15 firefighters on the scene within 9 minutes, 90% of the time. This is not reasonable for us. It is not practical for this area due to our density and number of volunteers. Funding is not affected by adopting or not adopting the NFPA standard.

VOTE: 4-0

3. Accept recommendation to develop a plan for additional support for administration in the GBFD. Support would include payroll, turnovers, and invoicing. J. Tabakin is now looking for the Selectboard to recognize the consultant’s confirmation that this additional assistance is needed. The Selectboard will vote on this after the budget plan is complete.
4. The Selectboard recognizes the need for a strategy for improving response time. It is dependent on the budget, and vote will take place at a later date.
5. (#20) Recommendation as to how we should proceed with working with EMS We agree there should be a Collaboration with Berkshire Ambulance and others as to how to improve services. The recommendation as listed is too specific and too soon. We need additional time to work with what is currently in place. The consultant is looking to lump the ambulance and fire department services together, we are not ready to commit to this.

MOTION: E. Abrahams made a motion to endorse the recommendation of the Town Manager and Chief to continue to collaborate with Berkshire Ambulance and other towns to evaluate and improve the EMS Services.

SECOND: D. Bailly

VOTE: 4-0

D. Continuation of Beverage Alcohol Training (BAT) for Package Store employees.
(Discussion/Vote) - TABLED

6. NEW BUSINESS:

- A. SB - To Accept plaque given to River Walk by the National Park Service naming Great Barrington’s River Walk a National Recreation Trail. (Discussion/Vote)
Rachel Fletcher, Founding Director and Christine Ward, Director presented the Selectboard with the plaque to display in the Town Hall.
- B. SB – To Grant permission to locate River Trail Markers connecting the Upper Trail to the Lower Trail. (Discussion/Vote)

MOTION: E. Abrahams made a motion to approve stenciled River Trail markers on the road.

SECOND: D. Bailly

VOTE: 4-0

- C. SB – Approval of Modification to Marijuana Host Community Agreement. (Discussion/Vote)

MOTION: E. Abrahams made a motion to approve the amendment to no longer require an escrow payment, rather applicants will be required to pay legal fees as they arise.

SECOND: D. Bailly

VOTE: 4-0

- D. SB – Approval of Change of Location for Highminded LLC Marijuana Host Agreement. (Discussion/Vote)

Kate McCormick, representing Highminded LLC, requests change in location to 126 Main Street, Great Barrington.

MOTION: E. Abrahams made a motion to approve the new Host Agreement reflecting this change in address.

SECOND: D. Bailly

VOTE: 3-1, K. Burke opposed

- E. Berkshire Regional Transit Authority (BRTA) Use Survey. (Discussion/Vote)
TABLED

- F. SB - **Continuation** – Discussion of Regulations and Enforcement Provisions on Water Bottle Ban. (Discussion/Vote)

Joe Grochmal, Town intern gave a presentation on the effects of plastics on the environment, and the plan for Great Barrington's implementation of the Water Bottle Bylaw. Law went into place on January 1, 2019. Education campaign should begin on March 1, 2019. Enforcement to begin May 1, 2019 with heads up to public on March 1, 2019 and April 1, 2019. This bylaw would ban the sale of water bottles 1 liter or less.

Discussion:

Q&A:

- **Steve Farina, 87 Railroad Street**
There does not seem to be any quantitative numbers for the number of bottles being used in Great Barrington. S. Bannon advised that this was already voted on at Town Meeting, and is not up for discussion tonight. Mr. Farina also commented that the marketing for this ban is assumed to be at the cost of the tax payers. He also brought up the water filling stations. S. Bannon advised that there is no line in the budget for these. If the Town were to be asked for money for this, it would be done at the next Town Meeting. At this time, private funds are anticipated to be used. Mr. Farina also raised concern over the impact on businesses. S. Bannon advised that the Selectboard has been directed to implement this ban, and will do so.
- **Laura Keefner, 7 Reed Street**
Has been speaking with Jennifer regarding a water station in Housatonic, and was given the impression that Housatonic will not have one due to the water issues. S. Bannon advised that the Selectboard and Town Manager are not in a position to discuss this quite yet. Ms. Keefner also inquired as to the taxpayer cost to maintain these water stations. S. Bannon advised that until all of the water stations are in, paid for, and maintenance agreements drafted, there will be no enforcement. Ms. Keefner does not understand why this has been put together in such a piece mail way.

- **Michele Loubert – Housatonic**

Jenny Clark explained to her that the issue in Housatonic is the water quality, and the need for a filtering system. Asked Jenny Clark to explain the issues with Housatonic and the chance of having a water station. She too feels that this was rushed through without appropriate plans in place. J. Tabakin advised that typically bylaws are passed first, then an enforcement and implementation plan is made, using the appropriate resources.

- **Jenny Clark – Ban Committee**

Water bottles were chosen for the ban because they are replaceable using the water stations and reusable bottles. 22 merchants have agreed to offer water on tap at their establishments to refill water bottles as needed. Water will be free and accessible in places other than water refilling stations.

- **S. Bannon** clarified that the law goes into effect on January 1, 2019. Enforcement will begin in May 2020 after extensive outreach and education through 2019. Businesses will receive warnings on March 1 and April 1 on 2020. Actual enforcement will begin in May of 2020. A plan must be in place for long term costs and maintenance of the water stations, as well as a solution for Housatonic. We can do outreach and education now, but no enforcement will take place until the funds are received for the stations.

- **D. Bailly** commented that he will not back this plan if Town funds are to be used.

MOTION: E. Abrahams made a motion to approve only if Housatonic is guaranteed a water station, the stations are privately funded, there is long term funding in place, and enforcement will only happen if all other stipulations have been met. J. Tabakin will return with more on the education and outreach, and funds received.

SECOND: D. Bailly

VOTE: 4-0

G. SB - Submittal of EPA Brownfield Clean up Grant Application. (Discussion/Vote)

Chris Rembold, Town Planner

We are seeking to turn the success so far of the Brownfields Assessment Grant to apply for a new Clean-up/multi-purpose grant through the EPA. Looking to clean up several properties, one specific is Cooks Garage – 426 Park Street, which is Town owned. A Phase 1 Environmental Impact Statement and Hazardous Building Materials survey have been done, and has quantified need for a phase 2 to look for additional underground tanks and possible contamination under the building. These should give an idea of hazardous materials and petroleum in and around building, and how to proceed with cleaning it up. Plume from Reed Cleaners is also an ongoing work. Permission to apply for this additional EPA multi-purpose grant is being sought tonight.

MOTION: E. Abrahams made a motion to endorse the submittal of this application for the EPA Multi-Purpose grant, and authorize Selectboard Chair to authorize any document.

SECOND: D. Bailly

VOTE: 4-0

H. SB – Endorse Representative Smitty Pignatelli’s Proposal to Reform the Chapter 90 Funding Formula. (Discussion/Vote)

J. Tabakin read the letter from Smitty Pignatelli to the Governor detailing the proposal to reform the Chapter 90 Funding Formula.

MOTION: E. Abrahams made the motion to approve Smitty Pignatelli’s Proposal to Reform the Chapter 90 Funding Formula as detailed in the letter.

SECOND: D. Bailly

VOTE: 4-0

- I. SB – Gwendolyn VanSant/Multicultural BRIDGE for permission to install the DuBois Native Son Flags/Banners along Main Street from January 18 - March 10, 2019.
(Discussion/Vote)

MOTION: E. Abrahams made a motion to approve installation of the DuBois Native Son Flags/Banners along Main Street from January 18 - March 10, 2019.

SECOND: D. Bailly

VOTE: 4-0

- J. SB – Appointment of member to the Tree Committee. (Discussion/Vote)

MOTION: E. Abrahams made a motion to approve the appointment of Marcial Stamell to the Tree Committee.

SECOND: D. Bailly

VOTE: 4-0

- K. SB – Appointment of members to the Town Manager Screening Committee.
(Discussion/Vote)

S. Bannon explained that the Charter specifically states that the screening committee will consist of seven Great Barrington residents. Twenty-three applications were received, all very good prospects.

MOTION: E. Abrahams made a motion to appoint Mike Wise, Anne O'Dwyer, John Katz, Fred Clark, Mark Lefenfeld, Peter Taylor, Krista Haley.

SECOND: D. Bailly

Discussion: M. Wise was on the last committee, as much as he contributes to the town, it might be nice to have a new perspective. P. Taylor has only been a resident for two years, does he really know the Town's needs?

Amendment: D. Bailly made the motion to remove M. Wise and P. Taylor and add Ben Downing and Sean Stanton.

Discussion: K. Burke noted that she would like to see more women being considered of those who applied, specifically Natalie Narotzky. All names will be invited to attend the next meeting.

TABLED.

7. CITIZEN SPEAK TIME:

- **Michele Loubert - Housatonic**

Feels the December 12, 2018 hearing regarding Ms. Loubert's claim against K. Smith lacked fairness and impartiality. She filed a letter of protest, hand delivered to the Town Manager's office on 12/21/2018. Ms. Loubert claims that the proper procedure was not followed. She was not contacted by anyone regarding her letter of protest. On January 4, 2019 a response from S. Bannon was received. Ms. Loubert asked if the entire Selectboard did see her letter. It was confirmed that they did. S. Bannon advised that he spoke with Town Council regarding her letter and responded individually when Town Council confirmed that the hearing was held as per procedure. E. Abrahams apologized for not reaching out appropriately.

- **John Brested – 2 Bernard Gibbons Drive**

Suggests an agenda item be added to discuss incident reported in the papers regarding ICE picking up, detaining, and arresting a worker on Main Street, and the involvement of the Great Barrington Police Department.

Chief Walsh advised that the police were not involved in this arrest. This was an ICE investigation and operation. Per the Daily Log, ICE Agents came into the department and asked the GBPD to go in and retrieve the suspect and medication. There was no violation by the GBPD per the policy, and the GBPD applauds the victim for coming forward in this situation.

- **Jenny Clark** confirmed she would like to be considered for the Town Manager Committee. It was confirmed that her application was received late.

9. SELECTBOARD'S TIME:

- **K. Burke and E. Abrahams** will be coming back with changes to the Marijuana Host Agreement.

10. MEDIA TIME: NONE

11. ADJOURNMENT:

MOTION: E. Abrahams made a motion to adjourn at 9:30PM

SECOND: D. Bailly

VOTE: 4-0

Respectfully Submitted,



Tabitha Brewer

Recording Secretary