

## SELECTBOARD'S MEETING MINUTES

MONDAY, APRIL 29, 2019

7:00 PM – REGULAR SESSION

TOWN HALL

**Present:**

**Selectboard:** S. Bannon, E. Abrahams, D. Bailly, K. Burke, B. Cooke (via phone)

**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:**

A. March 4, 2019 Meeting.

E. Abrahams requested one amendment.

**MOTION:** E. Abrahams made a motion to accept as amended.

**SECOND:** D. Bailly

**ROLL CALL VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

B. April 12, 2019

**MOTION:** E. Abrahams made a motion to accept as submitted.

**SECOND:** D. Bailly

**ROLL CALL VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

**3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

A. General Comments by the Board.

1. D. Bailly noted that it is "bike season" and reminded all to be aware and watch out for bicyclists, also reminding bicyclists to obey the laws while riding.

2. E. Abrahams extended thanks to those who assisted with the Housatonic Clean-up, to Haupt Tree Company for donating tree trimming services for Arbor Day. Also thank you to Wards Nursery and Tom Ingersoll for donating the tree that is now by the library, as well as the lesson in trimming and mulching. It is still Arts Week in the Cultural District. More information is on Facebook. There is a citizen's group working toward a Dog Park. This is not Town initiated, but Mr. Abrahams is involved and will keep the Board informed.

B. BANS

### VOTE OF THE SELECTBOARD

**MOTION:** E. Abrahams made a motion as follows:

I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts (the "Town"), certify that at a meeting of the board held April 29, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$3,215,990 3.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 15, 2019, and payable May

15, 2020 to Eastern Bank at par and accrued interest, if any, plus a premium of \$35,761.81.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 17, 2019, as revised on April 24, 2019, and further revised on April 25, 2019 and a final Official Statement dated April 26, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Selectboard be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that each member of the Selectboard, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

**SECOND: D. Bailly**

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

**4. TOWN MANAGER'S REPORT: NONE**

**5. PUBLIC HEARINGS:**

Application of Three Yanks and a Limey LLC d/b/a Miller's Pub, Christopher Brooks, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License at 280 Main Street, Great Barrington, MA 01230. (Discussion/Vote)

- a. Open Public Hearing  
**MOTION:** E. Abrahams  
**SECOND:** D. Bailly  
**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)
- b. Explanation of Project – Daniel Martin-Office of Martin Oliveira  
Hours of Operation 11AM-11PM, mclosed on Mondays. Mr. Brooks has been in restaurant business for over 19 years, currently working at Marketplace.  
K. Burke confirmed that the address is 280-this is correct.
- c. Speak in Favor/Opposition - None
- d. Motion to Close Public Hearing  
**MOTION:** E. Abrahams  
**SECOND:** D. Bailly  
**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)
- e. Motion re: Findings: None
- f. Motion re: Approval/Denial/Table  
**MOTION:** E. Abrahams made a motion to approve Application of Three Yanks and a Limey LLC d/b/a Miller's Pub, Christopher Brooks, Manager for a new Common Victualler Restaurant All Alcoholic Liquor License at 280 Main Street, Great Barrington  
**SECOND:** D. Bailly  
**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

## 6. LICENSES OR PERMITS:

- A. The Trustees (Brian Westrick) for Driveway Permit on the East side of Park Street just after the intersection w/Ramsdell Road. (Discussion/Vote)  
Brian Crewie – Director of the Southern Berkshires. K. Burke asked if maps were provided to the Fire Chief as requested. Mr. Crewie confirmed they were.  
**MOTION:** E. Abrahams made a motion to approve The Trustees (Brian Westrick) for Driveway Permit on the East side of Park Street just after the intersection w/Ramsdell Road  
**SECOND:** D. Bailly  
**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)
- B. Michael Murphy/Housatonic Veterans of Foreign Wars Post 8183 for permission to hold Memorial Day Parade on Monday, May 27<sup>th</sup>, 2019 beginning in the Village of Housatonic at 9:00 am and followed in the Town of Great Barrington at 11:00 am with a new route in Great Barrington: the parade to start at Dresser Avenue between St. Peters Church and the Mason Library continuing onto Main Street south to the Town Hall for the Memorial service presentation with staging the event back to Searles via Dresser Avenue, River Street and the bottom end of Church Street. (Discussion/Vote)  
**MOTION:** E. Abrahams made a motion to approve.  
**SECOND:** D. Bailly  
**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)
- C. Kate Burke & Bridgette Stone/Co Market Manager for approval to close Church Street to through traffic from Main Street to School Street from 7:00 am – 3:00 pm on Saturdays during the Great Barrington Farmers Market from May 11, 2019 thru October 26, 2019.  
(Discussion/Vote)



**MOTION:** E. Abrahams made a motion to approve.

**SECOND:** D. Bailly

**VOTE:** 4-0-1 (Bannon-yes, Abrahams-yes, Bailly-yes, Cooke-yes, K. Burke recused herself.)

- D. Ananda Timpane and Sabrina Allard/Railroad Street Youth Project for the Annual Block Party at Memorial Field and Skate Park on Saturday, May 18, 2019 from 12:00 pm – 5:00 pm as follows:

- One Day Weekday Entertainment License (Discussion/Vote), and
- To utilize the bottom half of Church Street from 12:00 pm – 12:30 pm for the Mt. Everett Marching Band. (Discussion/Vote)

*\*Mr. Abrahams indicated that he is on the organizing party, though has no financial interest, therefore will not recuse himself.*

**MOTION:** E. Abrahams made a motion to approve as requested.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

- E. Liliana Ortiz-Bermudez/Festival Latino of the Berkshires, Inc. for One Day Weekday Entertainment License for September 28, 2019 from 12:00 Noon – 6:00 pm for Hispanic Heritage Celebration behind the Town Hall on the Town Hall Green. (Discussion/Vote)

**MOTION:** E. Abrahams made a motion to approve as requested.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

- F. Robin Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for the Relay for Life Benefit Shoot for May 19<sup>th</sup>, 2019 from 11:00 am – 7:00 pm at 338 Long Pond Road. (Discussion/Vote)

**MOTION:** E. Abrahams made a motion to approve as requested.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

*\*Mr. Abrahams asked for confirmation that precautions are in place regarding the combination of drinking and shooting. Confirmation was given.*

- G. George Laye/Guthrie Center for Thirty (30) One Day Beer and Wine Liquor Licenses as per dates attached from 6:00 pm – 11:59 pm at the Guthrie Center, 2 Van Deusenville Road. (Discussion/Vote)

**MOTION:** E. Abrahams made a motion to approve as requested.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

- H. May 1, 2019 License Renewals. (Discussion/Vote)

- Real Estate Signs

**MOTION:** E. Abrahams made a motion to approve signs for Barnbrook Realty, Berkshire Country Homes, Berkshire Property Agents, Cohen & White Associates, Friday & Co, Great Barrington Owner, Helen Mullany Real Estate, Isgood Realty, Kinderhook Group, Lance Vermeulen Real Estate, MacCaro Real Estate, Roberts & Associates, Sandra Preston Real Estate, Stone House Properties, Wheeler & Taylor Realty, William Pitt Sotheby's Real Estate.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

- I. Approval of Coin Operated Soft Drinks and Food Machine License Renewals.  
(Discussion/Vote)

*\*S. Bannon noted that he is an employee of Fairview Hospital, but does not benefit financially from these machines, so will not recuse himself.*

**MOTION:** E. Abrahams made a motion to approve Berkshire South Regional Community Center, Fairview Hospital, Wind in the Pines, i.e. Inc., Bard College at Simon's Rock, Cover Bowling and Entertainment..

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

## 7. NEW BUSINESS:

- A. Candice Parsons – Notification re: Chapter 61A land, West Sheffield Road, property owner - Berkshire Resource Management, Inc. /Estate of Stephen M. Leining. (Discussion)

- Giving notice that the land is staying in 61A.

- C. SB – Cottage Street Bridge Repairs. (Discussion/Vote)

- Sean Van Deusen – Public Works Director
  - A 5M Grant to replace the Cottage Street Bridge is expected to be in hand in 5 years. In the meantime, it has been forced closed by MASS DOT. It would cost 450K in repairs to fix and open now. If closed, it could be a pedestrian bridge, with some restrictions – no parade activity.
  - E. Abrahams has reached out to area residents, they see this as a minor inconvenience, and feel it is probably not worth the cost to fix it now, when the grant is coming.
  - Andrew Blackman – 14 Giller Ave. Great Barrington
    - Feels it is an inconvenience to have the bridge closed, however it is not worth the extra tax dollars to fix it when it is going to be funded and replaced in five years. The money could be better spent elsewhere, perhaps 5% of the cost could go toward the park. S. Bannon noted that the Parks Committee is working on improving the park.
  - J. Tabakin suggests the Selectboard continue to reach out to MASS DOT to see if the funding can be accelerated.

**MOTION:** E. Abrahams made a motion to recommend not doing the temporary fix.

K. Burke feels a more public discussion should be held before making this decision. S. Bannon noted that this vote can be changed if citizens oppose.

Bailly inquired as to how long the repairs would take if passed. S. Van Deusen said it would be a few months to a year before the work would even begin. Funds would need to be procured through Town Meeting. Then the design/approval/and bidding would happen, putting us at least a year to a year and a half before construction would begin.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

- D. SB – Approval of new Town Manager's Contract. (Discussion/Vote)

**MOTION:** E. Abrahams made a motion to approve.

**SECOND:** D. Bailly

**VOTE:** 5-0 (Bannon-yes, Abrahams-yes, Bailly-yes, Burke-yes, Cooke-yes)

## **8. CITIZEN SPEAK TIME:**

- David Magadini  
Mr. Magadini feels he was discriminated against when he was refused service at GB Eats. He was also concerned that his article was not submitted to the Attorney General. S. Bannon will follow up.
- Mike Carnin – 12 Mahaiwe  
The site plan for 546 Main Street approved by the ZBA is non-confirming with the Law, nor is it in the best interest of the neighborhood or Town. The Developer has failed to comply with mixed-use zoning laws. Mr. Carnin also has concern over the 200 year old Maple tree that is in danger of being destructed. Mr. Carnin would like to see an updated traffic assessment-the last was dated 2007. Inadequate parking, overfill water issues, statements by the Fire and Police Departments are also concerns. Mr. Carnin is asking the Selectboard to initiate a new round of hearings for this property.

Mr. Carnin also expressed concern over the pedestrian crosswalk at the intersection. A sign is needed on Route 7 to warn motorists that a crosswalk is ahead. Mr. Abrahams confirms that this area is being redesigned.

- Michelle Loubert – 70 Division Street  
The Division Street Bridge is still very concerning. Large trucks continue to cross, well over the weight limit. S. Van Deusen confirmed that the MASS DOT rating report has not yet come in. The trucks are being detoured over the bridge, which is very risky for Great Barrington. Ms. Loubert was also told by MASS DOT that the Selectboard and S. Van Deusen have discussed this issue with her at length, which is not true. Traffic continues to increase over the bridge, heavy trucks continue to utilize it, even though they are overweight.
- Barbara Metz-22 Mahaiwe  
In regard to the 546 Main Street plan, there are many concerns. The water system is a large issue. The Planning Board has approved these plans based on outdated information. The site plan does not fit in with the character of Great Barrington or respect the surroundings. Please consider the long term effects of this decision.

## **9. SELECTBOARD'S TIME:**

- E. Abrahams would like to see the water quality special permit for the 546 Main Street plan. S. Bannon will request it from C. Rembold.

## **10. MEDIA TIME:**

- E. Mooney asked why the traffic light is still operating on Cottage Street. It is because it is on a sensor.
- Heather Bellow asked if there are any thoughts on the limits on retail marijuana establishments. S. Bannon confirmed that there is a straw poll to obtain a better understanding of what the citizens want. If they do want limits, the process will begin to put them in place.

A public records request was sent to Mr. Borshaf for emails regarding the old fire station, but nothing has been received-there were no emails. There is no current info on what is happening there.

Where is the money that comes from Theory Wellness going? It is going into Free Cash for now, it is too soon to say where it will go next year.

**11. ADJOURNMENT:** On a motion by E. Abrahams and seconded by D. Bailly, the meeting adjourned at 8:07PM.

**NEXT SELECTBOARD'S MEETING: Wednesday, May 15, 2019, 7:00 P.M.**

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tabitha Brewer". The signature is written in dark ink and is positioned above the printed name and title.

Tabitha Brewer  
Recording Secretary