

## **SELECTBOARD'S MEETING MINUTES**

**MONDAY, APRIL 8, 2019**

**7:00 PM – REGULAR SESSION**

**FIREHOUSE**

**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:**

February 25, 2019 Regular Meeting.

A. K. Burke 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)

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

A. General Comments by the Board.

1. **S. Bannon:** An Executive Session is needed to discuss Contract negotiations. This will be held on Friday April 12 at 5:00PM.
2. **S. Bannon** challenges non-profit/volunteer groups to come together to assist with roadside clean-up. The amount of trash is embarrassing.

**4. TOWN MANAGER'S REPORT:**

A. Thank you to the Library and all those who donated to the Pajama Drive. 267 pairs were collected to benefit Berkshire County families in need.

B. Members are needed to serve on the Open Space and Recreation Task Force. The plan is updated every 5 years, will convene in April 2019 and remain active for 9-12 months. All are welcome to join.

C. Construction Update

1. Construction update to the Lake Mansfield Forest Trail begins next week, and will take a week or two to complete. A packed fresh stone trail bed will be put in to make it handicap accessible. The trails will be closed to the public during construction.
2. Sunday May 15<sup>th</sup> will be the Land Conservancy's Annual Lake Day Clean-up and celebration. All are welcome to attend and tour the new trails. Funded by CPA and the GB Land Conservancy

D. Downtown Construction Update

1. Contractors working on Elm Street installing drainage, School Street and Church Street installing curbs. A trench and conduit for fiber optic will be dug on Railroad Street. Work will be done between the hours of 7:00AM and 3:30PM Monday through Friday, all roads will remain open, though parking may be limited.

2. Congratulations to Sean McCue, the new Town Assessor.
3. There is an Economic Development Committee meeting, separate from the Selectboard meeting on April 22 at 6:00PM. New members will be notified.

E. Public Transportation Advisory Committee

1. Member spots are available, and will be appointed by the Town Manager.
2. Tate Coleman– Committee Chair
  - Over 400 responses were received to the South County Public Bus Service survey sponsored by the Selectboard.
  - Suggestions were compiled into a proposal to reallocate current resources without additional cost. Public input sessions are being held. The first drew about 200 citizens.
  - J. Tabakin commends the work of Tate and his team.
  - Proposal Highlights:
    - Rapid busline from Pittsfield to Great Barrington-45 minute trip once per hour from 6:00AM-9:00PM.
    - Great Barrington circular loop running every hour or every half hour until 9 or 10:00PM.

**5. LICENSES OR PERMITS:**

A. Emily Jones/Green Mind Events d/b/a Green Mind Events LLC for One Day Weekday Entertainment License for Saturday, April 20, 2019 from 12:00PM – 8:00PM at the Great Barrington Fairgrounds. (Discussion/Vote)

- **Discussion:** E. Jones explains that this is intended to be a fair for the 21+ Community to celebrate and talk about the cannabis industry. Art/craft vendors will be on site. E. Abrahams noted that there is no potable water on site, Ms. Jones is aware of this and has taken steps to remediate this issue. Water smaller than 1-Liter would be able to be given away, but not sold, unless it is flavored. S. Bannon also advised of the need to be aware of the wetland area. E. Abrahams asked if there will be cannabis products there. Ms. Jones confirmed the vendors will not be selling any cannabis products. “420 giveaways” are t-shirts, stickers, etc. Cannabis will not be sold on site. K. Burke asked for confirmation that there is a letter of consent from the Fairground owner, Ms. Jones affirmed. Also, all entrants will require ID showing they are 21+.

**MOTION:** E. Abrahams made a motion to approve Emily Jones/Green Mind Events d/b/a Green Mind Events LLC for One Day Weekday Entertainment License for Saturday, April 20, 2019 from 12:00PM – 8:00PM at the Great Barrington Fairgrounds.

**SECOND:** D. Bailly

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

- B. Andy Moro/American Legion Murphy Leary Post 298 for permission to hand out poppies for donations in Great Barrington and in the village of Housatonic during the month of May.

**MOTION:** E. Abrahams made a motion to approve Andy Moro/American Legion Murphy Leary Post 298 for permission to hand out poppies for donations in Great Barrington and in the village of Housatonic during the month of May.

**SECOND:** D. Bailly

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

- C. Andy Moro/ American Legion Murphy Leary Post 298 for permission to hold a Poppy Boot Drive on Main Street between Gas House Lane and the entrance to JB Hull Oil Inc. on Saturday May 18, 2019 (Rain Date May 25) from 10:00AM-2:00PM



**MOTION:** E. Abrahams made a motion to approve Andy Moro/ American Legion Murphy Leary Post 298 for permission to hold a Poppy Boot Drive on Main Street between Gas House Lane and the entrance to JB Hull Oil Inc. on Saturday May 18, 2019 (Rain Date May 25) from 10:00AM-2:00PM

**SECOND:** D. Bailly

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

- D. Kelly Vickery/Berkshire International Film Festival (BIFF) for permission to hang 12 banners on 9 poles on Main Street between Pleasant and Bridge Streets and 3 poles on Railroad Street from April 24, 2019 to June 7, 2019.

*\*Change to 12 on Main Street, 0 on Railroad.*

**MOTION:** E. Abrahams made a motion to approve Kelly Vickery/Berkshire International Film Festival (BIFF) for permission to hang 12 banners on 12 poles on Main Street between Pleasant and Bridge Streets from April 24, 2019 to June 7, 2019.

**SECOND:** D. Bailly

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

- E. Holly Hamer/Great Barrington Tree Committee request to close Pleasant Street from the sidewalk entrance to the lower Library and up to Main Street to vehicles on April 26, 2019 from 1:30-6:30PM for the Arbor Day Festival.

**MOTION:** D. Bailly made a motion to approve Holly Hamer/Great Barrington Tree Committee request to close Pleasant Street from the sidewalk entrance to the lower Library and up to Main Street to vehicles on April 26, 2019 from 1:30-6:30PM for the Arbor Day Festival.

**SECOND:** K. Burke

**ROLL CALL VOTE:** 5-1-0 (Bannon-yes, Bailly-yes, Burke-yes, Cooke-yes, Abrahams - recused)

- F. Steven Leonard/Berkshire South Regional Community Center for permission to utilize the town roads for the 7<sup>th</sup> Annual 5K Run/Walk on May 4<sup>th</sup> 2019 from 8:00AM to 12:00PM starting on Seekonk Cross Road and continuing on Locust Hill Road, Pumpkin Hollow Road and Egremont Plain Road and ending at the airport.

**MOTION:** E. Abrahams made a motion to approve Steven Leonard/Berkshire South Regional Community Center for permission to utilize the town roads for the 7<sup>th</sup> Annual 5K Run/Walk on May 4<sup>th</sup> 2019 from 8:00AM to 12:00PM starting on Seekonk Cross Road and continuing on Locust Hill Road, Pumpkin Hollow Road and Egremont Plain Road and ending at the airport.

**SECOND:** D. Bailly

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

*E. Abrahams noted that the Airport is in a residential neighborhood, and they should be applying for a Special Permit if they are acting as an event venue. In this case, they are not charging admission, so it is not necessary.*

- F. Jenise Lucey/Steven Leonard/Berkshire South Regional Community Center for One Day Beer and Wine Liquor License for May 4, 2019 from 9:00AM-1:00PM at the Great Barrington Airport, 70 Egremont Plain Road.

*11:00AM is the allowed serving time. License will be given for 11:00AM-1:00PM.*

**MOTION:** E. Abrahams made a motion to approve Jenise Lucey/Steven Leonard/Berkshire South Regional Community Center for One Day Beer and Wine Liquor License for May 4, 2019 from 11:00AM-1:00PM at the Great Barrington Airport, 70 Egremont Plain Road.

**SECOND:** D. Bailly

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

**6. OLD BUSINESS:**

A. SB – Review, Approval and Recommendations on the DRAFT 2019 Annual Town Meeting Warrant Articles.

- S. Carmel and J. Tabakin request to remove the 4 lines D. Doneski suggested be added to Article #1. If the funding is not there, there is no need to include it.
- Article 4 – insert word “budget”
- Article 7 – minor housekeeping changes
- Article 13 – word change

**MOTION:** E. Abrahams made a motion to approve placing Articles 1-14 on the Warrant with minor changes as discussed.

**SECOND:** D. Bailly

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

- Article 15 – Short Term Rentals – Discussion
  - After “Operator Agents”, cross out “notarized affidavit” all the way to “insurance”, add “and” continue with the sentence. Remove “fee for registration.
  - The Building and Health Departments will be consulted regarding inspection requirements. If Health and/or safety violations are happening and reported, inspectors can operate as they are allowed by law.
  - The bylaw noting a civil penalty needs due process.
  - Remove “If Town suspends” sentence.
    - Michelle Loubert – Division Street, Great Barrington  
The purpose is to find out how many, and what type of short term rentals are operating in the Town. How will we know who hasn’t registered? K. Burke notes that they do have to register with the State, though without actual addresses, the owner names are known. This will take some work.
    - Steve Farina – Railroad Street, Great Barrington  
Mr. Farina notes that he does not own any short term rentals, but asks what the Board means by “Protecting the Neighborhood”. The thought is that homebuyers may be upset if they bought a home in what they thought was a stable neighborhood, and then find out that many surrounding homes are actually short term rentals.
    - Richard  
Can we add a question to the annual street survey regarding if homes are being used as short term rentals? The Selectboard will speak with Marie-Town Clerk.
  - Is a warrant article needed for this? A bylaw would be needed for registration of short term rentals. This will be moved to Friday’s Agenda for an answer.
  - Section 2- remove “in order to register operators must demonstrate...” and “properties or premises controlled...” paragraphs. Section 3- remove one line “Keep section 4 as is.



**MOTION:** K. Burke made a motion to approve placing Article 15 on the warrant as amended.

**SECOND:** D. Bailly

**ROLL CALL VOTE:** 4-1 (Bannon-yes, Abrahams-no, Bailly-yes, Burke-yes, Cooke-yes)

- Article 16 – Number of Marijuana Establishments
  - When the Town voted in favor of Marijuana Establishments, they did not realize they were voting for an unlimited number of establishments.
  - There is a conflict with the zoning bylaws. Attempts to amend a zoning bylaw with a general bylaw, would likely not be approved by the Attorney General.

**MOTION:** B. Cooke made a motion to propose a non-binding resolution for the Town to vote to limit the number of retail marijuana establishments in town.

**SECOND:** D. Bailly

**ROLL CALL VOTE:** 4-1 (Bannon-yes, Abrahams-no, Bailly-yes, Burke-yes, Cooke-yes)

- Articles 17-28

**MOTION:** E. Abrahams made a motion to approve placing Articles 17-28 on the warrant as amended by Town Council.

**SECOND:** D. Bailly

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

#### B. Ballot Question for the 2019 Annual Town Election

*Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and one-half, so called, the amounts required to pay for the bond issued in order to pay the cost of building improvements to the Housatonic School, the Transfer Station, the Housatonic Fire Station, the Police Station and Town Hall, and for the payment of all other costs incidental and related thereto.*

**MOTION:** E. Abrahams made a motion to approve the ballot question as written.

**SECOND:** D. Bailly

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

### 7. NEW BUSINESS:

A. SB – Recommendation to the Planning Board on the Special Permit Application of LSE Lepus, LLC for a commercial energy system at 671 Stockbridge Road. (Discussion/Vote)

- Kevin Sullivan and Kevin Maday of Commercial Energy gave a presentation of the location of the proposed solar panels. The protected areas are largely forest, and will remain untouched. The panels will be visible from Monument Mountain, but they are good for native species and land preservation.
- Heather Bellow asked about the energy credits-where will they be applied? At this time it is not known where the energy credits will go, as Great Barrington's credits are maxed out.

**MOTION:** E. Abrahams made a motion to send a positive recommendation to the Planning Board.

**SECOND:** D. Bailly

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

**8. CITIZEN SPEAK:**

**Steve Farina – 87 Railroad St. Great Barrington**

Asked where minutes from Selectboard meetings can be found. S. Bannon directed him to the Town's website.

**9. SELECTBOARD'S TIME:**

**D. Bailly** asked when the Lake Mansfield Committee will be presenting to the Board. S. Bannon asserted that there is no scheduled time yet.

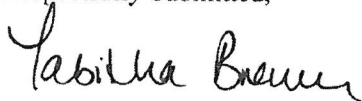
**10. MEDIA TIME:**

**Eileen Mooney** asked if there is an update on the Cultural District to be added to the next agenda. J. Tabakin said this is undecided.

**Heather Bellows:** How much property taxes would be generated by these solar panels? This is unknown at this time.

**11. ADJOURNMENT:** On a motion by D. Bailly, and Seconded by B. Cooke, the meeting adjourned at 8:35PM.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tabitha Brewer".

Tabitha Brewer  
Recording Secretary