

Great Barrington Select Board

Town Hall

Great Barrington, MA 01230

Minutes of Aug. 12, 2019, meeting

Attending were Chair Steve Bannon, Vice-Chair Ed Abrahams and members Bill Cooke, Kate Burke and Leigh Davis, also Town Manager Mark Pruhenski.

1. Call to Order

The meeting opened at 6 p.m. in the Selectboard Meeting Room, Town Hall.

2. Board Business

On a motion by Mr. Abrahams, seconded by Mr. Cooke, the Board unanimously approved the minutes of the meeting held July 22, 2019. Ms. Burke requested several corrections: Under item 6, she said she recused herself because the applicant was a sponsor of her employer but she didn't leave the room; items 9 and 11, Richard Root should be Richard Ruth; item 10, Hines is misspelled

3. Board Statements

Chairman Bannon read a prepared statement to the effect the Board that evening had a lot of business and would not hear prolonged discussion of horse racing or state Senate Bill 101. The Board would hear a report from the Town manager as to what he had learned from Sen. Adam Hines and Rep. Smitty Pignatelli so far. He said the Board once it has assembled sufficient information will hold a public meeting for citizen comment and discussion.

Ms. Davis reported the Community Preservation Committee had met and would meet again in October. She said the Economic Development Committee would meet Sept. 3 at 5 p.m. to tour the Housatonic school building and then meet in a regular meeting.

Ms. Burke asked that discussion of an Indigenous People declaration be put on a future board agenda.

Mr. Abrahams reported efforts to identify a likely location for a dog park had fallen through and ideas were welcome.

4. Town Manager's Report

Mr. Pruhenski asked Fire Chief Charles Burger to summarize his recent written report to the Board. Chief Burger said a number of action items identified in last year's in-depth department study have been achieved and more are in process. He said a work release policy has been written for town employees including highway department workers who are volunteer firefighters. He said Joshua Seile has been appointed house captain; Robert Gaughran training captain; and Justin Bona lieutenant. He said there will be more openings and appointments next year. He said a full-time firefighter has been hired, Mr. Bona, and another will be brought on later this fiscal year. He said an administrative assistant, shared with the Council on Aging has worked out, though the individual in that position has left, so someone else will need to be hired. He said a shared services agreement with Sheffield is near so Great Barrington will provide Sheffield with fire inspection services.

Mr. Pruhenski said Jennifer Messina will begin as new town clerk on Aug. 13.

He thanked Town Planner Chris Rembold for his work obtaining a Mass. DEP grant to assess the Lake Mansfield beach parking lot drainage issues.

He and the Board confirmed Neighborhood Meeting date: Sept. 10 at 7 p.m. at Housatonic Community Center, for the school and other issues; Sept. 16 at the Senior Center at 6:30 p.m. to discuss Cottage Street issues, 7:30 for Grove Street matters.

5. Mass. Senate Bill 101/Great Barrington Fairgrounds

The Board has in hand a written response to questions sent by Mr. Pruhenski regarding the status of the bill that would allow resumption of horse racing at the Great Barrington Fairgrounds on South Main Street.

Ms. Davis said there remain questions about an assertion in the draft legislation that The Town/county had voted in 1998 or earlier in favor of continued racing. She noted proponents use this apparent approval as a loophole for Sterling Suffolk to avoid a new town referendum. She said will continue to urge a new vote.

Mr. Pruhenski said he and Town Counsel David Doneski continue to research verification of such a vote.

6. Licenses or Permits

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a request from Lauren Smith/**Fairview Hospital** to use the Town Hall Parking Lot for the 2019 Fairview Gala on Sept 21 from 9 a.m. to 9 p.m. Mr. Bannon noted he is a hospital employee but does not directly benefit from the event so participated in the vote.

After a few words from Tim Geller on behalf of the Great Barrington Land Conservancy, The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a permit for the **Run for the Hills** event Oct. 6 from 9 a.m. to 11:20 a.m. starting and ending at Simon's Rock on Alford Road.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a permit for the **43rd Annual Josh Billings RunAground** on Sept. 15.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a permit for a one-day weekday entertainment license for Anne Marie Aigner/**Food Truck Festivals of America** from 10 a.m. to 10 p.m. at Butternut Ski Area, 280 State Road, conditional on the application obtaining necessary Board of Health permits at least 14 days prior.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a permit for a one-day all alcoholic liquor license for Oct. 19 for Anne Marie Aigner/**Food Truck Festivals of America** from 10 a.m. to 10 p.m. at Butternut Ski Area, 280 State Road.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a permit for Christine Bump Heaton/**Black Sheep Brewing** dba Big Elm Brewing for a one-day beer and wine liquor license for Sept. 22 from 10 a.m. to 5 p.m. at Ski Butternut, 380 State Road. (*Recording Secretary's Note: This is the actual name/address of the ski area, not as listed on the agenda and described in the votes for the previous two items.*)

7. Old Business

Lake Mansfield Road paving: The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to rescind a previous vote on this issue and to ask the Lake Mansfield Improvement Task Force to provide a formal recommendation.

Housatonic School: Ms. Davis said the Economic Development Committee would like a 90-day extension before making a recommendation on what direction to take with a new request for proposals for the building. In answer to her question about what kind of recommendation is sought, Mr. Bannon said just on general uses. He said the Town manager has a similar amount of time to provide more information. He said there will be a Housatonic community meeting in September. The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve the request. Ms. Burke said the Board should also consider what it will do to protect the building over the coming winter.

8. New Business

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to appoint Wes Orłowski to a vacancy on the **Agricultural Commission**.

The Board discussed making a recommendation to the Building Inspector on issuance of a building permit to Empire Telecom to add three antennas and 12 radios on the **Fairview Hospital** building, 29 Lewis Ave. Mr. Pruhenski said the Town's zoning bylaw requires the Planning and Select Boards make recommendations. He said the application assures it will meet appropriate mitigation measures under the Emission Exposure Reduction Plan. He said the Planning Board had suggested holding the certificate of occupancy until it is verified any emissions are within FCC limits. Mr. Pruhenski said he would ask the Board of Health to hold a special meeting within 30 days if it has concerns. The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to accept the Town Manager's recommendation.

Natalie Narotzy, chair of the Town's **Strategic Sustainability and Livability Committee** said that group recommended renewal of an agreement with Colonial for green electricity. She said the power is 100% green and the cost is below National Grid's standard rate. She said the committee urges Colonial to locate Massachusetts-based Renewable Energy Credits if possible. If such arrangement resulted in a higher rate, then Mr. Pruhenski should go with the best price. The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to accept the recommendation.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to endorse a request from the Berkshire Hills Regional School District School Committee to form a Regional School District Planning Board pursuant to MGL Ch. 71, Sec. 14, for the purpose of either forming or **consolidating into a regional high school district** to serve grades 9 to 12.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a **Highminded LLC** Host Community Agreement for Manufacturing of Marijuana at 126 Main St. Attorney Kate McCormick appeared on behalf of Highminded, along with manager Alexander Farnsworth. She said Highminded is in the process of obtaining a retail sales permit through the commonwealth, but in order to "manufacture" small amounts of product, needs a second permit from the Town. Such product, conveyed to the retail side of the entity, would bring no percentage to the Town. Any product wholesaled would bring 1.5 percent of the retail price to the Town. Mr. Farnsworth said this would be a very small, tabletop operation generating no odors. Ms. McCormick said it would be an accessory use. The accessory use would again be before the Selectboard for a special permit, she said.

The Board discussed the transfer of environmental cleanup liability from **20 Castle Street LLC** to a potential purchaser of the property. Mr. Pruhenski said at the time the Town sold the old fire station, it agreed to shoulder \$270,000 in environmental cleanup costs when they are performed. Ms. McCormick, representing 20 Castle Street, said this way her client could make a clean sale; otherwise, the only way to transfer the liability was to sell the LLC.

Mr. Abrahams moved: "That the Board vote to approve an agreement among the Town, 20 Castle Street LLC and the person or entity which will purchase the property located at 20 Castle Street, Great Barrington, from 20 Castle Street LLC under which The Town would consent to 20 Castle Street LLC's assignment of its rights under the 'Memorandum of Agreement Regarding Environmental Remediation Funds' between the Town and 20 Castle Street LLC dated May 12, 2014, including any rights to be reimbursed from the unexpended balance of the \$270000 appropriated under article 5 of the warrant for the May 6, 2013, annual town meeting for remediation costs of the 20 Castle Street property, in such form as is approved by town counsel; and to authorize the chair to sign such an agreement on behalf of the Board." Mr. Cooke seconded the motion and all voted in favor. In answer to a question from the audience, Mr. Bannon said the Town was obligated to cover its share of the cleanup cost and could not shift the burden to the private owner.

9. More Permits

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to approve a 2019 Real Estate Sign License for **Eric Stuernagle/Fairground Real Estate**.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously by the four members at the table to approve a **National Grid and Verizon** request to install a JO pole on North Plain Road beginning at a point approximately 10-50 feet north of the centerline of the intersection of Brookside Ct. National Grid requested to install and/or maintain the new utility pole to raise existing conductor and provide three new services to a farm stand.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously by the four members at the table to approve a **National Grid and Verizon** request to install a JO pole on Bentley Road. National Grid made the request due to construction of a new development and to provide service to new housing units.

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously by the four members at the table to approve a **National Grid and Verizon** request to relocate two JO poles on Maple Avenue/South Main Street. National Grid asked to relocate pole 1 on Maple Avenue and pole 10 on South Main Street to accommodate a Mass. DOT project.

10. Citizen Speak

Steve Farina, Railroad Street, told the Board three Lake Mansfield surveys showed overwhelming support for keeping Lake Mansfield Road open, and strong support for keeping it two-way. He said he would like to submit at a future board meeting two proposed articles for special town meeting consideration.

Roger Belanger, Fairview Terrace, commended the Board for its endorsement of a new school study group, noted the failure of Blue Hill Road residents to gain any satisfaction in its opposition to O'Brien Trucking traffic and commented on the Selectboard's 4-1 vote to close Lake Mansfield Road.

A man said Lake Mansfield Road until the 1950s only went from the center of town to the public beach; it didn't connect with Dehon Road.

Pamela Quinn, Egremont, asked if there will be a public forum once the Select Board has assembled more information about S101. Mr. Bannon said she is entitled to send emails to the Board in care of town hall.

Sharon Gregory, Hollenbeck Avenue, said losing Lake Mansfield Road would create an inconvenience but would be the green thing to do.

David Rosenberg, East Street, said speeding vehicles on that street are so bad, one woman stood roadside with a hair dryer in her hand, aimed at oncoming traffic — which, thinking it a radar gun, slowed down. He urged having police patrol the street.

Kimball Corbett, Depot Street, Housatonic, said not enough is being done in town to educate users about marijuana highs. Mr. Abrahams said the Board of Health is still figuring out what it can do regarding retailers and education.

Steve Donaldson, Cypress Street, said there are speeding vehicles on Taconic Avenue, also Division Street and West Avenue. Regarding Taconic Avenue, he said many Simon's Rock students walk into town along that road, which has no sidewalks. Bicyclers and children also use it. He said vehicles run stop signs and traffic lights — including the light in front of the police station.

A woman urged the Town to purchase space on a billboard to alert those coming into town to beware pedestrians and bicyclists and slow down.

Michelle Loubert, Division Street, said Slow Children signs haven't been put up on that street because there apparently is a low density of children.

11. Adjournment

The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to adjourn at 7:40 p.m.

Respectfully submitted,

Bernard A. Drew
Recording Secretary