

Great Barrington Selectboard

Town Hall

Great Barrington, MA 01230

Minutes of Aug. 26, 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 7 p.m. in the Selectboard Meeting Room, Town Hall.

2. Board Statements

Ms. Davis said the **Economic Development Committee** would make a site visit to Housatonic School on Sept. 3 at 5 p.m., with a 6 p.m. meeting to follow.

Mr. Bannon said the Sept. 9 meeting will be at the Senior Center.

He said the **Berkshire Hills and Southern Berkshire Regional School Districts** are in dialog about potential merging of services. One committee is made up of representatives from each of the eight towns, two superintendents and two school committee chairs. As Mr. Bannon is on the committee in the latter capacity, Mr. Abrahams volunteered to represent the Selectboard.

3. Town Manager's Report

Mr. Pruhenski said Police Chief William Walsh will report at the Sept. 9 Selectboard meeting on pedestrian safety and traffic issues, including a policy of patrol officers conducting a specified number of radar readings per shift. Sidewalk markings are newly spray painted. Highway Superintendent Sean VanDeusen will report on discussion with a traffic safety engineer at the same meeting.

He read an executive summary regarding his recommendation regarding the Fulcrum Enterprises special permit. Mr. Abrahams moved the board require a project review fee in accordance with MGL Ch. 44, s53G and authorize the Town Manager to develop a scope of services for an odor control study and receive fee proposals as required by MGL Chapter 30B, the Uniform Procurement Act. Cooke seconded. Mr. Cooke moved the motion be amended to include noise assessment, was seconded and the board was unanimously in favor of the amendment. It then voted on the amended motion, all in favor.

4. Licenses or Permits

On the application of Rebecca Jurczyk, Gary Pratt, Meri Haas and Adam Post/**Smash the Stigma Rally & Health Fair**, for a one-day weekday entertainment license for Oct. 5, 2019, from 11 a.m. to 3 p.m. (rain date Oct. 12, 11 a.m. to 3 p.m.), at Memorial Field/Railroad Street Youth Project's parking lot — including a walk from Memorial Park on Bridge Street along School, Church and Main Streets to Town Hall, Mr. Abrahams moved to approve, fee waived. Mr. Cooke seconded. All were in favor. Mr. Pratt presented the request.

Michelle Kaplan appeared on behalf of Abraham Hunrichs/**Berkshire Ferments** (Ashmae LLC) to request a one-day Sunday entertainment license for Sept. 2, 2019, from 10 a.m. to 4 p.m., Butternut Ski Area, 380 State Road. Mr. Abrahams moved to approve, Mr. Cooke seconded. All were in favor.

Ms. Kaplan also represented Abraham Hunrichs/**Berkshire Ferments** (Ashmae LLC) to request a one-day beer and wine liquor license for Sept. 2, 2019, from 10 a.m. to 5 p.m.,

Butternut Ski Area. Mr. Abrahams moved to approve the permit, subject to the applicant providing proof of liability insurance. Mr. Cooke seconded. All were in favor.

Mr. Abrahams said he was president of Friends of the Great Barrington Libraries and would serve as a bartender at nine proposed film screenings to be held at Mason Library, but would in no way profit from his role, and therefore planned to vote on a request by Pat Hollenbeck for the **Board of Library Trustees** for nine one-day beer and wine liquor licenses for Sept. 9, Oct. 5, Nov. 2 and Dec. 7, 2019; also Jan. 4, Feb. 1, March 7, April 4 and May 2, 2020, from 6:30 to 10 p.m. at Mason Library. The library will be closed to regular business during the programs, he said. Mr. Cooke moved to approve the request, fee waived; Ms. Burke seconded, all were in favor.

On Robin Vickery's application on behalf of **Great Barrington Fish & Game** for 11 one-day beer and wine liquor licenses for every Sunday from Sept. 22, to Dec. 1, 2019, from 11 a.m. to 6 p.m. at 338 Long Pond Road, Mr. Abrahams moved to approve, Mr. Cooke seconded and all voted in favor.

Attorney Kathleen McCormick, McCormick & Murtagh, appeared on behalf of Emily Irwin, Joshua Irwin and William Paul/Mooncloud LLOC dba **Mooncloud** for a 2019 Common Victualler license at 47 Railroad St., Unit 1A, with seasonal service on the outside patio. Mr. Paul said the small café will serve craft cocktails and light food, Wednesdays to Sundays. The space will have 12 bar seats and three tables. Mr. Abrahams moved to approve, Mr. Cooke seconded, all were in favor.

Mooncloud also applied for a sidewalk license agreement to have outside seating for 12. Mr. Abrahams moved to approve, Mr. Cooke seconded, all were in favor.

5. Old Business

On the matter of funding roof repairs at the vacant **Housatonic School**, Steve Farina, Railroad Street, urged the board to hold a Special Town Meeting to rescind previous town meeting funding for \$600,000 worth of work. Half that sum was to come from Community Preservation Act funds, the rest from town reserves. He said it was foolish to commit the funds as a development agreement with Greyhouse Partners was now null. He said the building could end up being razed. He suggested \$10,000 be appropriated to pay for tarps for the leaky roof.

Mr. Van Deusen said the likely cost of tarping would be closer to \$15,000, and he does not have that amount in his funds.

Mr. Bannon said it makes more sense to decide this after the Board holds a Community Meeting in Housatonic village and work is underway on a new RFP.

On a request that the town designate an **Indigenous Peoples' Day**, Mr. Abrahams moved the matter be forwarded to the Du Bois Legacy Committee for a recommendation. Mr. Cooke seconded and all were in favor.

6. New Business

Eva Ward was appointed to a vacancy on the **Great Barrington Tree Committee**, on a motion by Mr. Abrahams, seconded by Mr. Cooke and voted unanimously.

Marie Ryan was appointed to the **Board of Registrars**, on a motion by Mr. Abrahams, seconded by Mr. Cooke and voted unanimously.

Mr. Cooke was again designated the board's representative to the **Berkshire Metropolitan Planning Organization**, on a motion by Mr. Abrahams, seconded by Ms. Burke and voted unanimously.

The Board adopted a FY2021 **budget meeting schedule** on a motion by Mr. Abrahams, seconded by Mr. Cooke and voted unanimously.

A 2020 **regular meeting schedule** is still being honed and was continued to the September 9th meeting.

The Board appointed 72 individuals as **FY2020 election workers**, per a list provided. Mr. Abrahams made the motion, Mr. Cooke seconded and all voted in favor.

The Board voted unanimously to establish a **Committee on Disability** with three persons with disabilities (or one from a family of someone with a disability), one elected official and one at-large member. Mr. Abrahams made the motion, Mr. Cooke seconded.

Randy Weinstein, chairman of the **W.E.B. Du Bois Legacy Committee**, reported on plans for a 50th anniversary celebration Oct. 18, 2019, of the dedication of the Du Bois Boyhood Homesite on Route 23 as a memorial park. He presented the Board with a plaque honoring individuals who have been particularly active in promoting the Du Bois story. Scholar David Levering Lewis is the first name. Mr. Weinstein described criteria for future designees. He said the honor carries on from the Pioneer Awards given previously by the W.E.B. Du Bois Center that honored the late Elaine Gunn and also Rachel Fletcher and Bernard Drew. He asked that requests for nominations be placed on the town's website. The Legacy Committee will review submissions and submit a recommendation at the appropriate time to the Selectboard. The October event, he said, will have as guests original 1969 speakers Esther Cooper Jackson, now 102, and Edmund W. Gordon, now 98, also Dr. Lewis.

Tom Doyle and Eric Stuernagle of the **Berkshire Board of Realtors** gave members copies of a mid-year real state marketing report, noting unit sales were down 23% in the first six months of 2019 and dollar amounts down 13%. Ms. Davis said this information could be important for the Economic Development Committee to discuss.

The Board voted unanimously to reduce the number of members of the **Strategic Sustainability and Livability Committee** from 11 to nine. Mr. Abrahams made the motion, Ms. Burke seconded. All were in favor.

The Board did not vote on the draft **Fulcrum Enterprises LLC** Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing, for a property in the industrial zone at 22 VanDeusenville Road. Mr. Bannon told the audience this issue is separate from a special permit application that will be acted on at a public hearing Sept. 9. He said there remain four language issues for the HCA. The board and Ms. McCormick, representing Fulcrum, talked about and agreed on the wording changes. Mr. Pruhenski said he is researching how the town may best use impact fees, which will be 1.5% for manufacture. From the audience, Dan Bailly suggested the Board not vote on the HCA until after the special permit hearing, as HCA approval could be seen as giving the applicant an edge in meeting certain requirements. Mr. Bannon said the board would take this under consideration.

Several from the audience spoke against the agreement and/or the special permit, including Michelle Loubert (the square footage should be 80,000), Valerie Locher (all greenhouses vent to the outdoors), Susan Lord (the production facility may be legal, but not desirable), James Bailly (Housatonic Water Works should monitor water consumption, not Fulcrum) and Bruce Loubert (regulation of lighting). Mr. Bannon said the issues should be brought up at the hearing.

7. Citizen Speak

Audience members weren't finished with the marijuana matter. Dan Bailly (Planning Board denied town residents opportunity to speak during its recent discussion of a HCA recommendation for Fulcrum), Susan Yoh (the value of her property will decline, should Fulcrum's project go ahead), James Bailly (Fulcrum apparently doesn't have a backup site in mind for its facility), Ms. Loubert (the Select Board's slowness in announcing meeting

schedules made it inconvenient for her to plan a neighborhood meeting), Ms. Locher (Massachusetts residents voted to legalize marijuana so farmers could have a new crop, not so other entrepreneurs could step in) and Fran O'Neil (marijuana smoke can be toxic).

8. Adjournment

The Board on a motion by Mr. Abrahams, seconded by Ms. Davis, voted unanimously to adjourn at 8:35 p.m.

Respectfully submitted,

Bernard A. Drew
Recording Secretary