

SELECTBOARD'S MEETING MINUTES

MONDAY, JANUARY 22, 2018

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

PRESENT

Sean Stanton
Steve Bannon
Dan Bailly
Ed Abrahams
Bill Cooke

-Town Manager, Jennifer Tabakin

7:00 PM - OPEN MEETING

1. CALL TO ORDER:

Chair, Sean Stanton called the meeting to order at 7:00PM

2. APPROVAL OF MINUTES:

December 11, 2017 Regular Meeting.

MOTION: Steve Bannon motioned to approve the December 11, 2017 Regular meeting minutes.

SECOND: Dan Bailly

Vote: 5-0

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

B. Review of Citizen Petition Process for Town Meeting Articles.

(Citizen Petition: **Opens - January 22, 2018; Closes – January 31, 2018**)

Petitions are now accepted in the Town Clerk's office Monday through Friday 8:30AM-4:00PM. All petitions must have at least ten signatures from registered voters in the Town of Great Barrington.

David Magadini, 334 Main Street. Mr. Magadini said the time frame in which to submit a citizen's petition is very short. Mr. Magadini proposed to extend the submission time to three weeks. Sean Stanton said that if someone intends to submit a petition for the Town Meeting warrant they do not need to begin the process on January 22, 2018 they can get the article drafted and signatures ahead of time.

4. TOWN MANAGER'S REPORT:

A. Department Updates.

- Ramsdell Library will close temporarily in order to repair the floors Monday, February 5th and will reopen on February 20th at 1:00PM.

- The Town Manager asked the Selectboard to sign the extension for the M.O.U with the Williamstown Health Agent, Jeffrey C. Kennedy.

MOTION: Steve Bannon motioned to approve the M.O.U extension of the Williamstown Health Agent for a term of an additional six months.

SECOND: Dan Bailly

Vote: 5-0

Dan Bailly asked if the Town is continuing to look for a Health Agent to fill the position in the Health Department. The Town Manager said the Town is no longer seeking a Health Agent; Rebecca Jurczyk has been serving as an Agent as well as Locke Larkin who has extended his hours. Ms. Tabakin said that the Williamstown Health Agent is providing additional expertise and consulting to our current staff, who have been able to expand their knowledge. Ms. Tabakin said that this is working out well because we have been able to extend the capacity of our current staff.

- The Open Meeting Law complaint filed by Eileen Mooney on September 21, 2018 against the Selectboard was found by the Attorney General's office to not be a violation.

B. Project Updates

- Update on Housatonic School MOU.

The Town Manager briefed the Board on the changes made to the M.O.U. Ms. Tabakin said that they extended the notice either party must give if they wish to discontinue this contract. Each party must provide written notice 30 days in advance.

5. PUBLIC HEARINGS:

A. Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for alteration of premises on the Common Victualler All Alcoholic Restaurant Liquor License at 20 Railroad Street, Great Barrington, MA 01230. (Discussion/Vote)

a. Open Public Hearing

Motion: Steve Bannon motioned to open the public hearing.

Second: Dan Bailly

Vote: 5-0

b. Explanation of Project

Denis Downing, representative of Shackdown Inc. When the restaurant expanded and opened the DOLA Pizzeria Shackdown expanded the patron capacity. Mr. Downing requested that the Board approve the Alteration to the Premises on the Common Victualler Restaurant All Alcoholic Liquor License to accommodate for the expansion.

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

Motion: Steve Bannon motioned to close the public hearing

Second: Dan Bailly

Vote: 5-0

e. Motion re: Findings

Completed application was submitted to Selectboard on November 16, 2017.

Public Hearing was properly advertised in the Berkshire Record for two (2) consecutive weeks on January 5 and 12, 2018. No notification to abutters was required.

Public Hearing is scheduled for January 22, 2018 @ 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA 01230.

No impediments were disclosed as to the approval or denial for the alteration of premises on the Common Victualler Restaurant All Alcoholic Liquor License.

MOTION: Steve Bannon moved to approve the Findings of Fact for alteration of premises on the Common Victualler Restaurant All Alcoholic Liquor License for Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager at 20 Railroad Street, Great Barrington, MA 01230 and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

SECOND: Dan Bailly

VOTE: 5-0

f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon moved to approve Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for alteration of premises on the Common Victualler All Alcoholic Restaurant Liquor License at 20 Railroad Street, Great Barrington, MA 01230.

SECOND: Dan Bailly

VOTE: 5-0

6. LICENSES OR PERMITS:

- A. Anne Marie Aigner/Food Truck Festivals of America, LLC for Temporary One Day Weekday Entertainment License for June 30, 2018 from 11:00 am – 5:00 pm at Great Barrington Fairgrounds, 684 Main Street. (Discussion/Vote)

Anne Marie Aigner said that this would be the first food truck festival in the Berkshires. Ms. Aigner plans to invite 25 Food trucks and 25 Breweries to participate in the festival.

MOTION: Steve Bannon motioned to approve the Temporary One Day Weekday Entertainment License with the conditions set forth by the DRT.

SECOND: Dan Bailly

VOTE: 5-0

- B. Anne Marie Aigner/Food Truck Festivals of America, LLC for One Day Beer and Wine License for June 30, 2018 from 11:00 am – 5:00 pm at Great Barrington Fairgrounds, 684 Main Street (Discussion/Vote)

MOTION: Steve Bannon motioned to approve.

SECOND: Dan Bailly

VOTE: 5-0

- C. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for February 10, 2018 from 11:00 am – 6:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve.

SECOND: Dan Bailly

VOTE: 5-0

- D. Robin M. Vickery/Great Barrington Fish and Game for Six (6) One Day Beer and Wine Liquor Licenses Every Sunday from February 18 – March 25, 2018 (2/18; 2/25; 3/4; 3/11; 3/18 and 3/25) from 11:00 am – 6:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve.

SECOND: Dan Bailly

VOTE: 5-0

- E. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for March 17, 2018 from 3:00 pm – 11:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)

MOTION: Steve Bannon motioned to approve.

SECOND: Dan Bailly

VOTE: 5-0

7. OLD BUSINESS:

- A. SB – Approve the Declaration of Trust for the GB Affordable Housing Trust.
(Discussion/Vote)

MOTION: Steve Bannon to approve the Declaration of Trust for the GB Affordable Housing Trust.

SECOND: Dan Bailly

VOTE: 5-0

8. NEW BUSINESS:

A. SB – to appoint Attorney Donald Dubendorf as Special Town Counsel. (Discussion/Vote)
Ms. Tabakin gave an overview to the Board of Attorney Dubendorf's career specifying that he specializes in land use laws in Western Massachusetts. Bill Cooke asked if the Attorney has a cap on his expenses. Ms. Tabakin said that he has agreed to represent the town throughout the ZBA hearing process up to and not to exceed \$8,000.00.

MOTION: Steve Bannon motioned to appoint Attorney Donald Dubendorf as Special Town Counsel.

SECOND: Dan Bailly

VOTE: 5-0

9. CITIZEN SPEAK TIME:

Michelle Loubair, 386 Park Street Housatonic, MA. Ms. Loubair reported an unsafe section of sidewalk that goes under the underpass. This section of sidewalk had not been plowed and there is now ice.

Michael Andelman, Blue Hill Rd. Mr. Andelman asked whether or not it is an issue that the house on the property of 11 Roger Rd. is occupied. Mr. Andelman said that currently no one lives on the property. Mr. Andelman would like the Town Manager and Town Planner to look into whether a business can operate in a residential zone if the clause allowing the business to operate factored in that the business owner lived on premises. Mr. Andelman would like to know if the original ruling allows the business to continue without a residence.

Motion: Steve Bannon motioned to consult with Atty. Dubendorf to come up with a strategy to for most effective enforcement, whether the town should continue issuing tickets or wait until the Zoning Board of Appeals closes the hearing.

Second:

Vote: 5-0

Benjamin Abelow, Mr. Abelow requested that the Town conduct a thorough review of the parking, towing, and plowing procedures. Mr. Abelow asked that adequate attention is given to clearing the streets and that residents are treated fairly in the process. Mr. Abelow requested that the Town refund him his towing expenses, a total of \$140.40. Sean Stanton said that this issue will be reviewed in detail at our next meeting. Mr. Stanton said he would like the Town Manager to follow up with Steve's to figure out how many other vehicles were towed that evening.

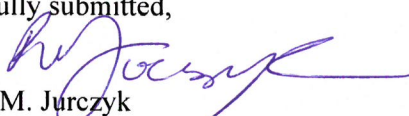
10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

On a motion made by Steve Bannon, seconded by Dan Bailly, with a unanimous vote the meeting was adjourned at 8:10pm.

Respectfully submitted,


Rebecca M. Jurczyk
Recording Secretary