

Selectboard & ZBA Joint Meeting Draft Minutes
Order of Agenda for Monday November 2, 2020, at 5:30 PM, Via Zoom

*****ALL VOTES ARE ROLL CALL*****

1. CALL SELECTBOARD MEETING TO ORDER-5:30 PM - OPEN MEETING

- a. Board Members Present: Leigh Davis, Steve Bannon, Ed Abrahams, Bill Cooke, Kate Burke
- b. DRAFT RESPONSE TO GB DECLARATION BY SELECTBOARD
 - i. Leigh stated that after discussion with other Selectboard members, she has rewritten her proposed response to the “GB Declaration” (see meeting packet). She proceeded to read the letter. Ed noted that he greatly favored this version. Kate inquired as to why we were not requesting that the AIER not use our name (Great Barrington), to which Leigh responded that this is not within our control. Steve added that the letter was very good. Leigh motioned that the Selectboard accept the letter; Ed seconded. Roll call vote was taken. Motion passed unanimously. Leigh asked if the (separate) letter Mark had sent to the NY Times had been circulated. Mark responded that there had been no response as of yet, but the Town has circulated the letter nationally.
 - ii. Leigh moved that the Selectboard authorize Mark distribute the letter which was just approved through Business Wire, and authorize the appropriate amount of funds for this. Kate seconded. A roll call vote was taken, with a 3-2 vote in favor. Steve, Kate and Leigh were in favor; Bill and Ed dissented.
- c. CITIZEN SPEAK TIME Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.
 - iii. Paul Gibbons: Noted that it was a little over the top that people get worried about this particular opinion. He was glad that this was not back in the Middle Ages, since he thought the Selectboard might be on board with burning Gallileo.
 - iv. Daniel Seitz: Believes that if Selectboard wishes to send letter to AEIR, cannot speak for _all_ town residents. We could ask AEIR to please consider changing the name. Prefers to think for himself rather than being told what to think.
 - v. Nan Wile: Brief request, would like to see other letter send by Steve & Mark. Steve responded that he could certainly do that.

d. SELECTBOARD'S TIME

vi. Nothing to report.

e. MEDIA TIME

2. CALL SELECTBOARD AND ZBA JOINT MEETING TO ORDER

- a. Executive session started at 6:03pm. Selectboard motion by Ed, second by Bill. Unanimous. ZBA motion by Michael, second by John. Unanimous.
- b. CONVENE INTO EXECUTIVE SESSION (Via Zoom) Executive Session, under MGL c.30A, §21(a)(3) to discuss litigation strategy relating to pending litigation relating to 11 Roger Road known as: GJO, LLC v. Ronald Majdalany et al., Zoning Board of Appeals and Town of Great Barrington et al., Land Court Docket No. 18MISC 000240 (KCL), if the Chair declares that an open meeting may have a detrimental effect on the Town's litigating and/or negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.
- c. Selectboard Chair's Declaration: I declare, under MG.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: GJO, LLC v. Ronald Majdalany et al., Zoning Board of Appeals and Town of Great Barrington et al., Land Court Docket No. 18MISC 000240 (KCL) because discussions of the foregoing in open session could have a detrimental effect on the litigating and/or negotiating position of the Town and Not to Return To Open Session at the conclusion of the executive session.
- d. Motion Convening the Executive Session: I move that the Selectboard go into executive session under M.G.L. c.30A, §21(a)(3) and (6) for the purposes and reasons declared by the Chair and with the Board and not return to open session at the conclusion of the executive session.
- e. Roll Call Vote (SB)
- f. ZBA Chair's Declaration: I declare, under MG.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: GJO, LLC v. Ronald Majdalany et al., Zoning Board of Appeals and Town of Great Barrington et al., Land Court Docket No.

18MISC 000240 (KCL)because discussions of the foregoing in open session could have a detrimental effect on the litigating and/or negotiating position of the Town and Not to Return To Open Session at the conclusion of the executive session.

- g. Motion Convening the Executive Session: I move that the Zoning Board of Appeals go into executive session under M.G.L. c.30A, §21(a)(3)and (6) for the purposes and reasons declared by the Chair and with the Board and not to return to open session at the conclusion of the executive session.
- h. Roll Call Vote (ZBA)
- i. ADJOURNMENT OF JOINT MEETING

Respectfully Submitted,
Tate Coleman - Recording Clerk