

## November 8, 2021 Regular Selectboard Meeting via Zoom

### 1. CALL TO ORDER

Chairman Bannon opened the meeting at 6:15pm; those present via zoom: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Town Manager Mark Pruhenski, Assistant Town Manager, Chris Rembold, Town Clerk, Jenn Messina.

Panelists: Great Barrington Police Chief, Paul Sorti; Brandon Pollock, Founder/CEO Theory Wellness; Charlotte Hanna, Founder/CEO Rebelle; Alexander Farnsworth, CEO, Farnsworth Fine Cannabis.

S. Bannon asked M. Pruhenski to post on the Town's website the draft proposed short-term rental bylaw and related letters that were received as is usual practice.

### 2. APPROVAL OF MINUTES

a. August 3, 2021

b. October 12, 2021

c. October 25, 2021

L. Davis made a motion to accept meeting minutes of August 3, 2021; October 12, 2021 and October 25, 2021 Selectboard meetings; E. Abrahams seconded. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "recuse" August 3 and "aye" October 12 and 25. All in favor, 4-0 for August 3, 2021 and 5-0 for October 12 and 25.

### 3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

### 4. TOWN MANAGER'S REPORT

a. Housatonic Water Works – M. Pruhenski reported the Selectboard Executive Session will be held on November 15 to review options for Housatonic Water Works. Also, a survey for Housatonic Water Works' customers is being drafted to help map where roily/discolored water is most evident and pervasive.

b. Winter Parking Ban–Nov. 15th to March 31st – M. Pruhenski stated the winter on-street overnight parking ban for snow removal will be reinstated. He clarified that overnight parking is permitted in parking lots, but cars must be moved by morning.

c. Division Street Bridge – M. Pruhenski stated the Division Street Bridge has been cleared by the DEP and is undergoing Mass DOT review. Next step is the open contractor bidding period. M. Pruhenski stated he expects to have a contractor/signed contract by mid-February with bridge work to begin in the spring and reopening summer 2022. It will be a one-lane bridge until funds are secured for a more permanent replacement.

d. Housatonic Community Center Meeting Rm. and WIFI/Hotspot – M. Pruhenski reported improvements have been made so the space can be used for live meetings. Free internet/wifi service is available extending to the outside area where there is currently no service.

M. Pruhenski added to his report:

e. Housatonic School - The Selectboard will be updated next meeting about repairs to the building. Sean VanDeusen has identified additional contractors with the goal to complete work before snow season.

- f. Other Town projects - There are multiple projects in progress around town and best efforts are being made to minimize impacts. He thanked residents for their patience.

## 5. LICENSES AND PERMITS

- a. Thomas Kresse for permission to install a driveway at 30 High Street.

L. Davis made a motion to give permission to Thomas Kresse's to install a driveway at 30 High Street; E. Abrahams seconded. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

- b. Betsy Andrus, Southern Berkshire Chamber of Commerce for a one-day temporary entertainment license for the Annual Holiday Stroll on Saturday, December 11, 2021 from 3:00 PM to 8:30 PM.

L. Davis made a motion to approve a one-day temporary entertainment license for the Annual Holiday Stroll on Saturday, December 11, 2021 to Betsy Andrus; E. Abrahams seconded. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

- c. Steven Hayward for National Grid, pole petition for Long Pond Road to install one pole in the public right of way approximately 5250 feet north of the centerline of the intersection of Division Street and abut property at 265 Long Pond Road.

- i. E. Gabriel stated he would recuse.

- ii. S. Hayward stated the request is to install a pole for service to a new residence at 265 Long Pond Road.

L. Davis made a motion to approve Steven Hayward's pole petition for Long Pond Road to install one pole in the public right of way approximately 5250 feet north of the centerline of the intersection of Division Street and abut property at 265 Long Pond Road; E. Abrahams seconded. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "recused," G. Reed, "aye." All in favor, 4-0.

- d. Kat Hand, Berkshire Cider Project for a special Farmer Winery License to sell hard cider at the Grown Farmer's Market at the Housy Dome - 1064 Main Street, Housatonic starting on November 20, 2021 from 10:00 AM to 2:00 PM, every third Saturday of the month through April 2022.

- i. K. Hand, of Berkshire Cider Project, stated this is a local produced small craft hard cider she would like to sell at the Market. Small samples would be provided.

L. Davis made a motion to approve a special Farmer Winery License for Kat Hand, Berkshire Cider Project; E. Abrahams seconded.

- ii. G. Reed asked for clarification on the size of the samples. K. Hand said a sip.

- iii. S. Bannon noted this request should have gone before the Parks Department for discussion prior to Selectboard review as they provide permits and oversee the Housatonic Community Center. He noted concerns about the optics of selling hard cider at a kids' gym.

Roll call vote: E. Abrahams, "aye," S. Bannon, "no," L. Davis, "aye," G. Reed, "aye," E. Gabriel, "aye." All in favor, 4-0.

## 8. NEW BUSINESS

- a. Cannabis Retailer Introductions – Brandon Pollock, Founder/CEO Theory Wellness; Charlotte Hanna, Founder/CEO Rebelle; and Alexander Farnsworth Fine Cannabis updated the Selectboard on their businesses and collective impact/value they bring to the Town. They shared ways they have contributed to the community by building/renovating their properties; increasing tax revenue; employing local residents; and supporting charity organizations/events.
- i. G. Reed asked about the term of the host agreement. S. Bannon replied it is a five-year agreement to be renegotiated at the end of the term.
  - ii. E. Abrahams stated he appreciates how much these businesses are part of and engaged in the community beyond what is required.
  - iii. S. Bannon stated that he was happy to meet and get to know the companies and its leadership.

- b. License Agreement for 123 Main Street – M. Pruhenski provided the Town's perspective on the request for a license agreement for a small stretch of land owned by the Town at the former Getty station to allow proposed renovations by the new leaseholder (Hummingbird House LLC).

- i. Hummingbird House LLC Manager Alexander Farnsworth and Kate McCormick, Esq. of McCormick, Murtagh & Marcus presented current plans for the building, signage, landscaping, repaving, parking and general restoration/improvement of the property. K. McCormick requested Selectboard approval for a license from the Town for the strip of land/island and attached pump building, lighting and signage for the period October 10, 2021 - October 10, 2025. The license agreement can be rescinded with notice and the work will comply with all Town regulations.
- ii. E. Gabriel asked for details on the planned landscaping and reuse of signage. K. McCormick stated it's not confirmed, but expect that landscaping would be plantings. Signage would require separate review/permitting. E. Gabriel further confirmed the current request/vote is only for the license to use Town property. S. Bannon confirmed.
- iii. G. Reed asked are there plans for the building other than offices? A. Farnsworth replied, there are no long-term plans other than improving "curb appeal."

L. Davis made a motion to approve the license agreement between the Town and Hummingbird House, LLC for 123 Main Street; E. Abrahams seconded. S. Bannon asked for questions – none raised.

Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye," All in favor, 5-0.

- c. Civil Service–Great Barrington Police Department (discussion) – M. Pruhenski stated he is pleased to be discussing this topic re: ongoing difficulties in hiring and promotions in the Police Department due in significant part to civil service requirements. New/alternate policy and process is being proposed to improve the situation. Details in the Selectboard packet.

- i. Police Chief, Paul Sorti, detailed the challenges presented by civil service requirements and provided examples of obstacles to the hiring and promotional process. Chief Sorti proposed to eliminate the civil service requirement and replace it with a new, more comprehensive hiring and promotion policy that incorporates the best of the civil service model, but provides greater efficiency and benefit to the police, residents and the Town. He has secured Police union support for this proposal. If approved, the new policy would take effect in 2023.

- ii. M. Pruhenski stated that if the Selectboard is supportive, the next step is to propose the new policy at the 2022 annual Town Meeting.

L. Davis made a motion to accept the terms on civil service as laid out by Chief Paul Sorti; E. Abrahams seconded.

S. Bannon asked for questions – none raised.

- iii. E. Abrahams and L. Davis thanked Chief Sorti for providing clear and concise materials.

Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye,” All in favor, 5-0.

- d. 2022 Town Meeting/Election Calendar- Town Clerk – J. Messina reviewed May dates for 2022 Town elections and Town Meeting. S. Bannon suggested reserving alternate dates of June 6 and 9 in the event COVID situation requires an outdoor meeting. J. Messina advised, and the Selectboard agreed, to make a call on moving the meeting to June at the February 28 Selectboard meeting. M. Pruhenski stated he has notified moderator Michael Wise and the School District of the June dates and there have been no objections.

- i. E. Gabriel asked if we can hold a Town Meeting on a Saturday. M. Pruhenski replied we could consider it, but it would require a change in the Charter which states the meeting be held first Monday in May.

- ii. S. Bannon noted we used emergency provisions under COVID to change dates.

L. Davis made a motion to accept the Town Meeting calendar as amended to include June 6 and 9 as alternate dates; E. Abrahams seconded. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye,” All in favor, 5-0.

- e. Electioneering during Early Voting & Absentee Voting for All Elections – J. Messina requested that the existing requirement for Election Day electioneering to be a distance of at least 150’ from the polling location entrance be extended to early voting period.

L. Davis made a motion to accept the details on electioneering during early and absentee voting as stated by Jenn Messina; E. Abrahams seconded. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye,” All in favor, 5-0.

- f. Parking limits for holiday season November 26 through December 31st – M. Pruhenski asked for approval again this year to lift parking limits during the holiday season. He also stated that rules for parking within the lines and in handicapped spots still apply.

L. Davis made a motion to accept the Town Manager’s request to lift parking limits November 26-December 31; E. Abrahams seconded. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye,” All in favor, 5-0.

- g. Approval of Bond Sale – M. Pruhenski stated that Town Treasurer, Alicia Dulin, was not able to attend, but this is for a bond sale previously approved at the Town Meetings. S. Bannon asked if there were any questions - there were none.

L. Davis made a motion as follows:

I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts (the "Town"), certify that at a meeting of the board held November 8, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Date</u> <u>Authorized</u>	<u>Article No.</u>	<u>Purpose</u>	<u>Borrowing</u> <u>Amount</u>	<u>Maximum</u> <u>Useful Life</u>
May 6, 2019	7	Transfer station motor and railing	\$50,000	11 years
June 22, 2020	8	Wastewater service truck	\$76,600	7 years

Further Voted: that the sale of the \$2,820,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated November 17, 2021 (the "Bonds"), to Piper Sandler & Co. at the price of \$3,114,616.91 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest</u> <u>Rate</u>
2022	\$310,000	5.00%	2028	\$205,000	2.00%
2023	300,000	5.00	2029	175,000	2.00
2024	285,000	5.00	2030	160,000	3.00
2025	270,000	5.00	2037	605,000	2.00
2026	225,000	5.00	2041	60,000	2.00
2027	225,000	5.00			

Further Voted: that the Bonds maturing on November 15, 2037 and November 15, 2041 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due November 15, 2037

<u>Year</u>	<u>Amount</u>
2031	\$125,000
2032	115,000
2033	115,000
2034	110,000
2035	110,000
2036	15,000
2037*	15,000

\* Maturity

Term Bond due November 15, 2041

<u>Year</u>	<u>Amount</u>
2038	\$15,000
2039	15,000
2040	15,000
2041*	15,000

\* Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 20, 2021, and a final Official Statement dated October 27, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Selectboard be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Selectboard, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting

(which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: November 8, 2021

\_\_\_\_\_  
Clerk of the Selectboard

E. Abrahams seconded. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye,” All in favor, 5-0.

9. CITIZEN SPEAK TIME

10. SELECTBOARD’S TIME

11. MEDIA TIME

12. ADJOURNMENT – Chairman Bannon adjourned the meeting by unanimous consent at 7:26pm.

Respectfully submitted,

Stacy Ostrow  
Recording Clerk