

Selectboard Regular Meeting via Zoom
Monday, April 25, 2022

1. CALL TO ORDER SELECTBOARD REGULAR MEETING BY ROLL CALL VOTE – Chairman

Bannon opened the meeting at 6:00pm.

Roll call: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” Garfield Reed, “aye.”

All were present.

Also in attendance: Town Manager Mark Pruhenski, Assistant Town Manager, Chris Rembold.

2. APPROVAL OF MINUTES

a. March 30, 2022

L. Davis made a motion to approve the minutes of March 30, 2022; E. Abrahams seconded. S. Bannon asked if any discussion – E. Abrahams stated he had three corrections to the minutes as follows:

- Under 2. SB Announcements/Statements:
 - Section c -- Second sentence after E. Abrahams stated he received the email from “Allison” the day before the meeting... *Delete the rest of the sentence and replace it with:* E. Abrahams said “I knew if I forwarded it to everybody it would be public so I suggested she forward it to everybody.”
 - Section e – *Add after the last sentence:* In response to discussion about the last minute receipt of the email, E Abrahams said “I apologize, I thought it had been forwarded yesterday.”
- Under 7. Selectboard’s Time:
 - Section b -- *Replace what is there with:* L Davis asked for clarification on the timing of the email about abutter conflicts and who sent it. E Abrahams said “Would you like that now, Steve.” S. Bannon said “No, not now. Absolutely not. But we will get clarification.”

The Selectboard agreed to the three changes to the minutes. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye.” All in favor 4-0.

b. April 4, 2022

L. Davis made a motion to approve the minutes of April 4, 2022; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye.” All in favor 4-0.

3. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS

- a. L. Davis expressed her gratitude to the GB Fire Department and John Hull for emergency assistance at her home.
- b. G. Reed thanked Housatonic and GB residents for the great job taking good care of the Town.

4. TOWN MANAGER’S REPORT

- a. Housatonic Water Works – M. Pruhenski announced the Selectboard would be meeting in Executive Session on April 27 along with the Town’s attorney to continue discussions on strategy/next steps regarding Housatonic Water Works.

5. LICENSES AND PERMITS

- a. Michael Murphy of the Adams-Budz VFW Post 8183 Housatonic MA for Permission to use Town Roads for the 2022 Memorial Day Parade on Monday May 30, 2022 beginning in the Village of Housatonic at 9:00 AM and then in Great Barrington at 11:00 AM

L. Davis made a motion to grant a permit to Michael Murphy of the Adams-Budz VFW Post 8183 Housatonic MA to use Town Roads for the 2022 Memorial Day Parade on Monday May 30, 2022 beginning in the Village of Housatonic at 9:00 AM and then in Great Barrington at 11:00 AM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

- b. Joshua Kelleher of JJK Productions for 4-One Day Entertainment Licenses for the Summer Stage Event at Butternut Ski Area, 380 State Road for June 4, July 16, August 27, and September 17 from 5:00 PM to 10:30 PM

- i. J. Kelleher stated this is for four classic rock tribute concerts at Ski Butternut and noted it is for all ages/family-friendly and local musicians will open the shows. He will also secure a Police Department detail/security.

L. Davis made a motion to grant 4-One Day Entertainment Licenses for the Summer Stage Event at Butternut Ski Area, 380 State Road, to Joshua Kelleher of JJK Productions for June 4, July 16, August 27, and September 17 from 5:00 PM to 10:30 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

- c. Joshua Kelleher of JJK Productions for 4-One Day Liquor Licenses for the Summer Stage Event at Butternut Ski Area, 380 State Road for June 4, July 16, August 27, September 17 from 5:00 PM to 10:30 PM

L. Davis made a motion to grant 4-One Day Liquor Licenses for the Summer Stage Event at Butternut Ski Area, 380 State Road, to Joshua Kelleher of JJK Productions for June 4, July 16, August 27, and September 17 from 5:00 PM to 10:30 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

- d. Anthony Pepe of Food Truck Festivals of America LLC for a One Day Entertainment License a Food Truck Festival Event at Butternut Ski Area, 380 State Road on July 23, 2022 from 11:00 AM to 5:00 PM Selectboard Meeting Packet for April 25, 2022

- i. Michelle Buckley, Food Truck Festivals of America, stated this is the third year for this event – it is family-friendly and 900+ people are expected. She is also working with the Police, Fire and Health Departments and will follow all guidelines.

L. Davis made a motion to grant a One Day Entertainment License for a Food Truck Festival Event at Butternut Ski Area, 380 State Road, to Anthony Pepe of Food Truck Festivals of America LLC for July 23, 2022 from 11:00 AM to 5:00 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

- e. Anthony Pepe of Food Truck Festivals of America LLC for a One Day Beer and Wine License for

the Food Truck Festival Event at Butternut Ski Area, 380 State Road on July 23, 2022 from 11:00 AM to 5:00 PM

L. Davis made a motion to grant a One Day Beer and Wine License for the Food Truck Festival Event at Butternut Ski Area, 380 State Road, to Anthony Pepe of Food Truck Festivals of America LLC for July 23, 2022 from 11:00 AM to 5:00 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

f. Janis Martinson of the Mahaiwe Performing Arts Center for a One Day All Alcoholic License for their Annual Gala, July 30, 2022 from 5:00 PM to 8:00 PM at Memorial Park on Bridge Street

i. J. Martinson, Mahaiwe Performing Arts Center, stated this is the annual gala fundraiser held under a tent at Memorial Field followed by a performance at the theater.

L. Davis made a motion to grant to Janis Martinson of the Mahaiwe Performing Arts Center a One Day All Alcoholic License for their Annual Gala, July 30, 2022 from 5:00 PM to 8:00 PM at Memorial Park on Bridge Street; E. Abrahams seconded. S. Bannon asked for any discussion – E. Gabriel confirmed the area would be cleared by Monday. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

g. Janis Martinson of the Mahaiwe Performing Arts Center for a One Day Entertainment License for the Mahaiwe’s Annual Gala, July 30, 2022 from 5:00 PM to 8:00 PM at Memorial Park on Bridge Street

L. Davis made a motion to grant to Janis Martinson of the Mahaiwe Performing Arts Center a One Day Entertainment License for the Mahaiwe’s Annual Gala, July 30, 2022 from 5:00 PM to 8:00 PM at Memorial Park on Bridge Street; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

h. George Laye of the Guthrie Center for 12-One Day Beer and Wine License for their 2022 Concert Series on May 26, May 28, June 25, July 8, July 9, July 16, July 30, August 6, August 13, August 27, September 3, October 8, 2022 from 6:00 PM to 12:00 PM

i. G. Laye stated the Troubadour Series had been cut back re: number of seats and concerts due to COVID, but that Community Lunches were being held again. He also introduced Moe Guthrie who would be assisting G. Laye and assuming a number of responsibilities.

L. Davis made a motion to grant to George Laye of the Guthrie Center 12-One Day Beer and Wine License for their 2022 Concert Series on May 26, May 28, June 25, July 8, July 9, July 16, July 30, August 6, August 13, August 27, September 3, October 8, 2022 from 6:00 PM to 12:00 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

i. Ephrat David for permission to access a Public Way (driveway permit) for 10 Knob Hill Road – S. Bannon stated this item would be continued to the next meeting at the applicant’s request.

6. PREVIOUS BUSINESS

a. Continued discussion of Squaw Peak Road–resident request to change the name – M. Pruhenski

stated 18 households were invited to participate in tonight's Selectboard meeting and he had checked with the Stockbridge Cultural Affairs Department and Munsee community to confirm their support for the street name change.

- i. Jeff Rothenberg presented, with the authorization of neighbors, stating a neighbors meeting had been held at which opinions were openly and freely expressed about the street name change. He stated the majority of the neighbors support the name change, but the group still had open questions regarding process, primary point to contact, Town vs homeowner responsibilities, etc. It was noted there was significant information in the meeting packet for both Selectboard and homeowner review.
- ii. S. Bannon noted there would not be a vote on the matter at the meeting, but he encouraged homeowners to review the materials with the goal of coming to consensus.
- iii. L. Davis asked for the numbers behind the vote of the homeowners – J. Rothenberg replied it was an informal vote, but a clear majority supported proceeding with the name change. He also noted currently there was no recommendation for a new name.
- iv. It was agreed this should move forward at an appropriate speed and the next neighbors meeting would cover more specifics and include a more formal vote. It was stated that issues should be identified and addressed before the final decision.
- v. Ruth Friedman and Barry Wasserman, 3 Squaw Peak Road, confirmed the accuracy of J. Rothenberg's report and noted there are answers to open questions in the meeting packet.

b. Continued Special Permit application from Meed Cannabis LLC, c/o David M. Ullian, Vicente Sederberg LLP, Prudential Tower, 800 Boylston Street, 26th Floor, Boston, MA 02199, for a marijuana cultivation and transportation establishment in an Industrial zone at 964 Main Street, Parcel B, Great Barrington. Application is filed in accordance with Sections 3.1.4 C(13), 7.18 and 10.4 of the Zoning Bylaw (Discussion continued from April 11, 2022)

i. Review and vote on findings

- C. Rembold reviewed draft findings with the Selectboard noting there had been an in-depth presentation at the last meeting and no additional information was needed from the applicant. He asked for the Selectboard to review the findings and amend as necessary – there would then be a vote on the findings and the permit itself.
- C. Rembold presented the findings highlighting the overall request, application, property description/proposal, Town board/committee approvals and bylaw requirements. The Selectboard discussed specific findings under the special permit criteria – social/economic/community needs; traffic flow/safety; adequacy of utilities/services; neighborhood character/social structures; natural environment impact and fiscal impact – agreeing the benefits outweighed any detrimental impacts – but certain conditions could be imposed to ensure benefits accrue to the Town.
- The discussion identified three conditions – state license to be obtained and provided to the Selectboard; two trees to be planted on/near Route 7 with prior approval; and proactive employment outreach/efforts by the applicant.
- S. Bannon asked if there were any additional comments – there were none.

L. Davis made a motion to approve the Findings of Fact for Special Permit #927-22, as amended and referenced as Exhibit A; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

ii. Vote on the special permit

L. Davis made a motion in view of approved Finds of Fact, to approve Special permit #927-22 for Meed Cannabis LLC for a marijuana cultivation and transportation establishment in an Industrial zone at 964 Main Street, Parcel B, with the following conditions:

1. The applicant shall provide copies of any required state licenses to the Selectboard prior to the commencement of marijuana cultivation operations
2. The applicant shall plant two trees, to be selected from the Town's street tree list, within the Route 7 right-of-way in Great Barrington per approval of the appropriate authority, or on private property along the Route 7 corridor of Great Barrington, with the permission of the property owner. The applicant shall provide the Selectboard with the location of the trees, and a plan to regularly maintain the trees.
3. The applicant shall follow employment outreach as stipulated in the Host Community Agreement.

E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “no.” Motion passes, 4-1.

7. NEW BUSINESS

a. Application for a Host Community Agreement from Meed Cannabis LLC (Vote)

- i. C. Rembold noted the Host Community Agreement (HCA) in the packet has since had some clarifications from the applicant contained in the final version of the HCA, but the basic/standard terms are the same.

L. Davis made a motion to approve the Host Community Agreement between the Town of Great Barrington and Meed Cannabis LLC for a marijuana cultivation and transportation establishment; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “no.” Motion passed 4-1.

- ii. S. Bannon asked that the final HCA be posted on the Town website since it is not in the packet.

b. Appoint Robert Slonaker to the Affordable Housing Trust

L. Davis made a motion to appoint Robert Slonaker to the Affordable Housing Trust; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

c. Appoint Gary Frenkel to the Tree Committee

L. Davis made a motion to appoint Gary Frenkel to the Tree Committee; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

d. Appoint Sherry Steiner to the Cultural Council

L. Davis made a motion to appoint Sherry Steiner to the Cultural Council; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

e. Vote to Establish a Monetary Fund for Future Housatonic Rest of River Committee Work

- i. C. Rembold stated this is a request for the Selectboard to vote to establish a Monetary

Fund for future Rest of River Committee work. To-date, costs have been funded by five towns represented on the Committee. The Settlement Agreement with GE provides \$55m for reimbursement of legal/other fees and a set aside for future/ongoing work. The towns will monitor/distribute the balance of funds under the settlement agreement. He noted it has been approved by Rest of River Committee, but each individual town must approve.

- ii. E. Abrahams confirmed this is to establish \$55m fund for Rest of River Committee – and the \$1.5m for Great Barrington is an estimated amount for 15-20 years of work ahead.

L. Davis made a motion, pursuant to the Intergovernmental Agreement, the Selectboard and the Rest of River Municipal Committee (“ROR Committee) to authorize the establishment of an administrative ROR Monetary Fund of \$1.5 million (to be funded following receipt of the funds in the escrow account established pursuant to a February 2020 Escrow Agreement) to pay for all legal, consulting, or other expenses, fees or costs incurred by the ROR Committee in the administration, review, and legal work related to any revised Permit issued by EPA for the remedial work in the Housatonic River, and that Berkshire Regional Planning Commission (BRPC) be authorized as the fiscal agent for said ROR Monetary Fund. The Rest of River Municipal Committee, or its successor, is authorized to administer the Monetary Fund; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

f. Housatonic Water Works - Bottled Water

- i. M. Pruhenski stated there are no funds specifically identified/budgeted in FY22/23 for bottled water and it would not qualify for ARPA funds – but asked for the Selectboard’s input. He noted staff would work on a recommendation for the next meeting.
- ii. E. Gabriel – recommended sending a letter to HWW requesting reimbursement for customers who must purchase bottled water and/or to supply bottled water during the HAA5 crisis.
- iii. L. Davis suggested adding a provision for water filters.
- iv. Erika Mielke, 360 Park Street, stated the expense of purchasing bottled water/filters is important, but noted the public does not have a consistent/shared understanding of the issue and safety precautions, so urged the Selectboard to continue to address all aspects in its discussions.
- v. Elizabeth Rockefeller, 284 Park Street North, asked why there are no emergency funds to support this, suggested covering travel and repealing single-use plastic bottle ban.
- vi. S. Bannon stated Selectboard authorization to compose a letter to HWW and asked M. Pruhenski to look into these questions as well as the potential to request Finance Committee emergency reserve funding if HWW declines.
- vii. L. Davis asked if a response from HWW to the letter could be required.
- viii. G. Reed asked about other sources of funding - and it was clarified that ARPA funds are only for infrastructure improvements.
- ix. Denise Forbes, 325 North Plain Road, stated there is a survey to collect information on incidences of cancer among HWW customers as well as a petition. She asked the Selectboard to get permission for customers not to pay their water bills.
- x. Sharon Gregory, 32 Hollenbeck Avenue, inquired about setting aside ARPA funds for HWW infrastructure improvements such as a filtration system – S. Bannon replied options around HWW are being discussed in Executive Session and noted if the Town owned HWW, it would go to the State for funds.

g. Clinton Church Restoration Proposal for Commemorating Elizabeth Freeman’s 1781 Lawsuit for Freedom

- i. S. Bannon clarified this is not a proposal from Clinton Church Restoration.

ii. John Horan, 2 Brainard Avenue, was joined by Dennis Powell, President Berkshire NAACP, and Beth Carlson, both involved with the Clinton Church Restoration, and presented a plan for Selectboard consideration highlighting Elizabeth Freeman's historic freedom law case that led to outlawing slavery in MA. He described two projects - co-naming of a segment of Castle Street, between the train tracks and Main Street, Elizabeth Freeman Way and placing an interpretive art/text display on the Town Hall campus. J. Horan also noted he has reached out to multiple interested local nonprofits for input and clarified the project is not formally endorsed by Clinton Church Restoration – but a network of supporters is being developed.

iii. S. Bannon confirmed Elizabeth Freeman Way would be added to the existing address and the current request is an initial endorsement of the plan pending additional information prior to final approval.

iv. L. Davis stated the display would need to be integrated into Town Hall campus redesign.

L. Davis made a motion for preliminary approval for the naming of Elizabeth Freeman Way and placing an interpretive display on the Town Hall campus; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

h. Vote to locate the Annual Town Meeting inside Monument Mountain High School or outside in School Parking lot – M. Pruhenski stated additional preparation/planning is required if Town Meeting is to be held outside this year and asked for Selectboard guidance/input.

i. The Selectboard discussed and weighed options noting COVID cases locally are on the rise, and agreed that if held outside, Town Meeting would be held as scheduled.

L. Davis made a motion to locate the annual Town Meeting outside in the parking lot of Monument Mountain High School; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

i. Discussion/Vote to add a Selectboard meeting in early May – S. Bannon stated time is running out on the Short-Term Rental Bylaw and the Selectboard agreed to schedule a meeting on May 3, 2022 for discussion/input.

8. CITIZEN SPEAK TIME

9. SELECTBOARD'S TIME

a. L. Davis thanked organizers and volunteers for great work on the annual spring clean-up.

10. MEDIA TIME

11. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 7:32pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk