

Selectboard Regular Meeting via Zoom and in Person
Monday, October 24, 2022

1. CALL TO ORDER SELECTBOARD REGULAR MEETING - Chairman Bannon opened the meeting at 6:00pm. Roll call: Ed Abrahams, “aye,” Steve Bannon, “aye,” Leigh Davis, “aye,” Eric Gabriel, “aye,” Garfield Reed, “aye.” Additional attendees: Town Manager Mark Pruhenski

2. APPROVAL OF MINUTES

a. October 3, 2022

L. Davis made a motion to approve the minutes of October 3, 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,” G. Reed, “aye.” All in favor: 5-0.

3. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS

a. L. Davis stated the Selectboard-Planning Board Housing Subcommittee met on October 18 and the next meeting is scheduled for November 1, but as membership is shifting, the date is tentative; the CPC will meet November 1 and will review step ones; and the playground equipment at Lake Manfield has been installed.

4. TOWN MANAGER’S REPORT

a. Housatonic Water Works – M. Pruhenski stated proposals from two companies capable of appraising the water system have been received and one or two more are expected. At the Selectboard’s regular meeting on November 21, a joint session will be held with the Great Barrington Fire District re: Housatonic Water Works (HWW). It will be open to the public and in hybrid format.

i. Michelle Loubert, 70 Division Street, stated HWW customers can check Housatonic Neighbors on Facebook re: system flushing schedule. She expressed concerns about how Berkshire Meadows has been impacted by/coping with brown water issues – S. Bannon replied they were at the protest so they are impacted.

b. Halloween Trick or Treat date/hours reminder – M. Pruhenski reminded residents that Trick or Treating will be Monday, 5:30-7:30 and asked for those participating to leave a light on.

c. Finance Committee Recommendation- Other Post-Employment Benefits (OPEB) Trust – M. Pruhenski stated a copy of the Finance Committee’s recommendation that Town meeting voters vote to establish an OPEB Trust – which will be discussed at budget season.

d. Mattress Disposal Moratorium- Effective October 18th until further notice – M. Pruhenski reviewed the announcement issued last week for a moratorium on mattress disposal due to recent notification that starting in November, they must be recycled. He stated until there is a system for storing and keeping them dry until picked up for recycling, he asked the Selectboard ratify the moratorium. He noted the Transfer Station has been advised not to accept mattresses.

L. Davis made a motion to accept the mattress disposal moratorium effective October 28 until further notice; 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,” G. Reed, “aye.” All in favor: 5-0.

M. Pruhenski stated he would update the Selectboard when more information is available.

e. Parking Tickets - Fee Schedule recommendation from staff – Chief Sorti presented stating as part

of the new parking ticket processing program, he has reviewed the Town's fine structure that has been in place for years. It is currently \$20.00 for violations except for handicap parking which is a \$100.00 fine. His research locally revealed the Town's fines are on the low end – he proposed increases of \$25.00 except for parking in a fire lane, near a hydrant, double parking and winter ban violations which would be \$50.00 – and parking in a handicapped space would now be \$150.00. He proposed adding a \$100.00 fine for blocking a wheelchair ramp and a \$50.00 boot fee used when fines are not paid. There would also be A \$5.00 late fee if a fine is not paid within 21 days.

- i. E. Abrahams confirmed that if a ticket is disputed/appealed within the 21 days it would be on hold re: late fees until resolved.
- ii. E. Gabriel asked about charging stations – Chief Sorti replied that is parking within a prohibited area and there is signage.

L. Davis made a motion to accept the recommendation of the Great Barrington Police Department; 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,” G. Reed, “aye.” All in favor: 5-0.

f. Public Works - Project Updates – Joe Aberdale, DPW Director, provided updates on projects in progress including Division Street Bridge opening by Thanksgiving; paving on Berkshire Heights; Christian Hill Road culvert repairs; and Main Street crosswalk/safety improvements final design and out to bid after January 1. Building updates included Housatonic Community Center weatherizing; Mason Library HVAC repair/replacement; Ramsdel Library boiler replacement and handicap access; and Senior Center backup generator installation. He also noted park improvements at Lake Manfield playground, Memorial Field and Olympia Meadows.

- i. L. Davis asked if Division Street Bridge lights are in/tested – J. Aberdale confirmed and added the state inspected the bridge. She also asked about Memorial Field work – J. Aberdale stated it includes handicapped accessibility, dugout improvements and other major upgrades.
- ii. E. Abrahams asked about the status of the Cottage Street Bridge – J. Aberdale replied the state is working on the design and work is slated for 2025. E. Abrahams also recognized Town staff efforts to get work completed at the Housatonic Community Center.
- iii. M. Loubert stated concerns about Division Street Bridge construction truck traffic, safety and lights – J. Aberdale stated back-up lights are for safety – and confirmed the timing of traffic lights on the temporary bridge is based on a traffic study, but can be adjusted.
- iv. G. Reed asked that faded yellow lines south of Town be painted – it was confirmed that is state road and J. Aberdale will contact the state.
- v. L. Davis inquired about roundabout complaints – J. Aberdale stated there are very few at this point and trucks are better able to navigate since paving was completed.

5. LICENSES AND PERMITS

a. Katherine Hand for Berkshire Cider Project for a farmer winery license to sell their Cider at the winter Farmer's Market on 11/19/22; 12/17/22; 1/21/22; 2/18/2022; 3/18/22; 4/15/22 from 10 AM to 2 PM at the Housatonic Community Center.

- i. Dates were corrected to 2023 for January-April.
- ii. K. Hand stated this is the same as last year –selling at the winter/spring Farmer's Market. She noted there would be no tasting, only sealed container for sale.

L. Davis made a motion to approve the farmer winery license to Katherine Hand for the Berkshire Cider Project to sell Cider at the winter Farmer's Market on 11/19/22; 12/17/22; 1/21/23; 2/18/2023; 3/18/23; 4/15/23 from 10 AM to 2 PM at the Housatonic Community Center; 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,” G. Reed, “aye.” All in favor: 5-0.

6. NEW BUSINESS

a. Special Permit Recommendation to the Planning Board on the application from Lenox Landings

Barrington Brook Holdings, LLC, to modify the Open Space Residential Development special permit granted February 2013 to Stone Path Development, specifically the open space boundaries on Thrushwood Lane.

- i. Jim Scalise, SK Design Group, appeared for the applicant, successor to the original permit, and presented the request to amend the original special permit to relocate a single-family home from lot 10-11 to lot 1 due to a home being built on the double lot leaving no room for an additional unit to be built. He noted lot 1 is now open space and the number of new/additional dwelling units is the same, but open space would be reconfigured.
- ii. E. Abrahams asked about the overall gains/losses - he stated a large area of open space is being lost in favor of several smaller areas - and noted the original plan was to group houses together to create surrounding open space. J. Scalise replied the total amount of open space will still be 63% - and only 50% is required - it is just more spread out.
- iii. L. Davis asked about occupancy - J. Scalise stated all 44 units are occupied and only a handful of lots are remaining. He noted 12 units have been built in the last 18 months. He also stated the project has been in development since the late 90s and the infrastructure is 90-95% completed.
- iv. E. Gabriel confirmed a building lot is being added because a double lot was purchased - J. Scalise replied it is an effort to maintain the number of dwelling units to offset costs.
- v. L. Davis confirmed there are no pending legal challenges.

L. Davis made a motion to send a positive recommendation to the Planning Board on the open space residential development special permit granted February 2013 to Stone Path Development; E. Abrahams seconded. S. Bannon asked if any discussion - E. Gabriel asked about the Planning Board's review of the change in lot and open space lines, as the proposed amendment is taking away from the open space plan as originally intended.

E. Abrahams moved to amend the motion to add a request that the Planning Board review it carefully so there is alignment with the original intent; L. Davis seconded. S. Bannon asked for any discussion on the amendment - E. Gabriel stated 44 lots were intended and this is an effort to sell another one. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "no," E. Gabriel, "no," G. Reed, "aye." Motion passed: 3-2. S. Bannon asked if there was additional discussion on the original motion - there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "no," E. Gabriel, "no," G. Reed, "aye." Motion passed: 3-2 for a positive recommendation to the Planning Board with the additional wording from the amended motion.

b. Housatonic School RFP: Phase 2 presentation by Arete Ventures Inc.-Q&A session to follow

- i. S. Bannon stated the Selectboard will not offer an opinion tonight nor at the next meeting where we will hear from the second developer. At the third meeting the Selectboard expects to give an opinion and vote. He noted questions can be asked at this meeting.
- ii. Kathleen McCormick, McCormick, Murtagh & Marcus, appeared on behalf of Arete Ventures and introduced Jeff Glickman and Elliot Fireworker, partners, Arete Ventures and Anthony Barnaba, Architect, Blue Line Designs and noted their vast experience in the rehabilitation and repositioning of existing buildings into mixed use spaces. J. Glickman provided an overview of their plan/proposal for 14 residential apartments on the two top floors, 4 of which will be affordable housing; 5,500 square foot main floor as community-minded commercial space; and basement space for utilities and outside access. The intention is for the apartments to attract local tenants and to find a commercial/nonprofit tenant for the main floor at a moderate rent. The overall aim is to encourage community, interaction and activity in the space and integrate into the park/playground. A. Barnaba shared details on the site plan highlighting a rain garden, pop-up gazebo, multifunctional event space, parking and external upgrades to restore architectural features.

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iii. S. Bannon asked for questions from the Selectboard -

- E. Gabriel confirmed the driveway would be regraded to blend into the hill/existing slope and G. Reed confirmed access from the driveway is handicap accessible.

- It was noted that answers to Selectboard financial questions are in the packet.
 - L. Davis asked about the nature of the commercial client who might occupy the ground floor and inquired about a back-up plan if it cannot be rented. It was noted there is not enough information at this time to identify a tenant, but J. Glickman confirmed the commercial space rent will not be too high and expressed confidence that a good tenant would be found – he also offered to work with the Town on it.
 - E. Abrahams noted 30% of the apartments will be affordable and the request is for \$600,000 from the Town for that piece. J. Glickman confirmed and stated the total request of the Town is \$2.7m.
 - E. Gabriel asked about the building's water filtration system – J. Glickman replied it is a priority and there is an intention to include it, but the cost is unknown at this time. E. Gabriel confirmed a tax agreement is also being requested.
 - G. Reed asked for clarification on the source of the \$600,000 for affordable housing – S. Bannon replied it will be an additional contribution from the Town, but not necessarily from the Affordable Housing Trust.
 - L. Davis asked if they would be applying for a historic preservation tax credit – J. Glickman replied they were not planning to do so as it is an extensive and costly process and only 12-15% of the project would qualify. It was also clarified later that the same is so for a low income tax credit. J. Glickman offered to apply if the Town requested, but warned of extensive delays in launching the project. L. Davis also asked how would qualifications of affordable housing tenants be monitored – J. Glickman stated the process would be transparent and handled by the management company.
 - E. Gabriel confirmed the pop-up gazebo is easy put up/taken down and would only be used for events, as needed - and confirmed the plan includes access to the rear driveway.
- iv. S. Bannon asked for public comment/questions –
- Donna Jacobs, 260 Park Street, remarked this is a big decision and proceeding quickly. She also asked the property is integrated into the Town/its history. S. Bannon replied the Town is setting the timeline not the developer. J. Glickman commented it is important to integrate the project into the Town, add to the vitality and promote further development. D. Jacobs also stated there will be too few parking spots for the building.
 - Ben Elliot, 208 Pleasant Street, asked for clarification on the grade of the parking lot – A. Barnaba replied the parking lot will be blended into the existing grade. B. Elliot confirmed there would be 15 spaces for 14 units/commercial and expressed concern for traffic and pedestrian safety. S. Bannon stated pedestrian safety measures will be taken.

S. Bannon stated there are 8 panelists and 18 attendees at the meeting.

- c. Capital Purchases–Maximum Useful Life Determination – M. Pruhenski stated the Town is moving forward with borrowing for items approved at Town Meeting and Town staff is asking for approval for the following items and their maximum useful life - highway truck, 6 years; sewer cleaner, 9 years; wastewater clarifier, 5 years; mower 8 years.
- i. E. Gabriel asked if maximum useful life is from past experience or a requirement - M. Pruhenski replied the state sets a range of 5-20 years - and noted the maximum useful life was determined by department heads who use the equipment.

L. Davis stated I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts, certify that at a meeting of the board held October 24, 2022, of which all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the department equipment listed below to be financed with the proceeds of the borrowing authorized by votes of the Town passed June 6, 2022 (Articles 5 and 8) is hereby determined pursuant to G.L. c. 44, section 7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Public Works Highway Truck	\$170,900	6 years
Sewer Cleaner Equipment	\$137,000	9 years
Wastewater Clarifier Equipment	\$103,700	5 years
Public Works Roadside Mower	\$ 51,128	8 years

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 subject matter of this vote were taken in executive session, all in accordance with G.L. c30A, sections 18-25 as amended.

d. Annual update from the Cultural District–Ed Abrahams – E. Abrahams stated the Cultural District held its annual meeting on October 6 and provided a report to the Selectboard. He noted the Cultural District extends on Main Street from St. James to the Library plus a few side streets; members are local business/arts/cultural leaders; funding is from the MA Cultural Council; and it is supported by BRPC and Chris Rembold for the Town. He stated this year’s accomplishments included supporting individual artists through Berkshire Busk; collaboration with other cultural districts to support artists through Art Week Berkshires; and increased awareness of artists/the community through a more user-friendly website, social media presence and increased outreach. Next year’s goals include enhancing the visitor experience with improvements to the walking tour app and wayfinder signage; attracting people downtown by increased sponsorship for Berkshire Busk and exploring other partnerships; and increased collaboration with other cultural districts. He also recognized new co-chairs – Seth Keyes and Kris Kanter.

e. Right of first refusal: Selectboard vote to waive or exercise the Town’s Chapter 61 Right of First Refusal on 79 acres located at 200 North Plain Road, Parcel 40 of Assessors Map 28.

- i. K. McCormick, representing the Trust that is under contract to sell the property which is under Chapter 61A agricultural property and being sold for the same use. She requested the Town waive its option to purchase and noted the Planning Board and Conservation Commission have recommended a waiver of the right of first refusal/option to purchase.
- ii. Chris Rembold stated the power to exercise, waive or transfer the property resides with the Selectboard and the process is to ask for Planning Board and Conservation Commission recommendations. The land will stay in agricultural use and the lien will stay in place so if there is a change in the future, it can be discussed again.

L. Davis made a motion for the Selectboard to vote to waive Chapter 61 right of first refusal on 79 acres located at 200 North Plain Road, Parcel 40 of Assessors Map 28; E. Abrahams seconded. S. Bannon asked if any discussion – E. Gabriel confirmed the buyer understands this would come back to the Selectboard if any changes. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor: 5-0.

M. Pruhenski confirmed he would have it signed for pick-up tomorrow.

7. CITIZEN SPEAK TIME

- a. D. Jacobs stated concerns about cars speeding/traffic and water issues as essential to preserving quality of life in Housatonic. E. Abrahams recommended reaching out to the police re: speeding. She also asked about redirecting Town funds for the Housatonic School to the water problems.
- b. B. Elliott stated asked if the School design will block backdoor access to the Community

Center. E. Gabriel stated it would not. B. Elliott also expressed concerns about losing parking.

8. SELECTBOARD'S TIME

- a. E. Gabriel stated he was excited about the Housatonic School proposals.
- b. E. Abrahams thanked the Finance Committee for the memo re: the OPEB trust.

9. MEDIA TIME

- a. Shaw Izikson, Berkshire Edge, asked if the appraisal proposals for HWW would be available to the public. M. Pruhenski replied it can be shared, but the Town is waiting for two additional proposals. S. Izikson asked about where mattresses can be disposed of once the moratorium is lifted – the reply was Lenoxdale, Hillsdale and Cannan transfer stations – and it was noted the Town is currently working on a plan for mattress storage.

10. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 8:00pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk