

Selectboard Regular Meeting via Zoom  
Monday, March 7, 2022

1. CALL TO ORDER SELECTBOARD REGULAR MEETING - Chairman Bannon opened the meeting at 6:00pm; those present via zoom: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Town Manager Mark Pruhenski, Assistant Town Manager Chris Rembold.

2. APPROVAL OF MINUTES

- a. February 8, 2022-Joint Budget Meeting
- b. February 9, 2022-Joint Budget Meeting
- c. February 14, 2022

L. Davis made a motion to accept meeting minutes for February 8, February 9 and February 17 2022; 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.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

4. TOWN MANAGER'S REPORT

- a. Housatonic Water Works – M. Pruhenski stated the Town has received the DEP Notice of Noncompliance noting four violations for exceeding the maximum contaminant level of haloacetic acids and for failed to report. He outlined DEP stipulations - HWW must submit a report to the DEP by April 4 on immediate actions taken to address the violations and by May 20 submit an engineers report to DEP documenting the causes and recommendations to prevent a recurrence. M. Pruhenski also noted the Notice of Noncompliance is posted on the Town website under Selectboard, tab HWW.
- b. Board and Committee Vacancy Update – M. Pruhenski stated 15 boards/committees are looking for new members and encouraged residents to consider participation.

5. LICENSES AND PERMITS

- a. Vern Kennedy for the Number Ten requesting a one-day liquor license for the Berkshire Opera Festival event to be held at St. James Place, 352 Main Street Great Barrington on March 27, 2022 from 4:00 PM to 8:00 PM.

i. L. Davis recused as a St. James Place board member.

E. Abrahams made a motion to approve a one-day liquor license to Vern Kennedy for the Number Ten for the Berkshire Opera Festival event to be held at St. James Place, 352 Main Street Great Barrington on March 27, 2022 from 4:00 PM to 8:00 PM: E. Gabriel seconded. S. Bannon asked for any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 4-0.

- b. Loretta, Ahmed, and Attarilm McClennon for Momma Lo Southern Style BBQ requesting an annual Common Victualler License for 284 Main Street Great Barrington MA 01230.

L. Davis made a motion to approve an annual Common Victualler License to Loretta, Ahmed, and Attarilm McClennon for Momma Lo Southern Style BBQ for 284 Main Street Great Barrington; 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. Andrew Sagarin for the Berkshire South Regional Community Center requesting permission to use Town Roads for their 8th annual 5KRun/Walk on May 2nd, 2020.

L. Davis made a motion to approve the use Town Roads to Andrew Sagarin for the Berkshire South Regional Community Center for the 8th annual 5KRun/Walk on May 14, 2022; E. Abrahams seconded. S. Bannon asked for any discussion – he asked M. Pruhenski to ensure the Town departments are aware of the correct

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

S. Bannon stated there are 24 attendees and 6 panelists in attendance.

## 6. PREVIOUS BUSINESS

a. Continued discussion on the proposed Short Term Rental bylaw and set date for public input session.

- i. E. Gabriel recused on this matter.
- ii. S. Bannon stated there would be no vote on the Bylaw at this meeting as there will be a public input session first which has been scheduled for April 4 at 6pm.
- iii. C. Rembold suggested as a follow up to last conversation, to define “commercial activity” and “resident” and decide any limit on the number of days for short-term rental. He proceeded to read the dictionary definition of “commercial.” The Selectboard discussed that the Bylaw is designed to reduce/deter not prohibit commercial activity, but debated definitions of the term.
- iv. S. Bannon shared a suggestion – to have two types of licenses – residential and commercial – and to require an affidavit stating the owner lives in/uses the home for some period of time during the year. L. Davis stated it was important to define part-time resident and limit the number of days for short-term rentals as a deterrent to investors, otherwise it creates a loophole and does not increase housing stock. E. Abrahams stated the number of days is irrelevant if an owner considers their property a home and endorsed S. Bannon’s suggested approach.
- v. The Selectboard discussed allowing a resident-owner two dwellings/licenses for short-term rental and one for non-resident part-time owners with a 90-day limit. It was agreed it would be difficult to prove the number of days in residence to determine part or full - time, though it is possible to know who are primary and second home owners. Further discussion focused on not differentiating between primary/second home ownership.
- vi. The Selectboard discussed allowing both full and part -time residents to have either one or two licenses each – whether residential or commercial. In addition, the idea was raised to limit on the number of licenses overall. S. Bannon suggested limiting everyone to one license for 180 days for short-term rental if the property is unoccupied and an unlimited number of days if the property is owner occupied. E. Abrahams noted allowing only one license/property could be too limiting. G. Reed expressed concern about profit taking precedence over community interests – S. Bannon and E. Abrahams replied by cautioning against assumptions and limitations on financial circumstances.
- vii. L. Davis restated her position that the Bylaw is meant to create more housing stock/options and short-term rentals/investors are driving up housing prices – she noted the importance of preserving neighborhood character. S. Bannon questioned whether housing stock and workforce housing would improve in the short-term, but agreed it is important to maintain neighborhood character. E. Abrahams stated the conversation confuses short-term rentals with creating housing - and noted the Bylaw will neither create housing nor address workforce housing. L. Davis replied the Bylaw will open up housing options and the community would benefit by regulation.
- viii. It was stated that C. Rembold would work with L. Davis and S. Bannon in a best effort to revise the Bylaw and get to a majority vote. He noted April 4 is the deadline.
- ix. E. Abrahams asked for a demo of the Granicus system – S. Bannon noted voters may want that too.

## 7. CITIZEN SPEAK TIME

S. Bannon asked that Citizen Speak be limited to GB residents and property/home owners and that comments should address the board not Selectboard members. He also asked that the current discussion not be recapped nor note who said what.

- a. Frederica Sigel, 27 Round Hill Road, stated the number of days is arbitrary and asked if the intention is to create two classes of ownership. She stated her support for deterring commercial interests, but noted it would be unproductive to require part-time residents to have commercial licenses. She asked the Selectboard to consider what it is trying to accomplish and what are operating principles.
- b. James Manning, 84 North Plain Road, commended C. Rembold and S. Bannon for efforts to broker an agreement. In his view, a limit of two licenses is a good compromise. He also shared concern for restricting profits and noted the Bylaw would not address housing issues. He urged the community to come together and find compromise.
- c. Robert Slonaker, 12 Gilmore Avenue, thanked the Selectboard for a good conversation and setting ground rules. He noted there was little difference in neighborhood character between Airbnb and weekend homes. He also stated many vacation communities have gone through changes. He urged a decision about whether the Bylaw is meant to create housing stock or stop short-term rentals.
- d. Michelle Loubert, 70 Division Street, stated her concerns about comments regarding who is invested in the community and individual financial circumstances. She continued to say she does not want to be forced to sell her home and that the Bylaw will not solve the housing crisis which is a countrywide issue. She thanked S. Bannon and C. Rembold for managing the conversation.
- e. Dale Abrams, 6 Lake Mansfield Road, stated short-term rentals are not a new issue; short-term is just shorter now. Short-term rentals should be addressed to limit the appeal of real estate purchase solely for short-term rental and to preserve the character and relationships in the community.
- f. Greg Lipper, 99 Brush Hill Road, shared personal experience living in and renting a property and noted for many the number of days is inconsequential as houses will get rented for 90 days and otherwise be empty. He encouraged the Selectboard to pick a formula that can track if a property is a primary residence or not – and cautioned that setting a number of days can be a loophole. He also advised to forecast out further and predicted no short-term impact due to real estate prices. He suggested considering what GB will look like in 5-10 years and to look into the long-term impact on other towns.

#### 8. SELECTBOARD'S TIME

- a. G. Reed stated the Police Department is running smoothly – new officers have been trained and the Department will be accredited in the fall. He expressed thanks to the Department.

#### 9. MEDIA TIME

10. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 7:25pm.

Respectfully submitted,

Stacy Ostrow  
Recording Clerk