

Selectboard Regular Meeting via Zoom
Wednesday, March 30, 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.
2. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS
 - a. G. Reed raised concerns and highlighted information from media reports regarding Selectboard conflict of interest and questions of impartiality related to the Short-Term Rental Bylaw.
 - b. E. Gabriel asked about the email delivered shortly before the meeting from “Allison” regarding conflicts of interest.
 - c. E. Abrahams stated that in advance of the Short-Term Rental discussion he completed the conflict of interest form and contacted the State Ethics Commission whose ruling was that recusal was not required. E. Abrahams stated he received the email from “Allison” the day before the meeting - E Abrahams said “I knew if I forwarded it to everybody it would be public so I suggested she forward it to everybody.” E. Abrahams stated he contacted the State Ethics Commission who advised him to then recuse as an abutter due to the information contained in the email - and he formally recused himself. E. Abrahams stated he does not know the person who emailed him, but he knows the individual’s last name because the original email he received had the last name on it.
 - d. S. Bannon and E. Abrahams discussed if the rule of necessity would apply in this situation.
 - e. S. Bannon stated there would be no discussion on the Short-term Rental Bylaw at tonight’s meeting including Citizen Speak, but it would be added to Monday’s agenda pending legal counsel’s review. In response to discussion about the last minute receipt of the email, E Abrahams said “I apologize, I thought it had been forwarded yesterday.”
 - f. L. Davis stated she had initiated the discussion on short-term rentals in response to stories/situations in GB. Her intention was to focus on what it means to be a community and envisioning the future. She noted both stories and data are important and expressed her hope to find a middle ground to present the Bylaw to Town Meeting.
 - g. S. Bannon stated his view that the Selectboard move ahead with governing and its work on other important issues. He noted the public debate on short-term rentals has for the most part been respectful and informative - but he strongly cautioned against personal attacks and encouraged the community to heal any divides. He emphasized that a conflict of interest is a legal matter within the Attorney General’s purview – and that transparency is important. He suggested creating a policy/bylaw requiring all Town board members to disclose content of the appearance of conflict of interest forms - to demonstrate adherence to the law and all questions regarding participation on those issues.
 - h. S. Bannon stated the Berkshire Chamber of Commerce public hearing will be continued at its request.

3. TOWN MANAGER'S REPORT

- a. Board Meetings–Resume in-person meetings w/remote option – M. Pruhenski asked, that with COVID cases on the decline, if the Selectboard would consider resuming board/staff meetings at Town Hall - with virtual participation for the public.
 - i. S. Bannon suggested starting in person Selectboard meetings – to test the technology – and in May hold hybrid meetings – for those on the Selectboard who are comfortable. He noted the public could remain virtual. M. Pruhenski stated Selectboard member participation can be virtual until July 15. Selectboard members agreed to this approach.

4. PUBLIC HEARINGS

- a. Vrushank Patel for I Shree-3 LLC, 229 Stockbridge Road for a Wine and Malt Package Store License.
 - i. S. Bannon asked if the applicant/representative was in attendance – there was no reply.
 - ii. G. Reed stated he would recuse on this matter.
- L. Davis made a motion to continue the Public Hearing for Vrushank Patel for I Shree-3 LLC to April 11, 2022; E. Abrahams seconded. S. Bannon asked for any discussion – he stated that would be a virtual and potentially an in person meeting for the Selectboard. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye.” All in favor, 4-0.

- b. Special Permit application from the Southern Berkshire Chamber of Commerce, c/o Betsy Andrus, Executive Director, for new construction in the Village Center Overlay District; work includes replacing the existing visitor booth at approximately 362 Main Street, Great Barrington, with a new larger building in the same location, and a parking waiver. Application is filed in accordance with Sections 9.2, 6.9, and 10.4 of the Zoning Bylaw.
 - i. Vote to open the public hearing
 - ii. Presentation from the applicant
 - iii. Questions from the Board
 - iv. Public comment and questions
 - v. Comments from other boards/commissions
 - vi. Discussion/deliberation by the Board
 - vii. Vote to continue or close the hearing
 - viii. Vote to continue/deny/grant the special permit

L. Davis made a motion to open the Public Hearing for the Special Permit application from the Southern Berkshire Chamber of Commerce; 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.

L. Davis stated in accordance with the applicant’s written request dated March 28, 2022, a motion was made to continue the Public Hearing to the Selectboard’s April 11 meeting at 6:00pm to be held virtually or hybrid; 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.

5. PREVIOUS BUSINESS

- a. Continued discussion on Residential Exemption (Vote)

- i. S. Bannon stated this item is on the agenda in an effort to close-out pending items at year-end. He stated a vote would only be a commitment for next year, not beyond – and that there would be a discussion in November when the rate is set. He also noted the study and executive summary on this matter is in the packet.
- ii. E. Abrahams confirmed the vote being proposed is early for next year.
- iii. S. Bannon asked if the Board has any questions.

L. Davis made a motion to close the discussion on the residential exemption and move that it not be considered for FY24; E. Abrahams seconded. S. Bannon asked if any discussion –

- iv. E. Abrahams asked if this could be done on a small scale – exempting a small number of homes just to establish the procedure. Attorney M. Quinlivan stated the Town could pick a percentage and look at the number according to policy at that point.
- v. Anne O'Dwyer, Finance Committee member, stated her support for the motion and not implementing at this time due to a lack of due diligence and information about implications for the Town and taxpayers.
- vi. E. Gabriel stated GB does not have the housing stock/population unlike a city that would spread it out over a bigger number of homes. He added this would impact ~300 houses with the burden shifting to larger homes/second homeowners – which he does not support.

Roll call vote: E. Abrahams, “no,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” Motion passed, 4-1.

b. Continued discussion of the proposed Short Term Rental Bylaw

6. CITIZEN SPEAK

- a. Michelle Loubert, 70 Division Street, stated concerns about the railroad project work on Van Deusenville Road that has created essentially a stockyard situation in a residential neighborhood. She also noted there was loud and disturbing work occurring at 5:44pm. She asked that Selectboard members view the site and the pictures sent via email.

7. SELECTBOARD'S TIME

- a. E. Abrahams stated the rule of necessity regarding voting is used when a vote is required – if there is a choice it does not apply. S. Bannon replied we need to get a legal opinion.
- b. 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.”

S. Bannon stated there are six panelists and 26 attendees.

8. MEDIA TIME

9. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 6:37pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk