

Selectboard Regular Meeting via Zoom
Monday, January 10, 2022

1. CALL TO ORDER - 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, Town Assessor Ross Vivori, Town Accountant Sue Carmel.

2. APPROVAL OF MINUTES

a. December 13, 2021

L. Davis made a motion to accept meeting minutes of the December 13, 2021 Selectboard meeting; 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. December 20, 2022 - S. Bannon noted December 20 minutes were not included in Selectboard packet.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

4. TOWN MANAGER'S REPORT

a. Housatonic Water Works – M. Pruhenski stated there was nothing new to report – just continuing discussions with legal counsel and the Selectboard.

b. Division Street Bridge – Bidding for the bridge replacement will open next month with work taking place spring/summer and an expected summer opening.

c. Housatonic School Roof – M. Pruhenski reported there is a contract to provide a rubber membrane for the roof and is expected to cost \$25,000. He stated funds would need to be identified for the windows. M. Pruhenski expressed thanks to the Highway Department for tackling the recent ice storm and all staff for coming together in light of the extended COVID situation.

d. Berkshire Benchmarks Survey – C. Rembold stated the Berkshire Regional Planning Commission, with local input, has released a survey to better understand the most important issues for Berkshire County residents – economic, education, environment, government, health, housing, transportation, etc. The survey will be promoted widely. He encouraged residents to complete the survey before it closes in mid-February

5. PUBLIC HEARINGS

L. Davis made a motion to open the Public Hearing; 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

a. Sandy Mason, Manager for a new Common Victualler Restaurant Wines and Malt Liquor License for Thai Cuisine MA LLC d/b/a Siam Square Thai Cuisine at 290 Main Street Great Barrington MA 01230.

i. Louis Oggiani, Esq. stated Sandy Mason is part of the old Siam Square corporation and started a new LLC to take over the liquor license for the restaurant. She is a resident of GB and will continue the business as essentially the same, serving beer and wine.

S. Bannon asked for questions/discussion – there was none.

L. Davis made a motion to close the Public Hearing; 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 made a motion to close the Public Hearing; 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 made a motion to approve a Common Victualler Restaurant Wines and Malt Liquor License for Sandy Mason for Thai Cuisine MA LLC d/b/a Siam Square Thai Cuisine; 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

S. Bannon stated there are 9 panelists and 27 attendees at the meeting.

6. NEW BUSINESS

a. Tax Exemption and Discount Options

- i. S. Bannon stated this would be a presentation and questions/discussion would be continued to another meeting/public hearing.
- ii. Ross Vivori stated the Town had been asked to look at the residential tax exemption. Mike Quinlivan was brought in to assess current data on properties and the impact of partially shifting the residential tax burden from lower to high value parcels that are not owner occupied. M. Quinlivan presented his analysis/findings and shared several scenarios showing the implications/benefits for a shift at different benchmarks - 10%, 24%, 35% of the average. He outlined multiple complex considerations and specifics on implications based on property classes, usage and distribution in the Town. He noted that 58% of parcels are owner occupied and would qualify for the exemption.
- iii. E. Abrahams stated that the data was very helpful to better understand the distribution of property/ownership in the Town. He also asked if the analysis included property owned by LLCs and trusts – M. Quinlivan replied, they could be ineligible though it depends on how the trust is set-up. E. Abrahams also asked would multi-family owner-occupied rentals be eligible? M. Quinlivan stated yes, but it is hard to tell how many properties are in that category – the analysis needs to be refined.
- iv. S. Bannon asked Selectboard members – did they want to go further on this?
- v. E. Gabriel asked for clarification regarding taxes paid by second homeowners. M. Quinlivan provided information on property and personal property tax requirements.
- vi. G. Reed inquired how this impacts/dovetails with other property tax programs for seniors. M. Quinlivan replied that participants in the Circuit Breaker senior tax program may not derive additional benefit from the residential exemption. G. Reed asked how this works with the property tax deferral program the Town is considering. It was stated that additional analysis would be needed to answer - R. Vivori to follow up.
- vii. S. Bannon asked where do we go from here? E. Abrahams stated the data was helpful to determine tax classification and should be studied further to inform that decision. He asked if we could come back to this in time for a thoughtful/thorough discussion.

b. Opt-in to the Massachusetts Property Assessed Clean Energy (PACE) program

- i. C. Rembold provided an overview of the property/business clean energy program that encourages and enables commercial/industrial/multi-unit and nonprofit properties to make large-scale clean energy improvements. He stated it had previously been presented to the Economic Development Committee which was supportive. The ask of the Selectboard is to vote to opt-in to the Program to allow property owners to participate. MassDevelopment manages the Program once an entity decides to participate.
- ii. Wendy O'Malley of MassDevelopment PACE Program reviewed the benefits including goals of the Commercial Property Assessed Mass Clean Energy Program and how the financing for energy improvements works through a betterment assessment on a property tax bill which is assessed through MassDevelopment and passed on to the capital provider. Longer term

financing for improvements puts the property owner in better standing and helps the municipality. If there is a default, it impacts the capital provider not the municipality. She stated GB is particularly well situated to participate in the Program.

- iii. E. Mooney asked why the Town has to sign? W. O'Malley replied a betterment assessment has to be billed and collected in the same way as property taxes which is through the municipality.

L. Davis stated – Now, therefore, be it voted as follows:

The Selectboard of the Town of Great Barrington hereby approves the Town participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Town Manager to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Town will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Town, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Town Manager may approve as being in the best interest of the Town. The Treasurer/Collector of the Town or such other Town officer or agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the Town without further authorization by the Selectboard.

Notwithstanding any other provision of law to the contrary, officers and officials of the Town, including, without limitation, Town tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Town has no liability to the owner of the benefitted property or to any capital provider related to the Town's participation in PACE Massachusetts.

E. Abrahams seconded. S. Bannon asked if any discussion – E. Gabriel stated he was excited to see this program enacted to help industrial properties that need renovation.

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

- c. Housatonic School–Request for Proposals (RFP) timeline and Process – M. Pruhenski and C. Rembold provided an overview of the RFP and thanked the Housatonic Improvement Committee (HIC) for its work and input. C. Rembold focused on RFP sections unique to the building/project. He stated overall the RFP relied heavily on HIC's proposal, but widened the scope of potential uses so not to limit a developer who might have other creative ideas. He stated the RFP has a 90-day turnaround – providing enough time for an interested developer and team to put together a comprehensive package/proposal. He also noted that terms and conditions would be defined after identifying the best proposal(s).

C. Rembold went on to highlight the most important sections or where there were open questions/items.

- i. Town's objectives/proposed uses: E. Abrahms asked if the language could be more specific – i.e., The Town will consider any use of the building, but would prioritize maintaining the historical building and including multi-family housing. He also asked if demolition should be included as a last choice. The Selectboard discussed and agreed to add the Town would consider any use, but not the option for demolition.
- ii. Building systems – C. Rembold explained fire and security system costs should be included so a developer can include it in a proposal. He asked should issues with the water quality/system be

acknowledged upfront? It was stated that we are not required to do so for drinking water. E. Gabriel suggested adding - water is provided by a private water company. The Selectboard agreed.

iii. Developers Obligations under Other Rights and Responsibilities: states developer shall be solely responsible for the following costs (specified), but later in the RFP it refers to the possibility of financial partnerships with the Town. S. Bannon suggested taking out word “solely.” The Selectboard discussed the pros and cons of directly proffering in the RFP the \$650,000 approved at Town Meeting for structural/environmental remediation. Perspectives included the view that a developer might have significant financing available and not need the funds - and alternatively - leave it in as an incentive so the project is more attractive to a developer. E. Gabriel suggested using it as a factor in decision-making.

iv. S. Bannon asked if any comments –

- Angela LaMonto, 326 North Plain Road, stated she is part of the HIC and suggested the RFP be made as attractive as possible to a developer. The costs of rehabbing the building will never add up without a financial incentive.
- Phil Orenstein, 4 Alford Road, asked if there could be middle ground on the \$650k – i.e., stating the Town has appropriated funds, but depending on the nature of the project and options, the Town will consider how to support the project.
- Cecelia Turner, 208 Pleasant Street, stated that time is of the essence as the building is deteriorating. S. Bannon agreed and stated negotiating a timeline for the work is critical.

It was also noted that there should be considerations for offering the funds and what the Town might ask for in exchange. S. Bannon asked M. Pruhenski and C. Rembold to draft language that is middle ground – i.e., that funds are available for the right project.

v. Submittal Requirements - C. Rembold asked if the Selectboard wanted proposals submitted hard copy or electronic? The Selectboard agreed to hard copy.

vi. Advertising - E. Gabriel suggested the RFP be advertised in newspapers and online. C. Rembold replied the only requirement is a physical ad in the Berkshire Eagle. E. Gabriel suggested reaching further to the New York Times, Boston Globe, Wall Street Journal.

- L. Davis suggested making a marketing piece to include pictures and videos to promote GB as a great place. She also suggested targeting local residents who might be interested.

M. Pruhenski and C. Rembold agreed to create a marketing strategy.

- G. Reed asked can Housatonic residents participate in the selection process? S. Bannon stated we can have people weigh in through a public meeting, but the Selectboard makes the final decision. C. Rembold stated he would find out what that process would be.

vii. C. Rembold noted an additional statement to include in the RFP (not in the Selectboard packet) to be added under Town objectives: *The Town of Great Barrington is committed to a holistic view of sustainability and justice, proposals are encouraged that take into account environmental sustainability through adaptive reuse, energy efficiency, renewable energy, green infrastructure etc. In keeping with our commitments to diversity, equity and inclusion, proposals that center the needs of the most marginalized though a deep commitment to affordability in housing and ideas that promote inclusion to people of color, LGBTQ community members and those living with disabilities, are also encouraged.*

M. Pruhenski stated that the RFP would be brought back to the Selectboard for the January 24 meeting.

- d. Short-Term Rental Bylaw- Next Steps – S. Bannon stated this is a process discussion. He noted the Planning Board will conclude its review on January 13. The Selectboard can start its discussion on January 18 based on what is sent from the Planning Board - plus L. Davis had additional ideas on what to incorporate into the bylaw. Discussion would be concluded at the January 24 Selectboard meeting. He confirmed Selectboard member availability on January 18 at 6pm; the agenda would be posted online.

7. CITIZEN SPEAK TIME

- a. Erica Mielke, 13 East Street, stated she attended the recent Board of Health meeting and had questions - how does it work with the Town Manager and Selectboard? Are there requirements for members to be health professionals? Are comments limited to Town residents/business owners only? S. Bannon replied the Board is elected by voters and operates autonomously – neither the Town nor Selectboard have control. Requirements for who can speak are at the chair's discretion. The chair is chosen by member vote.
- b. Peter Franck, 16 Lakeview Road, expressed concern about recent proposals before the Selectboard that would significantly impact second homeowners. He stated these measures could be viewed as obstacles to development such as the Housatonic School and efforts to market the Town. E. Abrahams replied the residential exemption is considered every year – the presentation/discussion was a result of the Selectboard's request for additional data/information.
- c. Charlie Williamson, 48 Blue Hill Road asked for follow up on his prior request for information. S. Bannon stated he would have it at the next meeting.
- d. Chip Elitzer, 39 Alford Road, regarding the residential exemption, stated the majority of property taxes supports the school budget. He went on to say that it should be an objective to attract more second homeowners/high value homes and commercial properties to increase the tax base without increased demand on the schools. He urged the Selectboard to continue with a single tax rate.
- e. Eileen Mooney stated she believed the Board of Health must include a medical person, which it does. She also inquired about the process of circulating amended Selectboard packets. S. Bannon stated amended packets should be posted online and sent to whomever was on the original distribution. Finally, she asked if the Selectboard will amend its regulations so people can speak before votes. S. Bannon replied he encourages public input before each vote. The Selectboard can change the process if it so wishes.
- f. Vivian Orlowski stated that the residential exemption was examined by the Finance Committee in 2015, a public hearing was held, and residents expressed concerns about the exemption. She asked would the Selectboard ask the Finance Committee to weigh-in and hold a public hearing before further action? S. Bannon replied yes, if the Selectboard moves forward, it will go to the Planning Board/public hearing.

8. SELECTBOARD'S TIME

- a. G. Reed stated it was good to see fencing up for work to begin on 910 South Main.
- b. L. Davis announced the Community Preservation Committee meeting on January 11 at 5pm where open space and recreation applications for Step II will be considered. Also, the Housing Subcommittee will meet on January 12 at 5pm. She also noted residents are discussing recent property tax bills and asked whether the assessor's data online might be outdated. Due to resident questions about the abatement process, she suggested having an explanation in the next tax bill on how to apply.

9. MEDIA TIME

10. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 8:05pm.

Respectfully submitted,
Stacy Ostrow, Recording Clerk