

Selectboard Regular Meeting and Selectboard Executive Session
Monday, October 3, 2022

1. CALL TO ORDER SELECTBOARD REGULAR MEETING

- a. Roll Call - 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

S. Bannon stated the Selectboard is meeting in person and the plan for the next meeting is to allow the public to attend in person, but meetings will continue to be hybrid.

2. APPROVAL OF MINUTES

- a. September 12, 2022
- b. September 19, 2022

L. Davis made a motion to approve the minutes of September 12 and 19, 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. S. Bannon stated the Selectboard had asked Town staff and counsel to prepare a statement regarding Housatonic Water Works – it is a factual statement on the Selectboard’s stance – as follows:

Since at least summer of 2018 the customers of Housatonic Water Works Company have been forced to deal with on a recurring basis discolored and/or roily water. The water coming out of the taps during these periods is water that no one would want to drink or use and water no one should be required to drink or use. Customers have also experienced waterline breaks and service disruptions. As members of the public are aware, and as the Board has discussed on various occasions, the Housatonic Water Works Company has been subject to various requests and directives from the Massachusetts Department of Environmental Protection regarding water quality and water treatment measures.

On August 1 of this year, the DEP issued a notice of enforcement action to the Company that included a modified administrative consent order regarding maximum containment levels in particular haloacetic acid. On that same date, DEP approved the Company’s permit application for a manganese treatment pilot study. However, in a September 1, 2022 letter to the Company in response to the Company’s request for modifications to the pilot study requirements, the DEP made note that the Company had not yet requested inspection of the pilot treatment system putting in question the ability to capture 2022 data for the challenging summer season time period.

Unfortunately, these recent communications and conditions reflect an ongoing problem that has not been solved either to the satisfaction of the Housatonic Water Works customers or this Selectboard and the government of this Town. This is terribly frustrating for the Selectboard and we can only imagine how frustrating it is for customers of Housatonic Water Works. By this statement today the Selectboard is expressing its unequivocal support for all Housatonic Water Works customers who are impacted by this situation. We want to assure you and all the Town’s residents that we are looking at every avenue to obtain appropriate relief. In particular, we are exploring all options for any state or federal funding that can be used to provide financial assistance and sustainable substitute water when needed. Further, we see this problem as part of a larger question of ensuring the reliable supply of safe and clear water to the residents of Housatonic.

In June of this year the group, Residents for Clean Water, submitted a letter to the Governor with

various requests for action including an audit of the Housatonic Water Works by the Massachusetts Department of Public Utilities. This Board endorsed that audit request in our letter the Governor dated July 25, 2022 - we copied our letter to state officials with applicable oversight responsibility including the DPU and DEP. We are disappointed that, to this point, we have had little response to our communications to these officials. However, we will continue to advocate for residents of Housatonic and for the Town as a whole to obtain appropriate action on behalf of our citizens.

We are aware of the August 1, 2022 Housatonic Water Works letter to its customers regarding discolored water, the manganese removal pilot proposal to DEP and the estimated cost for system upgrades. That letter reports that the cost would result in nearly doubling the annual charges for customers who are at the minimum monthly fee service level. On September 19, the Company sent another letter to customers stating that many of the component costs in the estimate have increased. The letter does not specify the amount of those increases, but describes some of them as dramatic. This means that the price for the upgrades will exceed \$4 million and that consequent impact to customers will only multiply. The September 19 letter proposes additional and alternative measures to address the problem of discolored water admitting that the color is disturbing and needs to be corrected. The alternatives proposed include collaborative actions with the Company service communities - Great Barrington, Stockbridge and West Stockbridge as well as the Great Barrington Fire District such as interconnection of water systems. While these alternatives may offer opportunities for better and more reliable service, they would require both new infrastructure and various levels of negotiation and a regulatory approval – steps that would take time. There is no quick fix that the Town can impose or implement on its own, if there were, the Town would have taken the action to make it happen. The Company's letter of September 19 also asks for Town support for the Company's proposed rate increase. We realize that capital improvements do require design and construction costs, but the Company's cost estimates for system upgrades is troubling to us - we are also concerned that customer relief still appears to be many months away. The request for Town support for an unspecified rate increase does not sit well with this Board.

To the Company's customers and all residents of this Town, we firmly state that the Selectboard remains committed to the cause of clean and reliable water service for our citizens and that we will do everything we can to ensure any expenditures approved by the DPU are not only fair to the customers of Housatonic Water Works, but will result in a real and lasting benefit to all customers who have been bearing an unacceptable burden for too long. At the same time, the Board will pursue all viable options for a comprehensive solution to the overall issues of water service to Housatonic residents. In 2022, in this Town and this state, clean and reliable water should be available to everyone.

4. TOWN MANAGER'S REPORT

- a. Housatonic Water Works – M. Pruhenski stated the Selectboard will be meeting in executive session later tonight to continue its strategy session with Town Counsel.
 - i. Board of Health Letter – M. Pruhenski noted that in the meeting packet is a letter from the Board of health which has been shared with the Selectboard previously - and receipt was publicly acknowledged.
 - ii. E. Abrahams noted the Selectboard's letter to Housatonic Water Works asked them to consider providing bottled water - they replied they were not authorized by the state to do so – but he noted they are now authorized per the DEP's September 28 letter which stated HWW should consider giving alternative water to their most sensitive customers especially the elderly and children.

- b. Housatonic School – M. Pruhenski provided an update stating the two developers will present again at the October 24 meeting along with time for Q&A from the Selectboard and the

- public. He noted the deadline was extended due to the two-week gap in Selectboard meetings.
- c. Mason Library HVAC Update – M. Pruhenski stated for HVAC repair/replacement, the bid process has been finalized and the contract awarded last week to All State Construction. He noted the contract requires the units be installed and operative by June 15 – and he thanked Library staff and patrons for their patience during the summer months.
 - d. Hybrid Meeting Update – M. Pruhenski noted this is the first in person Selectboard and staff meeting – and the October 24 meeting will be open for in person attendance by the public.
 - e. Trick or Treat – added item – M. Pruhenski stated Trick or Treat on October 31 will be 5:30-7:30pm and asked that outside lights be left on to signal participation.
 - f. Berkshire Busk- 2022 season re-cap – Gene Carr and Carly Scolforo presented a recap of the Berkshire Busk summer music and arts festival held over 15 weekends this summer in downtown and around Great Barrington. Festival goals included providing free events, attracting people to downtown and supporting Berkshire-based performers. G. Carr noted the festival’s 41 business sponsors/donors and 100+ busker groups – and shared information on extensive social media reach, attendee positive feedback, community-building benefits and potential for increased activity/revenue for downtown businesses.
 - i. The Selectboard expressed thanks and congratulations on the Festival’s success. It was also discussed that restaurant and store owners had had some challenges around street closure and decreased foot traffic downtown. G. Carr noted there were conversations with storeowners early on and that it would be helpful to have further discussions to maximize benefits to downtown businesses.

S. Bannon stated there were 6 panelists and 26 attendees at the meeting.

5. LICENSES AND PERMITS

- a. Jeremy Stoecker for a driveway permit at 121 Hollenbeck Avenue – the applicant was not in attendance and the Selectboard had no questions.
- L. Davis made a motion to approve a driveway permit to Jeremy Stoecker for 121 Hollenbeck Avenue; 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. PREVIOUS BUSINESS

- a. Squaw Peak Road - request to change street name – M. Pruhenski stated in the meeting packet are summaries from Jeff Rothenberg/residents and Town staff - and an article from thehill.com.
 - i. J. Rothenberg on behalf of Squaw Peak Road residents reported results of multiple votes on new name suggestions with 94% of homeowners selecting Woodland Hill Road.
 - ii. S. Bannon asked for comments – neighbor Jonathan Fertel expressed support. S. Bannon stated he had talked to neighbors who were not supportive of the name change - he acknowledged the work involved in making the change, but stated this is a national problem and asked for the neighbors’ understanding.
 - iii. The Selectboard thanked the homeowners for undertaking a thoughtful and democratic process. E. Abrahams clarified that communications with the Stockbridge-Munsee Mohican community confirmed the street name is unacceptable and should be changed.
- L. Davis made a motion to approve the street name change from Squaw Peak Road to Woodland Hill Road; 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.

7. NEW BUSINESS

- a. Review and comment to the Zoning Board of Appeals on the Special Permit application from

Dana Bixby Architecture on behalf of Michael Kolber to modify a preexisting nonconforming single unit residential dwelling at 110 Christian Hill Road, in accordance with Sections 5.5 and 10.4 of the zoning bylaw.

- i. D. Bixby stated this is for a house built in 1900 with a non-conforming front yard setback – where the owner is requesting a permit for an addition which meets zoning requirements except for a small portion, but is asking for a ZBA finding making it not substantially more detrimental than what is existing.

- ii. S. Bannon asked for question – there were none

L. Davis made a motion that the Selectboard makes comment to recommend to the ZBA on special permit application on behalf of the Michael Kolber to modify a preexisting nonconforming single unit residential dwelling at 110 Christian Hill Road, in accordance with Sections 5.5 and 10.4 of the zoning bylaw; E. Abrahams seconded. S. Bannon asked if any discussion – E. Abrahams commented this is relevant to housing issues re: special permits/fees required to build a new housing unit. He encouraged making it easier in the future. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor: 5-0.

- b. Adopt Road-Stream Crossing Management Plan – Chris Rembold and Allison Dixon of Housatonic Valley Association provided background on the Road-Stream Crossing Management Plan which has been posted for public comment – none were received. It was noted that the Plan needs to be formally adopted by the Town and the work currently prioritizes the crossing at Brush Hill Road which is at the final design/permitting stage.

L. Davis made a motion to adopt the Road-Stream Crossing Management Plan for Great Barrington; 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.

- c. Housing-Review and discuss August 12th letter from Planning Board – S. Bannon stated there are a number of hardworking boards focused on housing – the Planning Board, Affordable Housing Trust, Selectboard-Planning Board Subcommittee, and the Selectboard – all working to address affordable and workforce housing. He stated a cohesive plan rather than working separately is required to be successful. The ask of the Planning Board was to come back with ideas - and then have an executive summary on how to move forward and implement.

- i. C. Rembold agreed this is a good approach to start with a staff summary and recommendations on how to move on suggested actions/projects – including what is being worked on, who is responsible, how to coordinate and time/resource efficiencies.
- ii. G. Reed suggested all the groups get together. S. Bannon stated once C. Rembold has the executive summary as a starting point, there will be input from all the groups.
- iii. L. Davis stated the Subcommittee is working on a housing plan worksheet and noted there is currently a local housing emergency.
- iv. E. Abrahams provided a reminder about additional input from him/C. Rembold, James Garzon and Bill Cooke – and noted goals should be set in advance - i.e., how many housing units and resources/funding needed. S. Bannon stated that suggestions will be reasonable/doable and there are a lot of good ideas. C. Rembold added diverse strategies are needed.

8. CITIZEN SPEAK TIME

- a. Donna Jacobs, 260 Park Street, thanked the Selectboard and Board of Health for its support around

the Housatonic Water Works situation. She stated HWW has no resources/capability to provide water services and asked about goals, who is looking into solutions, the timeline, and are engineers/experts being consulted. S. Bannon replied it is the Selectboard's responsibility and it is just going more slowly than anticipated.

- b. Denise Forbes, 325 North Plain Road stated she is committed to keeping the HWW situation visible and noted the problem is impacting home market values.
- c. Michelle Loubert, 70 Division Street, thanked the Selectboard for its statement and noted property values in Housatonic are an issue and stated concerns about increasing property taxes. She also asked about two bus shelters to be put in place - M. Pruhenski replied there will be a press release tomorrow announcing \$62,000 was received for bus shelters in Town.
- d. Sharon Gregory, 32 Hollenbeck Avenue, encouraged fact-checking on HWW statements/documents.

9. SELECTBOARD'S TIME

- a. G. Reed asked for an update on the Division Street Bridge – M. Pruhenski replied it is expected to reopen in November. G. Reed asked about a pothole near the brown bridge – M. Pruhenski replied it is on the DPW's list to fix. G. Reed asked about school funding allocation and deleveling – S. Bannon replied deleveling is new and the program is improving. He clarified the funding question is related to the Regional School District – information is online and meetings are open to the public. He noted he, Deb Phillips and Peter Taylor represent Great Barrington and questions are welcomed. He also stated their work is not finalized and will require a Town Meeting vote.
- b. L. Davis stated Taft Farms would like to be first over the new Division Street Bridge – M. Pruhenski stated that request has been submitted to the engineering/construction team. She also inquired whether it is known how many HWW customers have brown water. S. Bannon stated clear water does not mean it is safe.

10. MEDIA TIME - none

11. CONVENE INTO EXECUTIVE SESSION (and not return to open session)

- a. Executive Session under MGL Ch 30A, sec. 21(a) for the following purpose: (3) To discuss strategy with respect to litigation, regarding Housatonic Water Works. And, (6) To consider the purchase, exchange, lease or value of real estate, regarding Housatonic Water Works.
 - i. Motion: L. Davis made a motion that the Board meet in executive session pursuant to MGL Ch. 30A sec. 21(a) for the following purpose: (3) To discuss strategy with respect to Housatonic Water Works because an open discussion may have a detrimental effect on the litigation position of the Board. And, (6) to consider the purchase, exchange, lease or value of real estate, regarding Housatonic Water Works because an open discussion may have a detrimental effect on the negotiating position of the public body, and not to return to open session; 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. Executive Session under MGL chg. 30A, sec. 21 (a) for the following purpose: (7) To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
 - i. L. Davis made a motion that the Board meet in executive session pursuant to MGL Ch. 30A sec. 21 to approve executive session minutes from the following meetings: August 22, 2022; E. Abrahams seconded.
 - ii. Roll Call Vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor: 5-0.

12. CONVENE INTO EXECUTIVE SESSION

- a. Executive Session under MGL ch 30A, sec. 21 (a) for the following purpose: (3) To discuss

strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigating position of the public body and the Chair so declares.

- i. Motion: L. Davis made a motion that the Board meet in executive session pursuant to MGL Ch. 30A sec. 21 (a) for the following purpose: (3) Initial contract negotiations; E. Abrahams seconded.
- ii. Roll Call Vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor: 5-0.

13. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 7:13pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk
Approved October 25, 2022