

Selectboard Regular Meeting via Zoom  
Monday, January 31, 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.

2. APPROVAL OF MINUTES

a. June 14, 2021

L. Davis made a motion to accept meeting minutes of the June 14, 2021 Selectboard meetings; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “recuse,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 4-0.

b. June 21, 2021

c. June 28, 2021

d. July 12, 2021

L. Davis made a motion to accept meeting minutes of the June 21, June 28 and July 12, 2021 Selectboard meetings; 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 it is important to remember why we are discussing short-term rentals and how it came about. The focus is on what it means to be a community and to support each other in the long-term. She emphasized that we are in it together and that the goal is compromise not polarization. She expressed hope that focus would be on the big picture and how current decisions impact the future.

4. TOWN MANAGER’S REPORT

- a. Housatonic Water Works – M. Pruhenski stated the Town had not received a copy of the Notice of Noncompliance from the DEP. He also noted that there are four new documents on the Town website, Selectboard page under the Housatonic Water Works tab - and that residents should look there for updates.
- b. Housatonic School RFP Marketing – M. Pruhenski updated the Selectboard on RFP marketing efforts including a BRPC video to be included in promotion; social media/website promotion; targeted advertising in Boston and New York; emails directly to developers who have expressed interest in past projects; mass email to Berkshire business groups; outreach to real estate brokers/MLS; and inclusion in any PR efforts. Also, pricing for broader print advertising in NY/Boston is being looked into.

5. PREVIOUS BUSINESS

a. Continued from January 24, 2022; Short-Term Rental Bylaw

E. Gabriel recused on this matter.

- i. S. Bannon stated the goal of the discussion is to vote on key points and move ahead. He added that it is necessary to decide if the Short-Term Rental Bylaw is a general or zoning bylaw. C. Rembold stated, as drafted, and based on other bylaw examples, this takes the form of a general bylaw – and Town counsel is in agreement. The Selectboard discussed whether the bylaw is being applied to the whole town or applied differently to property located in a residential or industrial/commercial zone.

- ii. E. Abrahams suggested looking at specifics of the bylaw before determining if it is general or zoning. He clarified stating that in his view, certain bylaw provisions would be applied differently in a residential vs a commercial/industrial zone.
- iii. L. Davis stated on its face it is a general bylaw - she asked to proceed as such and to address any provisions with zoning implications as they come up.
- iv. S. Bannon stated counsel found this to be a general bylaw and that nothing needs to be taken out. He further stated the central question is - do we want to break this down to different zoning areas and treat them differently or do we want to treat the whole town together?
- v. L. Davis stated the intention is to have this apply to the whole town not to segment by zone. She then asked for a vote.

L. Davis made a motion to recommend a general bylaw to Town Meeting that treats all zones the same under short-term rental regulations; G. Reed seconded. S. Bannon asked if any discussion – E. Abrahams stated there are some items where it does not make sense to treat all zones the same. S. Bannon replied we will discuss those as they come up and vote again if warranted. We will lean towards making all zones the same, but will keep an open mind. Roll call vote: E. Abrahams, “no,” S. Bannon, “aye,” L. Davis, “aye,” G. Reed, “aye.” Motion passed, 3-1.

S. Bannon stated there are 39 attendees at the meeting.

- vi. C. Rembold proceeded to review the Purpose and Intent section – and flagged the definition of the term “residents.” S. Bannon suggested use “property owners” instead of ‘residents.’ The Selectboard discussed the role/responsibilities of a property owner.
- vii. L. Davis read a definition of an “owner” which was accepted by the Selectboard to be added to the current draft. The Selectboard discussed if a family member could be appointed to act as/for the owner even though not on the deed, and the potential impact on accountability. The term “operator” was then defined as “an owner or an owner’s legal designee.”
- viii. The Selectboard continued by considering and approving other definitions including “residential unit” and “secondary unit.” C. Rembold was asked to discuss with Town counsel whether referring to a zoning bylaw is allowed and if month-to-month rentals would be excluded.
- ix. Under the Rules and Regulations section, the Selectboard discussed whether a tenant can sublease short-term. L. Davis stated it would undermine the intent of the Bylaw if a long-term tenant can rent part of the property short-term. E. Abrahams stated it would be a year-round rental, only rooms would be rented short-term. S. Bannon stated the owner of property must be responsible, not the tenant and that should be in writing.
- x. Discussion continued around appointing a tenant the owner’s legal designee. E. Abrahams stated if a tenant is the owner’s legal designee and has the owner’s permission – the tenant should be able to sublet. L. Davis stated a tenant should not be a legal designee. G. Reed expressed concerns if a tenant is permitted to rent short-term due to likely confusion about who is responsible for the property and potential legal issues.

L. Davis proposed the Bylaw not permit subleasing for short-term rentals; G. Reed seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “no,” S. Bannon, “aye,” L. Davis, “aye,” G. Reed, “aye.” Motion passed, 3-1.

- xi. C. Rembold asked for input on the number of nights permitted for short-term rentals per calendar year. E. Abrahams stated he did not know what was a fair/appropriate amount of money that would enable property owners to go to FL/keep the GB house and yet deter corporations from buying a house to Airbnb. S. Bannon stated he did not know the number/formula either.
- xii. L. Davis stated 90 days is not an arbitrary number and cited a report from the San Francisco Office of Economic Development describing findings that could be used as a formula to deter investors and provide a cushion for homeowners to cover their costs. The Selectboard discussed the relevancy of the study and debated what are homes renting for in GB.
- xiii. E. Abrahams stated his biggest concern is how retirees will be hurt by putting a cap on their biggest asset vs how many investors will be deterred since corporate ownership is already outlawed.
- xiv. L. Davis stated 90 days is enough to disincentivize investors and clarified this is only for owner unoccupied homes. She also noted residents contribute to the GB economy and limiting short-term rentals will not have an impact.
- xv. G. Reed stated 90 days is a reasonable cap.
- xvi. S. Bannon stated the number of days is the most important provision, and he is not ready to make a decision – the bylaw needs teeth, but also balance for homeowners here part of the year.

## 6. PRIORITY PLANNING

M. Pruhenski – presented stating the priority planning worksheet last discussed in June and it is revisited twice annually. The worksheet is posted on the Town website. There are three categories - high, moderate and completed priorities that are sorted alphabetically. The Selectboard proceeded to review.

### a. High Priority Projects

- Affordable Housing (Market rate/working class) – C. Rembold stated the Town is using a multi-pronged approach – with a focus on zoning and funding to increase the housing supply especially affordable housing. He noted Town Meeting approved all affordable housing-related proposals as did the CPC. Other housing pathways include donated land, abated taxes, grants, etc. The Town also opted-in to the Property Assessed Clean Energy program. In addition, the Affordable Housing Trust Fund/Selectboard/Housing Task Force has focused on design/development of homes on North Plain Road and Grove Street. He also noted the Housatonic School and foreclosures have the potential to become housing options. Public works for existing affordable housing are also being improved. Longer term, the Town is looking at additional tax abatements, increased municipal funding and other strategies. L. Davis suggested focusing on middle income senior housing and aging in place. C. Rembold stated senior housing could be integrated with existing plans, though public funds for home upgrades are in high demand and scarce. The Affordable Housing Trust could take a lead role. G. Reed asked that the Town continue to promote available benefits/funds for seniors.
- Ambulance Service Study – Chief Charlie Burger presented stating Southern Berkshire Ambulance is currently on more stable ground. The plan is to refocus on regionalization which was delayed due to staffing challenges. A consultant will be helping to identify regional collaboration opportunities to find shared solutions around emergency services.
- Cook's Garage Property – C. Rembold reported the Town owns the property and has assessed contamination issues. Next step is to dispose of or develop property. He stated the plan is to ask Town Meeting if the Town can dispose of the property – once approved, then an RFP will be prepared. The building is in disrepair, but in a great location.
- Housatonic Community Center (updates/conf. room/grants) – M. Pruhenski stated the Community Center now has internet access and will become a hotspot location. Signage will be added to inform residents. In addition, lighting was upgraded to LED and the meeting room was

refurbished and furnished – the plan is to have future meetings in the space. He also reported insulation work is stalled as costs came in over the projected DOER grant budget – the plan is to ask DOER for guidance and perhaps rebid. E. Gabriel requested more upgrades to the Community Center.

- Housatonic Fiber – C. Rembold stated this was moving along slowly. Currently being considered is extending along Route 7 into Housatonic village, but the cost to string the poles needs to be determined. He stated work with National Grid/Verizon will continue to bring the cost down and then perhaps find a contractor to take it on as a private venture or for the Town to fund.
- Housatonic School – M. Pruhenski stated the RFP was issued and responses are due April 27. He also stated the contract is signed for the School roof repair and work will start soon. He added the building is secured and monitored by the Town.
- Infrastructure – Sean Van Deusen presented on major projects in progress/upcoming. He stated the Division Street Bridge is out to bid and hopefully will be open this summer. Work on the Route 7 trail at CHP will be finished in April. Multiple paving projects will start again in March. He stated the Town is still working on the punch list for the Housatonic sidewalk as well as the retaining wall placement. The sewer line on Main Street and the Christian Hill Road culvert will be repaired in the spring. G. Reed asked for confirmation the Division Street Bridge will reopen in the summer. S. Van Deusen stated the only potential issue is supply chain delays.
- Parking Concerns – M. Pruhenski asked if this item can be taken off the list – and perhaps instead, look at other ways to deal with parking. He noted the Town added 60 new spaces on north Main Street in the fall and we are trying to get people to park there. The Town is also making efforts around wayfinding and has started outreach to the MA OneStop Program for a grant for wayfinding and parking management. G Reed asked to take parking off the high priority list. E. Gabriel asked why the parking proposal was voted down at Town Meeting – whether it was the cost or because there is no parking issue. He asked to keep parking on the high priority – as there is a problem in downtown especially for visitors. E. Abrahams stated it would be ideal to have shopkeepers ask employees to park in the 60 new spots.
- Pedestrian safety – S. Van Deusen stated bid documents for improvements to the crosswalks are being worked on and there will be a request for funds at Town Meeting. L. Davis asked will this include a median? S. Van Deusen replied there are options, and they will be presented to the Selectboard.
- Monument Mountain High School Entrance – M. Pruhenski reported the northbound lane has been widened to give cars better sightlines for oncoming traffic. Installing a warning system is the next step to signal cars there is potential danger entering/exiting and MassDOT will be funding/ installing. He noted there will be further discussions with interested parties about longer-term solutions. L. Davis thanked GB and Stockbridge police for great work directing traffic.
- Reid Cleaners Property – C. Rembold stated USCPA funds have been secured and the Town has hired an environmental engineering firm to scope out remediation over the next 4-6 months to determine what methodologies are appropriate – it will then go out to bid. He was hopeful clean-up could begin in calendar 2023, though there may be a need for additional clean-up funds. He noted the EPA did a market study that shows potential for the parcel to be reused.
- Short-Term Rental Regulations – M. Pruhenski suggested skipping this item as it is being discussed. The Selectboard agreed.
- Systemic Racism Proclamation – M. Pruhenski stated this was added last June. The Proclamation was approved by the Select Board in 2020 and it is posted on Town website. The plan was to form a Trust Policy Committee, but it is on hold as it was a challenge to fill the positions. There has been some new interest and it will be readvertised soon.
- Trip Hazards Main Street – S. Van Deusen stated that the design is complete, and it will be added to the crosswalk proposal. Funding will be requested at Town Meeting.

- Water Systems Study – M. Pruhenski stated both studies are complete and presented – the study is posted on the Town website on the Selectboard page under tab HWW. He also noted HWW is launching a pilot program to remove manganese. He stated that next steps are being discussed in Executive Session to address the issue long-term and options are being discussed with legal counsel. It was suggested to change the topic to HWW, which the Selectboard approved. E. Gabriel stated this should be moved to the top of the high priority list.
- M. Pruhenski asked the Selectboard about moving COVID-19 preparedness from completed to top priority. The Selectboard agreed this should be on the list for the foreseeable future. M. Pruhenski stated it is a top priority for staff.

#### b. Moderate Priority Projects

S. Bannon asked for updates only on those priorities where there has been progress

- Committee Chairs-Meeting of Chairs – M Pruhenski stated Joe Grochmal is working on a draft policy that includes provisions for member removal – it should be available for review next month.
- Mission Statement for Selectboard and Town – M. Pruhenski stated J. Grochmal is updating the mission statement and there will be three options for the Selectboard to review at the February 14 meeting.
- Open Meetings/Public Records Training for Boards – M. Pruhenski stated the spring 2020 training was cancelled due to COVID and asked Jenn Messina to provide an update. J. Messina stated she connected with Kopelman & Page and Lauren Goldberg who leads Town Clerk trainings. They can be done via zoom and is currently scheduled for March 29 and April 4 in the evening.
- Website and URL for Email Addresses – M. Pruhenski stated the .gov domain registration application has been submitted and will be renamed - townofgbma.gov. Email addresses will be updated.

#### c. Completed Priority Projects

M. Pruhenski asked to add

- EV charging station
- Front entrance/steps to Town Hall – though he noted elevator repairs are still a moderate priority.

d. S. Bannon asked should anything else be added or removed? L. Davis confirmed senior housing/aging in place would be added under affordable housing. G. Reed asked that parking be removed. The Selectboard decided to leave parking in. E. Gabriel asked to add the Ramsdell library handicapped accessibility. S. Bannon stated it is in the budget proposal – and the Selectboard agreed to add it as a high priority.

### 7. CITIZEN SPEAK TIME

- a. Tracy Thornton, 21 Benton Avenue/2 Parley Street stated she is a resident investor who owns two homes – one being used as a short-term rental which has helped her family financially. She disagrees with the term investor being used as a negative. She stated the Selectboard is making a lot of assumptions about what is happening in the GB market.
- b. Tony Segala, 354 North Plain Road, stated he had attended a lot of recent meetings and asked why tax information has not been shared as knowing the tax implications is critical to understand actual impact. He also noted he knows of several long-term rentals that are available. He is also concerned that the impact on local business is being underestimated and that the 90-day limit will not achieve its stated housing goals, but tax revenue will be lost.
- c. James Garzon, 84 North Plain Road, asked if a left turn lane into the recycling center could be

added. He also stated there were enough dispensaries in GB and asked if they would be restricted. He also noted there is a parking problem downtown and that for the short-term rental discussion, there needs to be actual numbers for lost revenue and the per night cost. S. Bannon replied that the turning lane is a state issue as it is a state road and that limiting the number of dispensaries was voted down at Town Meeting.

- d. Dan Ruderman, 4 Knob Hill Road, stated he supports Leigh's work/position on short-term rentals and the purpose/intent of the Bylaw. His view was that it maintains the community and prevents homes from being turned into hotels without being onerous for anyone. He also asserted the data is accurate and no more is needed.
- e. Garielle Senza, 4 Knob Hill Road, stated she appreciates the Selectboard's due diligence, but is frustrated with the challenges being presented. She noted homes are being used for short-term rentals in GB.
- f. Justin Henderson, 145 Hurlburt Road, stated his home has been owned for decades by his family. He expressed concern the Bylaw separates people and challenged the idea that the Bylaw would lead to more affordable housing. His view was the Bylaw would depress home values and stated the GB economy needs short-term renters.
- g. Leo Stemp stated he appreciates Leigh's viewpoint, but it is opinion not supported by data. He stated the 90-day limit is the crux of the proposal and most homes offered as short-term rentals would not convert to affordable housing. He also noted the loss of taxes will have a significant impact.
- h. Nan Wile stated the short-term rental bylaw is not meant to address the housing shortage – it will preserve existing housing and prevent more short-term rentals. She noted people who live in GB should feel supported.

#### 8. SELECTBOARD'S TIME

- a. G. Reed stated that revenue will not be lost due to short-term rental regulation. Visitors will come to GB, but perhaps stay elsewhere.

#### 9. MEDIA TIME

10. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 8:33pm.

Respectfully submitted,

Stacy Ostrow  
Recording Clerk