

Selectboard and Zoning Board of Appeals Joint Special Meeting and
Selectboard Regular Meeting via Zoom
Monday, July 11, 2022

1. CALL TO ORDER SELECTBOARD AND ZONING BOARD OF APPEALS JOINT SPECIAL MEETING

- a. Roll Call - Chairman Bannon called to order the Selectboard and Zoning Board of Appeals Joint Special meeting at 6:00pm.

Roll call Selectboard: Ed Abrahams, "aye," Steve Bannon, "aye," Leigh Davis, "aye," Eric Gabriel, "aye," Garfield Reed, "aye." All members present.

Roll call Zoning Board of Appeals: Carolyn Ivory, "aye," Ron Majdalany, "aye," Steve McAlister, "aye," Madonna Meagher, "aye," Michael Wise, "aye." All members present.

Additional attendees: Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold

- b. Joint meeting with Zoning Board of Appeals to appoint Peter Most

L. Davis made a motion to appoint Peter Most as an alternative member of the Zoning Board of Appeals; 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." Zoning Board of Appeals: Carolyn Ivory, "aye," Ron Majdalany, "aye," Steve McAlister, "aye," Madonna Meagher, "aye," Michael Wise, "aye." All in favor: 10-0.

2. ADJOURNMENT OF JOINT MEETING – R. Majdalany asked for additional comments – there were none. Meeting adjourned by unanimous consent at 6:03pm.

3. CALL TO ORDER SELECTBOARD REGULAR MEETING

- a. Roll Call - Roll call Selectboard: Ed Abrahams, "aye," Steve Bannon, "aye," Leigh Davis, "aye," Eric Gabriel, "aye," Garfield Reed, "aye." All members present.

Additional attendees: Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold

4. APPROVAL OF MINUTES – item was not discussed

5. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS

- a. G. Reed reported on Great Barrington Day stating four merchants had signed up and he is seeking at least six more in order to proceed. He requested and was approved for a \$400 budget and stated he would collect data such as resident participation, use of discounts, merchant feedback, etc. G. Reed also stated it is important for people to understand how new pedestrian safety measures work.
- b. E. Abrahams asked for an update on Reed Cleaners and confirmed it would be addressed in the priorities discussion.
- c. L. Davis stated regarding the discussion on pedestrian safety/traffic calming – although she respected the vote of Selectboard members, she had continued to have concerns about the way changes were made and not enough protections for pedestrians under the new plan. She asked that BETA Engineering be brought back to share the revised plan, for first responders to state their concerns - and for additional discussion and public input. S. Bannon stated a vote was taken, the revised plan was approved, and with funding already allocated, work is moving ahead. He noted as a decision has been made, there is no cause for public comment - but agreed for BETA Engineering to can share the revised plan.

6. TOWN MANAGER'S REPORT

- a. Housatonic Water Works – M. Pruhenski stated an executive session would be held following this meeting to continue strategy discussions with Town Counsel. He also reported there is another watermain break on main Street in Housatonic and a noted will go out to impacted residents via CodeRed.
- b. Resume In-person and Hybrid meetings – M. Pruhenski stated the Town is to resume in person/ hybrid meetings when temporary provisions expire on Friday. The House and Senate have voted on bills extending the provisions to 2023, but, to-date, neither is signed by the Governor. He noted the Selectboard meeting room is being renovated for technology/audio/video to transition, as required.

7. LICENSES AND PERMITS

- a. Shivadas Guthrie of the Guthrie Center for One Day Beer & Wine license for Sunday July 23 from 5:00PM to 10:00PM – Live Podcast Recording
 - i. Moe Guthrie was in attendance and stated this is for “Sing for Science” event, discussion and podcast – where diner will be served.
- L. Davis made a motion to grant to Shivadas Guthrie of the Guthrie Center for One Day Beer & Wine license for Sunday July 23 from 5:00PM to 10:00PM – Live Podcast Recording; 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.
- b. Thasia Giles of Jacob’s Pillow Dance Festival for one Temporary Weekday Entertainment license for Saturday July 16 from 1:00PM to 8:00PM
 - i. T. Giles stated this is the second annual pop-up performances around Berkshire County. This would be held in Town Hall park – it would be a one-hour, free event with local/NYC dance companies performing.
- L. Davis made a motion to grant to Thasia Giles of Jacob’s Pillow Dance Festival for one Temporary Weekday Entertainment license for Saturday July 16 from 1:00PM to 8:00PM; 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. MVA LLC & Steven Lee & Carolyn Cryer for permission to install a driveway at Lot 32-19 D (next to 116 Christian Hill Road)
 - i. Michael Valenti, MVA LLC, appeared for the applicants and made the correction that the application is for 166 Christian Hill Road. He stated this is an existing driveway on an access road to property that has been subdivided – a curb cut exists - this is an upgrade to the driveway to build a house. He asked if the DPW wants a culvert – C. Rembold replied that is not required at the location.
- L. Davis made a motion to grant permission to install a driveway at Lot 32-19 to MVA LLC & Steven Lee & Carolyn Cryer; 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.
- d. Jennifer Patron and Benjamin Levy for permission to install a new driveway at 73 Round Hill Road
 - i. B. Levy stated a driveway already exists and this is a request to approve a semicircular driveway in front of the house.
 - ii. C. Rembold stated under the Town’s Bylaw, a maximum of two curb cuts is permitted. He noted the Selectboard can approve this with the condition one curb cut is removed, deny it or hear it again at a later date.
 - iii. B. Levy stated he would come back and reach out to C. Rembold for further guidance.
- e. Richard Stanley of the Triplex for temporary permission to serve alcohol and food on the Triplex patio 70 Railroad Street.

- i. Tim Danner appeared for Richard Stanley/Triplex requesting approval to have table service of alcohol and food on the Triplex patio on weekends.
 - ii. The Selectboard discussed supervising outside alcohol service/consumption – M. Pruhenski confirmed this is approved under state guidelines and that this request would be considered an extension of their existing indoor permit to serve alcohol. There were also questions about the working relationship with Depart Wines and it was clarified they are only providing advice on alcohol and food parings, not service/pouring. The Selectboard noted it would need additional information to consider this request - including the application, seating/service plan and relationship with Depart
 - iii. S. Bannon noted the application was submitted three days prior and in the interests of time, the item could be added to the July 20 goal-setting meeting agenda.
- E. Abrahams made a motion to continue this to July 20, 6pm; L. Davis 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.

8. PUBLIC HEARINGS

- a. (Continued from April 11) 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 re-open the public hearing
- 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.
- ii. Presentation from the applicant – B. Andrus provided background on the Chamber, it’s mission, membership and funding. In providing context for the request, she noted there has been extensive discussion and input on a new/expanded visitors center at its existing location on Main Street that would include the Chamber’s office. She noted multiple concerns including funding, structural issues/needed repairs and architectural building/space design – and she strongly stated the need for additional guidance and to move forward quickly.
 - iii. Questions from the Board –
 - L. Davis introduced Pamela Sandler, architect, who offered potential next steps/ways to proceed.
 - E. Abrahams stated there are four proposed uses for the building- storage, office space, visitors center and bathroom – and noted perhaps other options for the office/storage which currently requires doubling the building’s size. B. Andrus replied the Chamber cannot repay the loan for the building and pay rent and they are constrained in seeking funding.
 - iv. Public comment and questions
 - Scott Sanes stated, as a Chamber member, he strongly supports this effort to create a welcoming/functional building for the community - and emphasized the time and funding limitations.

- v. Comments from other boards/commissions

- It was noted the Design Advisory Committee had reviewed the plan and gave feedback, though not all comments have been incorporated.

vi. Discussion/deliberation by the Board

- S. Bannon stated he understood the time pressures and would move forward for a vote if the Chamber asked for it, but without an architectural plan, it is unlikely to get approved. He recommended it be reconsidered in eight weeks noting the plan could change significantly – and that it would then have a better chance of succeeding.

vii. Vote to continue or close the hearing

L. Davis made a motion to continue to September 19 at 6:00pm; 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.

viii. Vote to continue/deny/grant the special permit

b. Transfer Station Fee Discussion – M. Pruhenski stated this is further discussion on new increased fees from Valley Roll-Off for the disposal large items – mattresses, furniture, etc. The Selectboard had approved a moratorium on the disposal of these items – while the fee schedule was reviewed. He noted fees had not been increased since 2014 and recommended an increase in fees to cover increased costs and a moderate increase across the board. He also noted Town code is not clear on the procedure, but to be safe the public hearing format should be followed, and a vote taken.

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.

i. S. Bannon asked for public comment – 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 adopt the Transfer Station fees as proposed; 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.

9. PREVIOUS BUSINESS – There were no items.

10. NEW BUSINESS

a. Housatonic School Request for Proposals (RFP) Process and Timeline – M. Pruhenski reported four sealed proposals had been received and must be opened in public. He suggested opening the proposals at the July 25 meeting and process/path forward can be discussed – i.e., if the Selectboard would like staff to review the proposals and report back.

i. The Selectboard discussed the most efficient options for opening/reviewing the proposals and agreed they would be opened at the July 20 meeting. After that point they will be posted on the Town website.

b. Reappoint Robert Slonaker to the Affordable Housing Trust

L. Davis made a motion to appoint Robert Slonaker to the Affordable Housing Trust; 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. Appoint James Mercer to the Historical Commission

L. Davis made a motion to appoint James Mercer to the Historical Commission; 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.

**PROCLAMATION TO CELEBRATE
NATIONAL DISABILITY INDEPENDENCE DAY**

WHEREAS, National Disability Independence Day commemorates the signing of the Americans with Disabilities Act (ADA) on July 26, 1990. The ADA provides protection from employment discrimination as well as better access to goods, services, and communications for people with disabilities; and

WHEREAS, The day not only celebrates the anniversary of the ADA but it also serves several other purposes. The law first broke down barriers that individuals with disabilities faced every day. It also marked a timeline of change that soon developed. Over time, common barriers such as narrow doors and small bathroom stalls became accessible to wheelchairs. Other examples include braille signs and crosswalks for the vision impaired. The changes improved mobility and safety; and

WHEREAS, Beyond structural changes, the Americans with Disabilities Act motivated designers to enhanced technology. Often, physical limitations restrict a person's ability to access legal or health information. New assistive technologies make it possible to obtain the necessary information; and

WHEREAS, As accessibility improves, the world continues to change in other ways. Many of today's brick and mortar businesses are ADA compliant. However, as more and more businesses switch to online versions, their websites need to meet the needs to be accessible, too. With each advancement in technology, designers need to incorporate multifunctional approaches to fit every ability; and

WHEREAS, We encourage all employers or designers to consider how accessible your business is to people with disabilities. The ADA empowers people with disabilities to stand up for their rights and to give shout outs to accessible businesses and organizations. Everyone is encouraged to use #DisabilityIndependenceDay and share on social media;

NOW, THEREFORE, BE IT RESOLVED, That the Selectboard of the Town of Great Barrington hereby recognizes **July 26th as National Disability Independence Day**, the anniversary of the Americans with Disabilities Act that passed in 1990; and

BE IT FURTHER RESOLVED, That the Town of Great Barrington Selectboard calls upon our citizens, public and private institutions, businesses, and schools to affirm the principals of equality and inclusion for persons with disabilities; to celebrate the freedom the ADA inspires with forward- thinking design and technology; and to bring forth the promise of hope and freedom that is envisioned by the passage of the ADA.

11. CITIZEN SPEAK

- a. Gabrielle Senza, 4 Knob Hill Road, Asked that discussion on measures to improve Main Street crossings be reopened especially re: the dangers of four lanes of traffic/driver blind spots – and

- noted other towns have two lanes.
- b. Ben Elliott confirmed the Housatonic School proposals would be available on the Town's website.
 - c. Bill Cooke asked the Selectboard to consider continuing the free bus pass program through the summer as it has been a very popular program. S. Bannon replied it would be added to the July 20 meeting agenda. E. Abrahams suggested the staff look into where funds might come from.
 - d. Michelle Loubert, 70 Division Street, stated she had seen pedestrians jaywalking and distracted crossing Main Street – and suggested returning to police street patrols; she highlighted the ongoing dangers at the Route 41 and Division Street intersection; and noted brown water is again being reported in Housatonic and asked for something to be done to help.

12. SELECTBOARD'S TIME

- a. G. Reed asked if ARPA funds could be used for filters or otherwise for those impacted by water issues in Housatonic.
- b. L. Davis asked if BETA Engineering could present at the July 25 meeting. S. Bannon replied it would be scheduled as soon as they are available.

13. MEDIA TIME

14. CONVENE INTO EXECUTIVE SESSION (and will 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.

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 ch 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.

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 27, 2021
- September 27, 2021
- November 15, 2021
- July 13, 2022

And not to return to open session.

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

15. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 7:27pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk