

Selectboard and Planning Board Special Joint Meeting & Selectboard Regular Meeting via Zoom
and in person at 334 Main Street Great Barrington MA
Monday, February 13, 2023

1. CALL TO ORDER SELECTBOARD AND PLANNING BOARD SPECIAL JOINT MEETING

S. Bannon opened the meeting at 5:30pm with Selectboard members: Ed Abrahams, Steve Bannon, Leigh Davis, Garfield Reed present. Eric Gabriel was absent.

Planning Board members: Malcolm Fick, Jonathan Hankin, Jeremy Higa, Jacqueline Kain, Brandee Nelson, Pedro Pachano were present.

Also present: Town Manager Mark Pruhenski, Assistant Town Manager Chris Rembold.

- a. SB/PB Housing Sub-Committee Recommendations – L. Davis and M. Fick presented on the housing initiatives, programs and policies gathered and being considered by the Sub-Committee. M. Fick presented the worksheet summarizing these initiatives in Great Barrington driven by various entities and their current status. He highlighted projects that are well developed - the Citizens Petition to allow short-term rentals for renters that is ready for Town Meeting and improvements to the Senior Tax Deferral Program, endorsed by the Sub-Committee, that will be brought forward to the Selectboard for consideration. He noted the two proposals being presented tonight involve regulations requiring a Home Rule Petition which goes to a Town Meeting vote and then to the legislature. He also highlighted two initiatives forwarded to the Selectboard recently – a zoning bylaw change to incentivize mixed use and affordable housing on Stockbridge Road and a general bylaw change within the Selectboard’s purview to allow more than two curb cuts for a property to support increased housing opportunities. He asked the Selectboard to forward any other housing items or comments.
 - i. B. Nelson asked about the worksheet impact scores – M. Fick replied the scores are preliminary and have not been vetted – it is a scale for how directly or indirectly the item impacts housing.
 - ii. L. Davis added that the worksheet catalogues housing programs/policies – is constantly evolving - some are aspirational and others need vetting/deeper analysis. She noted the two proposals being presented tonight require multi-year strategies and the discussion is an effort to initiate work. She also suggested hiring a housing staff person to support committees/staff work.
 - iii. S. Bannon stated Town Meeting is coming up, so the ask on these proposals is to make a recommendation for continued work by staff. He noted there will likely be a special Town Meeting in September which may be more realistic timing. M. Fick added and it was agreed, the proposals being presented are in the concept stage.
 - iv. L. Davis presented the first proposal – a tax exemption for owners of affordable year-round rental housing - with the stated goal of providing an incentive for increased affordable housing. She continued to state exemption requirements - lease term of 12+ months, rent at/below market rate and verified income-eligible tenants earning up to 80% of area median income. She stated the exemption would be granted annually and have no deed restrictions. She shared some examples and various elements of the proposal including tax impacts, exemption calculations and sample applications - and shared the example of implementation in Provincetown. She noted the exemption would provide scattered vs grouped locations for lower-income renters, less costly alternative to building housing, incentivizes for lower rents – but also noted it would result in lost revenue to the Town, though she stated the exemption amount could be capped. She also detailed the lengthy process for approval/enactment including public input, Assessor/staff work, Home Rule Petition and Town Meeting vote. She stated the request is for permission for further exploration and public comment.
 - J. Hankin raised concerns about the program’s impact on taxpayers – L. Davis replied the pros/cons and options need to be weighed regarding funding for affordable housing.

J. Kain asked how successful this has been in Provincetown and how is GB housing stock different – L. Davis replied Provincetown has a lower tax rate and GB would have to weigh the loss of revenue. J. Hankin asked who would monitor the program – M. Fick replied we would need to better understand management and staffing needs. J. Hankin noted the affordable rate in Provincetown and asked what would it be in GB – M. Fick replied 80% AMI would be \$200-300 below market rate. He added getting 10 units for \$30,000 may be cost-effective vs other options.

- E. Abrahams stated the Town got a number of new units at no cost to taxpayers/the Town – M. Fick replied there was a cost. E. Abrahams also stated his concern that if there are already a number of rentals, the Town will not yield any additional units – but owners get a tax break. There was agreement this needs additional consideration/study.
- S. Bannon stated there are many questions and there needs to be more research. He noted the concept may be good, but it needs to be determined if it is practical and how it might be enacted.
- E. Abrahams stated his immediate concern is staff capacity and noted there was an earlier list of housing-related suggestions that had not moved forward. S. Bannon stated there may be staff capacity to do research, but not for follow through – it may require a part-time staff position. It was discussed that the Subcommittee could lead on some work like public outreach/comment - but staff would need to do research and there should be education and input from other committees before coming back to the Selectboard.

B. Nelson made a motion to advance the affordable housing exemption from the Housing Subcommittee to Town staff; S. Bannon seconded. S. Bannon asked for any discussion – there was none. All in favor: 9-0.

v. L. Davis shared a second proposal - a real estate transfer fee to establish a sustainable revenue source for the GB Affordable Housing Trust Fund. She stated the fee would be .5-2% on real estate transactions for properties sold in GB above a certain percentage of the median sale price for single family homes in GB – or it could be a certain dollar amount. She noted it could be paid by the buyer, seller or both and there could be exemptions for family member transactions, properties used for affordable housing, etc. She noted funds would be deposited in the Trust annually and would be used for affordable housing rental and homeownership opportunities. She stated public input, Assessor data, local home sales prices and market conditions would be needed to shape the terms, conditions and exemptions - and noted questions such as what should be taxed, who pays the tax, what is the percentage and what would be the exemptions have to be considered. She outlined next steps including public input, Assessor data, Town staff work, Home Rule Petition and Town Meeting vote.

- B. Nelson asked about the goals/expectations – L. Davis replied it is about how to direct funds – whether to build housing, support projects or do research. B. Nelson confirmed the approach would be for the Town Assessor to look at historical data and make go forward predictions on what would be the impact. She also inquired whether the Berkshire Regional Planning Commission could assist.
- There was a discussion on the use of CPC funds – J. Hankin and J. Higa suggested setting aside funds to dedicate to affordable housing, perhaps just for one year. P. Pachano noted Nantucket used CPC funds to create a housing staff position – which may be helpful for the Trust. S. Bannon stated the boards cannot tell CPC what to do, but could submit a request.

- J. Hankin noted people's homes are their principal resource and multiple federal/ local taxes are imposed when you sell. He asked about a scenario of older/vulnerable people selling their homes – L. Davis replied those situations could be exemptions. He also noted sellers would likely raise home prices to cover the fee.

- It was agreed the proposal needs to be studied to weigh benefits and risks. E. Abrahams stated the Trust should be asked what it needs - and for program/budget suggestions. J. Higa pointed out the Trust would need staff support.

M. Fick made a motion to move the real estate transfer fee proposal forward to have staff look into it further; L. Davis seconded. S. Bannon asked for any discussion – there was none. All in favor: 9-0.

2. CITIZEN SPEAK TIME

- Michelle Loubert, 70 Division Street requested copies of the Subcommittee PowerPoint. She also shared her concerns about high property taxes and the impact of the Short-term Rental Bylaw on homeowners - and noted this additional transfer tax would penalize homeowners.
- Claudia Shapiro, 78 Egremont Plain Road, stated she was in attendance regarding the public hearing on the airport - S. Bannon replied there is a Selectboard meeting following this meeting.
- J. Hankin asked if the Subcommittee is supporting the modification to the Short-term Rental Bylaw on the warrant - M. Fick replied it is on the list and he personally supports it – but there was no vote by the Sub-Committee. E. Abrahams suggested and it was agreed it is appropriate for the Sub-Committee to weigh in on it. S. Bannon stated this item is not on the agenda.
- P. Pachano asked the Sub-Committee to consider how to apportion and define affordability in GB cost of housing has nothing to do with wages locally due to the influx of capital assets that distort housing prices. He noted 80% AMI is not fair to people who do not qualify for affordable housing, but still cannot afford a home. He asked the Sub-Committee to consider 120-130% AMI – M. Fick replied rents at 100-120% are at levels that are at or greater than market rents – so we cannot subsidize that. It was agreed this is an important concern. E. Abrahams stated questions should be sent to C. Rembold.

3. MEDIA TIME – No media asked to speak.

4. ADJOURNMENT OF SPECIAL JOINT MEETING – S. Bannon adjourned the meeting by unanimous consent.

***** 1. 1.
CALL TO ORDER SELECTBOARD REGUALR MEETING – S. Bannon opened the meeting.

2. CONVENE AS SEWER COMMISSIONERS

L. Davis made a motion to convene as Sewer Commissioners; E. Abrahams seconded. All in favor: 4-0.

- Vote to approve current period of sewer abatements - S. Bannon stated in the packet is information on sewer maintenance for January 1 - June 30, 2022.
 - E. Abrahams stated he would recuse on this matter.

L. Davis made a motion to approve, as presented, sewer maintenance for January 1 – June 30, 2022; G. Reed seconded. S. Bannon asked for any discussion – there was none. All in favor: 3-0, with one recusal.

L. Davis made a motion to reconvene as the Selectboard; E. Abrahams seconded. All in favor: 4-0.

3. APPROVAL OF MINUTES

- January 9, 2023
- January 23, 2023

L. Davis made a motion to approve the January 9, 2023 minutes as amended and the January 23, 2023 minutes; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. All in favor: 4-0.

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4. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS – There were none.

5. TOWN MANAGER’S REPORT

- Housatonic Water Works–Draft Selectboard letter to DEP – M. Pruhenski reported the Town’s

consultants accessed the HWW facility and the appraisal should be available in a week. He stated he would reach out to the Selectboard for meeting dates when the report can be presented publicly. He also stated the Selectboard has a draft letter asking the DEP to step up enforcement measures – and E. Gabriel has approved.

L. Davis made a motion to send the letter to the DEP Bureau of Water Resources; E. Abrahams seconded. All in favor: 4-0.

- i. C. Shapiro suggested a water station be set up in Great Barrington for HWW customers. She continued to express concerns about potential airport contamination and protection of the Green River, the aquifer and the Town's drinking water and asked the Selectboard not to approve Berkshire Aviation's special permit application. She provided multiple documents/reports to the Town regarding water protection, water testing and details on airport operations.
- b. Department Head Updates – M. Pruhenski announced that Polly Mann Salenovich, Director of the Council on the Aging, is retiring in May after 11 years supporting the senior community. He expressed thanks for her years of service to the Town and community and shared best wishes. He also noted the plan is to hire for the position soon for an easy transition. He also announced Chief Charlie Burger will be leaving the Fire Department at the end of March after 21 years, of which the last 10 were as chief. He thanked Chief Burger for his dedication and wished him the best. He also stated recruitment is underway and after meeting with the Firefighters Association, they have recommended an interim chief and will be involved in the interview process.
- c. Division Street Speed Trailer Data – M. Pruhenski stated there is some early data for the two locations and noted they would stay in place for a bit longer. He added the report can be found on the Police Department website under the tab Traffic Data and Complaints.
 - i. M. Loubert thanked P. Mann Salenovich for her work and assistance to the community. She also thanked Chief Sorti for his help with the speed trailers. G. Reed asked about other issues on Division Street and the Bridge that were raised in the past and emphasized Town responsiveness to those concerns.

6. LICENSES AND PERMITS

a. Shivadas Guthrie for the Guthrie Center for 3-One Day Beer and Wine Licenses for their Clan Gathering event.

- i. Friday, June 23 from 12:00 PM to 10:00 PM
- ii. Saturday, June 24 from 12:00 PM to 10:00 PM
- iii. Sunday, June 25 from 12:00 PM to 8:00 PM

S. Guthrie stated for the event on June 23-25 it will be daytime on the grounds and include music and crafts - and evening ticketed events of music and programs for which the Center is requesting approval to serve beer and wine.

L. Davis made a motion to approve 3-One Day Beer and Wine Licenses for the Clan Gathering event to the Guthrie Center on Friday, June 23 from 12:00 PM to 10:00 PM; Saturday, June 24 from 12:00 PM to 10:00 PM; Sunday, June 25 from 12:00 PM to 8:00 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. All in favor: 4-0.

b. Shivadas Guthrie for the Guthrie Center for 2-Temporary Weekday Entertainment Licenses and 1-Temporary Sunday Entertainment License for their Clan Gathering event

- i. Friday, June 23 from 12:00 PM to 7:00 PM
- ii. Saturday, June 24 from 12:00 PM to 7:00 PM
- iii. Sunday, June 25 from 10:00 PM to 6:00 PM

- M. Loubert stated the Center has always been a good neighbor, but expressed safety and traffic concerns for this multi-day outside event and asked that a Police Officer be hired to secure people and the neighborhood. S. Bannon read from the application which stated based on the number of attendees, the Center would hire a Police Officer, but the Police Department has determined it is not required.

L. Davis made a motion to approve 2-Temporary Weekday Entertainment Licenses and 1-Temporary Sunday Entertainment License for their Clan Gathering event to the Guthrie Center with the condition that they hire a Police Officer for the events on Friday, June 23 from 12:00 PM to 7:00 PM; Saturday, June 24 from 12:00 PM to 7:00 PM; Sunday, June 25 from 10:00 PM to 6:00 PM; G. Reed seconded. S. Bannon asked for any discussion – E. Abrahams expressed hesitation to ask the Center to have a Police Officer when in the Department’s judgment it is not required as it is a significant cost. C. Rembold clarified that parking will be directly behind the Center. L. Davis suggested a Center staff member monitor parking/pedestrians. L. Davis rescinded the motion and G. Reed rescinded the second.

L. Davis made a motion to approve 2-Temporary Weekday Entertainment Licenses and 1-Temporary Sunday Entertainment License for their Clan Gathering event to the Guthrie Center with the condition that at least one staff person helps with parking; E. Abrahams seconded. S. Bannon asked for any discussion – G. Reed expressed concerns about staff coverage and potential injury. M. Loubert stated concerns about the effectiveness of a staff person and asked for police officer presence for neighborhood safety. E. Abrahams and L. Davis voted in favor, S. Bannon and G. Reed voted against. Motion failed 2-2.

- S. Guthrie stated the Center is willing to hire a police officer to ensure the safety of the community and clarified that there would be music outside but would not be all day and not loud.
- Eileen Mooney confirmed the last motion and vote.

L. Davis made a motion to approve 2-Temporary Weekday Entertainment Licenses and 1-Temporary Sunday Entertainment License for their Clan Gathering event to the Guthrie Center with the condition that they hire a Police Officer for the events on Friday, June 23 from 12:00 PM to 7:00 PM; Saturday, June 24 from 12:00 PM to 7:00 PM; Sunday, June 25 from 10:00 PM to 6:00 PM; E. Abrahams seconded. S. Bannon asked for any discussion – there was none. All in favor: 4-0.

7. NEW BUSINESS

- a. Selectboard vote to transmit proposed zoning amendments, including those by citizen petition, to the Planning Board for a public hearing.

L. Davis made a motion to transmit the proposed zoning amendments as stated in the packet including those by citizen petition to the Planning Board for public hearing; E. Abrahams seconded. All in favor: 4-0.

- b. Selectboard vote to approve Arbor Day Proclamations for 2022 and 2023 – L. Davis read the proclamation:

Arbor Day Proclamation, 2023 Town of Great Barrington, Massachusetts

Whereas, Arbor Day celebrates the role of trees in our lives and promotes tree planting and care. It was initiated in 1872 by J. Sterling Morton of Nebraska City who said “Other holidays focus upon the past; Arbor Day focuses on the future.” Arbor Day is now celebrated throughout the nation and the world.

Whereas, trees are important, we couldn't live without them: they clean the air and produce the oxygen we breathe. They provide habitat for wildlife and help to keep the climate in balance. They give us paper, wood for our homes, fuel for our fires and countless other wood products.

Whereas, trees increase property values, and enhance the beauty and vitality of our community. Whereas, planting trees is an act of kindness and optimism. The celebration of Arbor Day represents a priceless opportunity for all of you to take positive actions and make your world a better place.

Therefore, we, the members of the Selectboard of the Town of Great Barrington, Massachusetts, do hereby proclaim April 22nd, 2022 and April 28th, 2023 to be known as ARBOR DAY in Great Barrington, and we urge all citizens to celebrate Arbor Day planting and caring for trees, and to support efforts in our Town to protect our trees.

IN WITNESS THEREOF, We have hereunto set our hands this 13th day of February, 2023.

Steve Bannon

Leigh Davis

Ed Abrahams

Garfield Reed

Eric Gabriel

L. Davis made a motion to approve the Arbor Day Proclamation for 2022 and 2023; E. Abrahams seconded. All in favor: 4-0

i. E. Abrahams suggested adding this to the operations calendar and ask the Tree Committee if they want to promote this - M. Pruhenski stated they did not have a quorum last year. E. Abrahams also asked for an edit in the second sentence to move the period inside the quotation marks.

c. Town Manager Annual Performance Evaluation – S. Bannon stated M. Pruhenski's performance evaluation is in the packet and on the Town website – and noted it is exemplary both scores and comments and the Town is fortunate to have him in the role.

8. CITIZEN SPEAK TIME

a. C. Shapiro stated she attended the meeting due to the notice for the Berkshire Aviation public hearing – S. Bannon replied it is scheduled for February 27.

9. SELECTBOARD'S TIME – No members asked to speak.

10. MEDIA TIME – No media asked to speak.

11. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 6:58pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk