1. CALL TO ORDER SELECTBOARD REGULAR MEETING - Chairman Bannon opened the meeting at 6:04pm with Selectboard members: Steve Bannon, Leigh Davis, Ben Elliott, Eric Gabriel, Garfield Reed present. 
Also in attendance: Town Manager Mark Pruhenski

2. APPROVAL OF MINUTES
   a. May 15, 2023
   b. August 21, 2023
   c. August 29, 2023
L. Davis made a motion to approve the May 15, August 21 and August 29, 2023 meeting minutes; E. Gabriel seconded. S. Bannon asked for any discussion – G. Reed stated he would recuse for August 21. All in favor: 5-0 for May 15 and August 29, and 4-0 for August 21 with G. Reed recusing.

3. SELECTBOARD’S ANNOUNCEMENTS/STATEMENTS
   a. L. Davis stated Step 1 CPC applications were reviewed and all are moving forward to Step 2 - and they will be discussed at the CPC meeting on Thursday at 5:00pm.

4. TOWN MANAGER’S REPORT
   a. Housatonic Water Works – M. Pruhenski stated there has been media coverage about the hydrants in Housatonic and clarified that he has met with the GB Fire Chief and emailed with Jim Mercer about the matter. He stated for the July incident on Division Street all protocols were followed, the Fire Department was prepared and the fire was quickly extinguished using water tankers. It was clarified that the hydrants in question are used for flushing the system – and noted the Fire and Police are aware and it would be programmed into the response software. He added the hydrants are now marked by HWW and there will be improved lines of communication between HWW and the Fire Department. He also stated the Selectboard would be meeting this week in Executive Session with the Town attorney to continue strategy discussions.
      i. Michelle Loubert, 70 Division Street, stated the hydrant in question is on her property and she was at the fire. She noted the fire was not extinguished right away and the Fire Department tried to use the hydrant. She added the Fire Department did a great job, but the Town should know which hydrants work and which do not.
   b. Fire Chief Scott Turner- Welcome – M. Pruhenski welcomed new Fire Chief Turner and noted his 29 years of fire service experience. He stated Chief Turner will be providing updates to the Selectboard.

5. LICENSES AND PERMITS
   a. Shivadas Guthrie for the Guthrie Center’s request for a One Day Beer and Wine License on September 22, 2023 from 8:00 PM to 11:00 PM for a concert event at 2 Van Deusenville Road Great Barrington.
      i. S. Guthrie stated this is for the Black Legacy Project album release event.
L. Davis made a motion to grant a One Day Beer and Wine License for September 22, 2023 from 8:00 PM to 11:00 PM to Shivadas Guthrie for the Guthrie Center; E. Gabriel seconded. S. Bannon asked for any discussion – there was none. All in favor: 5-0.
6. PUBLIC HEARINGS
   a. Special Permit: application from Michelle Maki, d/b/a Midori’s Garden LLC, 920 Main Street, Great Barrington, for a marijuana cultivation and manufacturing establishment in an Industrial zone at 920 Main Street. The application is filed in accordance with Sections 3.1.4 C(13), 7.18 and 10.4 of the Zoning Bylaw.
      i. Open Public Hearing
      ii. Explanation of the Project
      M. Maki presented plans to create an area on her property at 920 Main Street for cannabis cultivation and manufacturing in small quantities - and explained growing would be outdoors in a high tunnel, environmentally sound and required no permanent structures. She added there would be a single growing season. She continued to state odor concerns that would be mitigated as much as possible and that a public input session had been held where community concerns were addressed. She noted plans for the business that would support social equity and diversity objectives as well as support positive workforce objectives and broader farming on her property.
      iii. Public comments, speak in favor or opposition
      • John Grogan, 360 North Plain Road, expressed concerns about odor impacting residents at the GB Housing Authority Brookside property, which is an abutter, and asked for a back-up plan if the mitigation strategy is not effective.
      • Dominic Lydon, 930 Main Street stated he wants to be supportive, but expressed concerns about children nearby at the Pediatric Development practice and the nearby apartments - and he added that growing cannabis is not a neighborhood activity.
      • Carol Bosco Baumann, Executive Director, CDC Southern Berkshires, stated the CDC co-developed the housing next door and that M. Maki is a good neighbor, but expressed concerns about odor control and asked for an alternative mitigation plan.
      • M. Loubert stated concerns about odor and the potential for expansion and larger scale projects.
      • Drew Weisse, United Food and Commercial Workers, stated he is involved in the project and supports its positive impact plan and noted it would set a new standard and keep resources in the community.
      • Amal Hussein, 31 Blue Hill Road, stated her support for the initiative and it’s commitment to equity, environmental awareness and thoughtful development.
      • Donna Jacobs, 260 Park Street, stated her support and noted there should be support for small cannabis growers who are environmentally conscious not just large scale industrial farming. She questioned who gets to grow cannabis and why.
      • Name unintelligible, Sheffield resident partnering with M. Maki stated this is an important business supporting Black farmers and it is well planned and community-focused.
      • Angela Highsmith, 426 Mill River Great Barrington Road, New Marlborough, stated she is involved with the project and is supportive and noted the impact of the criminalization of cannabis on Black and Brown communities. She stated smaller operations should be supported.
      iv. Questions from the Selectboard
S. Bannon stated that due to the population density in the area an odor expert should be engaged to confirm odor is mitigated as much as possible and that the plan is solid.

L. Davis made a motion to have an odor mitigation consultation and plan and to acquire a reasonable project relief fee to fund the expense of an odor science consultant in accordance with MGL Chapter 44, Section 53G and to authorize the Town Manager to develop a scope of services and receive fee proposals as required by MGL Chapter 30B Uniform Procurement Act; E. Gabriel seconded. S. Bannon asked for any discussion — there was none. Roll call vote: S. Bannon, “aye,” L. Davis, “aye,” B. Elliott “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor: 5-0.

It was confirmed that for all Special Permits the cost of the consultant/report is covered by the applicant and that there would be an RFP to hire the most qualified bidder. It was further explained that the applicant would be asked to deposit a sum into an interest bearing account and that the consultant would make a presentation to the Selectboard.

v. Comments from other Boards – There was none.

vi. Close Public Hearing

vii. Selectboard discussion

The Selectboard agreed that odor and its impact on local residents is a significant issue. Concerns were also raised about the extent of outreach and input from local residents, odor and lighting mitigation and the potential for growth of the operation. It was confirmed that the Selectboard can add conditions under the Permit.
The Selectboard agreed to move the October 23 meeting to October 30 and if the report is not ready, it can be continued. It was noted that public comment is still open.

viii. Findings

ix. Motion to continue/deny/grant

L. Davis made a motion to continue the Special Permit application of Midori’s Garden to Monday, October 30 at Town Hall and virtually at 6:00pm; E. Gabriel seconded. S. Bannon asked for any discussion — there was none. Roll call vote: S. Bannon, “aye,” L. Davis, “aye,” B. Elliott “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor: 5-0.

7. NEW BUSINESS

a. Selectboard vote to appoint member to the Historical Commission.

L. Davis made a motion to appoint Abby Schroeder to the Historical Commission; E. Gabriel seconded. S. Bannon asked for any discussion — there was none. All in favor: 5-0.

b. Digital Equity and Internet for All: Presentation from Berkshire Regional Planning Commission staff about the State’s Internet Equity Planning for everyone to have access to high-quality and affordable internet service, devices, skills training, and digital support

i. Wylie Goodman, BRPC, presented an initiative being launched across Berkshire County focused on high speed fiber infrastructure and digital equity in unserved and underserved rural communities. She shared aspects of the initiative including a state digital equity plan for asset mapping, municipal/local digital equity plans to promote accessibility and skills-building and digital equity community partnerships. She encouraged residents to complete the digital equity survey and for organizations to participate in asset mapping which would provide data for the state to share at the federal level.

ii. The Selectboard agreed this is an important initiative especially around access and skills development and expressed its support.

c. Discussion and Vote: Housatonic Water Works—Temporary relief for residents/customers.
L. Davis made a motion to accept the Executive Summary providing reimbursement of up to $300 per Housatonic household for all documented costs related to the purchase of bottled water, laundry related expenses and the purchase and/or installation of water filtration products; E. Gabriel seconded. S. Bannon asked for any discussion – E. Gabriel stated he supports the plan, but would prioritize filtration systems. G. Reed stated volunteers should be from Housatonic. All in favor: 5-0.

i. J. Grogan stated $300 is not enough and the state should supplement. It was confirmed it is state funding that is being provided.

ii. E. Mooney asked if funds had been received – it was confirmed it has not, but the state first needs the Town’s plan on how the funds would be spent.

iii. D. Jacobs stated she has had issues trying to install a whole house filtration system and noted it will be difficult to produce receipts so $300 should be provided to each resident.

iv. Kathy Regan, Housatonic, stated there has not been enough education about HWW water issues and water filtration. S. Bannon stated the Board of Health should help with identifying issues and filtration systems that are effective. He also confirmed the Town would intervene in the HWW rate case.

v. Kevin Regan stated $300 will not be enough for a filtration system and noted requirements for effective filtration.

d. Discussion/Vote–Shared Building Department- Inter-municipal agreement with towns of Lee, Lenox, and Stockbridge - M. Pruhenski stated in the packet is an agreement among Great Barrington, Lee, Lenox and Stockbridge to create a shared Building Department to handle permitting, zoning and code enforcement for all four towns for an initial term of three years. He noted there would be one Building Commissioner to focus on complex matters and three local inspectors to handle residential permitting. He stated the cost would be allocated among the towns based on percentage of permits issued annually in each town – and added this year GB would cover 32% which would be $110,000 and the agreement has been approved by Lee, and Lenox and Stockbridge will vote later in the week. He recommended the Selectboard approve with a start date for the arrangement of October 1.

L. Davis made a motion to accept the Shared Building Department Inter-municipal Agreement with Great Barrington, Lee, Lenox and Stockbridge; E. Gabriel seconded. S. Bannon asked for any discussion – It was discussed and confirmed that the total budget is $345,000, which does not include existing administrative staff nor benefits for new staff, but benefits would be provided and the cost shared. It was noted that GB’s 32% may vary depending on the percentage of permits in a year. All in favor: 5-0.

e. Discussion/Vote 2024 Selectboard Meeting Schedule Vote

L. Davis made a motion to accept the 2024 Selectboard regular meeting schedule; E. Gabriel seconded. S. Bannon asked for any discussion – there was none. All in favor: 5-0.

8. CITIZEN SPEAK TIME

a. K. Regan asked about his pending building permit – M. Pruhenski stated there would not be any action until October 1, but if he has a question about state code it can be answered by one of the other towns.

b. M. Loubert stated concerns about walking near the Division Street Bridge and requested a crosswalk be added for safety. It was agreed that Joe Aberdale, DPW Superintendent, would be asked to look into it. She also asked about the affordable housing roundtable and the lack of outreach about the meeting - S. Bannon replied it was Senator Mark’s meeting and his office should be contacted.

c. K. Regan stated HWW’s rate increase, if granted, would make rates among the highest in the country. She added that customers should not be responsible for repairing infrastructure.
S. Bannon stated there were 7 panelists, 19 virtual attendees and 10 in person attendees at the meeting.

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 7:30pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk