Also in attendance: Town Manager Mark Pruhenski; Assistant Town Manager Chris Rembold.

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

3. TOWN MANAGER’S REPORT
   a. Housatonic Water Works – M. Pruhenski stated the Selectboard met with Town Counsel in Executive Session on September 13 – and noted this is a complex situation with no easy solution and he thanked residents for their patience. He also stated the DPU rate case public hearing will be held on September 26 at 7:00pm at the high school auditorium – and that a press release and CodeRED will be issued in advance.

4. LICENSES AND PERMITS – There were none.

5. PUBLIC HEARINGS
   Special Permit: application from WDM Properties, c/o David Carver, 37 Main Street, Suite 202, North Adams, MA 01247, for an 8-unit multiunit residential redevelopment in the former Housatonic School at 207 Pleasant Street, Housatonic, MA 01236. Application is filed in accordance with Sections 3.1.4 A(3), 8.3, 9.9, 10.4 and 10.5 of the Zoning Bylaw. Note: this matter may involve an issue relating to the state conflict of interest law and the so-called Rule of Necessity, which allows for members of a public body who may have a conflict to participate in a particular matter in order for the body to have a sufficient number of members to take the action required.
   S. Bannon made a statement: This matter is an application for a Special Permit and a conflict of interest situation because one member of the Selectboard is a direct abutter to the School property – that is B. Elliott and another member, E. Gabriel, is related to a direct abutter – a rental house owned by his late father and where his brother resides. Therefore, the Town Manager requested advise from Town Counsel and we have received an opinion regarding the provision in the State’s Conflict of Interest Law that prohibits a municipal employee from participation in a particular matter which the employee or the employee’s immediate family has a financial interest. In explaining the position of the State Ethics Committee - a municipal employee is presumed to have a financial interest in a property if the employee’s property directly abuts that property. Under those requirements, only three members of the Selectboard could participate in the public hearing and application review process and the Selectboard would not have the quorum required to act on the application because the State Zoning Act specifies that the grant of a Special Permit by a five member Special Permit granting authority such as the Selectboard requires the affirmative vote of at least four members. GL Chapter 48, Section 9. Under the Conflict of Interest Law, when conflicts prevent a board from having a quorum required to act on a particular matter, and the board is required to act, the so-called Rule of Necessity may be used to allow the board member or members who have a conflict to participate in the matter – this is one of those situations. Therefore, I am recommending that we invoke the Rule of Necessity in order to allow the Selectboard to carry out its responsibility to consider and act upon the Special Permit application. When the Rule is used, all board members are allowed to act on the matter in question, although a member may still refrain from participating if he or she chooses to do so.
The Rule also requires that a board member or members who have a conflict of interest must first disclose the conflict. In this instance, the conflict arises on account of ownership of abutting property. For the record – the members in question are Ben Elliott, a direct abutter at 208 Pleasant Street and Eric Gabriel whose family is the direct abutter at 226 Highland Street. B. Elliott and E. Gabriel both confirmed the property addresses and abutter status is correct.

G. Reed made a motion that the Selectboard invoke the Rule of Necessity in order to have a quorum to act on the Special Permit application for the Housatonic School property; L. Davis 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.

i. Open Public Hearing


ii. Explanation of the Project – Dave Carver, WDM Properties and the development team for the Housatonic School project, presented on the conversion to eight affordable housing units. They provided an overview of the site and proposed work on sidewalks, parking and utilities and internal renovations/design for eight two bedroom units. The team highlighted efforts to preserve the integrity and history of the building internally and externally. It was noted that other Town boards and Police/Fire Departments reviewed the plans with only one minor change from the Fire Chief to add of a sidewalk on the east side.

iii. Public comments, speak in favor or opposition

- Fred Clark, 388 Park Street stated it the parking area should be better defined by a curb cut or otherwise to define where cars can enter.
- Donna Jacobs, 260 Park Street, asked about the water filtration system for the building. It was explained that Culligan has received the water testing data and will be sure to install a robust and effective system. It was added that information on the specific system would be provided.
- Michelle Loubert, 70 Division Street, asked in addition to funds from the Town, are state or federal funds being used for the project - it was confirmed funding is coming from equity, Town funds, State UPP program and a loan.

iv. Questions from the Selectboard

- The Selectboard discussed changes from the original plan including reducing the number of units from 10 to eight units and having only two-bedroom units. D. Carver explained the two eliminated units were planned for the basement, but upon closer inspection, it is not habitable space due to ventilation, light, flooring and other concerns. He added the larger two bedroom units worked best with the building’s design.
- Local choice was also discussed and D. Carver confirmed that there is an agreement that current Town residents will have preference and that list will be exhausted before going to non-local applicants – he also shared a plan for local advertising/outreach. He confirmed pricing for the apartments which would be $1,850 initially, but using the area median income (AMI) formula, would allow rents to be a little over $2,000/month including heat, air conditioning and internet. He added there is a written agreement to be recorded in the Registry of Deeds that limits rent to 100% AMI.

- Other aspects discussed were concerns about the lack of data on increased traffic in the area, building safety/fire protection, exterior lighting, green space, etc.
- D. Carver stated he is awaiting the approval on the state funds, but other funding is in place. He stated he expects work to begin in the fall.
v. Comments from other Boards - C. Rembold stated information is in the packet, but the only comment is from the Planning Board re: the relocation of the bike rack.

vi. Close Public Hearing


vii. Selectboard discussion – It was noted the only condition is the installation of a sidewalk on the east side. There was also additional discussion on the potential impact of traffic, but it was confirmed the volume does not meet the threshold for a traffic study. The Selectboard discussed how to address the issue, and agreed it would be discussed in the future and incorporated into a broader pedestrian safety plan.

viii. Findings

The Selectboard reviewed the Special Permit criteria and findings of fact regarding the impact of the project on the Town considering social, economic, community needs; traffic and safety; utilities/public services; neighborhood character; and environmental and fiscal impact – and there was agreement that the project had limited negative impact and was overall beneficial for the community and Town.

ix. Motion to continue/deny/grant


L. Davis made a motion in view of the approved Findings of Fact, to approve Special Permit #938-23 for WDM Properties, c/o David Carver, for an 8-unit multiunit residential redevelopment in the former Housatonic School at 207 Pleasant Street, Housatonic with the following condition - for a sidewalk to be added on the east side; 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.

6. PREVIOUS BUSINESS

a. Real Estate Transfer Fee- Proposal from Selectboard and Planning Board Housing Sub-Committee L. Davis provided an overview of the proposed provisions and process for a Real Estate Transfer Fee aimed at expanding/protecting workforce housing and generating revenue. She asked that the Selectboard consider including on the Special Town Meeting warrant on October 23 a Home Rule Petition article establishing the real estate transfer fee. She emphasized that an October vote is important timing so GB would be included with other similar pending bills and to have a voice in the matter which may have the Governor’s support.

i. S. Bannon stated the Special Town Meeting was called on a warrant article to merge the two school districts and the meeting should be focused on the students. He added The Transfer Fee is not urgent and requires further discussion. He also noted the school administration did not endorse adding it to the warrant. G. Reed stated he would endorse the proposal, but not for the October meeting. E. Gabriel acknowledged the importance of affordable housing, but expressed concerns about the fee as the best avenue, as taxes are already high and the Fee does not factor in investment in the home, original purchase price or potential loans/liens. He added affordable housing should be funded through CPA. B. Elliott stated the funds generated by the fee will allow GB to be nimble and provide more housing for local people. S. Bannon stated there should be more discussion as many concerns were raised by residents and there should be input from other boards. He emphasized there should be a comprehensive plan for affordable housing in GB that considers all viable approaches and is tailored to the Town. He noted the affordable housing issue should not be addressed with an additional burden on taxpayers.

ii. There was additional discussion about the CPA allocation to the Affordable Housing Trust
and S. Bannon pointed out the CPC is project oriented and the Affordable Housing Trust is not or it may not have a project at application time – so perhaps there should be a set aside.

L. Davis made a motion to add the proposed Special Article to the Special Town Meeting as presented in the memo; B. Elliott seconded. S. Bannon asked for any discussion – it was discussed that a vote on the Transfer Fee is pressing, but concerns were also raised about being ready to put it to a vote in October.

- Fred Clark, 388 Park Street stated housing should pay for housing and the vote tonight is the first phase in sending the Home Rule Petition.
- Eric Steuernagle, stated affordable housing is a crisis, but it should be funded through the CPC and suggested that surrounding towns pool resources rather than GB addressing the issue alone.
- Michelle Loubert, 70 Division Street stated the school merger should be the only item to be voted on at the Special Town Meeting – and she added she does not support the Transfer Fee. She also expressed concerns about the timing and process for Town Meetings.


7. NEW BUSINESS

a. Title VI Nondiscrimination Policy: Review, public comment, and adoption of Title VI Nondiscrimination Policy for federally funded transportation related programs – C. Rembold stated there is an executive summary in the packet and explained that the Town is the recipient of federal funds for the MicroTransit program and must enact a nondiscrimination policy and related process. He noted this has been out for public review and there has been no input. He added the policy will be reviewed annually and can be amended.


b. Lake Mansfield Task Force Presentation and Update – L. Davis reported the Lake Mansfield improvement project is out to bid and work is expected to begin this fall and be substantially complete by the end of May. C. Rembold clarified changes in pedestrian and vehicle access and noted vehicles will not be able to use the roadway from the boat launch to the beach. He stated water quality protection, habitat preservation and public safety are priorities. He noted the construction budget is $2m with $1.7 from the state and the remainder from state grants or the capital budget.

c. Massachusetts Lottery Commission- KENO Monitor Notification for Lipton Mart #606, 246 Stockbridge Road – M. Pruhenski stated the State Lottery Commission has advised the Town they are offering a KENO monitor to one of their existing agents, Lipton Mart on Stockbridge Road, which will allow people to check their tickets there - the Selectboard has the option to object. He noted there have been no complaints about any of the KENO agents in Town. No objections were raised by Selectboard members.

d. Vote to appoint Community Preservation Committee Alternate Selectboard member – recommendation & appointment - This item was tabled.

e. Vote to approve 7-Minutes of Silence Proclamation – E. Gabriel read the Proclamation (attached)


f. Vote to authorize the Selectboard Chair and Town Manager to draft a statement on behalf of the board in advance of the September 26th Dept. of Public Utilities HWW rate case public hearing. S. Bannon suggested the Selectboard make a statement at the September 25 rate case public hearing that
presents a cohesive perspective. G. Reed asked to see it before it is presented.

S. Bannon stated there are 30 attendees in house and online for the meeting.

8. CITIZEN SPEAK TIME
   a. M. Loubert asked about regulations for installing a crosswalk at the Division Street Bridge and noted other streets where there are crosswalks, but not two sidewalks. She also noted trucks are traveling too fast on Division Street.
   b. James Garzon, 84 North Plain Road, asked about work being done on a property on a Sunday – M. Pruhenski replied it is allowed 8:00am-8:00pm.
   c. Kevin Regan, Housatonic, asked regarding the Housatonic School if there is a guarantee the water filter being installed is certified. S. Bannon stated it will be confirmed the system is certified.

9. SELECTBOARD’S TIME
   a. B. Elliott encouraged Housatonic residents to attend the DPU hearing.
   b. E. Gabriel stated he was excited about the Housatonic School as it was a priority for him.

10. MEDIA TIME – No media asked to speak.

11. ADJOURNMENT - Chairman Bannon adjourned the meeting by unanimous consent at 8:35pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk
Whereas, Seven Minutes of World Peace is a global simultaneous observance of silence for seven minutes on September 21, 14:00-14:07 Greenwich Mean Time corresponding to 9:00-9:07 AM Eastern Daylight Time in the United States marking the International Day of Peace, when the Peace Bell is rung at the United Nations, thereby uniting individuals, communities, organizations and nations around the world in silence, prayer or meditation dedicated to the spirit of world peace; and

Whereas, Seven Minutes of World Peace was founded in 1984 by Sri Chinmoy (1931-2007), and hosted by the Sri Chinmoy Centre and Sri Chinmoy: Peace Meditations at the United Nations, in cooperation with United Nations Associations around the world, along with a broad range of religious, spiritual, educational and peace organizations who believe that a foundation of inner peace must be established among all peoples before outer peace can become a reality; and

Whereas, Seven Minutes of World Peace has no political or religious affiliations or point of view other than the universal human desires for harmony among nations and peoples, and

Whereas, the Town of Great Barrington has an ever-increasing commitment to ideals of peace, compassion and social justice;

Now, therefore be it resolved that the Selectboard of the Town of Great Barrington do hereby request that all town offices join others around the world in observing simultaneous silence during Seven Minutes of World Peace from 9:00-9:07 am EDT on September 21, 2023 and encourage all town employees and citizens in Great Barrington to participate individually or collectively, in the spirit of peace.

IN WITNESS THEREOF, We have hereunto set on this 18th day of September, 2023

Steve Bannon
Leigh Davis
Ben Elliott
Eric Gabriel
Garfield Reed