1. Call To Order: Mr. S. Bannon, Chairperson, called the meeting to order at 5:30 pm., those attending were, Town Manager M. Pruhenski, assistant Town Manager, C. Rembold, B. Cooke, E. Abrahams, K. Burke, and L. Davis and S. Bannon.

2. Approve Minutes: December 9, 2020; E. Abrahams made motion to approve the Minutes, B. Cooke seconded, All in Favor, (5 -0). December 16, 2019, E. Abrahams made a motion to approve, B. Cooke, seconded, All in Favor, (5 - 0).

3. Selectboard Announcements: L. Davis, CPA met on January 6, 2020 and will meet on Tuesday, January 22, at 5 pm., that horse racing bill (H.4272) has gone to the Joint Committee on Consumer Protection and Consumer Licensure, they are meeting January 27, 2020. K. Burke thanked the DPW on clean up after several storms. She spoke of the Open Space and Recreation Task Force, they have a questionnaire online and copies are also at the Senior Center, Libraries asking the people to fill out the questionnaire. Their next meeting will be at Berkshire South Community Center on January 30, 5:30 pm. Also to have an agenda item to talk about how to get more information to the people about the Town Meeting. She has reached out to UMass about possible students to do a sustainability project(s), gathering information. They can email K. Burke with ideas. 
S. Bannon had asked to see if Tuesday, February 11, 2020, 5:30 – 6:00pm to have a joint meeting with Finance Committee for the Audit presentation.

Town Manager, M. Pruhenski advised that Attorney General confirmed that the Town Website, is the official site for Towns’ posting of agendas. The Town Clerk will also post the agendas in the lobby. Need three (3) people from the community to advise Town Manager and Finance Director, on the Community Impact applications. Will receive approximately $300,086; with about $200,000 available in FY 21 to disperse.

4. Public Hearing:
A. Application of Karin Watkins, Mahaiwe Performing Arts Center, Inc., for change in Manager from Beryl Jolly, to Janis M. Sagarin for the Common Victualler Wine & Malt Without Food Liquor License at 14 Castle Street, Great Barrington, Massachusetts.
   a. Open Public Hearing: E. Abrahams, made motion to Open the Public Hearing, B. Cooke, seconded, Roll call: Abrahams, yes; Bannon; yes; Burke, yes; Cooke, yes; Davis, yes. Vote 5-0.
   b. Explanation of Project: Beryl Jolly has stepped down as the Manager on the liquor license and Janis M. Sagarin is requesting to be named as the new Manager.
      c. Speak in Favor or Opposition: no one
   d. Motion to Close the Public Hearing: S. Bannon, close Public hearing, E. Abrahams, seconded; Roll Call, Davis, yes; Cooke, yes; Burke, yes; Abrahams, yes, & Bannon, yes.
Vote 5-0.

e. Motion: Findings: none

f. Motion re: Approval/ Denial/ Table: E. Abrahams made motion to approve the change of Manager from Beryl Jolly to Janis Sagarin as the new Manager on the Liquor License for the Mahaiwe Performing Arts Center. B. Cooke, seconded; Roll Call vote; Davis, yes; Cooke, yes; Burke, yes; Bannon, yes; Abrahams, yes; All in Favor (5-0)

B. Special Permit Application from School Street Parking, LLC., c/o Phillips International Holding Corporation, 5 Cheshire Road, Pittsfield, Massachusetts, to construct and operate a commercial parking lot in a B - 3 zone, for work within the Water Quality Protection Overlay District, at 11 School Street, Great Barrington, Massachusetts.

a. Open Public Hearing: S. Bannon opened the Public Hearing, E. Abrahams, seconded. Roll Call Vote: Davis, yes; Cooke, yes; Burke, yes; Bannon, yes; Abrahams, yes 5-0.

b. Explanation of Project: Matt Hunting, Civil Engineer Group of Pittsfield, here for the applicant, School Street Parking, LLC, for special permit for the Commercial parking lot and rezone, and work in the Water Quality Protection Overlay District. 11 School Street was a laundromat building with a couple of vacant apartments on top. The building on the corner of Main and Bridge, 321 Berkshire Block there are many offices on the second floor. The recent purchase of the parking lot behind Fosters of 37 parking spots is not enough parking for the Main Street building. They need 38 more parking spots. Would need to demolish the laundromat building and pave the entire lot for parking. Entrance would be on School Street and Bridge Streets. They were before the Planning Board and the Planning Board had several questions. Tom Toys and the Applicant have an agreement with them not legal. New entrance on 11 School Street abuts the Tom Toys and abuts former the Fosters parking lot. He stressed the use parking is critical for applicants’ customers and offices. Technically, apartments were considered affordable housing by the Planning Board though they need upgrades and the owner has no desire to do the upgrades.

c. Speak in Favor / Opposition: K. McCormick, Esq., spoke on behalf of her client, Raifstanger, LLC, owners of Kwik Print. The owners have an easement to their business to receive deliveries in the back of the shop, the road between laundromat and Kwik Print, part of the former Foster building. This would cause them not to be able to receive deliveries. There are property rights that need to be addressed. L. Davis asked what is the height of fence? Matt replied that it would be a short guardrail. L. Davis wanted to know about the sidewalk for pedestrians. Matt said there was no proposal for the sidewalks. B. Cooke asked if it would be a private lot. Matt said no private lot. Is all parking for the owner. E. Abrahams asked how many offices. Matt said 30 - 34 office spots, retail about 4 - 6 spots. L. Davis said that they recently bought a lot on Bridge and Main (37) spots on top of the 38 proposed. Matt said yes, both 37 and 38, 75 total, would be private. B. Cooke asked if behind Fosters is now private. Matt yes it’s private, not for public, not gated like School Street. E. Abrahams stated that the applicant is solving his/ their parking problems, at the expense of everyone else, there is a parking problem in town. The end of Railroad Street parking lot became private, has caused problems, most spots are vacant during the day. K. Burke is concerned about Kwik Print
easement. L. Davis asked about the length of time property has been for sale. Torrico sisters (Vicky and Cathy) spoke, they obtained 40 signatures to say there is a parking problem and handed in the signature sheet to the Town Manager. They feel that there are not enough parking spots. S. Bannon asked about the nights and weekends when the public needs to park. They said that there will be parking for their tenants. K. Burke feels everyone is on a different page; the 38 spots will be fenced for employees / renters of the building. The other 37 spots in Fosters can be used spots, not gated. What happens when they sit open, during holidays, weekends, etc. S. Bannon wants a definitive answer of when the spots are open, nights/weekends. L. Davis worried that knocking down the apartments when we need housing and there isn’t a downtown laundromat and feels it sets a negative precedence. A. Abrahams would like a condition that there is an agreement for a signed easement with Kwik Print and Tom Toys. K. McCormick needs her clients to have access to deliveries, so not to have gates. She said there are many title concerns in back lots right now. Matt asked to continue the special permit for one month.

d. Motion to Continue: E. Abrahams made motion to continue for one month to February 10, 2020, 7 pm., B. Cooke seconded, Roll Call Vote; Davis, yes; Cooke, yes, Burke, yes; Abrahams, yes; Bannon, yes; all in Favor 5-0.

C. Continuation of Fulcrum Enterprises, LLC, Special Permit Application, from September 9, 2019, September 23, 2019, October 21, 2019, and November 18, 2019, for a Marijuana Cultivation and Manufacturing Establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, Massachusetts, in accordance with Section 3.1.4 C (13), 7.18 and 10 .4 of the Great Barrington Zoning Bylaw.

1. Fulcrum Enterprises LLC Requests to Withdraw without Prejudice their Special Permit Application. K. McCormick, Esq. submitted a request on January 10th, 2020, to the Selectboard to withdraw.

2. S. Bannon read a letter from Attorney Mitch Greenwald dated January 13, 2020, which states that represents the Loubert and the Forbes families. That neither family will not oppose the request to withdraw the Fulcrum Special Permit Application. Though if Fulcrum chooses to re-apply, they will be opposed and work towards overturning such a decision.

3. K. McCormick, Esq., spoke of the wish for her client, Fulcrum Enterprises, LLC, to withdraw application without prejudices. She continues that if Selectboard doesn’t agree then Fulcrum is prepared to have the sound and odor experts give their
report. The peer review process is not complete, the odor report is not in Fulcrum favor, there had been many delays and timing constraints were hard to meet and hard to coordinate third party experts to get time sensitive reports to boards, and information to the public to read. Would like to reconvene, and try to get information gathered on own time, and decide if to re-apply. She said that in granting the request, it preserves the public hearing process, assures all board involvement, and doesn’t rush the applicant or the public, who has invested a great deal of time and energy. Requesting to withdraw without prejudice.

4. E. Abrahams made motion that the Board accepts from Fulcrum Enterprises LLC request to withdraw the Special Permit application # 895-19, without prejudice; B. Cooke seconded, Roll Call Vote, Davis, yes; Cooke, yes; Burke, yes; Bannon, yes; Abrahams, yes; All in Favor, 5 - 0.

6. License or Permits: Tom Doyle / TOPA Enterprises, LLC. for two (2) Curb cuts on southwest side of Mahaiwe & Main Streets.
   a. Tom Doyle, TOPA LLC, explained project, that he wanted to make two curb cuts, required as part of a bigger application process.
   b. E. Abrahams made motion to approve the request for the two curb cuts at corner of Mahaiwe & Main Streets for TOPA Enterprises, B. Cooke, seconded, All in Favor, 5-0.

7. New Business: (continued)
   A. Alice Boyd/ Resources, Inc. - presentation on Town's Participation in FY 20 Egremont Regional CDBG grant for Housing Rehabilitation. Ms. Boyd spoke about her work and overseeing in eastern Massachusetts the Housing rehabilitation program. She has been working for the last two years in Sandsfield, Monterey, Egremont, and would like to open it up to Great Barrington. It’s a grant to help homeowners of low to moderate income, with no cost to them, for repairs to septic, up to $40,000 per unit. Loans are no interest, “forgiven” to homeowners, no cost to them or Town; 9 (nine) Great Barrington residents have come for assistance. The organization TRI has been doing the work. Egremont is happy with program and will be the lead Town this year. B. Cooke mentioned that Affordable Housing Trust approved it and endorses. E. Abrahams made motion to approve participation in the Egremont CDBG grant FY 20, and S. Bannon to sign the Joint Authorization Form, B. Cooke seconded, All in Favor, 5-0.

B. Release of Lien imposed by 1988 Regional Housing Rehabilitation Program for 4 Francis Avenue. William Gellert spoke of the property at 4 Francis Avenue owned by his father. He was given a grant in 1987 to make improvements on property for low income tenants, lead remediation, improved insulation, improvement in windows, tenants paid utility bills, lowered their costs. So this helped the costs for the tenants. There was a penalty if he sold the building, 10% the first year, reduced by 15% the next 6 years, part two $5,000, amount left in to be increased or decreased, he rented, for more years than the agreement stated, well beyond the 7 years that the agreement asked. Mr. Gellert just sold it. His father held on to it for over 30 years, wanted to know if a part or all of the $5,000 could be returned. C. Rembold, Assistant Town Manager said that this is an unusual grant, it had a two-part lien, second lien being a permanent lien. Now, it
has been changed to a deferred lien payment to zero. Had long tenancy at 4 Frances Avenue.
E. Abrahams made motion to release the lien at 4 Frances Avenue, Great Barrington in the
amount of $5,000. B. Cooke seconded. All in Favor, 5 - 0.

C. Appointment of Real Estate Representative member to the Economic Development
Committee. E. Abrahams made a Motion to appoint Richard Aldrich to the Economic
Development Committee B. Cooke seconded, All in Favor, 5-0.

D. Appointment of Citizen at large member to the Design Advisory Committee. E. Abrahams
made motion to approve the appointment of Jennifer Clarke to the Design Advisory Committee;
B. Cooke, seconded, All in Favor, 5 - 0.

E. Right of First Refusal Waiver of Ch 61 A land of Abigail Haupt, LLC, approximately 36 acres
on Hurlburt & Alford Roads (Assessor’s Map 31, Parcel 12 A). Attorney Ira Kaplan requested to
continue it to January 27, 2020 Selectboard meeting.

8. Citizens Speak:

1. Doug Stevenson: North Plain Road, spoke that Fulcrum Enterprises doesn’t have any
integrity, no character, not good for our Town.

2. T. Forbes, North Plain Road, stated that a Fulcrum Enterprises hasn’t been honest or
upfront. Feels that there 4 untruths, high intensity heat and lightning, for year round
growing. The odor of facility, though Fulcrum Enterprises said would be “no Odor”. The
third, “no fertilizer”, it’s in application, one pallet of fertilizer will arrive each month,
containing Rock Phosphate, which will leach into the Housatonic River. Fourth, “no
seeds”; some greenhouse will self-pollinate for future planting.

3. Holly Hammer, 99 Seekonk Crossroad, Representative of Tree Committee. In Great
Barrington - one thing is clear: losing shade trees downtown than replacing them. The
downtown trees are Town trees, last year 68 trees removed and only 5 replanted. There
were 10 trees in 2019, there wasn’t enough money. Town code says to retain trees
during construction. She is asking the Selectboard to work with the Tree Committee to
strengthen the Tree Regulations, so they are easier to understand and put in place. So
the Board can put conditions in place to spare loss of trees. Concerned about the TOPA
project, where a hundred year old tree will be taken down, steps taken along the way.

4. Barbara Bass, Mahaiwe Street, when a Town person speaks it’s because we care
about Town. She is Concerned about TOPA project, in particular. Feels some
unresolved issues on this project.

5. Michelle Loubert, 70 Division Street said that Atty. Greenwald, is working on her behalf,
stated her anger about the project. She will continue to do her homework if Fulcrum
Enterprises resubmits the application. There is a ten page document that came to the
Board of Health on June 6, 2019 on the Regulations on the sanitary and safe operations
of Marijuana establishments. It has not been approved yet. Housatonic School, what is
happening to the building and it’s deteriorating state. When will there be another update
about the school. She asked if applications are coming in for the Housatonic
Improvement Committee and when the appointments will be made? (M. Pruhenski replied, January 27, or February 10, 2020).

6. Sarah Yo, 16 VanDuesenville Road, read an article titled “Living by Marijuana Grove can be unhealthy,” Co-written by lawyer and professor in Oregon. Took place on Cedarpark Road in Cottage, Oregon, a large scale marijuana farm. Described the odor, the traffic, headaches, fumes of diesel, drawing down water Table, etc. Stated her work as a foster parent / mother that the Marijuana farm would affect her living.

7. Alexander Scarpee, 45 Van Deusenville Road, family values, his family has lived there for 45 years. The asked if the Berkshires is a family oriented place. Does this project supports our town or community? That our local government has failed us. That there aren’t any bylaws about distance and zoning to Marijuana establishments and processing plants. Wants the Town peoples’ voice heard. Wants bylaws updated. Doesn’t want to “sell” out for money. The Zoning and Planning Boards and the Selectboard have failed in the process of making decisions.

8. Melinda Chips, 504 Stockbridge Rd., sees changes in our town. Packages have been stolen at her door, people pounding on door for rides, see kids smoking marijuana in the car, concerned by these changes. Feels crime will increase, property values will go down, people will leave. Talked about her father worked for Monsanto, it takes 20 years to know the real effects on people, by then the company pays out to people, they still have cancer.

9. Susan Lord, Highland Street, Housatonic. Talked about odor could be remediation. The fans would be blowing towards low income housing. The information doesn’t seem to be consistent and doesn’t seem accurate. Talked of her work as a physician, concerned about sound. The hum of the fans and the effect of the constant humming. Noxious smells and noise affect the nervous system. Wants a Town Committee to talk about the hard questions.

10. Maureen Quigley, Housatonic moved for nature, mountains, village of Housatonic is a gem. Perplexed by ban about water bottles, plastic bags, yet, thinking of putting a marijuana plant here. Talked of book titled, " the betrayal of trust", about human error in Flint Michigan. Talked about the water table here is so low, this would draw down further. Not against medical marijuana. When people go to the hospital given opiates for the pain, which then contributes to the opiate epidemic.

11. Betina Montano, Oak Street, Housatonic, feeling so strongly about the Fulcrum project. Coming as a parent, educator, talking about the wellbeing of children. Looked out the window at the Housatonic School, at the park, the Housatonic River, where children play. Is opposed to project. The project doesn’t support our community, children, and well being of everyone in Housatonic.

12. Denise Forbes, North Plain Road, the people of a Housatonic vs. Big Business. Urges the Selectboard to reflect on this, it’s an election year. People matter more.

13. Garfield Reed, Castle Hill Avenue, thanked Selectboard, that they accepted the Fulcrum Enterprises withdrawal.

9. Selectboard Time: L. Davis, would like the topic about trees be brought up in next Selectboard meeting. K. Burke wanted to bring up the horse racing on next Town meeting,
though not enough time, maybe take vote to send L. Davis to the meeting about horse racing in Boston. She could go as a Selectboard member rather than a citizen. The meeting is January 27, 2020 in State House. Bill Cooke no additional comments. E. Abrahams talked about the negative comments towards the boards. The Selectboard has listened, has followed the process, the process hasn’t failed you, legally we have to listen to everyone, grateful to live in a community where there is a process.

10. Media Time: E. Mooney asked if there were 3 options for Fulcrum Enterprises. S. Bannon replied that the third option would be they would be able to continue the process according to Town Counsel.

11. E. Abrahams made a motion to adjourn, B. Cooke seconded, All in Favor, 5 - 0.

12. Meeting Adjourned at 7:25pm.

Respectfully submitted,

Jamie M. Minacci
Recording secretary