

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, APRIL 25, 2011
7:00 P.M. – REGULAR SESSION – BOARD ROOM**

PRESENT: WALTER ATWOOD
STEPHEN BANNON
ALANA CHERNILA
DEB PHILLIPS
SEAN STANTON – not present
KEVIN O'DONNELL, TOWN MANAGER

7:00 P.M. – Public Session – Board Room

1. CALL TO ORDER:

Deb Phillips called the meeting to order at 7:00 P.M.

2. APPROVAL OF MINUTES:

April 11, 2011 Regular Meeting.

MOTION: Stephen Bannon: To accept the minutes from April 11, 2011 – Regular Meeting with changes as discussed

SECOND: Bud Atwood

VOTE: 4-0

April 20, 2011 Joint Meeting with BOS and Planning Board

MOTION: Stephen Bannon: To accept the minutes from April 20, 2011 – Joint Meeting with BOS and Planning Board

SECOND: Bud Atwood

VOTE: 4-0

3. JOINT MEETING GB SELECTBOARD AND PLANNING BOARD

**A. APPROVAL OF PROTOCOL RE: HOUSATONIC MILLS REVITALIZATION
OVERLAY DISTRICT (HMROD). (DISCUSSION/VOTE)**

Jonathan Harkin called the Planning Board Meeting to order at 7:05 PM.

Jonathan Harkin read the protocol regarding HMROD adopted 4/35/11.

Suzanne Fowle-Schroeder said that in the first bullet point, it stated that 'in the first 30 days after the initial submittal to the DRT, a joint meeting shall be scheduled.' She asked if it should read 'shall convene or take place' so that it has to be scheduled and take place in the 30 days.

Kevin O'Donnell stated that the DRT would have no longer than 30 days to come up with their preliminary report and may schedule the meeting at that point.

She also asked about the 3rd bullet point stating 'all minutes and agendas will be distributed to the Selectboard'... and asked who submits it to both Boards.

Kevin O'Donnell responded that his office will ensure that it is submitted.

MOTION: Bud Atwood: To accept the protocol as drafted by the Town Manager

SECOND: Stephen Bannon

VOTE: 4-0

MOTION: Richard Dohoney: To approve the protocol and incorporate by reference in the Planning Boards Rules and Regulations

SECOND: Suzanne Fowle-Schroeder

VOTE: 3-0

4. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

Alana Chernila said that Saturday is Lake Mansfield clean up day and invited all to participate.

She also said that it has been a joy to work with Bud Atwood this year and said thank you.

Stephen Bannon said thank you to Bud Atwood for his years of service on the Select Board and his many years of service before this on other Boards. He said that it has been a pleasure.

Bud Atwood said that it was a pleasure to be a member of the Board and looks forward to continuing to work with the Town and appreciates everyone's support.

Deb Phillips said that she has learned from Bud's years of experience and thanked him.

A. LETTER OF SUPPORT FOR ST. JAMES PLACE. (DISCUSSION/VOTE)

Deb Phillips read the letter of support from the Board

MOTION: Bud Atwood: To approve the letter of support

SECOND: Stephen Bannon

VOTE: 4-0

B. Southern Berkshire Elderly Transportation

Fran Premalani and Dawn Valinaggi asked for Selectmen's support for the increase in their line item that is reflected in the Town's budget. Fran stated that they currently have a line item of \$30,000 and would like an increase of \$15,000, totaling \$45,000. She stated that they have not asked for an increase since 2004.

Fundraising has raised \$600,000 over the past 20 years, so they have always been able to maintain transportation for the elderly, but this past year has brought an increase in gas prices, insurance and salaries. Fran stated that 70% of the riders are from Great Barrington. If they were unable to provide this service, a taxi ride would cost \$10 one way from Oakwood Condominiums to Big Y; this is unaffordable. They have two people that will donate dispatching time, but they are looking for more volunteers.

Deb Phillips asked if the other Towns that are serviced are in support of this.

Fran replied that they do support it.

Kevin O'Donnell said that it can be taken out of Fiscal Y11 as an unforeseen financial matter. He suggested that the finance committee meet and use the reserve fund so that there is no change to the FY12 budget.

Bud Atwood said that their vehicles use fuel at local rates and suggested that they be able to piggyback the Town's rate for fuel.

Deb Phillips suggested that they come back in early Fall and update the Board on their status so that the Board knows what to expect for the following year.

MOTION: Bud Atwood: To instruct the Town Manager to discuss this project with the Financial Committee to come up with the funds.

SECOND: Stephen Bannon

VOTE: 4-0

5. TOWN MANAGER'S REPORT:

A. HOUSATONIC SCHOOL CAMPUS TASK FORCE. (DISCUSSION/VOTE)

- PRESENTATION- Carol Bosco-Baumann stated that there have been 435 respondents to the survey that was sent out, which is a 10% response rate. This is a higher level of engagement than has been seen at the Town Meeting. She asked for an extension for the Task Force until August 1st.

- EXTENSION

Kevin O'Donnell stated that the HSCTF submitted a report to update the Board on their progress, which is in the meeting packet. He stated that they are looking for an extension until August 1st.

MOTION: Stephen Bannon to grant an extension to the task force until August 15th.

SECOND: Bud Atwood

VOTE: 4-0

Carol Bosco-Baumann announced that the Housatonic Hose Co. and 'Housatonic the Beautiful' are hosting a clean-up this weekend between the hours of 8:00 and 9:30 AM with a cookout afterwards.

B. APPROVE POLICE UNION LABOR CONTRACT. (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve the Police Union Labor Contract as presented.

SECOND: Bud Atwood

VOTE: 4-0

6. CITIZEN SPEAK TIME:

Carol Diehl spoke in regards to the proposed zoning by-law in Housatonic. She stated that all should vote to table the matter at the May 2 Annual Town Meeting in order to get more information. She also said that she feels that there has not been enough time; voters are not informed about it and she feels that the by-law does not give enough legal protection. Carol stated that there are new members on both Boards and they don't have enough experience. She added that the Housatonic residents *need* to be part of the process and have not been required to participate in the process.

A. PARKS COMMISSIONER LETTER RE: SAFETY ISSUES AT MEMORIAL FIELD SKATE PARK. (DISCUSSION)

Chairman of the Parks Commissioners, Paul Gibbons, said that there have been parental complaints about the use of drugs and alcohol at the skate park. The Parks Commissioners are beginning to implement a plan to increase police presence. He said that it has to be a cooperative effort and asked that the parents, residents, police officers and the Board give their support to work together to protect the youth.

Jenice Lucey, Director of Berkshire South Regional Community Center, said that the center provides contracted services to the skate park over the summer and they are engaged in discussions with Railroad Youth Project about this issue.

Karen Smith stated that it is not as simple as getting more police presence. She said that they need to engage people and the children themselves to remember why we built this area. Karen said that she hopes that they can create a 'parent patrol' at night.

Deb Phillips asked if there is anything else that the Board can do for support.

Stephen Bannon said that this is a start to making people aware that the Parks Department will take the lead in this.

Karen Smith said that they will begin with signage and hopes to incorporate a 'kid's zone.'

Kevin O'Donnell said that he will work with Railroad Street Youth Project, Berkshire South and the Parks Department to formalize a program.

7. PUBLIC HEARING:

A. TO CONSIDER REMOVING PUBLIC SHADE TREES AT THE FOLLOWING LOCATIONS:

334 MAIN STREET, GREAT BARRINGTON, MA 01230. THE TREES ARE A 26 INCH DIAMETER BLUE SPRUCE AND A 30 INCH DIAMETER NORWAY SPRUCE AND A SMALL GROUP OF FOUR (4) MAPLES 2- 6 INCHES IN DIAMETER. (DISCUSSION/VOTE)

a. Open Public Hearing

MOTION: Bud Atwood: To open public hearing

SECOND: Stephen Bannon

VOTE: 4-0

b. Explanation of Project – Kevin O'Donnell stated that trees will need to be removed in order to make room for the new playground equipment. There is money in the public works budget for this job.

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

MOTION: Stephen Bannon: To close public hearing

SECOND: Alana Chernila

VOTE: 4-0

e. Motion re: Findings

MOTION: Bud Atwood: To approve the list of trees submitted for removal

SECOND: Stephen Bannon

VOTE: 4-0

f. Motion re: Approval/Denial/Table

MOTION: Stephen Bannon: To approve the list of trees submitted for removal

SECOND: Stephen Bannon

VOTE: 4-0

B. LORI A. WELLER D/B/A GYPSY JOYNT, LORI A. WELLER, MANAGER FOR A CHANGE OF LOCATION FOR THE COMMON VICTUALLER WINE AND MALT RESTAURANT LIQUOR

LICENSE FROM 389 STOCKBRIDGE ROAD, GREAT BARRINGTON, MA 01230 TO 293 MAIN STREET, GREAT BARRINGTON, MA 01230. (DISCUSSION/VOTE)

a. Open Public Hearing

MOTION: Bud Atwood: To open public hearing

SECOND: Stephen Bannon

VOTE: 4-0

b. Explanation of Project- Mr. Weller stated that the former owners had a full liquor license and he only wants his malt/beer and wine license to be transferred from the previous location.

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

MOTION: Bud Atwood: To close public hearing

SECOND: Stephen Bannon

VOTE: 4-0

e. Motion re: Findings

MOTION: Bud Atwood: Find no objection to the transfer of the beer and wine license from 389 Stockbridge Rd to 293 Main St.

SECOND: Stephen Bannon

VOTE: 4-0

f. Motion re: Approval/Denial/Table

MOTION: Bud Atwood: To approve the transfer of the beer and wine license from 389 Stockbridge Rd. to 293 Main St. for Lori A. Weller d/b/a Gypsy Joynt.

SECOND: Stephen Bannon

VOTE: 4-0

8. LICENSES OR PERMITS:

A. MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID AND VERIZON NEW ENGLAND, INC. FOR PERMISSION TO INSTALL ONE (1) JO POLE ON CRISSEY ROAD. (DISCUSSION/VOTE)

Lisa Jasinski from National Grid stated that they are looking to place the JO pole between 2 poles for use by Apex Automotive on Crissey Road. She stated that the rain garden will be disrupted if the pole is placed in this spot.

Kevin O'Donnell stated that he doesn't see a problem and it should not interfere with the rain garden.

Joe Clark, project manager for Apex Automotive, showed a display of the locations of these areas. He stated that the rain garden is in place to protect the wetlands across the street. He said that the intended location would be dangerous for drivers and will also be in a swamp area. He asked that a new location be decided upon. He added that there have been amended design plans that affect this intended placement.

Joe Sokul said that if the rain garden placement has been amended, they need to come before public works.

MOTION: Stephen Bannon to table the matter until Public Works, National Grid, and Apex Automotive get together to look at this project again.

SECOND: Alana Chernila

VOTE: 4-0

B. BRIARCLIFF MOTEL/RICHARD & CLAIRE PROCTOR FOR 2011 INNHOLDERS LICENSE AT 506 STOCKBRIDGE ROAD. (DISCUSSION/VOTE)

MOTION: Bud Atwood: To approve license

SECOND: Stephen Bannon

VOTE: 4-0

C. FAIRVIEW HOSPITAL/LAUREN SMITH FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR SEPTEMBER 24, 2011 FROM 5:00 PM – 7:00 PM ON THE TOWN GREEN BEHIND THE TOWN HALL UNDER THE TENT. FEE WAIVER REQUESTED (DISCUSSION/VOTE)

MOTION: Bud Atwood: To approve license with fee waiver as requested for September 24, 2011 from 5:00 PM – 7:30 PM

SECOND: Alana Chernila

VOTE: 3-0- 1 Stephen Bannon recused himself

D. FAIRVIEW HOSPITAL/LAUREN SMITH FOR TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR SEPTEMBER 24, 2011 FROM 5:00 PM – 7:00 PM ON THE TOWN GREEN BEHIND THE TOWN HALL UNDER THE TENT. *FEE WAIVER REQUESTED* (DISCUSSION/VOTE)

MOTION: Alana Chernila: To approve license with fee waiver as requested for September 24, 2011 from 5:00 PM – 7:30 PM.

SECOND: Bud Atwood

VOTE: 3-0-1 Stephen Bannon recused himself

E. ADDITIONAL MAY 1, 2011 LICENSE RENEWALS (VOTE)

- REAL ESTATE SIGNS.

- COIN OPERATED SOFT DRINK AND FOOD MACHINES.

MOTION: Bud Atwood: To approve license renewals as listed with fee waiver for Berkshire South Regional Community Center.

SECOND: Stephen Bannon

VOTE: 4-0

9. NEW BUSINESS:

A. BOS – RESOLUTION OUTLINING DUTIES/PROTOCOL/RESPONSIBILITIES OF TREE COMMITTEE. (DISCUSSION/VOTE)

Kevin O'Donnell stated that the committee will be comprised of 11 residents of the Town of Great Barrington with a 3 year staggered term with staff assigned as appropriate.

MOTION: Stephen Bannon: To create a tree committee as outlined in the resolution

SECOND: Bud Atwood

VOTE: 4-0

Deb Phillips read the Arbor Day proclamation officially proclaiming April 29, 2011 as Great Barrington Arbor Day.

MOTION: Bud Atwood: To approve April 29, 2011 as the Great Barrington Arbor Day

SECOND: Stephen Bannon

VOTE: 4-0

B. BOS – CDC/BROWNFIELDS AGREEMENT. (DISCUSSION/VOTE)

Kevin O'Donnell stated that he has drafted an agreement between the Town and the CDC in which the CDC disagrees because of the language; it states that there will be annual reviews. The CDC believes that it should be a 5 year review process.

Tim Geller stated that this agreement makes it impossible for a lender to underwrite. He stated that this yearly review puts an unnecessary economic strain on the lender. He stated that the 5 year terms would be more acceptable; in that time they may have completed the project or may be on 'their way.' If they haven't made progress, the Town can choose to cancel the project.

Alana Chernila said that this agreement would be putting a stumbling block on the project. She said that completion of the project is in the best interest of the Town.

MOTION: Alana Chernila to approve the tax abatement agreement with the amendment to the anniversary review section (6) to reflect the language that the CDC director previously drafted.

SECOND: Bud Atwood

VOTE: 2-2 Bud Atwood and Stephen Bannon against

Roll Call Vote

WALTER ATWOOD – no

STEPHEN BANNON- no

ALANA CHERNILA - yes

DEB PHILLIPS – yes

MOTION FAILED 2-2

MOTION: Stephen Bannon to approve Tax abatement agreement as presented by the Town Manager and as approved by Town Counsel

SECOND: Bud Atwood

VOTE: 2-2 Deb Phillips and Alana Chernila against

Roll Call Vote

WALTER ATWOOD – yes

STEPHEN BANNON- yes

ALANA CHERNILA – no

DEB PHILLIPS – no

MOTION FAILED 2-2

Stephen Bannon stated that he feels when dealing with the CDC, these decisions seem to be always last hour without anything in writing. He does feel, however, that this project needs to go forward.

Stephen Bannon would like to have another recommendation from the Town Manager after more negotiations with the CDC on this matter.

MOTION: Bud Atwood to table this matter just prior to the Town meeting on May 2nd in order to discuss and vote.

SECOND: Stephen Bannon

VOTE: 4-0

Roll Call Vote

WALTER ATWOOD – yes

STEPHEN BANNON- yes

ALANA CHERNILA - yes

DEB PHILLIPS – yes

MOTION PASSED 4-0

10. SELECTMEN'S TIME: None

The residents from Blue Hill Road asked the Board about the progress at 11 Rogers Rd.

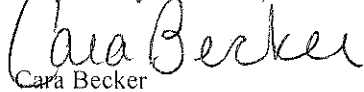
Kevin O'Donnell replied that they are still looking into the situation and that they will address the issue at the meeting on May 10th.

David Magadini stated that he felt the tree hearing was “discontinued” because there was only 2 minutes to speak and he was not recognized to speak. He feels that it is a bad idea to put in a playground as it will diminish the use of the park and will require the removal of trees that have been there for many years. He added that he did not know about the playground dedication coming up in May. He asked that it be noted that he did not get a chance to speak during the public hearing about the tree removal.

11. MEDIA TIME: David Scribner said that it was great working with Bud Atwood.

12. ADJOURNMENT: On a motion by Bud Atwood, seconded by Stephen Bannon, the Board adjourned its meeting at 9:05 p.m.

Respectfully submitted,



Cara Becker

Recording Secretary