

**TOWN OF GREAT BARRINGTON  
SELECTMEN'S MEETING  
MINUTES  
TUESDAY, MAY 10, 2011  
7:00 P.M. – REGULAR SESSION – BOARD ROOM**

**PRESENT:** STEPHEN BANNON  
ANDREW BLECHMAN  
ALANA CHERNILA  
DEB PHILLIPS  
SEAN STANTON –  
KEVIN O'DONNELL, TOWN MANAGER

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

**1. CALL TO ORDER:**

Sean Stanton called the meeting to order at 7:00 P.M.

**2. APPROVAL OF MINUTES:**

April 25, 2011 Regular Meeting.

**MOTION:** Stephen Bannon to approve the April 25, 2011 – Regular Meeting

**SECOND:** Deb Phillips

**VOTE:** 4-0 (Andrew Blechman abstained)

May 2, 2011 Special Meeting.

**MOTION:** Stephen Bannon to approve minutes from the May 2, 2011 –Special Meeting

**SECOND:** Deb Phillips

**VOTE:** 4-0 (Andrew Blechman abstained)

**3. REORGANIZATION:**

A. ELECTION OF TOWN CHAIR AND VICE CHAIR.

**MOTION:** Stephen Bannon to nominate Sean Stanton as chair of the Selectboard

**SECOND:** Deb Phillips

**VOTE:** 5-0

**MOTION:** Deb Phillips to close hearing on Town Chair

**SECOND:** Alana Chernila

**VOTE:** 5-0

**MOTION:** Stephen Bannon to nominate Deb Phillips as Vice-Chair of the Selectboard

**SECOND:** Alana Chernila

**VOTE:** 5-0

**MOTION:** Alana Chernila to close hearing on Vice-Chair

**SECOND:** Stephen Bannon

**VOTE:** 5-0

B. APPOINTMENT TO THE MASTER PLAN COMMITTEE – SELECT BOARD MEMBER  
REPLACEMENT.

**MOTION:** Alana Chernila to appoint Andrew Blechman as the new Selectboard representative to the Master Plan Committee.

**SECOND:** Deb Phillips

**VOTE:** 4-0

#### 4. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

##### A. BOS – DISCUSSION OF TOWN MEETING/TOWN WARRANT BOOKLET.

Sean Stanton stated that they should discuss the idea of educating voters and what's in the Town Warrant Booklet.

Deb Phillips replied that the Board speaks a lot about what is going to be in the Warrant and she feels that having extra meetings may not help. She suggested that they could hold budget meetings to try to bring in more people to explain what is important for the vote in the Town Meeting. It may also be helpful to use social media to get the information out.

Stephen Bannon suggested that they have a 'dry run' Town Meeting that will have no voting, but where each warrant article is discussed. He stated that they have to decide on a time limit; 5 hours is too much. He said that an older crowd stayed out and the younger crowd with children left early; which is unfair to them.

He asked 1) How do we educate the Town; 2) how do we have a successful meeting without going so late. Alana Chernila said that research should be done in regards to what other Towns do and their success rate. She stated that we are not getting the representation that is needed.

Andrew Blechman suggested that the internet be used to explain what the Town Meeting is, why it is there, and suggested a fun tutorial.

Deb Phillips suggested exploring other options of Town government to see if ours works.

She suggested that the Board schedule a workshop to discuss these ideas.

##### B. BOS – MAIN STREET RECONSTRUCTION NEXT STEPS. (DISCUSSION)

Deb stated that she created a questionnaire to send out to local merchants to see what needs should be considered in the Main Street Reconstruction Project.

Deb added that a procedure about the questionnaire should be created.

Kevin O'Donnell suggested that the overlay district be used as a parameter for distribution.

Sean Stanton suggested that this topic be put on the next agenda for discussion. He said that Bud Atwood would be contacted to see if he would hand them out to businesses.

Andrew Blechman asked if it would be too expensive to bury the lines.

Kevin O'Donnell responded that it would be too expensive.

Alana Chernila asked what is the status is of the storm water project?

Kevin O'Donnell responded that they are trying to get the design complete to put into the Main Street Reconstruction Project.

A question was posed about the current opening of Town streets for repairs without permission.

Kevin O'Donnell responded that he is trying to get the Fire District to pull street opening permits, although they have not done so.

Stephen Bannon suggested that when police details are requested for such work, they not be granted until the permit is submitted.

Kevin O'Donnell said that he will put in a system regarding this. He and Sean Stanton will also talk about the issue and research when the Fire District holds their meeting with the hopes of attending one.

##### C. BOS – LETTER OF SUPPORT FOR THE WIRED WEST PROJECT. (DISCUSSION/VOTE)

Kevin O'Donnell stated that an e-mail was sent by Berkshire Regional Planning Commission asking for the Board's support of Wired West t project.

**MOTION:** Deb Phillips to support the Wired West project.

**SECOND:** Alana Chernila

**VOTE:** 5-0

##### D. BOS – APPROVAL OF RAMSDELL PUBLIC LIBRARY APPLICATION TO THE MASSACHUSETTS HISTORICAL COMMISSION FOR NATIONAL REGISTER OF HISTORIC PLACES DESIGNATION. (DISCUSSION/VOTE)

Kevin O'Donnell stated that Jim Stark has completed the preliminary work for the application and would like the Board to give their support for this application. He said that the planned upgrades to the Ramsdell Library won't be hindered by this designation and may help with funding.

**MOTION:** Alana Chernila to approve the application of Ramsdell Library to the Mass Historical Commission for the National Register of Historic Places designation.

**SECOND:** Deb Phillips

**VOTE:** 5-0

**5. TOWN MANAGER'S REPORT:**

**A. UPDATE RE: 11 ROGERS ROAD SITUATION.**

Kevin O'Donnell stated that he is sympathetic to the residents in this area. He reported that the owner of the property is trying to convert the property for agricultural use which would be allowed in this area. He said that noise from the property has not exceeded the approved decibel level. Kevin O'Donnell stated that he will be meeting with the Town Attorney to clarify the situation.

Sean Stanton said that he saw trash trucks at this location, which has nothing to do with agriculture.

Alana Chernila questioned why the cease and desist order was not responded to.

Sean Stanton said that all activity other than agriculture should stop.

Alana Chernila asked what the fine for ignoring a cease and desist is.

Ed May replied that it has accrued and is now \$93,000.

Kevin O'Donnell said that court action has to be taken to fight a cease and desist and he will follow through with the order and take court action. He will give an update at the next meeting.

**6. CITIZEN SPEAK TIME:**

David Magadini said that he felt that the Town Meeting should have been divided into more than one meeting. He also said that the Town should create its own Energy Code. He urged the Board to seek ways to conserve energy and to look at existing construction, not only new ones, in order to conserve energy.

John Breasted stated that at the Town Meeting, he posed a question about the restriction by State Law of 2 years on the Planning Board in taking up Article 27 again. The Town Counsel replied that there is a 2 year restriction and Mr. Breasted stated that this is not so and it is bad legal advice. He believes that better legal advice is needed and that this should be discussed at any planned workshops.

Mr. Breasted said that at the Town Meeting the moderator did not explain what Carol Diehl's motion meant when it said to postpone the article indefinitely. He feels that there is a problem with the process and that more needs to be done to ensure that people know what is going on.

Sean Stanton responded that these concerns will be part of the proposed workshop.

Frances Kollman – 31 Blue Hill Rd. – Ms. Kollman thanked the Board for addressing the issue on Blue Hill Rd. She stated that Mr. O'Brien is the owner of the property, however, there are three businesses going on there. She stated that it seems to be a trucking yard at this point.

Carl Finger – Berkshire Bach Society – Mr. Finger asked the Board to approve a One Day Beer and Wine License for May 14<sup>th</sup>, 2011 for a fund raiser (with a fee waiver requested) for an event by the Berkshire Bach Society.

**MOTION:** Deb Phillips to approve license with fee waiver as requested

**SECOND:** Stephen Bannon

**VOTE:** 5-0

**7. PUBLIC HEARING:**

**A. THE BRICK HOUSE PUB, INC., JOHN J. FLYNN, MANAGER FOR A NEW COMMON VICTUALLER ALL ALCOHOLIC RESTAURANT LIQUOR LICENSE AT 425 PARK STREET NORTH, VILLAGE OF HOUSATONIC, TOWN OF GREAT BARRINGTON, MA 01230.  
(DISCUSSION/VOTE)**

**a. Open Public Hearing**

**MOTION:** Stephen Bannon to open public hearing

**SECOND:** Deb Phillips

**VOTE:** 5-0

**b. Explanation of Project**

John Flynn presented a slide-show of pictures of the new interior renovations that have been underway in the Brick House Pub. He said that they will have a new logo, a new ad will run in the shoppers guide and the new menu will feature local produce, grass fed burgers and beer from local breweries.

c. Speak in Favor/Opposition

Michelle Loubert, 386 Park St. – Mrs. Loubert said that she is neither in favor or opposition to the license, however, there have been numerous problems at this location in the past. There has been excessively loud music and disturbances reported in 2010. She stated that she had requested paperwork from the Board in the past in regards to this situation and never received a response. She said that her daughter does not get sleep when there is music and when they are opened late; Mrs. Loubert is apprehensive about the re-opening.

Mark Caiola, Co-owner stated that her concern is their concern. He said that the owners are in the business for an investment, not a party.

Carol Diehl, 224 Grove Street stated that she is on both sides and said that it seems like an enforcement issue. She added that people look for a place to gather and enjoy and asks for coordination so that both sides would be satisfied.

d. Motion to Close Public Hearing

**MOTION:** Deb Phillips to close public hearing

**SECOND:** Stephen Bannon

**VOTE:** 5-0

e. Motion re: Findings

**MOTION:** Stephen Bannon to approve findings of facts as submitted

**SECOND:** Alana Chernila

**VOTE:** 5-0

f. Motion re: Approval/Denial/Table

**MOTION:** Stephen Bannon to approve license

**SECOND:** Deb Phillips

**VOTE:** 5-0

Andrew Blechman thanked the owners for investing in the community and wished them good luck.

**8. LICENSES OR PERMITS:**

- A. **CONTINUATION** OF MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID AND VERIZON NEW ENGLAND, INC. J/O POLE LOCATION ON CRISSEY ROAD  
RE: LOCATION OF RAIN GARDEN. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to grant continuance until the next meeting

**SECOND:** Stephen Bannon

**VOTE:** 5-0

- B. THE BRICK HOUSE PUB, INC./JOHN J. FLYNN FOR 2011 ANNUAL COMMON VICTUALLER LICENSE AT 425 PARK STREET, HOUSATONIC, MA 01236.  
(DISCUSSION/VOTE)

**MOTION:** Deb Phillips to grant license (for hours: Sun- Thurs 4:00 - 12:00 AM and Fri/Sat 4:00 – 1:00 AM)

**SECOND:** Stephen Bannon

**VOTE:** 5-0

- C. DIDIER STEVENS FOR A DRIVEWAY PERMIT AT BERKSHIRE HEIGHTS ROAD. (DISCUSSION/VOTE)

**MOTION:** Stephen Bannon to table for clarification from Planning Board and the owners

**SECOND:** Deb Phillips

**VOTE:** 5-0

Kevin O'Donnell was asked by the Board to notify the owners to stop work until clarified and voted upon.

D. JOHN MORRIS FOR A DRIVEWAY PERMIT AT 137 HURLBURT ROAD.  
(DISCUSSION/VOTE)

Mike Parsons spoke on behalf of Tyler Malik who is near the Morris property.  
(He distributed pictures and an explanation of the project)

Mr. Parsons stated that the access has already been constructed even though it was not yet approved. He stated that their position is that all permission has not been received. He said that the access constructed is in violation of the Wetland Protection Act. Mr. Parsons added that there is intent to install a culvert under the access which does not meet the requirements of the by-law.

He requested that the Board withhold approval until all items have been resolved.

Sarah Steiner, owner of Creative Design Solutions said that John Morris is her client. She stated that she did walk the property with the Conservation Commission and they said that she was not in violation of the Wetlands Protection Act. She believes that she did the right thing and went to the right people.

Sean Stanton said that the designs do not show a culvert.

**MOTION:** Stephen Bannon to table pending RDA from the Conservation Commission and further explanation from Joe Sokul about the above matters.

**SECOND:** Deb Phillips

**VOTE:** 5-0

E. THE GUTHRIE CENTER/GEORGE LAYE FOR ONE DAY BEER AND WINE LICENSE  
FOR DATES AS PER LIST ATTACHED FROM 6:00 PM – 11:00 PM AT THE  
GUTHRIE CENTER, 4 VAN DEUSENVILLE ROAD. *FEE WAIVER REQUESTED*  
(DISCUSSION/VOTE)

**MOTION:** Stephen Bannon to approve license with fee waiver as requested

**SECOND:** Deb Phillips

**VOTE:** 5-0

F. SANDRA PRESTON FOR 2011 ANNUAL REAL ESTATE LICENSE. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve license

**SECOND:** Stephen Bannon

**VOTE:** 5-0

G. KAREN CLIMO REAL ESTATE, LLC/KAREN CLIMO FOR 2011 ANNUAL REAL ESTATE  
LICENSE. (DISCUSSION/VOTE)

**MOTION:** Stephen Bannon to approve license

**SECOND:** Deb Phillips

**VOTE:** 5-0

H. TRIPLE M LLC/MICHAEL MC GRATH D/B/A BRUNO'S DOG HOUSE FOR 2011 ANNUAL  
COMMON VICTUALLER LICENSE AT 937 S MAIN STREET. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve license

**SECOND:** Stephen Bannon

**VOTE:** 5-0

I. 20 RAILROAD STREET RESTAURANT/VAN HUYNH INC. FOR 2011 ANNUAL WEEKDAY  
ENTERTAINMENT LICENSE FOR MONDAY – SATURDAY FROM 5:00 PM – 12:00 AM AT  
20 RAILROAD STREET. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve license

**SECOND:** Stephen Bannon

**VOTE:** 5-0

9. NEW BUSINESS: None

**10. SELECTMEN'S TIME:** Andrew Blechman thanked all who voted for him. He said that he heard some concerns on the campaign trail and will be addressing them with the Town Manager.

He asked about two concerns that he heard:

1. The crosswalk from the Post Office to Aberdales was moved and some residents would like it moved back.
2. There has been a lot of drainage work done but there is still flooding.

Andrew said that he looks forward to working with the Board.

Alana Chernila welcomed Andrew and congratulated those who were elected and re-elected. She thanked those who came out to vote.

Stephen Bannon said that the Board needs to do a better job of responding to people in the future.

Deb Phillips said that the Board should not lose sight of the projects that they are looking at for the next budget season and that they should put these items on the agenda.

Sean Stanton congratulated Mark Caiola who became a father on Monday. He thanked everyone for their support again and said he will do his best.

**11. MEDIA TIME:**

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Cara Becker". The signature is written in black ink and is positioned above the typed name and title.

Cara Becker  
Recording Secretary