

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, MAY 23, 2011
7:00 P.M. – REGULAR SESSION – BOARD ROOM**

PRESENT: STEPHEN BANNON
ANDREW BLECHMAN – not present
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. BOARD OF SEWER COMMISSIONERS: SEWER ABATEMENTS

Kevin O'Donnell went over the memo from DPW Superintendent re: sewer abatements being presented to the Board for the period of July 1, 2010 through December 31, 2010. He concurs with DPW Superintendent's memo for temporary abatements and a one permanent abatement.

MOTION: Stephen Bannon to approve the Sewer Abatements as presented.

SECOND: Deb Phillips

VOTE: 4-0

3. APPROVAL OF MINUTES:

March 30, 2011 BOS & Fin Com Jt. Meeting.

MOTION: Stephen Bannon to approve March 30, 2011 BOS & Fin. Com. Jt. Meeting

SECOND: Deb Phillips

VOTE: 4-0

May 10, 2011 Regular Meeting.

MOTION: Alana Chernila to approve minutes from the May 10, 2011 –Regular Meeting

SECOND: Deb Phillips

VOTE: 4-0

4. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS: None

5. TOWN MANAGER'S REPORT:

A. BOS – SIGNING RENEWAL OF TEMPORARY BOND ANTICIPATION NOTES (BANS)

Kevin O'Donnell stated that all of the Selectmen have signed the temporary BANS that have a 1% interest rate for a 6 month period as outlined in the executive summary. (No action to be taken)

B. REVIEW OF DOWNTOWN PARKING OPTIONS FOR SPECIAL EVENTS

Kevin O'Donnell stated that last year, the Board allowed for a temporary parking restriction for Mahaiwe Opera events and BIFF events. Both of these events last longer than 2 hours and with the usual 2 hour parking regulations, participants weren't able to enjoy these particular events. Kevin O'Donnell stated that BIFF has contacted him to request that the 2 hour parking regulation be rescinded on Castle St., Railroad St., Main St. (In front of the Town Hall) and the Triplex Cinema parking lot.

Stephen Bannon asked if temporary signs could be put up to show where the parking regulations are in effect and where they are not. He added that the merchants will be affected by this.

Deb Phillips asked if there are other private parking lots available for these events.

Alana Chernila replied that she feels that the people who go to BIFF and who shop are the same people. She said the easier that they make it for people, the better.

Kevin O'Donnell said that there are many private areas that allow their parking lots to be used.

Sean Stanton suggested that there be no ticketing at all during the BIFF event.

MOTION: Stephen Bannon to temporarily rescind the 2 hour parking on Castle St., Main St. (in front of Town Hall) for Mahaiwe Opera on Saturdays and to expand to Railroad St. and the Triplex parking lot for BIFF with signage by those hosting the entertainment if they choose.

SECOND: Deb Phillips

VOTE: 4-0

C. Kevin O'Donnell announced that the Housatonic School Campus Task Force is holding a public forum on May 26 from 6-8 PM at the Housy Dome to talk about the survey results.

D. Kevin O'Donnell updated the Board about the Rogers Road situation. Kevin O'Donnell, the Town Attorney, and the Building Inspector met with Mr. O'Brien and his attorney who gave them a map outlining what project they are embarking upon. Kevin said that they are reviewing it to see if what they plan is permissible. Mr. O'Brien agreed to refrain from any further action and will only use the area for parking. Kevin O'Donnell stated that there is a 20 year court order that allows that site to be used for industrial use. Sean Stanton said that he wants more information about the court order.

Alana Chernila asked about the Cease and Desist order and any punishment around ignoring it.

Kevin O'Donnell replied that Mr. O'Brien maintains that the Cease and Desist is not valid. He and the Town Attorney are still reviewing the situation.

Alana Chernila asked about the \$93,000 in fines that have accrued.

Kevin O'Donnell replied that Mr. O'Brien is aware of it and that the fines have to be Court imposed.

E. Kevin O'Donnell spoke about the playground equipment that is to be erected behind the Town Hall. He said that one problem they have encountered is that they want the Town to sign a contract with the construction supervisor. However, if the Town enters into a contract, they have to pay prevailing wage, which will be approximately 40% higher than what was anticipated. Kevin O'Donnell said that he had the Town Attorney draft an agreement that specifies upon completion and installation of the equipment, the Town would assume ownership, maintenance and responsibility of the playground.

6. CITIZEN SPEAK TIME:

David Magadini said that he acquired the policies and procedures of the BOS and suggested an amendment to Section 4- to say, "the Selectmen have the authority to subpoena in person the relevant information in order to be fully informed as to all issues that need to be considered, in order to make a decision that is in the best interest of the people of Great Barrington" and Section C- to say, "the state law and various Town by-laws require the Selectmen to post Public Hearings on certain issues before any action can be taken. The Board will schedule a date for the Public Hearings. It shall be the policy of the Board of Selectmen to continue all Public Hearings on the next regular Selectmen's meeting in order to provide people the opportunity who wish to speak on such issues the chance to do so.

Mr. Magadini presented copies of such changes to the Board for their review and asked that they take action on it.

Sean Stanton replied that he will not take action without a full Board present but will review these items as a Board.

Mark Cohen -Warren Ave. stated that we became the first Town of Western Mass., to pass a resolution that asked Congress to pass a Constitutional amendment to regulate the expenditure of funds by Corporations in political campaigns, at the Town Meeting. He said that the people neglected to ask Town officials to communicate these intentions. He asked that the Board send a letter to the Senators, State Representative and State Senator to notify them of the resolution.

MOTION: Deb Phillips to send a letter to the Congressmen, Senators, State Senator and State Representative of the vote

SECOND: Alana Chernila

VOTE: 4-0

Michelle Loubert – 386 Park St. asked the Board to clarify the Common Victualler license hours of The Brick House Pub. She assumed that the closing times as 12:00 midnight or 1:00 am to mean that this will be when they close the doors not meaning the ‘last call.’ She also spoke about the entertainment license that is planned for Thursday – Saturday. She asked that the Board keep in mind that the Brick House is near homes and she feels that live bands are not appropriate in a residential area. She stated that she feels that entertainment not be allowed on Thursday evenings as it is a school night.

Michelle Loubert asked if the renovations to the Pub include central air so they can keep the windows closed and keep noise in.

7. PUBLIC HEARING:

A. LA FIESTA RESTAURANT, INC. D/B/A LA FIESTA TEX-MEX RESTAURANT, ARMANDO CHAIRES, MANAGER FOR A COMMON VICTUALLER ALL ALCOHOLIC RESTAURANT LIQUOR LICENSE AT 284 MAIN STREET, GREAT BARRINGTON. (DISCUSSION/VOTE)

a. Open Public Hearing

MOTION: Deb Phillips to open public hearing

SECOND: Stephen Bannon

VOTE: 4-0

b. Explanation of Project- Armando Chaires stated that he is opening this restaurant and is looking to acquire the liquor and entertainment licenses. It is located in the same space as the previous Monte Alban restaurant.

c. Speak in Favor/Opposition – None

d. Motion to Close Public Hearing

MOTION: Deb Phillips to close public hearing

SECOND: Alana Chernila

VOTE: 4-0

e. Motion re: Findings

MOTION: Deb Phillips that there is no detrimental impact in awarding the liquor license

SECOND: Stephen Bannon

VOTE: 4-0

f. Motion re: Approval/Denial/Table

MOTION: Deb Phillips to approve license

SECOND: Stephen Bannon

VOTE: 4-0

B. SISCO MURPHY, LLC D/B/A THE WELL, JULIET E. POPPER, MANAGER TO ALTER PREMISES TO EXTEND SERVICE OF ALCOHOL TO TWO (2) TABLES WITH FOUR CHAIRS TO THE OUTSIDE AREA ON THE RIGHT AND LEFT OF THE STAIRWAY AT 312 MAIN STREET, GREAT BARRINGTON, MA 01230. (DISCUSSION/VOTE)

a. Open Public Hearing

MOTION: Deb Phillips to open the public hearing

SECOND: Alana Chernila

VOTE: 4-0

b. Explanation of Project

Juliet Popper stated that she would like to have 2 tables outside within the ‘nook’ of their bar-front. She said that she will have a garden gate or pots to create an enclosure. She invited all to come down and check it out. She said that it is a friendly atmosphere and that they will be responsible for taking tables in at a reasonable time.

c. Speak in Favor/Opposition – Keith Weller said that he is in complete favor of the tables

d. Motion to Close Public Hearing

MOTION: Deb Phillips to close public hearing

SECOND: Alana Chernila

VOTE: 4-0

e. Motion re: Findings

MOTION: Deb Phillips that there is no detrimental impact to the request

SECOND: Stephen Bannon

VOTE: 4-0

f. Motion re: Approval/Denial/Table

MOTION: Deb Phillips to approve the placement of tables to be taken in at dusk or no later than 9 PM with service of alcohol

SECOND: Stephen Bannon

VOTE: 4-0

8. LICENSES OR PERMITS:

- A. **CONTINUATION** OF DIDIER STEVENS DRIVEWAY PERMIT APPLICATION AT BERKSHIRE HEIGHTS ROAD. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve permit under the condition that the DPW regulations are met

SECOND: Stephen Bannon

VOTE: 4-0

- B. **CONTINUATION** OF MASSACHUSETTS ELECTRIC COMPANY D/B/A NATIONAL GRID AND VERIZON NEW ENGLAND, INC. REQUEST FOR PERMISSION TO INSTALL ONE (1) JO POLE AND ANCHOR ON SILVER STREET BEGINNING AT A POINT APPROXIMATELY 380 FEET EAST OF THE CENTERLINE OF THE INTERSECTION OF NEWSBOY MONUMENT LANE. (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve installation of Jo Pole and anchor on Silver St.

SECOND: Deb Phillips

VOTE: 4-0

- C. VFW JAMES MODOLO VFW POST 8348, THE ADAMS-BUDZ VFW POST 8183 WITH AMERICAN LEGION POST 127 FOR PERMISSION TO HOLD THE ANNUAL MEMORIAL DAY PARADE ON MONDAY, MAY 30, 2011. (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve annual Memorial Day Parade

SECOND: Deb Phillips

VOTE: 4-0

- D. SISCO MURPHY, LLC D/B/A THE WELL/JULIET POPPER FOR 2011 **AMENDED** COMMON VICTUALLER RESTAURANT LICENSE FOR SERVICE OUTSIDE (2 TABLES WITH 2 CHAIRS EACH) AT 312 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve an amendment to the Common Victualler Restaurant license for service of food outside until dusk or 9 P.M.

SECOND: Stephen Bannon

VOTE: 4-0

- E. LA FIESTA RESTAURANT INC. D/B/A LA FIESTA TEX-MEX RESTAURANT/ARMANDO CHAIRES FOR 2011 COMMON VICTUALLER RESTAURANT LICENSE AT 284 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license

SECOND: Alana Chernila

VOTE: 4-0

- F. LA FIESTA RESTAURANT INC. D/B/A LA FIESTA TEX-MEX RESTAURANT/ARMANDO CHAIRES FOR 2011 WEEKDAY ENTERTAINMENT LICENSE MONDAY – FRIDAY 6:00 PM TO 1:00 AM AND SATURDAY 6:00 PM TO MIDNIGHT AT 284 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license

SECOND: Stephen Bannon

VOTE: 4-0

- G. GYPSY JOYNT/LORI WELLER FOR 2011 **AMENDED** COMMON VICTUALLER RESTAURANT LICENSE FOR SERVICE OUTSIDE (4 TABLES WITH 8 CHAIRS) AT 293 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Alana Chernila to approve an amendment to the Common Victualler Restaurant

License for service of food outside until dusk or 9 P.M.

SECOND: Deb Phillips

VOTE: 4-0

- H. M L ENTERPRISES INC. D/B/A MARTIN'S RESTAURANT/MARTIN LEWIS FOR 2011 **AMENDED** COMMON VICTUALLER LICENSE FOR SERVICE OUTSIDE (1 TABLE WITH 2 CHAIRS) AT 49 RAILROAD STREET. (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve an amendment to the Common Victualler Restaurant License for service of food outside.

SECOND: Deb Phillips

VOTE: 4-0

- I. THE MEAT MARKET LLC/JEREMY STANTON FOR 2011 COMMON VICTUALLER RESTAURANT LICENSE AT 389 STOCKBRIDGE ROAD. (DISCUSSION/VOTE)

MOTION: Stephen Bannon to approve the license

SECOND: Alana Chernila

VOTE: 3-0-1 Sean Stanton recused himself

- J. BERKSHIRE CO-OP MARKET/AMY DEMAREST FOR TEMPORARY WEEKDAY ENTERTAINMENT LICENSE FOR JUNE 18, 2011 FROM 12:00 NOON – 4:00 PM AT MEMORIAL FIELD. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license

SECOND: Alana Chernila

VOTE: 4-0

- K. THE BRICK HOUSE PUB, INC. /JOHN J. FLYNN FOR 2011 ANNUAL WEEKDAY ENTERTAINMENT LICENSE (THURSDAY, FRIDAY AND SATURDAY NIGHTS 9:00 PM – 12:00 MIDNIGHT) AT 425 PARK STREET, HOUSATONIC, MA. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license with Thursday until 11:00 P.M.

SECOND: Stephen Bannon

VOTE: 4-0

John Flynn replied to the questions posed to him by Ms. Loubert. He said that central air was installed and the windows will be closed during music. He said that video cameras have been installed. No drinking will be allowed outside. The cameras will be useful in preventing loitering.

- L. MULTICULTURAL BRIDGE/GWENDOLYN HAMPTON VAN SANT FOR ONE DAY ALL ALCOHOLIC LIQUOR LICENSE FOR JUNE 11, 2011 FROM 2:00 PM – 9:00 PM AT THE HOUSATONIC SCHOOL PLAYGROUND, 207 PLEASANT STREET, HOUSATONIC, MA. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license with serving and consumption restricted to a confined area

SECOND: Alana Chernila

VOTE: 4-0

9. NEW BUSINESS:

A. HISTORICAL OVERVIEW OF USE OF TOWN OWNED BUILDINGS FOR SALE.

Kevin O'Donnell spoke to the use of building for sale (Castle Street fire station) as presented in the executive summary. He said that he is trying to minimize the use of 2 out of 3 (one has been sold) of the buildings because of the condition of the buildings and liability.

No action to be taken.

B. MAIN STREET PROJECT – NEXT STEPS.

Sean Stanton stated that no changes have been made to the proposed survey. He said that the survey needs to go out in a user friendly format.

Stephen Bannon suggested that the survey be done online, which will be easier for tabulation and record keeping. He also suggested that Bud Atwood give out the cover letter encouraging businesses to fill out the survey.

All Board members agree to get the survey out within 3 weeks.

MOTION: Stephen Bannon to use questions in the form for the online survey to go to businesses in the Overlay District with a deadline of Labor Day.

SECOND: Deb Phillips

VOTE: 4-0

C. TOWN MEEETING/ELECTION CALENDAR FOR 2012.

Kevin O'Donnell presented the Town Meeting calendar for 2012.

10. SELECTMEN'S TIME: Alana Chernila spoke about the need for additional meetings for the following topics to be discussed: Extra Budget Meetings, Transfer station (Kevin will discuss at the Strategic Planning Priorities Meeting), having additional meetings or workshops with the Planning Board and other Boards, Policy Creation around conservation matters with the Wastewater Treatment Plant and other conservation ideas.

11. MEDIA TIME: None

12. ADJOURNMENT: On a motion by Stephen Bannon, seconded by Deb Phillips, the Board adjourned its meeting at 9:08 p.m.

Respectfully submitted,



Cara Becker
Recording Secretary