

TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
AUGUST 22, 2011
7:00 P.M.

PRESENT: **SEAN STANTON - CHAIRMAN**
 DEBORAH PHILLIPS – VICE CHAIR
 ANDREW BLECHMAN
 ALANA CHERNILA
 STEPHEN BANNON

KEVIN O'DONNELL, TOWN MANAGER

7:00 P.M. PUBLIC SESSION – BOARD ROOM

1. CALL TO ORDER:

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

2. APPROVAL OF MINUTES:

Minutes of August 8, 2011 – Board of Selectmen Regular Meeting

MOTION: Ms. Phillips to approve.

SECOND: Ms. Chernila

VOTE: 3-1-1 – Mr. Blechman abstained. Mr. Bannon was absent.

Minutes of the August 15, 2011 Board of Selectmen and Finance Committee Joint Meeting

MOTION: Ms. Phillips to approve.

SECOND: Mr. Bannon

VOTE: 5-0

3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

A. Jane Iredale – Resolution for Service to Great Barrington. A Certificate of Recognition was presented to Jane Iredale for her generosity to the Town of Great Barrington through employment, the new roof on the Town gazebo, redevelopment of the former Bryant School, and the new Giggle Park playground behind Town Hall.

MOTION: Mr. Bannon to approve the resolution.

SECOND: Ms. Phillips

VOTE: 5-0

B. Letter of Support re: St. James Place Renovation Project. (Discussion/Vote)

Mr. Stanton read aloud a letter to be forwarded to William Francis Galvin, Secretary of the Commonwealth in support and recommendation to the Mass. Historical Commission for the application of Saint James place grant for funds to renovate St. James Church as a cultural center.

MOTION: Ms. Phillips to send the letter as written.

SECOND: Mr. Bannon

VOTE: 5-0

Ms. Chernila spoke in regard to the recycling center and a possible plan of increasing the hours. She suggested that the center should be open on Wednesday and Saturday from 8:00 a.m. to 1:00 p.m. and Sunday 9:00 a.m. to 4:00 p.m. A swap shop could be established and overseen by a DPW employee or volunteer. The Town could establish a sticker system and anything additional could be paid at the recycling center. The yearly stickers would be purchased at Town Hall. If someone applied mid year, it could be prorated. A discount could be offered as an incentive. Mr. Stanton suggested obtaining input from the public.

Mr. Bannon congratulated the 250th Committee on the wonderful community event at Butternut on August 20th. He noted he would like a calendar of all community events that will occur and he would like the events to be included on the agenda.

TOWN MANAGER'S REPORT:

A. Update – Library Director Search: Mr. O'Donnell advised that an interview panel has been established. He said he spoke to the school superintendent on ideas of how they have set up interview panels in the past. It was decided to use the assessment process similar to the sergeant's interview for the police department. Mr. O'Donnell advised he should have a written process sent out shortly. Ms. Holly Hammer, Library Trustee spoke for the Board. She advised that they did not know that Mr. O'Donnell assumed the interim director position and didn't know that the job advertisement had changed from interim to permanent. She said that Jessica from the Library applied for the interim director and has not been asked to interview nor the 4 or 5 other applicants who submitted applications. She asked why the search committee hasn't been asked to write a job description and an advertising campaign and why aren't we getting any of the applications. Mr. O'Donnell said there is no reason to rewrite the job description. The charter allows him to act as director. He is still searching for an interim and permanent director. It was noted that the closing date of applying indicates applications will be accepted until the position has been filled. Mr. O'Donnell said he e-mailed the Library Board Chair about him being interim director and received no response. Ms. Hammer indicated that Mr. O'Donnell should be doing a directors report at each meeting. Mr. O'Donnell noted he will be contacting the interview panel shortly with a variety of dates to set up interviews.

B. Public Health Alliance Group – Shared Services (Discussion/Vote)

Mark Pruhenski was present to explain the inter-municipal agreement. He noted that in 2008 Berkshire Public Health Alliance formed to begin discussion to improve health services through regional coordination. Berkshire Regional Planning, Berkshire County Boards of Health and Fairview Hospital was awarded the Public Health District Incentive Planning grant in the amount of \$29,000. As a planning grant recipient, this group is now eligible to apply for a multi-year implementation grant which would be funded for four years. The first year grants of \$100,000 for each district with gradual reductions are expected to cover expenses including staff, legal, financial, planning contractors as well as the districts operating expenses. An inter-municipal draft agreement has been drafted to address the legal issues. A governing board would be established to address policy and operational oversight. The Board would retain its legal authority and the BCPC would serve as the host agency. Mark noted that currently we contract our public health nurse through the Berkshire Visiting Nurse.

MOTION: Ms. Phillips to support the Town of Great Barrington joining the Berkshire Public Health Alliance

SECOND: Mr. Bannon

VOTE: 5-0

Mr. Tom Matuszko from Berkshire Regional Planning noted he would supply regulatory support. This would enable the Town to apply for additional grants.

C. Warrant Postcards and 2012 Annual Town Meeting Calendar (Discussion/Vote)

Mr. O'Donnell noted that the postcards will be mailed to notify people of the Annual Town Meeting on May 7, 2012 and the Mini Town Meeting on April 25 as well as the date of the Annual Election on May 14th. The postcards are proposed to be neon in color

MOTION: Mr. Bannon to approve the calendar and mailing of postcards.

SECOND: Ms. Phillips

VOTE: 5-0

Ms. Chernila said she would like the postcards to resemble Town letterhead or white paper and create a sentence that invites people to the Town Meeting. Mr. Stanton suggested working with the high school or middle school on the design. It was also noted that the full warrant should be available at the libraries. Ms. Ryan will be responsible for the content. The design will be worked on later.

D. Housatonic School Campus Task Force – Recommendations to Board of Selectmen. (Discussion/Vote)

Dan Bailey was present to explain the recommendations. He explained in January a group of 10 individuals was formed to find a solution to the use of the school campus. Over the first two months a survey was developed and sent out. Approximately 4,000 were mailed with 450 being returned. The survey showed that the public is behind the idea of keeping the building in public hands. 76% noted that the building should remain standing and not be torn down. Additional meetings were held and were open to the public. Three scenarios were developed by the task force. 1) Form a community partnership which would be to keep the building as it is while doing updates and using the space for social service organizations. 2) To form a public private partnership which would allow businesses to rent space and create property management with the Town still obtaining ownership. 3) To raise the building and enlarge the park which over time might develop into a pavilion. It was determined that many improvements need to be done at the Community Center, such as lighting, fencing, security, etc. If the building is lost to public or private partnership, it was suggested to add on to the Housatonic Community Center to accommodate any public meetings. Mr. Stanton said that a lot more work needs to be done. This task force has formed direction to move towards. Mr. Bannon thought that a second task force needs to be formed to review the three recommendations and the plan process. Ms. Phillips said this needs to move forward. Mr. Bannon said that more information needs to be obtained about costs and options of paying. It was suggested to put the Housatonic School on the next agenda and invite the task force back for further discussion. It was also noted that no assumption was made on the redevelopment of the mills. If a second task force is created, the deadline for reporting back should be shorter.

E. REVISION – BOARD OF SELECTMEN COMMUNICATION POLICY. (DISCUSSION/VOTE)

Mr. O'Donnell referred to the newly created subsection IX – Select board response on received communications. It refers to the Board or Town Manager receiving e-mails, written letters, phone calls, personal contact and the policy for responding.

MOTION: Mr. Bannon to open for discussion

SECOND: Ms. Phillips

Mr. Bannon suggested changing the sentence “The Chair *in conjunction with* the Town Manager shall notify the individual when the item will be on the Select board agenda. Ms. Chernila said she felt it is too vague. People should know that anything they send the Board of Selectmen could become a public record. Mr. Bannon noted an initial response should be sent back within 48 hours. It was suggested that each board member can forward changes to Mr. O'Donnell and the board can meet at 6:30 p.m. to refine it. Mr. Bannon withdrew his motion and Ms. Phillips withdrew her second because the board decided to discuss it at a workshop meeting.

CITIZEN'S SPEAK TIME:

No one spoke

6. PUBLIC HEARING:

A. **Tax Classification Hearing to determine the tax rate for FY2012 for the Town of Great Barrington. (Discussion/Vote).**

MOTION: Mr. Bannon to open the public hearing at 7:58 p.m.

SECOND: Ms. Phillips

VOTE: 5-0

Mr. O'Donnell noted that the total taxable real and personal property valuation for FY 2012 is \$1,351,621,807 which is a slight decrease of 2.9%. The levy is \$17,733,278.11 and new growth is \$10,512,925. This yields a tax levy growth value of \$127,838. It was noted that the current tax rate is a single rate. The tax rate is calculated by dividing the Town's proposed FY 2012 tax levy by the total taxable property value. This calculation yields a tax rate of \$13.12 per \$1,000 of valuation, an increase of 0.96¢ over the previous tax rate of \$12.16. The average single family home value is \$374,500. The average single family home will have a tax bill of \$4,913 for FY 2012. Mr. Jonathan Hankin noted some towns have split rates and some have single rates. Mr. Lamarre, Assessor, noted that with a split rate the single family residence would pay less with the commercial businesses paying a higher rate. Mr. Lamarre noted that second homeowners and commercial business are charged for personal property and public utilities. Mr. Lamarre advised when there is a large commercial base the split rate is more favorable.

MOTION: Mr. Bannon made a motion to close the public hearing at 8:08 p.m.

SECOND: Ms. Phillips

VOTE: 5-0

Findings: The Board finds in favor of applying the single tax rate of \$13.12 for Fiscal 2012.

MOTION: Ms. Chernila

SECOND: Mr. Bannon

VOTE 5-0

MOTION: Mr. Bannon to approve the \$13.12 per \$1,000 for the tax rate.
SECOND: Ms. Phillips
VOTE: 5-0

LICENSES AND PERMITS:

A. Tour Davita/Sarah West for permission to hold the annual charity bicycle ride to raise awareness of Kidney Disease and funds for the Kidney Trust on Sunday, September 18, 2011 (Discussion/Vote)

MOTION: Mr. Bannon to approve.

SECOND: Ms. Chernila

VOTE: 5-0

B. North Plain Farm LLC/Sean Stanton for One Day Beer and Wine License for September 11, 2011 from 4:00 p.m. to 8:00 p.m. at 205 North Plain Road.

(Discussion/Vote)

MOTION: Mr. Bannon to approve.

SECOND: Ms. Chernila

VOTE: 4-0-1 (Mr. Stanton abstained)

C. North Plain Farm LLC/Sean Stanton for a Sunday Entertainment License for September 11, 2011 from 4:00 p.m. to 8:00 p.m. at North Plain Farm, 205 North Plain Road. (Discussion/Vote)

MOTION: Mr. Bannon to approve.

SECOND: Ms. Chernila

VOTE: 4-0-1 (Mr. Stanton abstained)

D. Jeffrey Homeyer for an Application for a Driveway Permit at 20 Lake Avenue. (Discussion/Vote)

MOTION: Ms. Phillips to approve with the conditions dated on the August 16, 2011 outline submitted by the Highway-Facilities Superintendent.

SECOND: Ms. Chernila

VOTE: 5-0

E. Great Barrington Fish and Game for a One Day Beer and Wine License for September 10, 2011 from 12:00 P.M. to 6:00 P.M. at Long Pond Road. Fee Waiver Requested. (Discussion/Vote)

MOTION: Ms. Phillips to approve with the fee waived.

SECOND: Mr. Bannon

VOTE: 5-0

F. Great Barrington Fish and Game for a One Day Beer and Wine License for every Sunday from September 18, through November 27, 2011 from 12:00 P.M. to 4:00 P.M. at Long Pond Road. Fee Waiver Requested (Discussion/Vote)

MOTION: Ms. Phillips to approve with the fee waived.

SECOND: Ms. Chernila

VOTE: 5-0

8. **OLD BUSINESS:**

A. Update – Attorney Kathleen McCormick re: Monument Mills/Steve Muss.

Mr. Steven Muss was present to explain his interest in the former Mills in Housatonic. Mr. Muss advised he attended the school task force meetings and advised of what he felt the project should be. He said he volunteered to submit a plan but was told not to do the plan because the task force does not want to be beholding to him. He said he felt the school is important and a plan is important. He said he would submit to the board not to put another task force on but charge him with the responsibility of doing a plan, costs, and the price it would take to get the money. He said he went to Boston and met with the “powers to be” for the money. They came to Housatonic on June 30th at his request. They were thrilled with their tour of the mills. Mr. Muss indicated because of the slum and blight report that happened in 2005, it opened the door for millions and millions of dollars to improve Housatonic. He said a lady from the Economic Council said she has 75 million dollars a year to fund infrastructure. She said she could do that in Housatonic and save the Town and Housatonic millions of dollars. Mr. Muss said he would volunteer to draw and submit a plan and take that plan to the State and get the school funding. He said they started October 17th. Work was done with the Town, Town Manager, Town Engineer, and Town Planner and as a result of that effort; there was an overall approval at the Town Meeting approving the zoning overlay. Mr. Muss said it is important and essential that all the mills act as one. All the mills, except one, have pledged their support. There is one mill that hasn’t cooperated which is known as the Kelly Mill. He noted Mr. Kelly won’t meet with him and wouldn’t let him inspect the building.

Steve Siskin, Architect from Miami. He noted the project is important as there has never been a grouping of mills the way these mills might work. He noted that the Kelly Mill is 50% of the project. Mr. Siskin noted that the buildings are on the State Historic Register and National Historic Register. It was noted that this would develop an economic opportunity area but the consolidation of land needs to be done. Funding would go to the development of roads, trees, lighting, etc. Funds would be available for individual houses and businesses.

Ed McCormick, 10 Haley Road: Mr. McCormick noted that the slum and blight report that came out 7 years ago was the opening report for funding for Housatonic. Nothing has happened with the report in 7 years. He said a representative from Mass Development and the Secretary of Economic Development visited at the end of June. They have funding for potential revitalization of Housatonic and that would come directly to the Town of Great Barrington. The report from the school reuse committee points out that the school campus is a vital community asset which should be preserved. Mr. Muss has generously come up with a plan to revitalize the Monument Mills complex. Mr. Siskin has discussed with you the rapid deterioration of the mills and why all the land owners are vital to the project. Mr. McCormick said this is the last ditch effort to save the Monument Mills. This will be dependent on State and Federal funds and not on capital from the Town of Great Barrington. In order to do this, we must obtain the Kelly Mills. Mr. McCormick said he is asking that the Town call a vote to make a Special Town Meeting to determine if the voters of the Town will authorize the taking of the Kelly property and be pro-active in proceeding to improve the buildings of Housatonic so that the residents of Housatonic get what they deserve.

Leonard Cohen on behalf of Mr. Kelly and Gail Garrett: He said Mr. Kelly is not against the improvements in Great Barrington and Housatonic. He has invested two million in revamping the property. Mr. Kelly is opposed to being required to sell a piece of property that he has owned for 29 years with a gun being held to his head. He has also made commitments to the Town to make repairs to the Bridge that needs to be repaired. He made a commitment to meet with the Conservation Commission to determine what needs to be done. He also appeared before the Planning Board to determine if it is feasible to make repairs to the bridge before he spends \$200,000 in engineering and planning costs. Mr. Kelly is not opposed to the improvement of the property. Mr. Kelly has a plan of his own for the purposes of rehabilitating that property and he has hired an architect from Great Barrington, Mr. Stephen Green who was present. They have put together a team to come up with an in-depth plan for the Board's consideration. It would not require the Town to take anything by eminent domain. Mr. Cohen said they haven't been forthcoming with a developer and the planning study from Berkshire Regional Planning is 7 years old. It needs to be reviewed again. He urged the Town not to take any steps to obtain the property by eminent domain. Mr. Cohen said he contacted Mr. McCormick and stated that based on the representation given to him, he didn't think Mr. Kelly would enter into the agreement that Mr. Muss proposed. The agreement was that they would buy into the plan and then look for a developer and if the developer wasn't forthcoming they would have the ability to be able to withdraw. Mr. Cohen noted that Mr. Muss said that if Mr. Kelly withdrew, then he would be the lynch pin of putting this together. It was determined that Mr. Kelly did not want to be part of the plan as it was proposed, but maybe he would be part of some other plan. If Mr. Kelly was offered fair market value for the land, he would give it some consideration.

Mr. Stephen Green, architect in Great Barrington spoke on behalf of Mr. Kelly. He advised that he has been working on plans for the development of Mr. Kelly's buildings. An extensive feasibility study has been done and in the last few weeks he has been working on a continuation of that. Mr. Green noted it is a limited plan which is a mixed use project rather than a full scale master plan. It is a marketable plan and in the future we would like the opportunity to present that to the Board.

Mr. Narian Schroeder, 40 Kirk Street noted that the mills have been under that ownership for 29 years and he hasn't seen anything happen yet. He said he thinks it is a great opportunity and needs to be looked at and the idea of developing the mills as one package has real merit.

Mr. McCormick stated that he wants to get together to come up with a plan that will work for Housatonic.

Mr. Bannon said he challenges both teams to put aside the past differences and come together and sit down and talk to see if there is a common ground. Mr. Stanton advised that it is a huge opportunity because of the changes in zoning. We are going to ask for cooperation and a presentation of a plan. He noted the Board will keep in touch with each group to get updates on progress.

9. **NEW BUSINESS:**

A. Board of Selectmen – Recommendation to the Zoning Board of Appeals (ZBA) on the Appeal Petition of Gary O'Brien Property Services/GJO LLC, Roger Road of a Cease and Desist order of the Building Inspector (Discussion/Vote)

Mr. McCormick spoke on behalf of his client. He said he was surprised to see this on the Selectmen's Agenda because it is an Appeal of the Building Inspector to the ZBA. He didn't understand why the Board of Selectmen should give a recommendation on an appeal. Mr. McCormick said both parties need to be present to give a presentation and he requested that the Board not give a recommendation to the ZBA. Mr. O'Donnell noted that The Zoning Board of Appeals has made a point of requesting from other boards comments on a particular item before them. Those particular boards may or may not give a comment. The Planning Board has made it a long standing policy that it supports the Zoning Officer. The Planning Board made a positive recommendation to support the Zoning Officer. The Selectmen noted a policy should be developed to determine when the ZBA should ask for comments. It was suggested that the Zoning Board have access to legal counsel, if needed, in the O'Brien case. Mr. Blechman suggested inviting the ZBA to a meeting at some point in the future.

MOTION: Ms. Chernila not to take any action. Send a letter to the ZBA saying the Board is declining to comment because it has been deemed not appropriate.

SECOND: Mr. Bannon

VOTE: 4-1 (Mr. Blechman opposed)

B. **Update – AD HOC 250th Anniversary Committee:**

Ms. Andrus and Mr. McCormick spoke on behalf of the 250th Committee. They noted that there have been 38 events to celebrate the anniversary of the Town. There are approximately 10-15 people who are on the Committee. The Committee has met every other week for the last three years. Mr. McCormick and Ms. Andrus noted the various events they have had as well as future events. Ms. Andrus thanked the many sponsors of the Anniversary events.

10. **SELECTMEN'S TIME:**

Mr. Bannon congratulated Ms. Andrus and Mr. McCormick on the event planning.

There being no further business, Mr. Bannon made a motion to adjourn and Ms. Phillips seconded. The meeting adjourned at 9:50 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary