

**TOWN OF GREAT BARRINGTON  
SELECTMEN'S MEETING  
MINUTES  
MONDAY, AUGUST 8, 2011  
7:00 P.M. – REGULAR SESSION BOARD ROOM**

**PRESENT:**               STEPHEN BANNON – not present  
                          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:**

A. August 2, 2011 BOS and Board of Library Trustees Special Meeting.

**MOTION:** Deb Phillips to approve minutes from the August 2, 2011 Special meeting

**SECOND:** Alana Chernila

**VOTE:** 3-0-1 Andrew Blechman abstains

August 2, 2011 BOS Regular Meeting.

**MOTION:** Deb Phillips to approve minutes from the August 2, 2011 Regular meeting

**SECOND:** Alana Chernila

**VOTE:** 3-0-1 Andrew Blechman abstains

**3. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**

Deb Phillips suggested that the next agenda include an update from the 250<sup>th</sup> anniversary committee to see where we are and what is to come.

Sean Stanton said that he heard that the car show was fantastic and congratulated those involved.

Deb Phillips said that the car show was spectacular. It was well done and well attended.

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

A. UPDATE – Library Director Search

Kevin O'Donnell said that he spoke to Karin Beebe and she stated that she did not approve of Tom Blauvelt being on the interview committee. Kevin said that he felt positive about Tom being on the committee. She and Kevin agreed on Ronnie Cunningham and herself being members of the committee. He said that they have agreed to disagree about Tom and will keep him on the panel in order to move forward with the interview process. The interview process should start in the next 10 days or so.

B. UPDATE – Police Department

Kevin O'Donnell said the Police Chief has done a great job increasing efficiency of procedures in the police department. They received great news that the Police Department received certification, which is the first step toward full accreditation.

Police Chief Walsh said 4 assessors from the Massachusetts Police Accreditation Commission have spent 2 days at the Police Department and have recommended that they be awarded their certification toward full accreditation.

He explained that there are 2 levels to the process of accreditation. The first is certification, which includes meeting 159 standards; each having 4 or 5 parts to each. The second level is full accreditation. The Police Chief said this has been a four year effort of the department. He is very proud of their accomplishment. He said a special thank you goes to Kim Shaw who pulled the whole thing together and kept it moving and to Sharon Norris who customized the Policy and Procedures to fit the department. He announced that they are the first in Berkshire County to get this certification.

##### **5. CITIZEN SPEAK TIME:**

Michael Thomas spoke about the recycling bins on the street. He said that there were originally 15 and now there are only 5 remaining. He said when this project originated 5 years ago, a committee was formed, and a plan was brought to the Selectmen for approval which then moved forward. The project was to raise awareness about recycling. There were 15 artists that were charged with creating recycling bins that were made of 90% recycled material. Students and 'non-artists' were encouraged to participate. Mr. Thomas said that \$15,000 was fundraised locally for the 15 units. He added that Peter Soules was instrumental in the project to date.

Mr. Thomas said that he is interested in forming a new committee to create garbage and recycling bin in one. He recommends that it be made of stainless steel and would cost \$3,000 each with a life span of about 20 years. He said that he would like Pete Soules on this committee again.

Sean Stanton said that it would be a financial question, but this could be addressed later. He said that business owners may be willing to help with the cost.

Mr. Thomas said that grants would be available.

Sean Stanton said that this will be an agenda item at the next meeting to create something more formal.

Holly Hamer said that Karin Beebe was unable to attend and asked her to speak to the Selectman. She said that it is stated in the by-laws that only the president of the Board of Trustees can appoint those to a special committee. She said that Karin Beebe did not appoint the members to the search committee. Holly said that they do not agree on the appointment of Tom Blauvelt. Karin Beebe selected Jim Stark and Holly Hamer and they were both turned down. She said that she feels that she was turned down because of an erroneous E-mail that was sent to Kevin O'Donnell. She said that this makes her feel that the form of Town government, in which the power is so concentrated in one individual, is responsible for the lack of 'citizenry' input. Holly said neither staff nor 'Friends of the Library' were asked to be part of the process. She said this is a great opportunity for the Selectboard to jump in and involve the community and get a diverse population to help make the decision.

Kevin O'Donnell responded that he anticipates that three Board of Trustee members will be part of the committee along with others. He said that it is a diverse group of people who have library experience. (He read the names of those on the committee)

Alana Chernila questioned the issue of whether it is the right of the Library president to appoint the members to a special committee.

Sean Stanton replied that the charter says one thing and the Library policy and procedures say another.

Alana Chernila said this needs to be a joint process and they need to move forward with a joint decision. She wants to make sure this is happening and that the Board of Trustees is involved.

Deb Phillips said that there are 2 conflicting issues- the right of the trustees to appoint special committees and the role of the Town Manager. She asked where a search committee falls in this definition. She said that the process doesn't feel good, but the end result seems reasonable.

Alana Chernila said that it sounds like the Library Chair agreed to go forward as is. She repeated that this needs to be a partnership.

Deb Phillips agreed saying that it needs to be clear and collaborative work.

Ron Blumenthal introduced himself and said that he would like to put himself forth to be a committee member in the interview process.

He said that he has a great deal of experience working with 'dysfunctional' companies; which is his job. He is one of two officers of the 'Friends of the Library' which motivates him to get involved in this process. He

said that the 'Friends of the Library' has brought in 450 new patrons into the Library that have never been there before. He has also spent hundreds of hours in the Library and has a lot of experience with what the staff is doing and the potential of what the volunteers could do. He feels that the Library is a great untapped resource of the Town and said the person at the head needs to recognize that there is an incredible amount of work to do and it is a job that can turn the Library around.

Sean Stanton replied that there are a lot of questions about who is in charge of what. He said that they need to move forward with the understanding that the BOS needs to evaluate what the documents are so that this kind of thing doesn't happen in the future.

Deb Phillips asked that both sides rise above the conflicting written materials and find a way to determine the best solution for the Library.

## **6. PUBLIC HEARINGS:**

### **A. FANOL RAMADANI FOR A SPECIAL PERMIT TO OPERATE A RESTAURANT AT 325 STOCKBRIDGE ROAD, BLDG. #2, GREAT BARRINGTON, PER SECTIONS 3.1.4. C (20) AND 10.4 OF THE ZONING BY LAW. (DISCUSSION/VOTE)**

#### **a. Open Public Hearing**

**MOTION:** Deb Phillips to open the public hearing

**SECOND:** Alana Chernila

**VOTE:** 4-0

#### **b. Explanation of Project**

Attorney Ed McCormick, representing Fanol Ramadani, explained the project. He said that the property on 325 Stockbridge Rd. will be a pizza and Italian restaurant in Whitehouse Square. The premises are located in an industrial zone, not in a flood plain or a water quality protection overlay district. The application is in compliance with all provisions and requirements of the zoning by-law. They are seeking a permit in accordance with section 3.1.4c (21) and 10.4 of the zoning by-laws. In accordance with 10.4.2 of the zoning by-law, economic and traffic information has been submitted. Mr. McCormick said that this establishment will be take-out only. There will be no public eating on the premises.

#### **c. Speak in Favor/Opposition – no comments**

#### **d. Motion to Close Public Hearing**

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

**SECOND:** Alana Chernila

**VOTE:** 4-0

#### **e. Motion re: Findings**

**MOTION:** Deb Phillips to approve the findings of fact for Special Permit #790-11 for Fanol Ramadani as submitted and referenced as Exhibit A and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

**SECOND:** Alana Chernila

#### **ROLL CALL VOTE:**

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

**MOTION PASSED - 4-0**

#### **f. Motion re: Approval/Denial/Table**

**MOTION:** Deb Phillips, in view of the approved Findings of Fact, move to approve Special Permit #790-11 for Fanol Ramadani, to operate a restaurant at 325 Stockbridge Rd., building #2, Great Barrington, in accordance with sections 3.1.4 C (21) and 10.4 of the Great Barrington Zoning By-Law.

**SECOND:** Alana Chernila

#### **ROLL CALL VOTE:**

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

**EXHIBIT A**

**SPECIAL PERMIT  
FINDINGS OF FACT**

**Re: SP #790-11**  
**Applicant(s): Fanol Ramadani**

A. Introduction

A Special Permit application was filed on June 20, 2011, by Fanol Ramadani, 183 Main Street, Winsted, CT, for a special permit to operate a restaurant in Building #2 at 325 Stockbridge Road, Great Barrington. Specifically, the proposal entails interior renovations of an existing 600 square foot retail building but no exterior work. The Special Permit application has been filed in accordance with Sections 3.1.4 C (21) and 10.4 of the Great Barrington Zoning Bylaw.

B. General Findings

The Site is located on Stockbridge Road in Great Barrington, on the western side of the road, across from the Kmart / Price Chopper Plaza. It is located in an Industrial (I) zone and within a Flood Plain area. The I zone allows restaurants by special permit. Since there is no site work involved with this application, the provisions of the Flood Plain Overlay District do not apply.

The surrounding uses in this area are commercial in character, with several existing restaurants in the immediate area. The properties immediately north and south host Aegean Breeze and The East, respectively. Retail and personal service establishments fill out the balance of the White House Square complex.

Traffic flow into and out of the site is managed by a traffic signal. Parking is provided on site in front and behind the building. There are a total of 10 parking spaces available for this building, more than adequate to satisfy the zoning requirement of one parking space per three seats in a restaurant. In this case, notwithstanding that no floor area is dedicated to seats, per se, there is adequate parking at this building for this use.

Development Review Team Comments: The DRT reviewed the proposal in May 2011. The DRT reviewed parking, loading, site access, drainage, and environmental issues and found no areas of serious concern. DPW noted that there is a sewer easement running east-west behind the building (on the southern side) over which no permanent structures are allowed.

The Planning Board approved the Site Plan application and made a positive recommendation on the Special Permit. The Board of Health recommended in favor of the Special Permit. The Conservation Agent attested that the Conservation Commission has no jurisdiction over this application.

C. Special Permit Criteria and Specific Findings

Per §10.4.2 of the Zoning Bylaw, granting of a special permit requires a written determination by the Special Permit Granting Authority "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." This determination shall include consideration of the following six criteria:

1. Social, economic, or community needs which are served by the proposal;

2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and,
6. Potential fiscal impact, including impact on town services, tax base, and employment.

Consideration of the Criteria in relation to SP #790-11:

1. The proposal provides an opportunity for a new business to be added to the economic base and does not negatively impact social or community needs. The proposal fits the goals of the Great Barrington Master Plan by developing an existing building without adding burdens on town infrastructure, parking, or traffic.
2. The proposal is a small business and is not expected to generate any significant traffic. Driveways and laneways are adequate and sight lines will not be blocked by signage or parked vehicles. There is sufficient parking available for this use, Traffic into and out of the site is adequately controlled by the traffic signal at the site entrance. There will not be a detrimental impact on traffic flow, safety, parking, or loading.
3. The building is already served by public utilities. The proposed use will not overburden these utilities or have negative impact on other public services.
4. The proposal fits with the existing commercial character and existing uses in this area.
5. Since there are to be no changes to the site or the building exterior, the proposal will not have detrimental impacts on the natural environment.
6. The proposal will have a positive fiscal impact. The establishment will fill what is currently an unleased commercial building. The establishment will also contribute new revenue in the form of meal taxes and will employ several full time employees.

Specific Finding:

In consideration of the above Findings, this Board finds that there are no adverse impacts and that the benefits of the proposal outweigh any possible detrimental impacts.

D. Proposed Conditions

There are no conditions proposed on this special permit.

**7. New Business:**

- A. FAIRVIEW HOSPITAL/LAUREN SMITH REQUEST TO USE TOWN HALL PARKING AREA ON SATURDAY, SEPTEMBER 24, 2011 FOR FAIRVIEW GALA. (DISCUSSION/VOTE)

**MOTION:** Deb Phillips to approve request to use Town Hall parking area

**SECOND:** Alana Chernila

**VOTE:** 4-0

**8. Selectmen's Time:**

Alana Chernila asked about the timeline regarding the calendar of meetings to attend as requested earlier by Selectman Bannon. She also inquired about the policy regarding E-mail communications.

Kevin O'Donnell responded that the calendar will be out at the end of the month for the next month.

He said that the policy on E-mail communications will be on the agenda on Aug 22.

**9. Media Time:** None

**10. ADJOURNMENT:**

On a motion by Deb Phillips, seconded by Alana Chernila, the Board adjourned its meeting at 7:40 p.m.

Respectfully submitted,

  
Cara Becker  
Recording Secretary