

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
MONDAY, JUNE 9, 2014
7:00 P.M. - REGULAR SESSION
TOWN HALL**

PRESENT: ED ABRAHAMS
DANIEL BAILLY
STEPHEN BANNON
DEB PHILLIPS
SEAN STANTON

JENNIFER TABAKIN, TOWN MANAGER

1. CALL TO ORDER:

Deb Phillips called the meeting to order at 7:00 PM

2. APPROVAL OF MINUTES:

No minutes to approve

3. SELECBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD.

Dan Bailly expressed concern with the proposed treatment facility at the Williamsville Inn. He will attend an upcoming informational meeting. He encouraged others to do the same.

B. SB – VOTE TO CONFIRM AND AUTHORIZE THE SALE OF GENERAL OBLIGATION MUNICIPAL PURPOSE LOAN OF 2014 BONDS.

Sean Stanton read the declaration of the vote:

I, the Clerk of the Board of Selectmen of the Town of Great Barrington, Massachusetts (the "Town"), certify that at a meeting of the board held June 9, 2014, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$1,657,280 General Obligation Municipal Purpose

Loan of 2014 Bonds of the Town dated June 15, 2014 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$1,703,163.83 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on June 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2015	\$182,280	2.00%	2020	\$155,000	2.00%
2016	185,000	2.00	2021	155,000	2.00
2017	175,000	2.00	2022	155,000	3.00
2018	175,000	2.00	2023	150,000	3.00
2019	175,000	2.00	2024	150,000	3.00

Further Voted: to approve the sale of a \$21,400 0.60 percent General Obligation State House Note of the Town dated June 18, 2014, and payable December 18, 2014 (the "Note"), to UniBank for Savings at a price equal to the stated principal amount of the Note, plus accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 22, 2014, and a final Official Statement dated June 4, 2014 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer and/or the Town Accountant/Financial Coordinator to establish post-issuance federal tax compliance procedures in such form as such official(s) and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds, the Note and other tax-benefitted obligations of the Town.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined

by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Note were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

MOTION: Sean Stanton to confirm and authorize the sale of general obligation municipal purpose loan of 2014 bonds.

SECOND: Steve Bannon

VOTE: 5-0

All signed.

4. TOWN MANAGER'S REPORT:

A. FOLLOW UP ITEMS

- VACANCIES ON TOWN BOARDS/COMMITTEES AND COMMISSIONS.

Jennifer Tabakin announced the vacancies on town boards and committees. She asked that anyone that is interested contact the office of the town manager.

Deb Phillips said that the more people who participate in town government, the more vibrant it will be.

Jennifer explained that the DOT will continue to work on Rte 7 and 23 between the hours of 5am -2pm.

Jennifer said that the 5 Town Cable Advisory Committee will be meeting in Lenox on June 10 regarding the merger of Time Warner Cable and Comcast.

5. PUBLIC HEARING:

A. SB TO CONVENE AS SEWER COMMISSIONERS – TO SET SEWER RATES FOR FY 15.

a. Open Public Hearing

MOTION: Sean Stanton to open the public meeting

SECOND: Steve Bannon

VOTE: 5-0

b. Explanation of Project

Jennifer Tabakin explained that this is to set the annual sewer rate. She did not propose an increase or change.

c. Speak in Favor/Opposition – None

d. Motion to Close Public Hearing

MOTION: Sean Stanton to close the public meeting

SECOND: Steve Bannon

VOTE: 5-0

e. Motion re: Findings

MOTION: Sean Stanton to approve the findings that the sewer enterprise final budget is \$1,768,555 for direct costs approved by Town Meeting. The indirect costs for the following personnel: Joe Sokul 25%, Joan Johnson 10%, Jennifer Tabakin 8%, Lauren Sartori 6%, Sandra Larkin 10% and Deb Ball 20% for both salary and related benefits is \$76,500. The total budget is \$1,845,055. Sewer rates fund approximately 90% of the budget with the remaining funds coming from septic charges and other fees. The enterprise fund is fully self-supporting with only users paying for the costs. The current sewer rate is \$460 per equivalent dwelling unit (EDU). **No rate increase is necessary to fund the 2015 operations.**

SECOND: Steve Bannon

VOTE: 5-0

f. Motion re: Approval/Denial/Table

MOTION: Sean Stanton to set the sewer rate at \$460 per EDU and approve the allocation of the indirect costs.

SECOND: Steve Bannon

VOTE: 5-0

g. Reconvening as Selectboard

B. FAIRGROUNDS COMMUNITY REDEVELOPMENT/BART ELSBACH FOR A SPECIAL PERMIT FOR A COMMUNITY CENTER USE AT 659 MAIN STREET, GREAT BARRINGTON, IN A B-2 ZONE AND ASSOCIATED WORK IN THE FLOODPLAIN, IN ACCORDANCE WITH SECTIONS 3.1.4 B(6), 9.1 AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW.

a. Open Public Hearing

MOTION: Steve Bannon to open the public meeting

SECOND: Dan Bailly

VOTE: 4-0-1

Sean Stanton recused. He spoke with the ethics commission and since he is involved with the farmer's market, he may have a financial interest in this decision. At the commission's recommendation he is recusing himself. He left the table and sat in the audience.

b. Explanation of Project

Bart and Janet Ellsbach gave an explanation of the project. Bart explained that the fairgrounds site at the southern end of town was the longest running agricultural fair in the U.S. until it ended. The site is very historical and has a central role in the community. Commercial redevelopment proposed in the recent past was not favored by the town for that reason, and so Bart and Janet worked to purchase the property and find an ideal use for the site and its historical role. They formed a non-profit entity to develop a long term and multi-use vision, with an interest in protecting the environment and also in providing educational, community and recreational event opportunities. He said that this is not a commercial endeavor, and relies entirely on fundraising and the support of the community.

Bart explained that the Fairgrounds special permit application is for two things; a use designation, since the property has been derelict, and approval to do work in the floodplain. He proposed a community center use for the property. Bart added that this approval doesn't really allow them to do anything. This is one step in a multi step process the town designed to control commercial development, buildings, and environmental issues. With the approval to do work in the floodplain, he will continue the application process for work on the cowshed; with this approval he can go to the Building Inspector to begin the process required to build the building.

Bart stated that they have received a positive recommendation from Board of Health.

He proposed 10 potential projects. This is more of an 'organic' long term proposal which needs fundraising that depends on permitting; this is an initial step that will allow them to proceed with fundraising. He added that some things on the application may not come to fruition.

Jennifer Tabakin summarized the application for the Selectboard: (1) cowshed (2) dog run (3) community garden (4) bathroom removal (5) gazebo = phase 1. She stated with temporary seasonal events we can assume people will not be there when it is flooded. The second phase includes: 6) office, 7) grandstand 8) solar 9) public park. There is no detail on these yet since there is no guarantee that they will happen.

Bart Ellsbach responded that the goal is that activity stay near the road and the area near the river is low impact with minimal vehicle traffic or a lot of intense use. He plans to create a riparian area with a buffer zone and indigenous species. He also hopes to put in a walk way designed to connect to the River Walk, providing a recreation and useful path from downtown for walking and biking

Bart explained that he has a Selectboard resolution indicating support for solar on this property. He has been talking with the state and regulators about how to go about it. In July, the solar program regulations will change so this might now come to fruition.

Janet Ellsbach thanked the Town Manager for her summary. Janet Ellsbach clarified that she wants to remove the bathroom since it is so decrepit. She does not want to increase the impermeable footprint. Janet stated that she has backup information about the Cowshed renovation. [Visual aids were presented to selectboard which consists of actual photos as it exists and an artists rendering of proposed new building on the footprint. – Chris Rembold got copies for the record.]

Deb Phillips spoke about what a special permit does and does not do. She said that a special permit may include ideas that fit into the vision for the town and that we think are appropriate in the space, but we are or are not measuring the appropriateness of feasibility.

Jennifer Tabakin responded that the local laws are driven by federal and state regulations to make sure things are built appropriately so people don't get hurt and they meet insurance requirements. The town can say whether or not something is suitable in the floodplain based on your understanding of the floodplain criteria. In this case, there are not many issues in phase 1 that trigger concerns in this respect. If it does flood, will there be a danger and will there be harm? Jennifer suggested that the Selectboard go through the requirements of the bylaw.

The Selectboard discussed the projects in each phase and the need for an engineers stamp on phase 2 projects. Jennifer Tabakin explained that an engineer's certification is required on both phases; Town Counsel says you cannot waive that requirement. The phase 1 certification should be easier to get than phase 2.

Bart Ellsbach said that they believe that phase 1 will have virtually no floodplain impact.

Deb Phillips asked if solar array use would interfere with the floodplain. She asked for further info. Bart Ellsbach showed the proposed area of the site for solar array. It is a 0.5 MW system. He showed images of panels typically used in the arrays. If they are in an area that is flooded regularly, they would raise the panels and conduits. 'We would hook into pole on route 7 across from gas station so all transformers and equipment sensitive to flooding would be above the water.'

Ed Abrahams asked if putting in an office would disrupt the floodplain.

Bart responded yes but it is an existing office, so it really is just a building code issue.

Jennifer Tabakin said that certification is needed from a professional engineer stating that it shall not increase flood levels.

Chris Rembold suggested considering the two special permits; community center use as a whole and then floodplain activities to the extent that you have the information to make the decision

c. Speak in Favor/Opposition

Patrick Fennel 154 Main St – asked how long the office has been vacant. He also asked if the Selectboard would blindly give permits to a commercial venture.

Deb Phillips responded whether the office is vacant or used, it has same impact on the floodplain. In response to the second question, Deb responded that if a commercial venture is proposing a good project that would benefit the town, we would work with them. We have no intention of giving the Fairgrounds free allowance to do anything they want.

Janet Ellsbach clarified that "them" is not just us but it is a nonprofit with a broad mission to help community and it's not for our personal gain.

Howard Lefenfeld -2 Taconic Avenue and a Manager of the farmers market said that the market moved to the Fairgrounds in May this year and the response from community has been overwhelming. There has been 2-3x more people who visit that we ever had at the train station and the reason is because the community is showing support to work with the Ellsbachs and the nonprofit to make the vision happen.

James Harris 105 Taconic – what is the grand stand renovation? Deb Phillips responded that there is no detail on this.

Chris Rembold reiterated that the Selectboard can do 2 decisions/ 2 votes if they want to. This community center includes all that has been presented in the application, which includes 10 subprojects.

Beth Carlson 9 South Street, Stockbridge – asked if each building has to be permitted anyway. Jennifer Tabakin responded that they would need building permits.

David Magadini -said he doesn't understand why this would be used as a community center when it used to be an agricultural site. Deb Phillips responded that type of use is no longer.

Andy Matlow Knob Hill – said that the planning board is merely advisory. He said that he hears a comfort level with conditions; he urged the Selectboard to embrace the project with conditions so they can move ahead project by project while fulfilling the conditions

Dale Abrams 6 Lake Mansfield Road - appreciates all the attention given and the energy the Fairground group is giving. He urged the Selectboard to make as broad a support as they can.

d. Motion to Close Public Hearing

MOTION: Steve Bannon to close the public meeting

SECOND: Dan Bailly

VOTE: 4-0-1 Sean Stanton recused

e. Motion re: Findings

MOTION: Dan Bailly to approve the change of use to Community Center use –B2 zone based on the findings that the benefits of the designation outweigh the risks.

SECOND: Steve Bannon

Roll call vote:

Abrahams	Yes
Bailly	Yes
Bannon	Yes
Phillips	Yes

VOTE: 4-0-1

Motion Passed

f. Motion re: Approval/Denial/Table

1. **MOTION:** Steve Bannon to approve the change in use designation to Community Center. .

Second: Ed Abrahams

Roll call vote:

Abrahams	Yes
Bailly	Yes
Bannon	Yes
Phillips	Yes

VOTE: 4-0-1

Motion Passed

MOTION: Dan Bailly to continue discussion until 6/17/14 meeting

SECOND: Steve Bannon

VOTE: 4-0-1

Motion Passed

- C. REQUEST TO CONTINUE THE PUBLIC HEARING TO SB JUNE 23, 2014 MEETING ON THE SPECIAL PERMIT APPLICATION OF ST. JAMES PLACE/FRED AND SALLY HARRIS, 352 MAIN STREET, GREAT BARRINGTON FOR A COMMUNITY CENTER USE IN B-2 ZONE, DEVIATION FROM CERTAIN PARKING REQUIREMENTS, AND EXTERIOR ALTERATIONS IN THE VILLAGE CENTER OVERLAY DISTRICT, IN ACCORDANCE WITH SECTIONS 3.1.4 B (6), 6.1, 9.6 AND 10.4 OF THE GREAT BARRINGTON ZONING BYLAW. (DISCUSSION/VOTE)

MOTION: Steve Bannon to continue the public hearing

SECOND: Dan Bailly

VOTE: 5-0

6. LICENSES OR PERMITS:

- A. CONTINUATION- JENISE LUCEY/BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR JUNE 13, 2014 FROM 7:00 PM – 8:30 PM AT BERKSHIRE SOUTH REGIONAL COMMUNITY CENTER, 15 CRISSEY ROAD.

(DISCUSSION/VOTE)

MOTION: Steve Bannon to approve the license

SECOND: Dan Bailly

VOTE: 5-0

- B. LYNN A. HUTCHINSON FOR A DRIVEWAY PERMIT AT THE WEST SIDE OF LONG POND ROAD/NORTH SIDE OF ASSESSOR MAP 33, LOT 3. (DISCUSSION/VOTE)

Dan Bailly suggested that this be continued until the ZBA works through the current issue.

Sean Stanton voiced the same concern.

MOTION: Dan Bailly to continue until 6/23/14

SECOND: Sean Stanton

VOTE: 5-0

- C. UNITARIAN UNIVERSALIST MEETING OF SOUTH BERKSHIRE/DIANNA DOWNING FOR 2014 ANNUAL WEEKDAY ENTERTAINMENT LICENSE (MONDAY –SATURDAY) FROM 10:00 AM- 10:00 PM AT 1089 MAIN STREET, HOUSATONIC. (DISCUSSION/VOTE)

MOTION: Steve Bannon to approve the license

SECOND: Sean Stanton

VOTE: 5-0

- D. WSBS RADIO/SOUNDS OF SUMMER/ DAVID ISBY FOR EIGHT (8) TEMPORARY OUTDOOR WEEKDAY ENTERTAINMENT LICENSES FOR JULY 8, 15, 22, 29, 2014 AND AUGUST 5, 12, 19 AND 26, 2014 FROM 6:00 PM – 8:00 PM AT VFW, 800 MAIN STREET, GREAT BARRINGTON. (DISCUSSION/VOTE)

MOTION: Sean Stanton to approve licenses

SECOND: Steve Bannon

VOTE: 5-0

- E. BERKSHIRE CO-OP MARKET/KIRA SMITH FOR TEMPORARY WEEKDAY OUTDOOR ENTERTAINMENT LICENSE FOR JUNE 21, 2014 FROM 10:00 AM – 1:00 PM AT THE GREAT BARRINGTON FAIRGROUNDS, 659 MAIN STREET. (DISCUSSION/VOTE)

MOTION: Steve Bannon to approve the license

SECOND: Dan Bailly

VOTE: 4-0-1 Sean Stanton recused

7. NEW BUSINESS:

- A. CONTINUATION- SB – RECOMMENDATION TO THE TOWN MANAGER ON THE APPOINTMENT TO THE CONSERVATION COMMISSION. (DISCUSSION/VOTE)

Jennifer Tabakin read a letter from Adam Gudeon.

Gaetan Lachance introduced himself.

Conservation Commission Chair, Andrew Mankin recommends Gaetan Lachance.

MOTION: Steve Bannon to recommend to the Town Manager that Gaetan Lachance be appointed to the Conservation Commission.

SECOND: Ed Abrahams

VOTE: 5-0

B. SB – HIGH SCHOOL RENOVATION PROJECT/MMRHS PROPOSED VOTE DATE/HOURS
NOVEMBER 4, 2014. (DISCUSSION/VOTE)

Superintendent, Peter Dillon, asked the Selectboard for their support regarding the High School renovation vote. He explained on May 22, 2014, the school committee voted unanimously to bring the high school project back to the voters. He is proposing to piggy-back the vote with the State November election (13 hour voting), which would require extended voting hours since the project vote is 4-8 hours. He will be asking Representative Pignatelli and Senator Downing to file special legislation to extend the voting hours from the 4-8 hours to the full 13 hours. This would realize significant savings to the towns.

Superintendent Dillon asked for the Selectboards support in this proposal.

MOTION: Sean Stanton that the Selectboard supports the request to file for legislation

SECOND: Steve Bannon

VOTE: 5-0

C. SB – SPECIAL MUNICIPAL EMPLOYEE DESIGNATION. (DISCUSSION/VOTE)

Item tabled

D. SB – RESOLUTION ON RIDE SHARE. (DISCUSSION/VOTE)

Chip Elitzer explained the idea of ride share.

He read the proposed resolution.

There was discussion about the 'negative' letters to the editor about this proposal.

Sgt. Bartini, on behalf of Chief Walsh, said that they are in support of carpooling as long as safety issues can be worked out.

MOTION: Steve Bannon to adopt the resolution

SECOND: Sean Stanton

VOTE: 5-0

E. SB – HEARING FOR PUBLIC INPUT ON SOUTH COUNTY TRANSIT STUDY.
(DISCUSSION/VOTE)

Jennifer Tabakin gave the Selectboard a survey to look over for later discussion.

F. SB – DESIGNATION OF TOWN REPRESENTATIVE TO THE BERKSHIRE REGIONAL
TRANSIT AUTHORITY (BRTA) ADVISORY BOARD. (DISCUSSION/VOTE)

MOTION: Steve Bannon to appoint Sean Stanton as town representative to the Berkshire Regional Transit Authority.

SECOND: Dan Bailly

VOTE: 5-0

G. SB - PROCLAMATION FOR FAIRFIELD INN & SUITES BY MARRIOTT BERKSHIRE.
(DISCUSSION/VOTE)

MOTION: Steve Bannon to approve the resolution

SECOND: Dan Bailly

VOTE: 5-0

8. OLD BUSINESS:

A. RECYCLING CENTER – FEE UPDATE. (DISCUSSION)

Joe Sokul gave an overview on the recycling center changes and financials.

The annual income is \$27,502. The annual expense is 42,782.

Joe said that there has been a 15% increase in traffic overall. Friday is a low day at the recycling center with only 35 cars coming through. He said that the swap shack could be better if there was a bigger building.

There was discussion about a free recycling sticker

Joe Sokul responded that it would cost more to print these stickers.

MOTION: Steve Bannon moved that free recycling would be allowed to those without a sticker

SECOND: Dan Bailly

VOTE: 5-0

9. CITIZEN SPEAK TIME:

Patricia Ryan asked about the request for proposals for the Wastewater rate setting.

Dan Bailly replied July 1st is when they may be available.

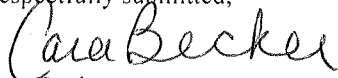
10. SELECTBOARD'S TIME: None

11. MEDIA TIME: None

12. ADJOURNMENT:

On a motion by Steve Bannon, seconded by Dan Bailly, the Board adjourned its meeting at 10:35 P.M.

Respectfully submitted,



Cara Becker
Recording Secretary