

## SELECTBOARD'S MEETING MINUTES

MONDAY, JUNE 12, 2017

**6:30 PM – EXECUTIVE SESSION**

**REGULAR SESSION IMMEDIATELY FOLLOWING**

**TOWN HALL, 334 MAIN STREET**

### **PRESENT**

Sean Stanton  
Steve Bannon  
Dan Bailly  
Ed Abrahams  
Bill Cooke  
Town Manager- Jennifer Tabakin  
Town Planner- Chris Rembold

### **6:30 PM - OPEN MEETING**

#### **1. CALL TO ORDER**

Chairman Sean Stanton called the meeting to order at 6:30PM

- 2. CONVENE INTO EXECUTIVE SESSION** – Town Manager's Conference Room  
MGL c. 30A, Sec. 21 (a) (3) to discuss strategy with respect to collective bargaining with AFSCME, Local 204 (DPW) and Library and to Reconvene into Open Session  
Roll Call Vote

**Motion:** Steve Bannon moved to convene into executive session.

**Second:** Dan Bailly

**Roll Call Vote:** Bill Cooke: yes, Dan Bailly: yes, Steve Bannon: yes, Sean Stanton: yes, Ed Abrahams: yes.

#### **3. REGULAR SESSION IMMEDIATELY FOLLOWING**

#### **4. APPROVAL OF MINUTES:**

May 15, 2017 Regular Meeting.

**Motion:** Steve Bannon moved to approve the May 15, 2017 Meeting Minutes.

**Second:** Dan Bailly

**Vote: 5-0**

May 22, 2017 Special Meeting.

**Motion:** Steve Bannon moved to approve the May 22, 2017 Special Meeting Minutes.

**Second:** Dan Bailly

**Vote: 5-0**

#### **5. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

##### **A. General Comments by the Board.**

- Dan Bailly asked who is responsible for curating the art work in the hallway on the second floor of the Town Hall. Mr. Bailly requested that we look into switching up the paintings on display as to allow other local artists to promote their artwork.

## 6. TOWN MANAGER'S REPORT:

### A. Department Updates.

- Wastewater Treatment Plant – Ways to Address Problems with Flushing Wipes.

Intern Ted Nappo gave a short presentation on the damages “flushable” wipes are causing to the public sewer system. Certain wipes that are advertised as flushable are found to not biodegrade the way that ordinary toilet paper can. Once flushed, they collect and form a mass of wipes that are clogging the sewer system. The mass needs to be removed by hand, which takes about 3 hours per week. Ted notes that while these wipes can be flushed, they should not be flushed.

- Grants for Economic Development.

Intern Joe Grochmal presented on grants available to the Town of Great Barrington. Joe identified six areas of economic need for the Town: culture, energy, infrastructure, security and safety, quality of life, and technology. Joe gave a detailed report on 28 different grants the Town is eligible for that could enhance development in each of those six areas.

- MOU with Williamstown re: Health Agent services.

The Town Manager requested that the Selectboard consider signing a Memorandum of Understanding with the Town of Williamstown. The position of Health Agent is still unfilled and the MOU would serve as a temporary contract with the Williamstown Health Agent who has over 20 years of experience in the field. This contract would cover about 15 hours a month with a monthly payment of \$695.00. Chair of the Board of Health, Michael Lanoue said that he agrees with the MOU proposed by the Town Manager. Lanoue said it is important for the Health Department to have access to such a key resource.

### B. Project Updates.

## 7. PUBLIC HEARINGS:

- A. **Continuation** of Berkshire Aviation Enterprises Inc. Special Permit Application for Aviation field in an R4 zone at 70 Egremont Plain Road, Great Barrington, in accordance with 3.1.4 E(1), 7.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

a. Open Public Hearing

Motion: Steve Bannon moved to reopen the public hearing.

Second: Dan Bailly

Vote: 5-0

b. Explanation of Project

Attorney Lori Robbins updated the Selectboard on the responses received from the Assessor's Office and the Fire Chief. Mr. Bannon asked Attorney Roberts if the airport has conducted a study to test for lead. Ms. Roberts responded that the well on the premises has not been tested for lead. Mr. Stanton emphasized that the Selectboard needs to know that any contamination of drinking water is not caused by the airport's fuel and it will be up to the airport to prove that there is no lead in the water supply. Ms. Robbins said that the airport is prepared to file for an additional special permit to build within the Water Quality District.

Ed Abrahams asked if there are permits for the other additions made to the airport since the zoning was enacted. Ms. Robbins said that this is the first time Berkshire Aviation has come to the Town to apply for a Special Permit, the other additions made to the business have only needed building permits. This is also the first time the airport has applied for additions to be made within the Water Quality District. Mr. Abrahams asked how many full time employees the airport employs. Richard Solan said there are 7-8 full time employees. Mr. Abrahams asked when the underground fuel tanks are going to be removed. Mr. Solan said they will come out sometime in August. Mr. Abrahams asked if there are unresolved Chapter 61 land issues. Attorney Roberts said the airport has not removed any land from Chapter 61A protection. The total acreage owned by Berkshire Aviation Enterprises is 92 acres. Mr. Abrahams asked for clarification on whether or not there is an alternative to leaded fuel. Ken Krentsa, manager of the airport said there is an

alternative to 100 low lead aviation fuel but it is still in the trial phases. Only a few airports in the country have this alternative fuel and not every aircraft can use this fuel. Steve Bannon asked what the end result will be for the airport if they are not granted the Special Permit and continue in the pre-existing not conforming fashion they have been. The Town Planner, Chris Rembold said that it is difficult to answer when this situation is still in the abstract. Mr. Rembold noted that some of the decisions are at the discretion of the Building Inspector and other decisions are subjected to the Zoning Board of Appeals. Mr. Bannon said he would like more specification in how the permit conditions are drafted so that the conditions are not ultimately disregarded by Mass DOT. Mr. Bannon emphasized that he would like the Town of Great Barrington to remain in control of the Special Permit conditions. Bill Cooke asked if the airport could remain in operation if the Special Permit is not granted. Attorney Robbins said the airport could continue operating in the same fashion without the Special Permit. Mr. Bannon would like further clarification on what the airport can and cannot do if they continue as a pre-existing non-conforming operation. Attorney Robbins suggested that the goal for the Selectboard should be to draft a comprehensive Special Permit for the Aviation field. However, Attorney Robbins suggested that the proposed conditions are likely to be dismissed by DOT.

**c. Speak in Favor/Opposition**

Attorney Dohoney, representing Anne Fredericks and Mark Fasteau said that Mass DOT represents and regulates Berkshire Aviation, the neighbors only have the Selectboard representing them. Atty. Dohoney said that the Special Permit is an over expansion of a pre-existing non-conforming use and it is the job of the Selectboard to police these expansions. Ed Abrahams asked Mr. Dohoney what his opinion would be on including strict conditions in a Special Permit or keeping the airport as a pre-existing non-conforming operation. Atty. Dohoney said there is no desire to eliminate the airport or have it subjected to unfair conditions, the community just wants it to remain the same as when they purchased a home. Atty. Dohoney said a Special Permit with strict conditions would be the best way to go, conditions that would restrict the airport to its pre 2008 use. "This would protect the neighborhood from the expansion we all feel is coming," said Atty. Dohoney. Holly Hammer, Seekonk Cross Road. Ms. Hammer said according to the Assessor, Chris Lamarre there is an existing agricultural lien on the entire property owned by Berkshire Aviation, therefore all 90+ acres are still subjected to any Chapter 61A land use regulations. Anya Unger, West Sheffield Road. Ms. Unger said that since she bought her house in 2006 there has been increased usage of the airport and increased noise. Ms. Unger requested a noise contour map and the flight pattern map from Berkshire Aviation in order to address the issue of noise and air pollution. Joe Krummel, Seekonk Cross Road, said the issue of leaded gas in the aquifer needs to be addressed. The airport manager, Ken Krentsa said they are looking into replacing the underground fuel tanks with an above ground fuel tank. Mr. Solan said they are strongly considering an above ground fuel tank in order to better protect the water supply. The Selectboard went through each of the proposed conditions. Airport Manager Ken Krentsa and Attorney Lori Robbins weighed in on what they think is reasonable to request from Berkshire Aviation. Some of the conditions discussed were; restricting retail sales, not permitting a restaurant on the premises, and limiting tie downs. Dan Bailly raised the point of enforcement of the proposed conditions. Mr. Bailly said the "conditions imposed by the Selectboard should be able to be enforced and some of these restrictions might be difficult to keep track of." Ed Abrahams said he believes it is the Selectboard's obligation to limit expansion to the point that the airport is no longer bothersome to the neighborhood. Steve Bannon said he wants the airport to survive but he also believes restrictions need to be set because the surrounding neighborhood should not be compromised in order to accommodate business expansion.

**d. Motion to Close Public Hearing**

**Motion:** Steve Bannon motioned to continue the public hearing until July 10, 2017

**Second:** Dan Bailly

**Vote: 5-0**

e. Motion re: Findings

f. Motion re: Approval/Denial/Table

## **8. LICENSES OR PERMITS:**

- A. David Isby/WSBS/Sounds of Summer for Temporary Weekday Entertainment Licenses for 7/11, 7/18, 7/25/ 8/1, 8/8, 8/15/ 8/22, and 8/29, 2017 from 6:00 pm – 8:00 pm at VFW, Route 7, 800 Main Street. (Discussion/Vote)

**Motion:** Steve Bannon moved to approve the Sounds of Summer Temporary Weekday Entertainment Licenses.

**Second:** Dan Bailly

**Vote: 5-0**

- B. Dave Ryel/Butternut Basin, Inc. for three (3) One Day All Alcoholic Liquor Licenses for July 1, 2 and 3, 2017 from 10:00 am – 6:00 pm at 380 State Road. (Discussion/Vote)

**Motion:** Steve Bannon moved to approve the (3) One Day All Alcoholic Liquor Licenses.

**Second:** Dan Bailly

**Vote: 5-0**

- C. Jeffrey Palfini/Boondocks Film Society for Temporary Weekday Entertainment License for July 21, 2017 from 8:30 pm – 11:00 pm at GB Airport, 70 Egremont Plain Road. (Discussion/Vote)

Jeffrey Palfini, the event organizer informed the Selectboard that this film is to be shown inside one of the airport hangars. The subject of the film is of airplanes and this is why they chose the Great Barrington Airport as their venue. Mr. Palfini said there will not be music at this event, their will be food, and they are applying for a liquor license.

Marsha, 624 Egremont Plain Road, said the Selectboard should be concerned with setting a precedent about allowing events at the airport. Marsha noted that this is the kind of expansion the neighbors are concerned about.

Ed Abrahams said that until we learn more information about what went wrong with the pig roast event the Selectboard should not grant any more temporary entertainment licenses for the airport. Steve Bannon said that the difference between this event and the pig roast is that this event is not sponsored by the airport and it is only two hours.

**Motion:** Steve Bannon moved to approve the Boondocks Film Society Temporary Weekday Entertainment License.

**Second:** Dan Bailly

**Vote: 4-1** Ed Abrahams

- D. David Benson, One Day Temporary Weekday Entertainment License for 212 Cottage Street, Housatonic, MA 01236 on Saturday, June 24 2017.

Mr. Benson said the event is a fundraiser for Multi-Cultural Bridge. The intention is to have live music from 5:00PM to 7:00PM. Steve Bannon asked how large the plot of land is where the live music will be held. Mr. Benson said his property is about a quarter of an acre and they are anticipating about 40 guests.

**Motion:** Steve Bannon moved to approve the temporary weekday entertainment license with the amplification of a five piece band if so desired.

**Second:** Dan Bailly

**Vote: 5-0**

## **9. NEW BUSINESS:**

- A. SB – Appointment of member to the Tree Committee. (Discussion/Vote)

Chairman Sean Stanton disclosed that the applicant for the Tree Committee is one of his employees.

**Motion:** Steve Bannon moved to appoint Christopher Wiltshire to the Tree Committee.

**Second:** Dan Bailly

**Vote: 5-0**

B. SB – Designation of Town Representative to the Berkshire Regional Transit Authority (BRTA) Advisory Board. (Discussion)

**Motion:** Steve Bannon moved to appoint Bill Cooke as the representative to the Berkshire Regional Transit Authority.

**Second:** Dan Bailly

**Vote: 5-0**

C. SB – Appointment of Selectboard member to the Community Preservation Committee. (Discussion/Vote)

**Motion:** Steve Bannon moved to appoint Ed Abrahams to the Community Preservation Committee.

**Second:** Dan Bailly

**Vote: 5-0**

D. SB - FY 18 Re-appointments. (Discussion/Vote)

**Motion:** Steve Bannon moved to approve the FY18 Re-appointments.

**Second:** Dan Bailly

**Vote: 5-0**

E. SB – Adoption of Complete Street Policy. (Discussion/Vote)

**Motion:** Steve Bannon moved to approve the adoption of the Complete Streets Policy.

**Second:** Dan Bailly

**Vote: 5-0**

F. SB - Town Manager's Performance Evaluation. (Discussion/Vote)

The Town Manager's Performance Evaluation was tabled until the next Selectboard meeting on June 26, 2017.

**10. CITIZEN SPEAK TIME:**

**None.**

**11. SELECTBOARD'S TIME:**

**None.**


**12. MEDIA TIME:**

**None.**

**13. ADJOURNMENT:**

On a motion made by Steve Bannon, seconded by Dan Bailly, with a unanimous vote, the meeting was adjourned at 10:15PM .

Respectfully submitted,

  
Rebecca Jurczyk  
Recording Secretary