

**TOWN OF GREAT BARRINGTON
SELECTMEN'S MEETING
MINUTES
TUESDAY, OCTOBER 11, 2011
6:00 P.M. – TOWN HALL**

PRESENT: STEPHEN BANNON
ANDREW BLECHMAN
ALANA CHERNILA
DEB PHILLIPS
SEAN STANTON
KEVIN O'DONNELL, TOWN MANAGER

Finance Committee

BUD ATWOOD
TOM BLAUVELT – CHAIRMAN
MARK LEFENFELD – not present
ALICE REILLY
JIM STARK

1. CALL TO ORDER

Sean Stanton called the meeting to order at 6:00 P.M.

2. JOINT MEETING – BOS AND FIN COM RE: FY 13 BUDGET POLICY.

(DISCUSSION/VOTE)

Kevin O'Donnell said that he is anticipating the audited reports to be reviewed in the November 14th joint meeting. It will be discussed at 6:00 PM before the BOS Regular Meeting.

Kevin explained the changes in the budget policy.

He said that the budget will go out on February 10th, 2012 with budget workshop meetings to follow. On March 28, 2012 there will be a Finance Committee public hearing.

There was discussion about item 7- Fiscal Management.

Steve Bannon said setting policy before seeing the numbers is "painting ourselves in a corner."

Kevin reviewed the 6th bullet point that now says "the FY13 budget **targets** total tax levy for both the Town and the Berkshire Hills Regional School District of 3% below the total maximum tax levy allowed by State Law for fiscal 2013."

Steve Bannon said that the Selectmen haven't voiced their opinion about this and said that neither Kevin O'Donnell nor Lauren Sartori mentioned this at the meeting with the School Committee.

Tom Blauvelt spoke in regards to bullet point 2, saying that the Finance Committee gave direction to present a budget in which the tax levy and CIP equal to the allocations for FY12.

Deb Phillips said that the Selectmen wanted to see what it would look like as well.

Alana Chernila suggested that they say "evaluate" against allocation so that they don't pin any one board down.

Jim Stark asked when they would get an idea of what this situation would look like.

Kevin O'Donnell replied, when the budget comes out.

Deb Phillips said that she would like to see it before the budget comes out so they don't get stuck at that point.

Deb Phillips also asked if there should be a timeframe in order to review it before the final budget is put together.

Kevin O'Donnell clarified that the Board wants to see a level funded CIP, (FY12 funding) and what happens to services as a result.

Deb Phillips suggested that they ask for different town department results if there was only a certain amount of money.

Steve Bannon agreed saying that each town department gives project recommendations if there is only a certain amount of money.

Deb Phillips said that she would like to know what debt will fall off and when.

Alana Chernila said that she would hope that items are not being taken away from the CIP, but that things are being done differently; doing things creatively with less money.

Peter Dillon had concerns about bullet point 6 stating that he is concerned with the language. He said that timing is difficult and if this policy is set, it circumvents the School budget. He said that it is important to set a tone going forward and shouldn't set the School District up with a set number.

Kevin O'Donnell suggested taking out the whole second sentence in this bullet point.

There was discussion among the Board whether this portion should remain or be removed.

Changes to item 6 – Non-Property Tax Revenue Sources

MOTION: Deb Phillips to amend second sentence to say “The Town Manager in preparation of the budget shall review current department fee structures and charges for services and make recommendations for increases and changes as deemed necessary and appropriate.

SECOND: Steve Bannon

VOTE: 5-0

MOTION: Bud Atwood to amend second sentence to say “The Town Manager in preparation of the budget shall review current department fee structures and charges for services and make recommendations for increases and changes as deemed necessary and appropriate.

SECOND: Jim Stark

VOTE: 4-0

Changes to item 7 – Fiscal Management

Bullet 2 – Change the first word from ‘establish’ to ‘review.’

Bullet 6-

MOTION: Alana Chernila to remove the Berkshire Hills Regional School District from bullet 6 and item 9.

SECOND: Steve Bannon

VOTE: 5-0

MOTION: Tom Blauvelt to leave each as written.

SECOND: Jim Stark

VOTE: 4-0

Bullet 9 –

MOTION: Steve Bannon to change to “Authorize no new full time personnel beyond authorized levels for FY12 without an identified financing source to pay for said personnel.”

SECOND: Deb Phillips

VOTE: 5-0

MOTION: Alice Reilly to change to “Authorize no new full time personnel beyond authorized levels for FY12 without an identified financing source to pay for said personnel.”

SECOND: Tom Blauvelt

VOTE: 2-2 (Jim Stark and Bud Atwood against)

Changes to item 8 – Capital Improvement Plan

Do not put in the last sentence that was suggested.

Item 9 – Tax Levy

MOTION: Bud Atwood to approve the statement as presented

SECOND: Jim Stark

VOTE: 4-0

BOS agreed to strike the bold portion of the item.

Steve Bannon suggested that item 13 be re-structured by removing B form 13 B and making 14 an A, continuing letters accordingly.

Kevin O'Donnell said that he will put together the document with the changes and get it back to the Selectboard and Finance Committee promptly.

On a motion by Bud Atwood, seconded by Alice Reilly, the Finance Committee adjourned its meeting at 7:30 p.m.

3. CONVENE AS BOARD OF SEWER COMMISSIONERS:

MOTION: Deb Phillips to convene as Board of Sewer Commissioners.

SECOND: Steve Bannon

VOTE: 5-0

A. PROPOSED SEWER ABATEMENTS. (DISCUSSION/VOTE)

MOTION: Deb Phillips to accept abatements as presented by the Town Manager

SECOND: Steve Bannon

VOTE: 5-0

B. SEWER RATE RELIEF FUND.

MOTION: Steve Bannon to sign the application for the sewer rate relief fund.

SECOND: Deb Phillips

VOTE: 5-0

MOTION: Deb Phillips to re-convene as Board of Selectmen

SECOND: Steve Bannon

VOTE: 5-0

4. APPROVAL OF MINUTES:

September 14, 2011 Joint Meeting.

MOTION: Deb Phillips to table until the next meeting

SECOND: Steve Bannon

VOTE: 5-0

September 26, 2011 Regular Meeting.

MOTION: Deb Phillips to approve with changes as discussed

SECOND: Steve Bannon

VOTE: 5-0

September 27, 2011 Special Meeting.

MOTION: Steve Bannon to approve minutes

SECOND: Deb Phillips

VOTE: 5-0

5. SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:

Andrew Blechman said that he attended the MMA legislative breakfast. He learned that wind power is coming our way and suggests that we be prepared for it. He also suggested owning a wind turbine.

Andrew said that we should focus on bridges more than roads.

Alana Chernila thanked children's librarian, Laurie Harrison, and the volunteers for hosting 'Mexican bingo.' It was a fun event and well attended. Alana encouraged all to keep up with library events. There is something for all ages.

Alana said that she received a call from someone who was at the 'occupy Wall Street.' demonstration at Town Hall and expressed discomfort with the police who came to move the demonstrators off the sidewalk. The person said that the police were not civil.

Alana asked if the Board should provide policy direction regarding demonstrations.

Kevin O'Donnell responded that there is a policy and said that he will check into the situation.

Deb Phillips announced that the Run for the Hills race is on Sunday, as well as, the Construct walk for the homeless.

A. SELECTBOARD DISCUSSION WITH TOWN MANAGER RE: 9-30-11 MEMO.

There was discussion in regards to Kevin O'Donnell's memo to the Board.

Andrew Blechman said that he felt that Kevin heard the Board 'loud and clear.'

Deb Phillips said that there were good responses about communication. She asked Kevin what he felt was the 'new direction' of the Board that he spoke of in his memo.

Kevin responded that they want to make it as easy as possible for residents and businesses to not only understand the information, but to communicate on a timely basis.

Deb Phillips asked how they are going to move forward with issues of direction and authority. She said that the Old Fire Station is still being used even though it was decided a year ago that it should not be used due to safety.

Kevin responded that he was not aware that the Boy Scouts are using it.

Alana Chernila said that it is a matter of trust for her. She said that the Board creates policy by what they do and give direction for him to follow through. She said when these actions don't take place as directed, there become trust issues.

Steve Bannon said that communication is crucial, as well as, thinking outside the box.

Sean Stanton said that he would like to do a Board self-evaluation. He said that he has documents for this and the Town Manager is not involved in the process.

Alana Chernila asked where the Board 'goes from here' in regards to Kevin's memo.

Steve Bannon suggested that the Board give him a chance to implement and then revisit and discuss any issues in 3 months. The annual review will be in 6 months.

Deb Phillips said that anything that may have the appearance of doing it behind closed doors has to be clarified.

Sean Stanton said that he will make a commitment to meet with Kevin more often. He looks forward to working together.

6. TOWN MANAGER'S REPORT:

A. BOS – BORROWINGS AUTHORIZED BY 2011 ANNUAL TOWN MEETING. (NO VOTE REQUIRED/SIGNATURES ONLY)

Kevin O'Donnell said that they received an interest rate of .85% on the temporary BANS.

No action is to be taken by the Board, only a signature.

Kevin O'Donnell announced the 2nd annual permitting development open house will be on October 17 from 5PM – 6:30 PM at the new Fire Station.

7. CITIZEN SPEAK TIME:

A. LIBRARY BOARD OF TRUSTEES

Holly Hamer said that the decision to appoint Jessica Magelaner as the Interim Library Director is becoming more and more obvious that it was a great decision. She came in on a Saturday on her day off and has no problem doing jobs such as vacuuming when it needs to be done.

Holly said that Jessica has been told by Kevin not to attend Part Time position interviews, however the job description states that the library director is responsible for recruitment, assignment, evaluation and training of personnel. Holly asked that Kevin 'loosen the reins a little' in order to allow her to do what she has been assigned to do.

B. CASTLE HILL NEIGHBORHOOD.

Susan Cuddy read a letter about speeding through the Castle Hill neighborhood. The letter recommended such remedies as; more speed limit signs, more stop signs and yield signs. Susan thanked the police for placing the speed tracker on Alford and Taconic. She asked that there be an increase in speed limit enforcement. She submitted a map of current signage and a document of the remedies.

Steve Bannon asked the Town Manager, working with the Departments Heads, to come back with recommendations at the next BOS meeting.

Kevin O'Donnell said that he has started the process and will meet with some of the group members to discuss.

Ann Condon said that it should be a town wide consideration.

8. PUBLIC HEARING:

A. LORI A. WELLER D/B/A GYPSY JOYNT, LORI A. WELLER, MANAGER FOR A CHANGE OF LICENSE TYPE FROM COMMON VICTUALLER WINE AND MALT RESTAURANT LIQUOR LICENSE TO COMMON VICTUALLER ALL ALCOHOLIC RESTAURANT LIQUOR LICENSE AT 293 MAIN STREET, GREAT BARRINGTON, MA 01230.

(DISCUSSION/VOTE)

a. Open Public Hearing

MOTION: Steve Bannon to open public hearing

SECOND: Deb Phillips

VOTE: 5-0

b. Explanation of Project- Kevin O'Donnell stated that they are going from serving beer and wine to a full liquor license.

c. Speak in Favor/Opposition- None

d. Motion to Close Public Hearing

MOTION: Deb Phillips to close public hearing

SECOND: Steve Bannon

VOTE: 5-0

e. Motion re: Findings

MOTION: Steve Bannon to approve the findings of fact that there is no detrimental impact to granting a full liquor license

SECOND: Deb Phillips

VOTE: 5-0

ROLL CALL VOTE:

STEVE BANNON - yes

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

MOTION PASSED - 5-0

f. Motion re: Approval/Denial/Table

MOTION: Steve Bannon to approve the all alcoholic restaurant liquor license

SECOND: Deb Phillips

VOTE: 5-0

ROLL CALL VOTE:

STEVE BANNON - yes

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS – yes

SEAN STANTON – yes

MOTION PASSED - 5-0

9. LICENSES OR PERMITS:

A. NATIONAL GRID AND VERIZON NEW ENGLAND FOR PERMISSION TO INSTALL ONE MID SPAN POLE BETWEEN EXISTING POLE 57 AND POLE 56 ON HURLBURT ROAD BEGINNING AT A POINT APPROXIMATELY 1354' NORTH OF THE CENTERLINE OF

THE INTERSECTION OF EGREMONT/PLAIN ROAD (WEST SIDE OF ROAD).
(DISCUSSION/VOTE)

MOTION: Steve Bannon to approve pole installation

SECOND: Deb Phillips

VOTE: 5-0

B. CAMILLE'S MARKET INC./FRANK SAVINO FOR AN ANNUAL COMMON VICTUALLER
LICENSE 7 DAYS A WEEK FROM 8:00 AM – 11:00 PM AT 389 STOCKBRIDGE ROAD,
SUITE 1. (DISCUSSION/VOTE)

MOTION: Deb Phillips to approve license

SECOND: Steve Bannon

VOTE: 5-0

10. OLD BUSINESS:

A. MAIN STREET RECONSTRUCTION PROJECT – REVIEW SURVEY DATA. (DISCUSSION)
Kevin O'Donnell reviewed the survey data. He said that there were 73 respondents to the 9 questions that the Board had authorized to ask.

Steve Bannon said that this information is very useful, but he was disappointed that there weren't more Main Street businesses responding.

Steve also recommended that the responses be put into categories.

Alana Chernila said that there is a full block of respondents missing.

Steve Bannon suggested that the Board pinpoint areas that responded and re-visit the blocks that are missing.

Sean Stanton shared that he was on vacation in a community that was undergoing a similar project and said that there were still a lot of visitors in the midst of construction. He said that we need to do the construction and we have the opportunity to do it.

B. POTENTIAL CUMBERLAND FARMS SPECIAL PERMIT RE: PARKING LOT OPTIONS.
(DISCUSSION)

Steve Bannon said that Cumberland Farms is an eyesore. He said that it is a shame that more can't be done because there are parking spaces down there that are unusable since it is private property.

Sean Stanton said that Kevin reached out to counsel for Cumberland Farms. Sean thinks that there is room for parking and said it should be done as inclusive parking instead of exclusive (as stated in the Special Permit) for Cumberland Farms customers only.

Kevin O'Donnell said that he hasn't heard a response from them yet. Kevin added that the Special Permit has expired and asked Cumberland Farms counsel if they would revisit the matter and under what terms and conditions. He is waiting for a response.

C. APPOINTMENTS TO THE TREE COMMITTEE. (DISCUSSION/VOTE)

Kevin O'Donnell stated that 7 people applied for an 11 person committee.

MOTION: Deb Phillips to appoint Steve Adams, Beth Moser and Lisa Bozzuto for a 3 year term, Hilda Banks Shapiro and Abby Schroeder for a 2 year term and Judith Dillon and Craig Okerstrom-Lang for a 1 year term

SECOND: Steve Bannon

VOTE: 5-0

11. NEW BUSINESS:

A. BOS – POLICY REVIEW RE: FEE WAIVERS FOR NON-PROFIT ORGANIZATIONS.
(DISCUSSION/VOTE)

MOTION: Steve Bannon to delete section 6.3 from policies and procedures.

SECOND: Deb Phillips

VOTE: 5-0

A friendly motion was added by Andrew Blechman to wait to make this change until January 1, 2012. (For events occurring after Jan. 1, 2012)

B. BOS – RECOMMENDATION TO THE ZBA ON THE APPEAL OF CUMBERLAND FARMS

INC. OF THE BUILDING COMMISSIONER'S DENIAL FOR A SIGN APPLICATION.
(DISCUSSION/VOTE)

Deb Phillips said that this is a technical question that belongs to zoning.
Steve Bannon suggested that the Board should not respond.
Deb Phillips asked if the sign meets what is prohibited.
Kevin responded that it is an electric sign as defined by the code. Our code says that no electric sign messaging is allowed.
Sean Stanton pointed out that the map that was submitted to delineate property lines is from the Special Permit that was not granted. (This is an incorrect map)
MOTION: Alana Chernila to send letter expressing appreciation for the request but stating that, in this case, we choose not to comment.
SECOND: Steve Bannon
VOTE: 4-1 Sean Stanton opposed

C. REVISED RULES FOR SENIOR CITIZEN PROPERTY TAX WORK OFF ABATEMENT PROGRAM. (DISCUSSION/VOTE)

Kevin O'Donnell stated that the program has grown from 4 or 5 applicants to over 20 applicants. He suggested putting in rules to make sure that these participants don't participate in the work off abatement program for the same entity that they are volunteering. Kevin stated that the participants have to be current on their taxes to be eligible. All participants have to apply each year. Kevin reviewed the document with the changes.
MOTION: Alana Chernila to remove second sentence from #7. (Board time doesn't count as volunteer time)
SECOND: Deb Phillips
VOTE: 3-1-1 Steve Bannon abstained /Andrew Blechman opposed

MOTION: Steve Bannon to approved guideline for Senior Citizen Property Tax Work Off Abatement September 2011 through August 2012 as amended.
SECOND: Deb Phillips
VOTE: 5-0

Andrew Blechman suggested that there should be income qualifications.
Holy Hamer said that this is not a giveaway or entitlement program. She said for \$8.00 an hour you get specialists and you don't want to turn them away.

D. TOWN CLERK – 2012 FISHING AND HUNTING LICENSES INFORMATION.
(DISCUSSION)

Kevin O'Donnell said that the Massachusetts Wildlife is no longer going to issue "books" for agents to sell paper hunting/fishing licenses. All transactions will be completed online through MassFishHunt website.
Town Clerk Marie Ryan said that this change has been posted on the Town's website. She suggests that people use the library if they do not have access to a computer.

E. DPW SUPERINTENDENT – UPDATE ON SEEKONK ROAD EMBANKMENT.
(DISCUSSION)

Joe Sokul presented slides of the washed out embankment. He stated that he has met with FEMA and the Natural Resources Conservation Service and started the process for grants and funding. Joe said that they will pay up to 10% of the reconstruction cost. It is hard to estimate the cost since it will take special engineering and construction.
Kevin O'Donnell said that this will have an impact on road projects. He said that they want the design work completed immediately and to have the project done in the Spring.
Joe Sokul recommended getting any work done in the Fall that is possible.
Sean Stanton asked if we put up the money now, will we loose funding.
Joe replied that we would be reimbursed.
Sean Stanton said if the money is available to go ahead with the project.

F. DPW SUPERINTENDENT – PLANTING GRANT INFORMATION FROM NATIONAL GRID.
(DISCUSSION)

Joe Sokul said that the ad-hoc tree group was great to work with. He said that locations were chosen by the tree warden for the trees to be planted where they were lost. The tree warden will continue to go out with the ad-hoc tree group to see locations as such.

12. SELECTMEN'S TIME: None

13. MEDIA TIME:

David Scribner spoke about the library trustees saying that it takes 2 to collaborate and he is not sure if the trustees are willing to collaborate.

Sean Stanton replied that he feels that they are willing and that both sides may need some coaching.

14. ADJOURNMENT

On a motion by Steve Bannon, seconded by Alana Chernila, the Board adjourned its meeting at 9:53 p.m. to go into Executive Session and not to return to Open Session.

**15. EXECUTIVE SESSION -TOWN MANAGER CONFERENCE ROOM
- CONTRACT NEGOTIATIONS RE: SALE OF OLD FIRE STATION
(M.G.L. c.30A, sec.21(a)6.)**

MOTION: Steve Bannon to adjourn to executive session as stated above

SECOND: Alana Chernila

ROLL CALL VOTE:

STEPHEN BANNON – yes

ANDREW BLECHMAN – yes

ALANA CHERNILA – yes

DEB PHILLIPS - yes

SEAN STANTON - yes

MOTION CARRIED: VOTE: 5-0

Respectfully submitted,



Cara Becker
Recording Secretary