

**TOWN OF GREAT BARRINGTON
ANNUAL TOWN MEETING
AT MAHAIWE THEATER
14 CASTLE STREET
MAY 5, 2014 AT 6:00 PM
MINUTES**

In pursuance of the foregoing warrant the inhabitants of the Town of Great Barrington qualified to vote in Town Meetings proceeded to vote at the above named meeting place with the following results. The meeting was duly called to order at 6:00 P.M. by Moderator Edward McCormick who welcomed everyone to the 254th Great Barrington Annual Town Meeting. He noted that he hoped to conclude all business this evening but will make a determination later in the meeting if this is not possible and the meeting will be adjourned to the next night. Mr. McCormick stated that there was a quorum present and noted the return and service of the warrant. He announced that the meeting is being taped for broadcast at a later date. Mr. McCormick requested that everyone stand and join him in the Pledge of Allegiance led by the Honor Guards from the Adams-Budz Post and Girl Scout Troop #11259 (Paige Lussier, Olivia Netzer, Olivia Ruggiero, Tess Climo, Sadie Brownson, Bailey Carlson, Abby Dohoney and Mary Formel). A moment of silence was requested for the following town officials who passed away from July 1, 2012 through June 30, 2013; Helen Koneazny, Virginia Cunningham, Rose Zarcone, Virginia Mattson, Agnes Cobb, Thomas "Tom Jay" Jaworski, Ruth "Dee Dee" Brownson, Linda Jean Daloni, Virginia M. Passetto, Anthony Pruhenski and Arlene Dezieck. Mr. McCormick introduced the Town Officials seated on the stage; Town Clerk Marie Ryan, Town Accountant Lauren Sartori, Town Council David Doneski, Town Manager Jennifer Tabakin, Selectman Chair Sean Stanton, Selectmen: Deborah Phillips, Stephen Bannon, Andrew Blechman, Daniel Bailly; Finance Committee Members: Sharon Gregory, Chair, Thomas Blauvelt, Mark Lefenfeld, Leigh Davis and Walter Atwood, III.

The rules of the meeting were explained by Mr. McCormick. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. More specifically, Mr. McCormick reminded everyone of the fire/safety regulations and requested that there be no standing or sitting in the aisles. Only registered voters of the town may participate in the meeting unless permission is granted by the moderator. Before anyone addresses the Town Meeting, he/she must proceed to the microphone and when recognized by the moderator state their name and address. Mr. McCormick requested that voters speak only once per motion and limit their comments to three minutes. Comments should be limited to the merits of the motion and should not be repeated. All motions and amendments must be made in writing and any motion to reconsider must be made within 15 minutes of the announced vote. All questions are to be addressed to the moderator who will ask the appropriate person to respond. All votes to raise and appropriate by borrowing shall be done by secret ballot. Any funds in excess of the Finance Committee recommendation will be by secret ballot if twenty or more voters request it. If twenty or more voters request a secret ballot on any issue, the moderator will determine if one is necessary. Each voter has received a warrant, a yellow card and a packet of yes/no cards. Mr. McCormick will instruct voters when these are to be used and what color to use. He noted that a counter has been assigned to each section of the theater and will report their numbers to the Town Clerk.

Mr. McCormick then introduced Town Manager Jennifer Tabakin who presented a power point slide presentation in regards to the Fiscal 2015 proposed budget.

Mr. McCormick requested that any preliminary motions be made at this time.

A motion was made by Lauren Sartori, seconded by Sean Stanton to dispense with the reading of the warrant.

VOTED AT 6:25 P.M.

ARTICLE 1:

On a motion by Sharon Gregory and seconded by Paul Gibbons, voted that the Town authorize the use of revolving funds for the following programs and purposes:

- a. Plumbing Inspector (\$15,000.)
- b. Wire Inspector (\$40,000.)
- c. Gas Inspector (\$15,000.)
- d. Town Code Printing (\$10,000.)
- e. Parks Commission (\$5,000.)
- f. Recycling/Green Product Sales (\$5,000.)
- g. Cemetery (\$5,000.)
- h. Fire Inspectors (\$5,000)

which revolving funds together shall not exceed the sum of One Hundred Thousand Dollars (\$100,000.00), which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, §53 E 1/2 of the General Laws, provided however that said expenditures for all revolving funds shall not exceed the receipts for such funds.

VOTED AT 6:26 PM

ARTICLE 2:

On a motion by Sharon Gregory and seconded by Lauren Sartori , voted that the Town fix the salaries of all elected officials for the period of July 1, 2014 to June 30, 2015 as indicated below:

<u>Elected Officials Salaries:</u>	
Selectmen:	\$7,500

VOTED AT 6:27 PM

ARTICLE 3:

On a motion by Thomas Blauvelt and seconded by someone in the audience, voted that the Town accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (Mass DOT), under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges.

VOTED AT 6:28 PM

ARTICLE 4:

On a motion by Thomas Blauvelt and seconded by Lauren Sartori, voted that the sum of \$857,280 is appropriated to (i) pay the costs of various roadway and drainage improvements at a cost of approximately \$500,000, including the payment of all costs incidental and related thereto, (ii) pay the costs of Town buildings improvements at an approximate cost of \$65,000, including the payment of all costs incidental and related thereto, (iii) pay the costs of purchasing and equipping one new police cruiser at a cost of approximately \$35,280, including the payment of all costs incidental and related thereto, (iv) pay the costs of purchasing and equipping one new Loader for the use of the Department of Public Works at an approximate cost of \$160,000, including the payment of all costs incidental and related thereto, and (v) pay the costs of acquiring and equipping one new dump truck for the use of the Department of Public Works at an approximate cost of \$97,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said amount under and pursuant to chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Mr. McCormick then proceeded to explain that this article had to be voted by a 2/3rds majority and by secret ballot.

June Johnson and Robin Helfand spoke on this article.

The Moderator then asked the voters to proceed to the ballot boxes located on the sides of the theater downstairs and upstairs as well as a box in the back of the theater. He told voters to use their pink yes/no ballot slips.

**VOTED 2/3rds MAJORITY AT 6:47 PM
YES – 275 NO – 80**

ARTICLE 5:

On a motion by Mark Lefenfeld and seconded by Lauren Sartori, voted that the Town raise and appropriate the sum of \$129,400 for the following General Fund Capital Items, and appropriate the sum of \$450,000 from the Waste Water Enterprise Fund Free Cash for the following Waste Water capital items:

<u>General Fund</u>	
<u>Town Manager/Selectmen</u>	
Grants/Economic development	20,000
Total	20,000
<u>Public Works</u>	
Remediation-highway garage	25,000
Bike path feasibility	20,000
Total	45,000
<u>Parks</u>	
Improvements	45,000
Total	45,000
<u>Fire Department</u>	
Fire computer system	19,400
Total	19,400
Total Capital-General Fund	129,400
<u>Waste Water Enterprise Fund Capital</u>	
Improvements	370,000
Mobile CTV unit	80,000
Total Capital-Waste Water Enterprise Fund	450,000

Mr. McCormick read each line item and instructed the voters to call out “hold” on any items they which to hold and discuss. He read each line item and there were no holds.

VOTED AT 6:39 PM

ARTICLE 6:

On a motion by Mark Lefenfeld and seconded by Lauren Sartori, voted that the Town raise and appropriate such sums of money necessary for the operation of the several departments in the Town for the ensuing year as detailed in the FY15 Annual Budget for the General Fund.

Mr. McCormick read the total for each department line items and asked for anyone that requires a hold for discussion on a particular item to call out “hold”. There were no holds placed and he then asked for a vote on the entire budget.

VOTED AT 6:44 PM

ARTICLE 7:

On a motion by Walter Atwood, III and seconded by Lauren Sartori, voted that the Town appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year as detailed in the FY15 Annual Budget for the Sewer Fund.

Lauren Sartori made a motion to amendment to this article. She asked for Line 268 (transfer to the General Fund) of this budget to be eliminated to change the total budget to \$1,768,555. The purpose of this amendment is to comply with the Department of Revenue budgeting requirements for enterprise funds. This was seconded by someone in the audience.

AMENDMENT VOTED AT 6:46 PM

Mr. McCormick then called a vote for the article as amended.

VOTED AT 6:47 PM

ARTICLE 8:

On a motion by Walter Atwood, III and seconded by Lauren Sartori, voted that the sum of \$13,200,000 is hereby appropriated to pay costs of making sewer system improvements, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorize to borrow said amount under and pursuant to Chapter 44, Section 7(1), and Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; to authorize the Treasurer to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws; to authorize the Treasurer and the Board of Selectmen, in connection therewith, to enter into a loan agreement and/or security agreement or project regulatory agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and to authorize the Treasurer and the Board of Selectmen to execute such documents as the Trust shall require in conjunction therewith, and to take any other action necessary to carry out the project.

John Grogan spoke on this article.

Mr. McCormick explained this article had to be by a 2/3rds majority and a secret ballot. The Moderator then asked the voters to proceed to the ballot boxes located on the sides of the theater downstairs and upstairs as well as a box in the back of the theater. He told voters to use their blue yes/no ballot slips.

**VOTED 2/3rds MAJORITY AT 7:37 PM
YES – 281 NO – 80**

ARTICLE 9:

On a motion by Sean Stanton and seconded by someone in the audience, voted that the Town raise and appropriate the sum of Twelve Million, One Hundred Thirteen Thousand, Two Hundred Fifty Eight Dollars (\$12,113,258.00) for the operating assessment, and Four Hundred Ninety Nine Thousand Nine Hundred Five Dollars (\$499,905.00) for the capital assessment, for a total assessment of Twelve Million, Six Hundred Thirteen Thousand, One Hundred Sixty Three Dollars (\$12,613,163.00) of the Berkshire Hills Regional School District.

Mr. McCormick explained the Berkshire Hills Regional School Districts agreement with the three towns (Stockbridge, West Stockbridge and Great Barrington). Then, School Superintendent Peter Dillon proceeded to do a power point presentation on the school budget.

The following people spoke in this article:

James Harris	Sharon Gregory
Sara Burke	Peter Dillon
Patrick Fennell	

Peter Klinkowski made a motion to amend this article by proposing to keep the school budget flat by eliminating \$560, 123 from the assessment to Great Barrington. This was seconded by someone in the audience. The following people spoke on this amendment:

Peter Dillon	Sam Ernst
Richard Dohoney	Walter Atwood, III
Stephen Bannon	Sharon Gregory

AMENDMENT DEFEATED AT 7:17 PM

The following people spoke on this article:

Roger Belanger	Peter Dillon
June Johnson	Michelle Gilligan
Charles Williamson	Eugene Warford
Michelle Loubert	John Grogan
Leigh Davis	

Walter Atwood, III asked for the article to be by secret ballot. Mr. McCormick then asked the audience if they wanted a secret ballot and more than 20 people requested it. Mr. McCormick then asked voters to proceed to the ballot boxes using their white yes/no ballot slips.

VOTED AT 7:47 PM
YES – 242 NO – 162

ARTICLE 10:

On a motion by Leigh Davis and seconded by Lauren Sartori, voted that the Town authorize the use of \$100,000 from the Pension Reserve Fund to reduce the FY15 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System.

VOTED AT 7:38 PM

ARTICLE 11:

On a motion by Leigh Davis and seconded by Lauren Sartori, voted that the Town authorize the use of \$2,225,314.00 in Free Cash to reduce the tax levy for Fiscal Year 2015.

VOTED AT 7:38 PM

ARTICLE 12:

On a motion by Karen Smith and seconded by Paul Gibbons, voted that the Town appropriate from the **Community Preservation Fund** annual revenues the following amount recommended by the Community Preservation Committee for committee administrative expenses in fiscal year 2015, and reserve for future appropriation for community preservation projects the following reserve amounts, with each item to be considered a separate appropriation:

Appropriations:

From FY 2015 estimated revenues for Committee Administrative Expenses	\$ 21,525
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Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$ 43,050
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From FY 2015 estimated revenues for Community Housing Reserve	\$ 43,050
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From FY 2015 estimated revenues for Open Space Reserve	\$ 43,050
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From FY 2015 estimated revenues for Budgeted Reserve	\$ 279,825
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Karen Smith made a power point slide presentation on this article.

VOTED AT 7:42 PM

ARTICLE 13:

On a motion by Malcolm Fick and seconded by someone in the audience, voted that the Town amend Sections 6.1.9, 6.2.8, and 6.3.6 of the Zoning Bylaw, relating to parking and landscape regulations, as shown in Article 13 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article.

DECLARED 2/3RDS MAJORITY VOTE AT 7:44 PM

ARTICLE 14:

On a motion by Malcolm Fick and seconded by someone in the audience, voted that the Town amend Section 7.10.2 of the Zoning Bylaw, relating to Hotel and Motel room limits, by adding a new item 3, providing for authorized modification of room limits, as shown in Article 14 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article. The following people spoke on this article:

Richard Dohoney

Andrew Blechman

David Magadini made a motion for an amendment and it was seconded by someone in the audience. The amendment was:

Amendment to article 14 regarding room limits

Be it amended under 7.10.2 Room limits to include the following new item of conditions and regulations:

4. The number of rooms that are counted toward the maximum limit in the zoning districts listed in 7.10.2 of this bylaw shall in addition to the used hotel rooms shall include at least 3 hotel rooms that are designed for occupancy by one person. These single-occupancy-hotel-rooms shall be counted as 1 room for the first 3 rooms, and as 1 room for each 2 additional single-occupancy-hotel-rooms, thereafter of the single-occupancy-hotel-room. The Planning Board may impose conditions which encourage the building of these single-occupancy-hotel-rooms, while meeting the need of availability, for one-person-hotel-rooms, at affordable prices on a regular basis. These conditions may include restrictions on prices for single-occupancy-hotel-rooms, in exchange for permission to build additional units in accord with the counting procedures described above, to provide the increased availability of single-occupancy-hotel-rooms to all persons who need a single-occupancy-hotel-room.

Town Planner Chris Rembold and Planning Board Member Jack Musgrove spoke on this amendment.

AMENDMENT DEFEATED AT 7:56 PM

The following people spoke on this article:

Jack Musgrove

James Stark

Andrew Blechman

DECLARED 2/3RDS MAJORITY VOTE AT 7:59 PM

ARTICLE 15:

On a motion by Malcolm Fick and seconded by Karen Smith, voted that the Town amend Sections 8.1 and 3.1.4 of the Zoning Bylaw, relating to two-family residential uses, as shown in Article 15 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article. The following people spoke on this article:

Janet Bouteiller	Chris Rembold
James Stark	Jack Musgrove
Malcolm Fick	

VOTED AT 8:05 PM

ARTICLE 16:

On a motion by Malcolm Fick and seconded by someone in the audience, voted that the Town amend Section 8.2 and Section 11.0 of the Zoning Bylaw, relating to Accessory Dwelling Units, as shown in Article 16 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article. The following people spoke on this article:

June Johnson	Chris Rembold
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VOTED AT 8:08 PM

ARTICLE 17:

On a motion by Malcolm Fick and seconded by Jonathan Hankin, voted that the Town amend Section 11.0 of the Zoning Bylaw, Definitions for the Stream and Lake Protection Zone, as shown in Article 17 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article. The following people spoke on this article:

John Bugsch	Chris Rembold
Suzanne Fowle Schroeder	

VOTED AT 8:12 PM

ARTICLE 18:

On a motion by Malcolm Fick and seconded by Jack Musgrove, voted that the Town amend the Zoning Bylaw by adding to Section 11.0 Definitions, revising Section 3.1.4, Table of Use Regulations, and inserting a new Section 7.18 to provide for the definition and regulation of Medical Marijuana Treatment Centers, as shown in Article 18 of the warrant for this Town Meeting.

Planning Board Member, Jonathan Hankin read the Planning Board report on this article. The following people spoke on this article:

Karen Smith	Chris Rembold
Jack Musgrove	

Patrick Fennell made a motion to amend the article on Section 7.18.4, #1, line one from 200 Feet to 1000 feet. This was seconded by someone in the audience. The following people spoke on this amendment:

Jack Musgrove	Michelle Loubert
Brandee Nelson	Chris Rembold

AMENDMENT DEFEATED AT 8:23PM

The following people spoke on the article:

June Johnson	Michelle Loubert
Jack Musgrove	

Town Planner Chris Rembold then showed a map of where the dispensaries could be located in the town. Karen Smith made a motion to amend the article on Section 7.18.4, #1, on line one from 200 feet to 500 feet. This was seconded by someone in the audience. Jonathan Hankin and Dan Ruderman spoke on this amendment.

AMENDMENT DEFEATED AT 8:29 PM

The following people then spoke on the article:

Lee Rogers	Chris Rembold
Jack Musgrove	William Walsh, Police Chief
Bill Meier	Jennifer Tabakin, Town Manager

DECLARED 2/3RDS MAJORITY VOTE AT 8:34 PM

ARTICLE 19:

On a motion by Sean Stanton and seconded by someone in the audience, voted that the Town authorize the Board of Selectmen to petition the General Court for a special act to amend the Town Charter by replacing the existing charter, as set forth in Chapter 184 of the Acts of 1992, with a new charter in the form set forth in the report of the Charter Review Committee, a copy of which is on file in the office of the Town Clerk.

Michael Wise, Charter Review Committee Member made a motion to amend the article and it was seconded by Karen Smith. His motion was to insert after the last comma; as corrected by substituting the following language for Section 2, second sentence: "Two members' terms shall begin at the annual election in 2015, two members' terms shall begin at the annual election in 2016, and one member's term shall begin at the annual election in 2017."

David Magadini spoke on this amendment.

AMENDMENT VOTED AT 8:40 PM

David Magadini made a motion to table this article and it was seconded by someone in the audience.

MOTION TO TABLE DEFEATED AT 8:42 PM

Mr. McCormick then asked for a vote on the article.

VOTED AT 8:43 PM

ARTICLE 20:

On a motion by Deborah Phillips and seconded by Sean Stanton, voted that the Town amend Chapter 4, Article III of the Town Bylaws, in order to reduce the membership of the Great Barrington Conservation Commission from seven members to five members, as shown in Article 20 of the warrant for this Town Meeting.

This article was asked to be passed over at this time.

MOTION TO PASS OVER VOTED AT 8:43 PM

ARTICLE 21:

On a motion by Andrew Blechman and seconded by someone in the audience, voted that the Town authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements.

VOTED AT 8:44PM

ARTICLE 22:

On a motion by Stephen Bannon and seconded by Karen Smith, voted that the Town amend Chapter 35 of the Town Bylaws, Section 35-6, second sentence, in order to increase the membership of the Parks and Recreation Commission from up to seven members to up to nine members, as shown in Article 22 of the warrant for this Town Meeting.

VOTED AT 8:45 PM

ARTICLE 23 :

On a motion by Patricia Ryan and seconded by Paul Gibbons, voted that the Board of Selectmen of the Town of Great Barrington develop a scope for the feasibility and impact of converting the present flat fee billing system for the Town of Great Barrington sewer users to a system based primarily on the actual metered water consumption, to implement such a study and to invite qualified consultants to submit proposals (RFP) addressing said scope.

Patricia Ryan stated that this was being presented by the Wastewater Rate Setting Committee (Michelle Loubert, Hans Heuberger, Patricia Ryan and James Stark) and then she made a power point slide presentation.

The following people spoke on this article:

Patricia Ryan	Sean Stanton
Michael Wise	Kurt Kruger
Daniel Bailly	Brandee Nelson
Sharon Gregory	Charles Williamson

VOTED AT 8:56 PM

ARTICLE 24:

This article was asked to be passed over at this time in regards to accepting Kalliste Hill as a town road. Motion to pass over made by Sean Stanton and seconded by Karen Smith.

VOTED AT 8:56 PM

ARTICLE 25:

On a motion by Carolyn Ivory and seconded by someone in the audience, voted that the Town request the Board of Selectmen to hold future Annual Town Meetings at the Monument Mountain Regional High School Auditorium.

Mr. McCormick advised the voters that this article is non-binding and that the Selectmen choose where the Town Meeting will be held each year.

Carolyn Ivory gave a short report on the reasons for moving the Town Meeting back to Monument Mountain Regional High School. George Beebe and Larry Premierlani spoke on this article.

Joseph Method made a motion to amend this article and it was seconded by someone in the audience. His amendment was: "That the town provide transportation to the town meeting using town vehicles or that it organize transportation if desired, and that it provide adequate advance notice of services."

Malcolm Fick also spoke on this amendment.

AMENDMENT DEFEATED AT 9:04 PM

Andrew Blechman spoke on this article.

VOTED AT 9:04 PM

**Mr. McCormick made a motion for adjournment, seconded by the audience.
Adjourned at 9:05 PM.**

There were 435 voters at the meeting out of the 4357 registered voters. (10%)

Respectfully Submitted,

**Marie Y. Ryan, CMC, CMMC
Town Clerk
Town of Great Barrington**