

**TOWN OF GREAT BARRINGTON MASSACHUSETTS
FINANCE COMMITTEE MEETING AGENDA**

Tuesday March 19, 2024 at 6:00 PM

REMOTE MEETING VIA ZOOM

Please click the link below to join the Zoom Webinar:

<https://us02web.zoom.us/j/84068617387>

Webinar ID 840 6861 7387

Dial in, (audio only): 929 205 6099 (if dialing in: *6 - mute/unmute. *9 - raise hand)

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and Governor Healey's March 29, 2023 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Finance Committee will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

Pursuant to MGL, 7C 30A sec. 20(f), after notifying the Chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the Chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the Chair.

1. Call to Order and roll call vote
2. Committee Member announcements or statements
3. Approval of Minutes – meetings of December 19, 2023 & January 17, 2024
(see attachment)
4. Discussion: FY 2025 Budget Meetings
See: <https://www.townofgb.org/home/news/fy25-proposed-budget-022824>
5. Discussion: Cannabis Community Impact Fees
See: <https://www.townofgb.org/home/news/town-manager-statement-cannabis-refund-demand>
(also included as attachment)
6. Fire Department Reserve Fund Transfer Request – Discussion & Vote
(see attachment)
7. Citizen Speak Time
8. Media Time
9. Adjournment

Town of Great Barrington Massachusetts Finance Committee Meeting via Zoom
Tuesday December 19, 2023

1. **Call to Order and roll call vote** - P. Orenstein opened the meeting via Zoom at 6:00pm with a roll call: Milena Cerna, “aye,” Madonna Meagher, “aye,” Anne O’Dwyer, “aye,” Philip Orenstein, “aye.”
Absent: Richard Geiler
Also in attendance: Financial Coordinator Allison Crespo
2. **Committee Member announcements or statements**
P. Orenstein confirmed Finance Committee members received the FY25 budget process.
3. **Approval of minutes (September & October 2023)**
M. Meagher made a motion to approve the September and October Finance Committee meeting minutes; M. Cerna seconded. P. Orenstein asked for any discussion – there was none. Roll call vote: M. Cerna, “aye,” M. Meagher, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor: 4-0.
4. **Town Accountant Budget Update**
A. Crespo stated the close out of FY23 budgets will be completed by the FY25 budget meetings. A. O’Dwyer asked about budget overages in the year-to-date (FY 24) budget reports. A. Crespo explained many include encumbrances and she has been working with department heads on transferring funds within their operating budgets, There was discussion about how snow and ice supplies are purchased in advance and the budget overage is ultimately covered by free cash. Regarding snow and ice and other overages, A. Crespo stated adjustments would be reflected in the January report. P. Orenstein asked about the trash removal overage – A. Crespo stated Joe Aberdale, DPW Superintendent, is working on correcting this. M. Meagher asked about the YTD spend for Emergency Management and Parks – A. Crespo stated that is likely due to encumbrances and annual expenses paid early in the year. She added average spend across departments is 46.5% YTD, which is where budgets are expected to be in December.
5. **Review and vote on proposed Budget Policy for FY 24 and 25**
A. O’Dwyer noted past updates by the Finance Committee and suggested the FY 24 version be approved to continue in FY 25 and to be sent to the Selectboard.
A. O’Dwyer made a motion to approve the Policy and send it to the Selectboard for its approval; M. Cerna seconded. P. Orenstein asked for any discussion – M. Cerna asked about the Policy’s reference to the Master Plan and if it is still relevant. E. Mooney stated it is currently being updated by the Planning Board. Roll call vote: M. Cerna, “aye,” M. Meagher, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor: 4-0.

P. Orenstein stated the Selectboard has made statements regarding Housatonic Water Works and he noted the Finance Committee does not know anything additional.

M. Cerna asked about Southern Berkshire Ambulance providing significant detail to support its FY25 budget request. P. Orenstein stated he has discussed with M. Pruhenski and a substantial budget increase for FY 25 is being requested by SBA.
6. **Citizen Speak Time** – No citizens asked to speak.
7. **Media Time** – No media asked to speak.
8. **Adjournment** - The meeting was adjourned by unanimous consent at 6:32pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk

Town of Great Barrington Massachusetts Finance Committee Meeting via Zoom
Wednesday, January 17, 2024

1. **Call to Order and roll call vote** - P. Orenstein opened the meeting via Zoom at 6:00pm with a roll call: Milena Cerna, “aye,” Richard Geiler, “aye,” Madonna Meagher, “aye,” Anne O’Dwyer, “aye,” Philip Orenstein, “aye.”

Also in attendance: Town Manager Mark Pruhenski, Financial Coordinator Allison Crespo

2. **Committee Member announcements or statements** – There were none.

3. **Town Manager Update** – Discussion of reserve fund transfer request and vote

M. Pruhenski provided an update on the FY25 budget process noting he and A. Crespo are meeting with department heads and are on track for the first discussion on February 6. He noted budget binders will be distributed as soon as possible and meetings would be hybrid.

M. Pruhenski presented a request for a Reserve Fund transfer of \$20,235.80 to cover the cost of consultant, DPC Engineering LLC, to conduct a financial evaluation for the acquisition and operation of the Housatonic Water Works system for an initial five-year plan. He noted the study will provide information for the Selectboard to discuss pursuing a purchase and potentially to put to a vote at Town Meeting. M. Pruhenski confirmed the assessment would cover the acquisition, debt service and operation of the water system and that DPC is familiar with HWW and is experienced/qualified to do the work. He added the study would take 4-6 months to complete and will be presented at a Selectboard meeting. He also stated the necessary information/data on HWW is public and HWW is expected to cooperate with the DPC assessment. R. Geiler asked about HWW’s rate-increase case under consideration by the State DPU– M. Pruhenski replied the first intervenors meeting was last week, so it is early in the process.

A. O’Dwyer made a motion to approve the transfer of \$20,235.80 from the Reserve Fund to Contracted Services; R. Geiler seconded. P. Orenstein asked for any discussion – there was none. Roll call vote: Milena Cerna, “aye,” Richard Geiler, “aye,” Madonna Meagher, “aye,” Anne O’Dwyer, “aye,” Philip Orenstein, “aye.” All in favor: 5-0.

4. Discussion of draft Guide to the Great Barrington Real Estate Tax Bill – possible vote

P. Orenstein stated a draft of the Guide is in the packet and it is intended to help residents understand how their quarterly property taxes – composed of real estate and Great Barrington Fire District taxes and the Community Preservation Act surtax – is calculated and to make it available on the Finance Committee webpage. He added the Guide has been reviewed by Town staff and the Fire District. M. Cerna stated residents also have questions about the assessment process and suggested tackling that perhaps focusing on the process and guiding principles. P. Orenstein stated that might be a separate project and noted it is a very complex matter. M. Meager suggested a link in the document to the Assessor’s Office and R. Geiler suggested adding a sentence stating if residents have questions regarding their assessment to contact the Assessor’s Office directly. R. Geiler stated he would review materials and the recording of the meeting where Ross Vivori, Town Assessor, presented and report back.

- Vivian Orłowski, stated the school district budget significantly impacts the tax bill and that should be added to the Guide – it was clarified that the Guide focuses only on the calculation of the tax bill—and that what contributes to the Town’s tax rate is discussed more during budget seasons and at Town Meetings.

P. Orenstein suggested and the Committee discussed some clarifying language and A. O'Dwyer agreed to update the design/formatting and suggested adding a link to the budget book and meeting schedule.

P. Orenstein noted the agreed upon changes – re- design/formatting; revised top headline - Users Guide to the Taxpayer Receipt Box on the Great Barrington Tax Bill; adding Community Preservation Committee as another authority; and other small changes. It was raised that Alicia Dulin, Treasurer/Collector, asked that dates not be used and A. Crespo stated she would ask A. Dulin to clarify her concerns to the Committee.

P. Orenstein made a motion to approve the Guidelines with changes and subject to A. Dulin's feedback; R. Geiler seconded. P. Orenstein asked for any discussion – there was none. Roll call vote: Milena Cerna, "aye," Richard Geiler, "aye," Madonna Meagher, "aye," Anne O'Dwyer, "aye," Philip Orenstein, "aye." All in favor: 5-0.

5. Community Preservation Committee update (Richard Geiler)

R. Geiler presented on projects funded by the CPC in the last cycle noting the budget was \$800,000 and \$2.7 in requests were received. He stated affordable housing was prioritized and received \$533,000 in grants for several projects, \$172,000 was granted for historic and \$95,000 for open space. M. Cerna asked how affordable housing projects are prioritized and she and R. Geiler agreed to discuss.

6. Citizen Speak Time

James Garzon, 84 North Plain Road, stated it is important to provide information on the tax bill and suggested looking at a single tax rate or other options to help residents around tax increases.

7. Media Time – No media asked to speak.

8. Adjournment - The meeting was adjourned by unanimous consent at 7:23pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk



Great Barrington MASSACHUSETTS

Town Manager Statement on Cannabis Refund Demand

POSTED ON: MARCH 13, 2024 - 5:16PM

Under the HCA's, each establishment agreed to the amount of the community impact fees, and a payment schedule for those fees. They are now asserting that the fees were illegal, and that the Town should make a full refund. This demand is not based on a court ruling or a determination by the Cannabis Control Commission, or any other state agency, that the impact fees paid to the Town were illegal. Rather, it is an ultimatum resting on the preferred view of businesses in the marijuana industry – a one-sided view.

The Town has been diligent in monitoring the effects of marijuana sales in and around Great Barrington. As would be the case with any new industry, some of those effects cannot be fully known for several years while some can be more apparent, such as the need for education and counseling for citizens young and old regarding marijuana use. That need and others can be addressed with the help of community impact fees paid by marijuana businesses. To wisely manage the fees it receives, the Town has created a Community Impact Funding Committee to evaluate applications for grants toward community support and resources.

As it stands, the issue is very simple. Both of these businesses freely agreed to the terms of their HCA's, including payment of the community impact fees. Now, after skipping payments that were due, they want to declare that their payment agreements were illegal. In plain words, the failure to pay is a violation of the HCA's and a breach of contract.

The Town understands that these establishments will likely file legal action and ask the courts to order the Town to issue refunds. If that happens, the Town will respond accordingly, and will take the reasonable and appropriate action to defend the legality of the HCA's.

When two parties voluntarily enter into a contract, each has the right to expect that the other will continue to comply with the contract if they both keep their ends of the bargain and don't breach the contract.

In this instance, the Town believes that it has complied with the requirements of the HCAs with Theory Wellness and Rebelle and that it has not committed any breach that would relieve the businesses from their obligations. Therefore, the Town has relied on these businesses to fulfill the promises they made in the HCA's, and will continue to expect that they abide by their commitments.

Mark Pruhenski
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

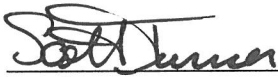
RESERVE FUND TRANSFER REQUEST

December 29, 2023

TO: Finance Committee
FROM: Scott Turner, Fire Chief
RE: Reserve Fund Transfer Request

I respectfully request a reserve fund transfer for \$10,000 to fund apparatus repairs. Requested funding is for repair of the cooling core on Engine 3, replacing the leaking fuel cell on Engine 2 and purchasing rear shock mounts on Ladder 1. Engine 2 is currently out of service and Engine 3 received a minor repair which will only last approximately one or two weeks if used minimally.

	ACCOUNT NAME	ORG	OBJ	AMOUNT
From:	Reserve Fund	01131	57800	\$10,000
To:	Repair/Maintenance	01220	52450	\$10,000

Department Head Signature: 

Date: 3-13-24

Town Accountant: 

Date: 3/13/24

Town Manager: 

Date: 3-13-24

Finance Committee:

