

Mark Pruhenski
Town Manager

E-mail: mpruhenski@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA

MONDAY, AUGUST 26, 2019

7:00 PM - REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

August 12, 2019 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

4. TOWN MANAGER'S REPORT:

A. Department Updates

B. Project Updates

5. LICENSES OR PERMITS:

A. Rebecca Jurczyk, Gary Pratt, Meri Haas and Adam Post/"Smash the Stigma Rally & Health Fair" for One Day Weekday Entertainment License for Saturday, October 5, 2019 from 11:00 am – 3:00 pm (Rain Date – Saturday, October 12, 2019 from 11:00 am – 3:00 pm) at Memorial Field/Railroad Street Youth Project's parking lot. Walk – Memorial Park (Bridge St.), School Street, Church Street, Main Street, finish at Town Hall. *Fee Waiver Requested.* (Discussion/Vote)

B. Abraham Hunrichs/Berkshire Ferments (Ashmae LLC) for One Day Sunday Entertainment License for September 22, 2019 from 10:00 am – 4:00 pm at Butternut Ski Area. (Discussion/Vote)

C. Abraham Hunrichs/Berkshire Ferments (Ashmae LLC) for One Day Beer and Wine Liquor License for September 22, 2019 from 10:00 am – 5:00 pm at Butternut Ski Area, 380 State Road. (Discussion/Vote)

D. Pat Hollenbeck/Board of Library Trustees for Nine (9) One Day Beer and Wine Liquor

Licenses for September 9, October 5, November 2 and December 7, 2019; and January 4, February 1, March 7, April 4 and May 2, 2020 from 6:30 pm – 10:00 pm at Mason Library, 231 Main Street. *Fee Waiver Requested.* (Discussion/Vote)

E. Robin Vickery/Great Barrington Fish and Game for Eleven (11) One Day Beer and Wine Liquor Licenses for every Sunday from September 22, 2019 to December 1, 2019 from 11:00 am – 6:00 pm at 338 Long Pond Road. (Discussion/Vote)

F. Emily Irwin, Joshua Irwin & William Paul/Mooncloud, LLC dba/Mooncloud for 2019 Common Victualler License at 47 Railroad Street, Unit 1A with seasonal service on the outside patio. (Discussion/Vote)

6. OLD BUSINESS:

A. Funding options for Housatonic School roof. (Discussion)

B. Indigenous Peoples' Day. (Discussion)

7. NEW BUSINESS:

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

B. SB – Appointment of member to the Board of Registrars. (Discussion/Vote)

C. SB – Appointment of SB member to the Berkshire Metropolitan Planning Organization. (Discussion/Vote)

D. SB – To Approve SB's 2020 Regular Meeting Schedule. (Discussion/Vote)

E. SB – To approve FY 2021 Budget Meetings Schedule. (Discussion/Vote)

F. SB – Appointment of FY 2020 Election Workers, per list attached. (Discussion/Vote)

G. SB – Commission on Disabilities – Formation. (Discussion/Vote)

H. Randy Weinstein/W.E.B. DuBois Legacy Committee Update.

I. Tom Doyle/Eric Steuernagle/Berkshire Board of Realtors – Update.

J. Strategic Sustainability and Livability Committee – Request to reduce the membership from 11 to 9. (Discussion/Vote)

K. SB – To Approve Fulcrum Enterprises LLC Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing establishment in an industrial zone at 22 VanDeusenville Road. (Discussion/Vote)

L. SB – To Approve Sidewalk License Agreement for Mooncloud, LLC d/b/a Mooncloud (new Restaurant) for premises at 47 Railroad Street. (Discussion/Vote)

8. CITIZEN SPEAK TIME:

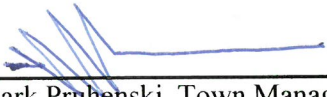
9. SELECTBOARD'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTBOARD'S MEETINGS:

- **Thursday, August 29, 2019, 7:00 pm - SB and Planning Board Joint Meeting**
- **Monday, September 9, 2019, 6:00 pm - SB Site Visit @ 22 VanDeusenville Road
re: Fulcrum Enterprises LLC Special Permit**
- **Monday, September 9, 2019, 7:00 pm - SB Regular Meeting**
- **Tuesday, September 10, 2019, 7:00 pm SB Special Meeting @ Housatonic Community Center**
- **Monday, September 16, 2019, SB Special Meeting @ Claire Teague Senior Center:
6:30 pm – Cottage Street
7:30 pm – Grove Street**



Mark Pruhenski, Town Manager

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. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

* Fee Waiver Requested



One Day

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Rebecca Jurczyk, Gary Pratt, Meri Haas, Adam Post

Business/Organization: "Smash The Stigma Rally + Health Fair"

D/B/A (if applicable): N/A

Address: N/A

Mailing Address: _____

Phone Number: (413) 528 - 0680

Email: jurczyk@townofgb.org, Meri@RSYP.org, gpratt@bhs1.org
adampost27@gmail.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 3 pieces, including singers Public Show

Other (please explain) Speakers on either mic or mega phone.

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) food trucks, walk through down town ending in front of town hall, background music - not the focal point of the event.

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES

X NO

Please circle: INDOOR or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch). Memorial Field / Railroad Street
Walk - memorial Park (Bridge St.) -> School Street Town Project's
↪ Church Street Parking lot.

Date(s) of Entertainment*: Saturday; October 5, 2019
*Does not include SUNDAY Main Date: October 12, 2019 11:00-3:00pm Main Street
Start & End Times of Entertainment: 11:00 Am - 3:00pm Finish
at Town Hall

Does your event involve any of the following? (Check all that apply)

- Food
- Temporary Bathrooms
- Tents
- Stages
- Temporary Signs (at memorial field Day of only.)
- Electrical Permits
- Building Permits
- Police Traffic Details
- Street Closures

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

[Signature]
Signature of Individual or
Corporate Officer

August 14, 2019
Date

029-74-7457
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no issues (CP)

APPROVAL DATE: _____

LICENSE # _____



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

OFFICE OF THE PARKS COMMISSIONERS

August 14, 2019

South County Opioid Working Group
60 Railroad Street
Great Barrington, MA 01230

At its meeting of August 12, 2019, the Parks Commissioners approved your request to use Memorial Field on Saturday, October 5, 2019 (Rain date Saturday, October 12, 2019) from 11:00 a.m. to 3:00 p.m. for a Smash the Stigma Rally and Health Fair.

If you should have any questions, please do not hesitate to call.

Very truly yours

Carolyn Wichmann

Clerk

Parks and Recreation Commissioners



TOWN OF GREAT BARRINGTON
 Temporary Sunday Entertainment License Application
 (Local Approval ONLY-State Approval Required Separately)

___ Hours between 1:00 pm-11:59 pm
 (\$2.00 per Sunday)

 Hours between 9:00 am- 11:59 pm
 (\$5.00 per Sunday) *pd.*

The undersigned hereby applies for a license in accordance with the provisions of Massachusetts General Laws, Ch. 136 Sec.4.

Name: Abraham Heinrichs

Business/Organization: Berkshire Ferments (Ashmae b/c)

D/B/A (if applicable): Berkshire Ferments

Address: 15 commercial st Pittsfield MA 01201

Mailing Address: ~~11 Iron ore~~ PO Box 473 West Stockbridge MA 01266

Phone Number: 413-429-6266

Email: Ahenrichs@~~hotmail~~hotmail.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 5 pieces, including singers Public Show

Other (please explain) _____

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) _____

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L. Chp.140 Sec.183A)

___ YES

X NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): Butternut ski area
with use of upper lodge & surrounding land

Date(s) of Entertainment: Sunday, Sept. 22nd

Start & End Times of Entertainment: 10am - 4pm

Does your event involve any of the following? (Check all that apply)

- Food Temporary Bathrooms Tents Stages Temporary Signs
 Electrical Permits Building Permits Police Traffic Details Street Closures

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Alh
Signature of Individual or
Corporate Officer

7/29/19
Date

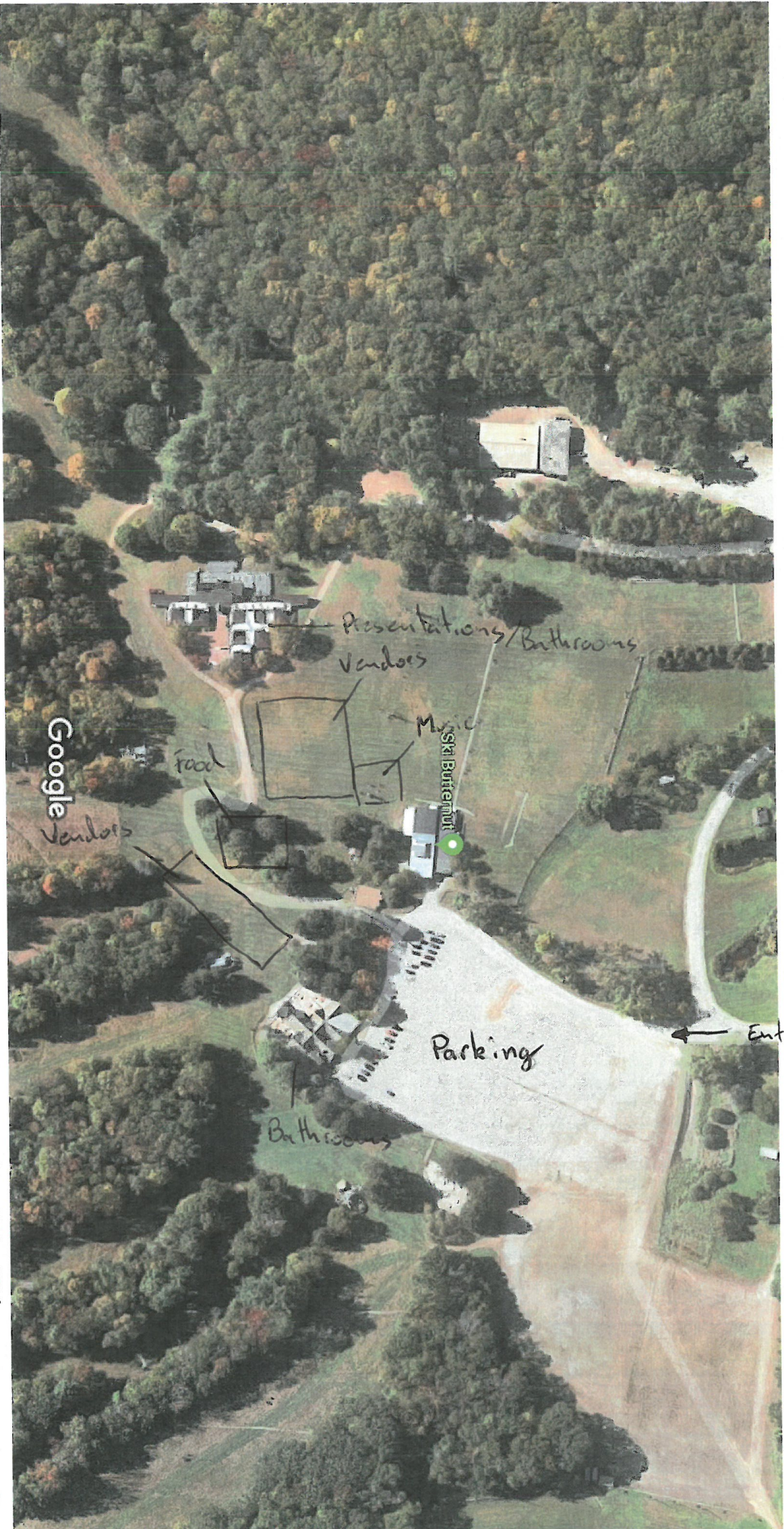
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no
issues. CP

APPROVAL DATE: _____

LICENSE # _____



5th Annual Berkshire Fermentation Festival

New Venue: Ski Butternut with access to the bathrooms in the upper and lower lodge, parking in the main lot, and workshops in the upper lodge.

Date: Sept 22

Time: 10-5

Overview: the Fermentation Festival is a free to attend, child friendly event. The Festival celebrates everything fermented, with the main components consisting of about 40 vendors from regional businesses, workshops, author talks and book signings, a science corner, children's activities, prepared food, music, and limited alcohol.

We are expecting in the range of 2000 people. We have contracted an EMT to be on sight for the entirety of the event. We will have staff managing parking. There are adequate power, water and bathroom facilities available to us.



5/31/19

To: Great Barrington Board of Selectmen
334 Main Street
Great Barrington, MA 01230

Re: Berkshire Fermentation Festival Permission Letter

To whom it may concern,

Please be advised that Abe Hunrichs/Hosta Hill has the permission of Butternut Basin Inc. (d.b.a. Ski Butternut) to rent the ski area facilities at 380 State Road, Great Barrington MA for the purposes of holding a Fermentation Festival on Sunday, 9/22/19.

If you have any questions whatsoever, please do not hesitate to contact me. Thanks.

Sincerely,

David P. Ryel

David P. Ryel
Ski Butternut
Summer Events Manager
T: 413-528-2000 x154
E: daver@skibutternut.com

Fee: \$25.00 (per day) *Pd.*



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: *Abraham*
Abraham Hurrichs

Organization Name: Berkshire Fermentation Festival (Ashmac LLC)

Applicant's Address: 15 commercial st pittsfield MA 01201

Telephone Number: 413-429-6266

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Fermentation Festival

Date: 9/22/19 Start Time: 12am End Time: 5 pm

Event Address: 380 state Rd Great Barrington MA 01230

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- OK* 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- OK* 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Abraham Hurrichs
Signature of Applicant

7/29/19
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____



8/1/19

To: Great Barrington Board of Selectmen
334 Main Street
Great Barrington, MA 01230

Re: Berkshire Fermentation Festival Permission Letter

To whom it may concern,

Please be advised that Abe Hunrichs/Hosta Hill has the permission of Butternut Basin Inc. (d.b.a. Ski Butternut) to rent the ski area facilities at 380 State Road, Great Barrington MA for the purposes of holding a Fermentation Festival on Sunday, 9/22/19. In addition, Big Elm Brewing Co., Carr's Cider, and Artisan Beverage Coop have permission to provide a beer, wine and/or alcohol concessions at the Event.

If you have any questions whatsoever, please do not hesitate to contact me. Thanks.

Sincerely,

David P. Ryel

David P. Ryel
Ski Butternut
Summer Events Manager
T: 413-528-2000 x154
E: daver@skibutternut.com



Fee: \$25.00 (per day)

FEE WAIVER REQUESTED

APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Pat Hollenbeck

Organization Name: Board of Library Trustees

Applicant's Address: 231 Main St. G.B.

Telephone Number: 528-2403

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: First Saturday Free Movie

Date: 9/7 10/5 11/2 12/7 2019 Start Time: 6:30pm End Time: 10pm
1/4 2/1 3/7 4/4 5/2 2020

Event Address: 231 Main St., G.B. (Mason Library)

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Pat Hollenbeck
Signature of Applicant

8/16/19
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

Fee: \$25.00 (per day) *x11 =*

\$275.00 Pd.



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Robin Vickery

Organization Name: gt Barrington Fish + Game

Applicant's Address: 338 Long pond Rd Housatonic Ma

Telephone Number: 274-6291 *01236*

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Annual Turkey Shoots

every Sunday Date: Sept 22 - Dec 1 = 11 Sundays Start Time: 11am End Time: 6 pm

Event Address: 338 Long pond Rd Housatonic Ma

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- OK* 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- OK* 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- NA* 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Robin M Vickery
Signature of Applicant

8/19/19
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

2019

COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE

Pa.
FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: August 19, 2019

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: Emily Irwin, Joshua Irwin & William Paul

NAME OF BUSINESS: Mooncloud, LLC

D/B/A (if applicable): Mooncloud

BUSINESS MAILING ADDRESS: 47 Railroad Street, Unit 1A, Great Barrington, MA 01230

BUSINESS TELEPHONE: 717-576-1009 HOME TELEPHONE: 717-576-1009

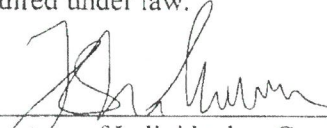
LOCATION WHERE LICENSE IS TO BE USED: _____
47 Railroad Street, Unit 1A, Great Barrington, MA 01230

DAYS OF OPERATION: Wednesday - Sunday

HOURS OF OPERATION: 3:00 p.m. - 1:00 a.m.

DESCRIPTION OF PREMISES: See schedule A attached hereto

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.


Signature of Individual or Corporate Name

By: Joshua Irwin
Corporate Officer (if applicable)

SS# _____ or FID# 84-2780071

Exhibit A

Description of Premises

The first floor will be the bar area, with 12 bar seats and 3-4 tables. There are two bathrooms at the end of the hallway. All alcohol not being stored in the bar area will be in the basement in a locked chamber. During the warmer months, there will be a small patio space outside for snacks and drinks.

EXECUTIVE SUMMARY

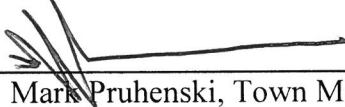
TITLE: Appointment of member to the Tree Committee

BACKGROUND: The Town has been recruiting for members to the Tree Committee. There is currently a vacancy and the Town is seeking a member to be appointed by the Selectboard. The Amended Resolution creating a Tree Committee states that the Committee shall consist of 7 residents of the Town appointed by the Selectboard. Eva Ward has applied for the vacancy.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: The Selectboard appoint Eva Ward as a full member to the Tree Committee for a term to expire June 30th, 2020.

PREPARED AND REVIEWED BY:


Mark Pruhenski, Town Manager

DATE:

8/23/19

Committee Members Appointed

Name	Position	Term Expiration
Holly Hamer	Chair	2022
Michael Peretti	Tree Warden Vice Chair	Indefinite
Lisa Bozzuto	Secretary	2020
Vacancy	Member	2020
Shepley Evans	Member	2020
Marcia Stamwell	Member	2022
Hilda Shapiro	Member	2022

Eva Ward
497 Main St
Great Barrington, MA 01230
eva@wardsnursery.com

Great Barrington Select Board
334 Main St
Great Barrington, MA 01230

Dear Great Barrington Select Board,

I am writing to express my interest in joining the Great Barrington Tree Committee.

When I returned to Great Barrington in January of this year I was quickly reminded of the community's commitment to conservation. Hilda Shapiro and Holly Hamer approached me with the opportunity to join the Tree Committee and I saw it as a great way to join the community in its commitment.

The trees of this town hold its history. It is important to both care for the ones that have been here longer than we have and plant new trees that will provide shade for many generations to come.

Please accept this letter as my formal request to join the Great Barrington Tree Committee.

Sincerely,

Eva Ward

From: Holly Hamer [<mailto:hhamer3143@yahoo.com>]

Sent: Tuesday, July 30, 2019 2:00 PM

To: Stephen Bannon <scbannon@gmail.com>; Ed Abrahams <ed_abrahams@prodigy.net>; Bill Cooke <billcooke.gb@gmail.com>; Kate Burke <kateburke.528@gmail.com>; Leigh Davis <LDavis@Townofgb.org>

Cc: Helen Kuziemko <hkuziemko@Townofgb.org>; Michael Peretti <mperetti@wheelerandtaylor.com>

Subject: Endorsement for Tree Co. Member

Dear Selectboard:

The Great Barrington Tree Committee has endorsed the application of Eva Ward for membership. Her arboreal and local knowledge would add much welcomed depth and experience to the Committee.

This appointment will fill the last vacancy and make the ⁷six person committee complete.

Sincerely,

Holly Hamer
Chair, Great Barrington Tree Co.
413-717-0661

DEBORAH PHILLIPS
CHAIR

SEAN A. STANTON
STEPHEN C. BANNON
DANIEL BAILLY
EDWARD ABRAHAMS



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290
website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

AMENDED RESOLUTION CREATING A TREE COMMITTEE

Whereas, it is the desire of the Town of Great Barrington Selectboard to create a Tree Committee;

Whereas, the duties, mission, responsibilities of the Tree Committee should be clearly defined to provide direction;

Whereas, the duties, mission, responsibilities of the Tree Committee shall be as follows:

- To review the existing public tree inventory for the Town of Great Barrington
- To develop in conjunction with the Tree Warden, Publics Works Superintendent and Park Commission a tree maintenance program for public trees
- To recommend modifications to the existing tree inventory
- To develop educational programs for the public on tree care and species selection
- To develop in conjunction with the Tree Warden, Public Works Superintendent and Park Commission an acceptable species type allowed for planting in the Town of Great Barrington
- To apply for on behalf of the Town of Great Barrington an application annually so the Town can be awarded Tree City USA designation
- To recommend appropriate by-laws dealing with the health, protection, preservation of trees in the Town of Great Barrington
- To annually submit a report on its activities and the condition of trees in the Town of Great Barrington

Whereas, the committee shall consist of 7 members/residents of the Town of Great Barrington and be appointed by the Selectboard;

Whereas, the committee shall elect its own chair, vice-chair and recording secretary;

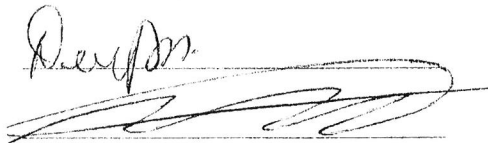
Whereas, the Town Manager shall assign staff to the committee as appropriate;

Whereas, the committee shall comply with all requirements of Massachusetts General Law including but not limited to the Open Meeting Law;

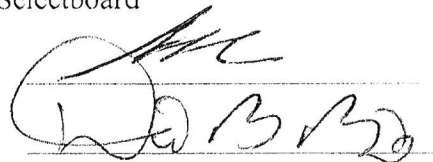
NOW THEREFORE BE IT RESOLVED by the Great Barrington Selectboard that a Tree Committee is hereby created.

PASSED AND APPROVED BY the Great Barrington Selectboard this 24th day of November, 2014.

Town of Great Barrington Selectboard



A handwritten signature in cursive, appearing to read "Dunham", written over a horizontal line.



A handwritten signature in cursive, appearing to read "W. B. B.", written over a horizontal line.



A handwritten signature in cursive, appearing to read "Ed. A.", written over a horizontal line.

EXECUTIVE SUMMARY

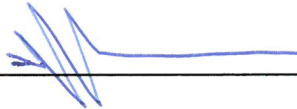
TITLE: Appointment of member to the Board of Registrars

BACKGROUND: The Town has a vacancy on the Board of Registrars due to a recent resignation. Marie Ryan has applied to fill the vacancy. MGL Ch. 51 Sec.15 states that the Board of Registrars shall consist of town clerk and three other persons who shall be appointed by the Selectmen.

FISCAL IMPACT: Stipend position - \$528 per year.

RECOMMENDATION: The Selectboard appoints Marie Ryan to serve on the Board of Registrars for a term to expire 2020.

PREPARED AND REVIEWED BY: _____



Mark Pruhenski, Town Manager

DATE: _____

8/29/19

Board of Registrars

	Term Expires
Jennifer L. Messina	Indefinite
Ellen Smith	2021
Linda Coons	2022

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 442-1521 · FAX (413) 442-1523
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370
www.berkshireplanning.org

Avj
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Agenda

KYLE HANLON, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
MALCOLM FICK, Treasurer

THOMAS MATUSZKO, A.I.C.P.
Executive Director

August 2, 2019

Town of Great Barrington Select Board

RE: Meeting Regarding Subregional Representation on Berkshire MPO

Dear Select Board:

The Berkshire Metropolitan Planning Organization includes select board members from each of four subregions across the Berkshires. In accordance with the Memorandum of Understanding for the MPO, representatives of the Select Boards from two of the subregions are called together each year to appoint a select board member from one of the subregion's towns to act as the MPO representative and another member, who must be from another town in the subregion, to act as the alternate. The currently designated representative for the Southwest Berkshire subregion, now coming to the end of a two year term is James Lovejoy of Mount Washington. The alternate representative seat is vacant. The currently serving representative is eligible to serve a new term on the MPO but must be re-appointed via caucus.

We have scheduled a Southwest Berkshire subregional caucus for Thursday, September 12th, at 5:30 p.m. at the Great Barrington Fire Department, 37 State Road, in the training room. We would like a representative for each of the eight select boards (Alford, Egremont, Great Barrington, Mount Washington, Richmond, Sheffield, Stockbridge and West Stockbridge) in the subregion to be present for this important meeting. You should be prepared to determine who will be the Southwest Berkshire subregion's representative and alternate to the MPO. Others are welcome to attend but it is important that each town have a representative who is empowered to act on its behalf and therefore we request that you appoint one for this meeting.

Please let me know who will be representing your select board at the caucus as soon as possible. You can contact me via email at ckus@berkshireplanning.org or phone at 442-1521, ext. 20. We look forward to the meeting on September 12th.

Sincerely,

Clete Kus
Transportation Program Manager

Attachments:

Agenda for Southwest Subregional Caucus Meeting
Explanation of the MPO

Cc: Francisca Heming, District Highway Director, MassDOT
Pedro Pachano, BRPC Delegate, Great Barrington
Malcom Flick, BRPC Alternate, Great Barrington

BERKSHIRE REGIONAL PLANNING COMMISSION
1 FENN STREET, SUITE 201, PITTSFIELD, MASSACHUSETTS 01201
TELEPHONE (413) 442-1521 · FAX (413) 442-1523
Massachusetts Relay Service: TTY: 771 or 1-800-439-2370
www.berkshireplanning.org

KYLE HANLON, Chair
SHEILA IRVIN, Vice-Chair
MARIE RAFTERY, Clerk
CHARLES P. OGDEN, Treasurer

NATHANIEL W. KARNs, A.I.C.P.
Executive Director

MEETING NOTICE

The Berkshire Metropolitan Planning Organization
will hold a Southwest Berkshire Subregional Caucus on

Thursday, September 12, 2019 at 5:30 p.m.

Great Barrington Fire Department, Training Room
Great Barrington, Massachusetts

AGENDA

I. Opening

- A. Call to Order
- B. Introductions of Town Representatives

II. Purpose of the Berkshire Metropolitan Planning Organization & Duties and Requirements for Subregional Representative and Alternate

Clete Kus, BRPC Transportation Program Manager, will give a brief overview of the functions of the MPO and the duties and responsibilities of the Subregional representative and alternate

III Selection of a Representative and an Alternate to the MPO from the Southwest Subregion

The town representatives will determine an appropriate representative and alternate to represent this subregion on the MPO. The representative and alternate must be from different towns. The representative (or in their absence, the alternate) must be prepared to make decisions on the MPO which they feel serve the best collective interests of the entire region, not necessarily their individual town.

IV. Adjournment

Other interested citizens and officials are invited to attend.

Explanation of the Berkshire Metropolitan Planning Organization

The Berkshire Metropolitan Planning Organization (MPO) is responsible under federal law for carrying out a continuing, comprehensive and coordinated (3C) metropolitan transportation planning process for the Berkshire Region. Responsibilities and membership of the MPO is established through a Memorandum of Understanding signed by the Executive Office of Transportation & Public Works, MassHighway, the Berkshire Regional Planning Commission, and the Berkshire Regional Transit Authority which was approved on August 17, 2005 and amended on February 28, 2006 and March 29, 2011.

Most important to transportation planning in Berkshire County are the Transportation Improvement Program (TIP), the Unified Transportation Planning Work Program (UPWP) and the Regional Transportation Plan. The TIP is a prioritized, multi-year program, prepared annually, for the implementation of transportation improvement projects for the Berkshire County region. As such, it serves as a management tool to ensure the most effective use of funding for transportation improvements. It is also necessary for two other reasons. First, the TIP is a requirement of the transportation planning process as most recently legislated by Congress. Secondly, a transportation improvement is not eligible for federal funding unless it is listed in the TIP. The TIP must include a certification by the Metropolitan Planning Organization that the process is being carried on in conformance with various applicable federal regulations. Certification ensures the region's continued eligibility to receive federal funds for highway and transit projects.

The UPWP is a list, budget and description of all federally funded transportation planning work proposed to be performed during the year. The work is conducted mostly by BRPC staff and consultants working for BRPC under the auspice of the Berkshire Metropolitan Planning Organization (MPO). Like the TIP, the UPWP is a certification document required under the federal law governing metropolitan transportation planning.

Finally, the Regional Transportation Plan is the long-range plan that guides transportation investments in Berkshire County for the next 25 years. The Plan ensures that various transportation projects are consistent with the area's overall development policies and are coordinated with one another to provide an effective transportation system that makes efficient use of available funds. It must be updated every four years.

In addition, the MPO reviews and approves special transportation studies affecting the region. These are usually prepared by BRPC staff, working closely with technical advisory committees, the affected communities and interests, and the public. These studies, when approved, are incorporated into the Region's transportation plans and are the basis for design and construction projects or policy discussions. Recent examples include the South Street Alternatives Study in Pittsfield and the Downtown Pittsfield Circulation Study.

Selectboard's 2020 Regular Meeting Schedule

January 13	Second Monday
January 27	Fourth Monday
February 10	Second Monday
February 24	Fourth Monday
March 9	Second Monday
March 23	Fourth Monday
April 6	First Monday
April 20	Third Monday
May 4	Annual Town Meeting
May 13	Second Wednesday
May 18	Third Monday
June 15	Second Wednesday
June 29	Fourth Monday
July 13	Second Monday
July 29	Fourth Monday
August 10	Second Monday
August 24	Fourth Monday
September 14	Second Monday
September 21	Third Monday
October 12	First Monday
October 26	Third Monday
November 9	First Tuesday
November 23	Third Monday
December 7	First Monday
December 21	Third Monday

FY2021 Budget Meeting Schedule

TENTATIVE

<u>Date</u>	<u>Day</u>	<u>Time</u>
January 21, 2020	Tuesday	6:00pm
January 28, 2020	Tuesday	6:00pm
February 4, 2020	Tuesday	6:00pm
February 11, 2020	Tuesday	6:00pm
February 18, 2020 *	Tuesday	6:00pm
* (Alternate/Make-up date only)		
Public Hearing March 17, 2020	Tuesday	6:00pm

EXECUTIVE SUMMARY

TITLE: Appointment of FY'20 Election Workers

BACKGROUND: According to M.G.L. Chapter 54, section 12, the Selectmen shall annually, appoint the election officers for each voting place within the town.

FISCAL IMPACT: N/A

RECOMMENDATION: Town Clerk recommends the Selectboard appoint the election workers per attached list.

PREPARED AND REVIEWED BY:

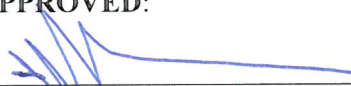


Jennifer L. Messina/ Town Clerk

DATE:

8/19/19

APPROVED:



Mark Pruhenski/Town Manager

DATE:

8/19/19

Jennifer L. Messina
Town Clerk



Town Hall, 334 Main Street
Great Barrington, MA 01230
(413) 528-1619 ext. 3
Fax: (413) 528-2290

**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

OFFICE OF THE TOWN CLERK

TO: Selectboard
FROM: Jennifer L. Messina, Town Clerk
DATE: August 14, 2019
RE: Election Officers

According to M.G.L. Chapter 54, section 12, the Selectmen shall annually, appoint the election officers for each voting place within the town. I respectfully request that the following people be appointed for FY'20:

Judith Arienti	Donald Howe	John Passetto
Marlene Atwood	Carolyn Ivory	Virginia Passetto
Maureen Avery	Paul Ivory	Susan Pettee
Madonna Bachman	Harry Jennings	Kathleen Plungis
Barbara Bailly	Deborah Kain	Frances Premerlani
Irene Bara	Laura Keefner	Larry Premerlani
Marion Barry	Marjorie Keefner West	Dudley Race
Marilyn Bisiewicz	Cathleen Kinne	Donald Rembisz
Elizabeth Budz	Kathleen Kotleski	Patricia Salvi
Barbara Chamberland	Ethel Kramer	Linda Santos
Christine Coons	Matt Kuziemko	Sheila Shepardson
Richard Coons	Lois Larkin	Michelle Shimmon
Judith Corbett	Linda Lavoie	Terry Smith
Jessica Dezieck	Fran Locke	Margaret Soule
Patricia Dymek	Michelle Loubert	Marilyn Stevens
Frederick Dymek	Barbara Louison	Carol Strommer
William Fields	Donna MacDowell	Steve Strommer
Patrick Fennell	Rosemary McAlister	Christine Tarnawa
Denise Flynn	Linda McMeekin	John Tossavainen
Paul Gibbons	Carol Meade	Marcia Trombley
Michele Gilligan	Theresa Moore	Howard Trombley
Jane Green	Bruce Morelli, Sr	Nick VanSant
Jean Holcomb	Andrew C. Moro	Christine Ward
Patricia Hoskeer	Lynn Nettleton	Michael Wise

EXECUTIVE SUMMARY

TITLE: Commission on Disability

BACKGROUND: At our Annual Town Meeting in May 2017, Great Barrington adopted M.G.L Chapter 40 Section 8J which permits a town to establish a Commission on Disability consisting of no less than five (5) and no more than thirteen (13) members. The majority of these members must be persons with disabilities, however, one (1) may be an immediate family member of someone with a disability, and one (1) member must either be an elected or appointed town official.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff recommends the Selectboard advertise through our website and social media, the creation of a five (5) member Commission on Disability and seek to fill the positions as follows:

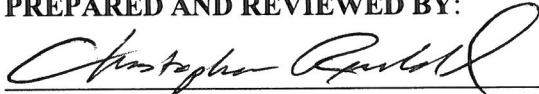
Three persons with disabilities (One of which may be an immediate family member of someone with a disability.

One appointed or elected town official

One member at-large

Staff further recommends that the Selectboard approve the document titled: "By-Laws of the Great Barrington Commission on Disability" to guide the Commission in organizing and carrying out its mission.

PREPARED AND REVIEWED BY:

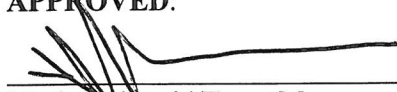


Chris Rembold/Town Planner and Joe Grochmal/Special Projects Manager

DATE:

08/21/2019

APPROVED:



Mark Przhenski/Town Manager

DATE:

08/21/2019

By-Laws of the Great Barrington COMMISSION ON DISABILITY

ARTICLE I: TITLE AND PURPOSE:

1. In accordance with MGL Ch. 40, section 8J, accepted by the Great Barrington Town Meeting on May 1, 2017, the Selectboard hereby creates the Great Barrington Commission on Disability (hereinafter referred to as the Commission).
2. The purpose of the Commission is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town of Great Barrington for people with disabilities.
3. The purpose of these by-laws is to establish principles, policies and procedures for the governance of this Commission.

ARTICLE II: POWERS AND DUTIES:

1. Research, understand, evaluate and advocate local issues, challenges and opportunities encountered by people with disabilities.
2. Coordinate the activities of other local groups organized to meet the needs of people with disabilities.
3. Review and make recommendations about policies, procedures, services and activities of departments and agencies of the Town of Great Barrington as they affect people with disabilities.
4. Work in cooperation with the departments and agencies of the Town of Great Barrington - to bring about maximum participation of people with disabilities.
5. Initiate, monitor, and promote legislation at the municipal, state, and federal level which advances the equal status of people with disabilities.
6. Encourage public awareness of disability issues.
7. Provide information and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability.
8. Recruit and recommend prospective Commission members to the Town Manager and Selectboard. At least one month prior to making recommendations, the Commission shall solicit nominations and ensure that said nominations reflect different disabilities.
9. File an annual report, which shall be printed in the Town report.
10. Receive gifts of property, both real and personal in the name of the Town subject to the approval of the Selectboard; such gifts to be managed and controlled by the Commission.

11. Take such action as the Commission considers appropriate to ensure the equal access status of persons with disabilities.

ARTICLE III: MEMBERSHIP:

1. The Commission shall consist of five members appointed by the Selectboard. The majority of members shall consist of people with disabilities. One of the members may be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the Town.

2. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each.

3. Resignation shall be made by notifying the chairperson of the Commission and the members of the Selectboard in writing.

4. If any member is absent from three regularly scheduled meetings in any one calendar year, a recommendation shall be made to the Selectboard that he/she be removed from the Commission, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, but not limited to: illness, a death in the family, weather, and professional responsibilities.

5. The Selectboard shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment.

6. Any members of said Commission may, after a public hearing, is so requested, be removed for cause by the appointing authority.

7. Members shall get the approval of the Commission prior to making statements or joining activities on behalf of the Commission.

8. All members shall have full voting rights.

ARTICLE IV: OFFICERS:

1. The officers shall include a chairperson, vice chairperson, secretary and treasurer.

2. Officers shall be elected annually by the majority vote of the Commission.

3. One member may not hold more than one office.

4. Duties:

a. The chairperson shall:

i. Develop the agenda in coordination with the other officers;

- ii. Preside over all meetings;
 - iii. Appoint Subcommittees as needed;
 - iv. Authorize expenditures as needed.
- b. The vice chairperson shall perform all the functions of the chairperson in his/her absence
- c. The secretary shall:
- i. Keep records of all meetings attendance, minutes, and correspondence.
 - ii. Post notices of all meetings forty-eight (48) hours before each meeting at the Town Clerk's Office
 - iii. Send notice of meetings and minutes of the prior meeting to the members at least fourteen (14) days prior to the meeting.
- d. The Treasurer shall:
- i. Keep records of all financial matters;
 - ii. Develop a budget in coordination with the Commission;
 - iii. Prepare a financial statement for inclusion in the annual report.

ARTICLE V: MEETINGS:

1. Regular meetings shall be held at least six (6) times a year.
2. A quorum shall consist of three (3) members.
3. Meeting minutes will be amended and approved at the next meeting.
4. Special meetings can be called by the chairperson or by any three (3) members.
5. Decisions will be made by a majority of those members present, unless where otherwise noted in these by-laws.
6. Notice of meetings will be sent to the members at least fourteen (14) days prior to the meeting.

ARTICLE VI: AMENDMENTS:

1. These by-laws may be amended at any duly constituted meeting of the Commission by two thirds vote of those members present provided written notice of the proposed amendment is distributed to each member at least fourteen (14) days prior to the meeting.

COMMISSION ON DISABILITY GOALS

1. ENSURE MUNICIPAL SERVICES, PROGRAMS, MEETINGS AND EMPLOYMENT OPPORTUNITIES ARE AVAILABLE AND ACCESSIBLE TO PERSONS WITH DISABILITIES.

- Meet with appropriate staff: Selectboard, Town Manager, Planning Staff, Building Inspector, and Department of Public Works to review regulations, priorities, make a plan and set timelines.
- Survey all municipal buildings, facilities, parks, and sidewalks for access; assess each service, program and activity for physical and communication accessibility and to make sure policies are not discriminatory.
- Review grievance procedures and notification of rights.
- Prioritize what needs to be done (especially the expensive building renovations).
- Be aware of new programs, services & construction. Work with those involved to make sure they meet the needs of people with disabilities

2. ENSURE BUSINESSES, AGENCIES, AND ORGANIZATIONS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES:

- Survey businesses, agencies and organizations for communication and architectural access. Work with owners and managers to encourage compliance with the Americans with Disabilities Act, the Architectural Access Board's regulations and other disability laws.
- Educate owners and managers about the needs of persons with mobility, hearing, visual, cognitive and other disabilities.
- Introduce them to federal IRS \$15,000 tax deduction for barrier removal and \$5,000 tax credit for ADA compliance.

3. ENCOURAGE MOBILITY:

- Survey all parking lots that are open to the public for HP designated spaces. Work with owners and the building inspector to bring the lots into compliance with AAB and ADA regulations and municipal by-laws.
- Review on-street HP designated parking and curb cuts. Work with local officials to increase both if necessary.

- Propose an ordinance/by-law that allow police to ticket cars on privately owned, publicly used parking lots and that increases fines for violations of HP parking.
- Evaluate transportation needs. Work with Regional Transit Authority, Council on Aging, municipal officials to increase (or to provide!) accessible transportation.

4. INCREASE ACCESSIBLE AFFORDABLE HOUSING:

- Work with housing authority to increase adaptable and accessible housing.
- Meet with local builders/developers to encourage development of accessible and adaptable housing.

5. ALL STUDENTS WITH DISABILITIES SHOULD RECEIVE AN EDUCATION COMPARABLE TO THAT GIVEN TO NON-DISABLED STUDENTS IN THE LEAST RESTRICTIVE, MOST INTEGRATED SETTING:

- Evaluate programs for students with disabilities for mainstreaming and integration.
- Evaluate schools for architectural accessibility.
- Introduce disability awareness program in the schools.

6. BE A RESOURCE: PROVIDE INFORMATION AND REFERRALS ON A BROAD RANGE OF DISABILITY ISSUES:

- Advertise the Commissions existence.
- Post the community with flyers or brochures, put articles in the newspaper, use cable TV and radio.
- Establish a way for people to contact the Commission. Either set-up an office and phone answering machine or assign one commission member to be the contact person.
- Develop a file of information.

7. ADVOCATE FOR THE RIGHTS OF INDIVIDUALS WITH DISABILITIES AND DISABILITY GROUPS:

- Set up and publicize a mechanism for people to contact the commission with their individual concerns.
- Work with appropriate officials and organizations to resolve situations.
- Work with the Massachusetts Office on Disability Client Services Program.

8. EDUCATE THE PUBLIC ABOUT DISABILITY ISSUES:

- Develop good relationships with newspapers, TV and radio stations (start a column or regular show, write press releases about your work).
- Initiate Awareness Programs in Schools.
- Speak to civic organizations such as the Chamber of Commerce and Rotary.
- Hold disability awareness workshops.

10. OTHER CONSIDERATIONS:

- Determine how many people in your community have a disability (Massachusetts census figures indicate 17% of the population as having a disability; that percentage might be higher if you have a large elderly population).
- Conduct a needs survey or hold a public hearing.
- Contact organizations in your community with similar concerns; veteran's office, council on aging, special needs parents' advisory committee.
- Work together on common issues.
- Establish an advisory committee, friends of the commission or associate membership to increase support.

Item 7 H

Draft of Town Legacy Award announcement and voting procedure for the Town Website

The W.E.B. Du Bois Legacy Award, which is given annually by the town of Great Barrington, recognizes the outstanding contributions by individuals who embody W.E.B. Du Bois's legacy as an activist for civil rights, progressive education, economic justice and racial equality.

Is there someone in our community, or beyond, who you feel is furthering Du Bois's legacy? Potential awardees could include teachers, activists, scholars, leaders of community-based organizations, or whoever you feel has made a profound impact in any of these areas.

Please submit your nomination directly to the Town of Great Barrington by October 25, 2019.

Include:

- Up to 500 words on why the individual should be considered for the award
- Info on how to contact the nominee
- Your own contact info

Submit online at: [insert link here]

Or by mail to: The W.E.B. Du Bois Legacy Committee

Town Hall

334 Main Street

Great Barrington, MA 01230

EXECUTIVE SUMMARY

TITLE: Request to Reduce membership on the Strategic Sustainability and Livability Committee from 11 members to 9 members.

BACKGROUND: The Selectboard at its meeting of February 25, 2019 appointed 11 members to serve on the Strategic Sustainability and Livability Committee. Since its inception 2 members have resigned. The SS&L Committee is requesting the Selectboard reduce the committee size to 9 so that it is easier to schedule meetings and achieve a quorum.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: Reduce the membership on the Strategic Sustainability and Livability Committee from 11 members to 9 members.

PREPARED AND REVIEWED BY:



Mark Pruhenski, Town Manager

DATE:

8/23/19

List of Present Members on the Strategic Sustainability and Livability Committee

Michael Feldstein

Benjamin Downing — *Resigned*

Richard Ruth — *Resigned*

Ananda Hartzell

Aretha Whitehead

Jovanina Pagano

Mark Phillips

Natalie Narotzky

Devan Arnold

Jesse Carter

Thomas Jordan

Committee Members Appointed

Name	Position
Natalie Narotzy	Chair
Jovanina Pagano	Vice Chair
Michael Feldstein	Member
Ananda Hartzell	Member
Thomas C. Jordan	Member
Devan Arnold	Member
Jesse Carter	Member
Mark Phillips	Member
Aretha Whitehead	Member
Vacancy	Member
Vacancy	Member

Host Community Agreement Application

Fulcrum Enterprises, LLC

Cultivation and Product Manufacturer

1. Name and contact info of license holder

Fulcrum Enterprises, LLC
22 Van Deusenville Road
Great Barrington, MA 01230

Contact Person: John Heck
generalpushing@gmail.com
914-263-6627

2. Name and contact info of application representative if different (person filling out this form)

Kathleen M. McCormick, Esq.
McCormick, Murtagh & Marcus
390 Main Street, Suite 2
Great Barrington, MA 01230
(413)-528-0630
kmccormick@mccormicklegal.com

3. Name and contact info of person responsible for day-to-day operation (Store Manager, etc.)

David Ross, Partner
63176 Nels Anderson Road, Suite 150
Bend, OR 97701

centraloregongreenhouse@gmail.com
Tel: 541-480-9392

4. Employment history of store manager, past 5 years

Hortitech Greenhouse
2014-Present
Owner/Business Consultant

David has worked in the cannabis industry for over 10 years and has experience as both an indoor and outdoor cultivator, a manufacturer and a consultant.

5. List of all executives, managers or persons/entities having authority over the management, policies, security operations or cultivation operations of the establishment

- a) John Heck, Manager of LLC
- b) G. William Heck, Manager of LLC
- c) Jerad Lauzier, Manager of LLC
- d) David Ross, Manager of LLC

6. Has anyone on the list of participants (principals, investors, employees) ever held an alcohol license? Ever been cited for an ABCC violation?

No.

7. Name and address of owners, investors, and other capital resources available to this applicant for the purpose of establishing or operating the Marijuana Establishment

- a. John Heck
28 Priscilla Avenue
Yonkers NY 10710-3606
- b. David Ross
63176 Nels Anderson Road, Suite 150
Bend, OR 97701
- c. G. William Heck
6574 North State Road 7, #320
Coconut Creek, FL 33073

8. DBA and business structure.

Fulcrum Enterprises, LLC is a Massachusetts limited liability company.

9. Address of marijuana establishment and description of parts of the address to be used (Floor number, square footage, doors to be used by customers/staff)

The Marijuana Establishment will be located at 22 Van Deusenville Road, a 5.78 acre parcel in an Industrial Zoning District. The proposed project is the construction of an 80,000 square foot marijuana cultivation and manufacturing facility. The proposed cultivation fields will be constructed in several enclosed

greenhouses. The existing house will remain as a single-family house with a corresponding residential use. A new 50' x 100' pre-fabricated steel building will be constructed on the southern portion of the property. This building will contain offices, restrooms, a vault and drying space for product. Also within this building will be a FlexLab C1D1 prefabricated manufacturing extraction lab.

10. Description/drawing of view from the street, view from abutters.

The project proposes to install a planted buffer in addition to a six (6) foot privacy fence, to provide a visual buffer between the greenhouses and the road. There will be no structures located within fifty (50) feet of the property line. Further, the canopy (or tarps) used to cover the greenhouses will be opaque, to allow for the passage of light but provide visual screening of product. The project will look like a typical, organic farm.

11. How many other facilities do principals have/are applying for and where?

The principals do not own and are not currently applying for additional facilities.

12. Parking plan.

This building will be accessed by using the existing common gravel driveways from Nolan Drive to a proposed gravel parking containing seven (7) spaces.

13. Prevention of diversions.

Fulcrum Enterprises, LLC will not be open to the public. Employees and Principals will have keycard access for entry to grow rooms, manufacturing spaces, storage areas and processing zones. There will be full perimeter and interior video surveillance 24/7 to detect any product diversion. There will be a six (6) foot privacy fence surrounding the property.

14. Intended training and qualifications for staff.

Cultivation

Basic landscaping skills will be required for the cultivation work. Staff will not be required to have marijuana specific experience. Jerad, Partner in Charge of Growing, will train the staff to complete daily plant maintenance tasks such as: planting, pruning, watering, fertilizing, pest control application, and harvesting techniques. Each employee will be required to possess a Marijuana Establishment Agent registration card as specified by the Cannabis Control Commission. All employees will undergo the standard background checks in

order to obtain the registration card. Every person working at the facility will be required to have their registration card in their possession at all times while working on the premises. The cultivation staff will follow OSHA safety protocols.

Manufacturing

The lead extraction technician will be required to have multiple years of extraction experience and at least one year of experience in a state with recreational marijuana program. They will be required to follow all OSHA and lab safety standard protocols. Training on processing equipment (assembly, cleaning, maintenance) will be provided by the equipment manufacturer. The lead technician will be responsible for training their staff. Appropriate employees will be trained on the maintenance and required data backup storage of the facility's video surveillance equipment.

15. Date of Community Impact Meeting

May 28, 2019

16. Date you would like to appear before Selectboard?

To be heard simultaneous with Special Permit Application for Marijuana Establishment (Cultivation and Manufacturing)

SIDEWALK LICENSE AGREEMENT

This License Agreement (the "Agreement") dated July 23, 2018 between **The Town of Great Barrington**, a municipality of the Commonwealth of Massachusetts, with a usual business and mailing address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town") and **47 Railroad LLC** a Domestic Limited Liability Company with a usual business address of 13 Pothul Drive, Great Barrington, Massachusetts, 01230 (the "Building Owner") and **Mooncloud, LLC**, a Massachusetts Limited Liability Company with a principal business address of the premises, 47 Railroad Street, Unit 1A, Great Barrington MA 0130, collectively (the "Licensee").

Background

The Town owns in fee the street known as Railroad Street, including the sidewalks adjacent thereto, in the Town of Great Barrington, including, without limitation, the portion thereof shown as the "Proposed License Area" on the sketch plan attached hereto as EXHIBIT A, entitled "Seating Layout", (the "Plan"). The Building Owner owns that certain land and the building thereon located immediately adjacent to the Proposed License Area and shown in part on the Plan (the "Licensee Property").

The Licensee shall operate a restaurant in and on the Licensee Property and proposes to place within the Proposed License Area tables, chairs and related furniture and furnishings for the purpose of providing seasonal outdoor seating to its restaurant patrons. Such proposed furniture and furnishings are to be located substantially as shown on the Plan, (together, the "Outdoor Furniture").

To permit the Licensee to offer seasonal outdoor seating within the Proposed License Area, the Licensee has requested of the Town, and the Town has agreed to provide to the Licensee, on the terms and conditions set forth herein, a license for the Licensee to place and install and thereafter to maintain the Outdoor Furniture within the Proposed License Area.

Agreement

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the receipt and sufficiency of such consideration being hereby acknowledged by the parties hereto, the Town and the Licensee hereby agree as follows:

1. **License; License Area.** The Town hereby grants to the Licensee a license (the "License") to place and install and thereafter maintain the Outdoor Furniture within the "Proposed License Area" (the "License Area"), and specifically, substantially as shown on the Plan. The rights of the Licensee hereunder shall be exercised, to the extent reasonably possible, subject to the rights of the Town, the inhabitants of the Town, and the general public to passage by foot and to passage by vehicle owned by the Town, over and through all portions of the License Area not occupied by the Outdoor Furniture, on

the terms and conditions more particularly set forth herein. The rights of the Licensee hereunder shall further be subject to the right of the Town, **other public agencies, and public utilities** to install and maintain subsurface and surface improvements and utilities within the License Area. The Licensee shall not place or install any of the Outdoor Furniture without first obtaining the approval of the Town for the specific location within the License Area, to be granted or withheld in the Town's sole and absolute discretion. The installation and placement of the Outdoor Furniture shall comply with all municipal, state, federal and other applicable requirements therefor, including requirements for accessibility to persons with physical disabilities. The Outdoor Furniture shall be designed and arranged to accommodate no more than 11 persons and the seating capacity within the License Area shall be limited to 11 persons.

2. **Term of License.** The term of the License shall commence ~~on April 1, 2018, simultaneously with the execution of this agreement~~ and shall continue to ~~November 30, 2018~~December 31, 2020 (the "Expiration Date") or revocation of the License in writing upon seven (7) days' written notice by the Town to the Licensee. Licensee shall remove all outdoor furniture from the License Area between November 30, 2019 and April 1, 2020. ~~by the expiration date.~~

3. **Consideration.** The consideration for this Licensing Agreement shall be \$50.00 payable to the Town of Great Barrington upon execution of this Agreement, and future renewals not requiring changes would be \$50.00.

4. **Effect of Termination, No Estate Created.** Upon the effective date of revocation or expiration of this License, the Licensee shall have no further rights in or access to the License Area. The Licensee acknowledges that the Licensee has no property or possessory rights in and to the License Area except a revocable license for use of the License Area as described herein. Upon termination or expiration of the License as set forth herein, the Licensee shall cause all of the Outdoor Furniture to be removed from the License Area as soon as reasonably and safely practicable, and shall restore the License Area to the condition thereof prior to placement and installation of the Outdoor Furniture, all at the sole cost and expense of the Licensee.

5. **License Area Condition and Access.**

a. The License Area shall be provided to the Licensee in its "AS IS" condition and the Licensee acknowledges that the Town has made no representation or warranty regarding the fitness of the License Area. The Licensee agrees that the Town shall not be liable to Licensee, its contractors, agents, employees, and representatives for any injury or death to persons entering the License Area, or loss or damage to vehicles, equipment or other personal property of any nature whatsoever of the Licensee, or of anyone claiming by or through Licensee, that are brought upon the License Area pursuant to the License.

b. The License Area shall be surrendered to the Town on the date of revocation or expiration of this License in as good condition as on the date of this License (reasonable wear and tear excepted). Except as expressly herein provided, the Licensee shall make

no alterations or improvements to the License Area without the Town's consent. The Licensee shall permit the Town and its agents to enter and examine the License Area, and to use the License Area or perform work therein or thereon, at any time, as required by the Town, in the Town's sole and absolute discretion. The Licensee shall cooperate with the Town and the Town's contractors with respect to any work to be performed by or for the Town within or adjacent to the License Area.

6. **Conditions of License.** The Licensee agrees that the rights of the Licensee hereunder shall be expressly conditioned upon the following, without limitation:

a. **Maintenance.** The Licensee shall maintain the Outdoor Furniture and the full extent of the surface of the License Area for the entire term during which the License remains in effect. Without limitation, the Licensee shall properly maintain all the Outdoor Furniture within the License Area, and shall keep the License Area free of accumulations of water, snow and ice, and free from litter and debris of any kind, all at the sole cost and expense of the Licensee.

b. **Insurance.** Before entry into the License Area for purposes of the placement or installation of any of the Outdoor Furniture or use thereof as authorized hereunder, and at all times thereafter while the License remains in effect, the Licensee shall obtain and maintain, at the Licensee's expense, insurance coverage with limits and coverages acceptable to the Town. Without limitation, such insurance coverage shall provide for general liability and property damage insurance, with limits and coverages acceptable to the Town. The Licensee shall provide to the Town a certificate or certificates of insurance coverage, as required by the Town, naming the Town as a certificate holder and additional insured, with respect to placement, installation, and maintenance of the Outdoor Furniture and use of the License Area and all other activities conducted by the Licensee in the License Area.

c. **The Licensee's Indemnity of the Town.** The Building Owner and Licensee shall indemnify the Town against and hold the Town harmless from any loss, cost, fee, expense, damage, or liability arising from or related to the Licensee's use of the License Area or failure to comply with the terms of this License. Without limitation, in the event that any part of the License Area is damaged by any action or failure to act by the Licensee, the Licensee shall cause such damage to be repaired, at the sole cost and expense of the Licensee. The Licensee's obligation hereunder shall survive expiration or termination of the License.

d. **Removal and Replacement of Outdoor Furniture.** Subject to the prior approval of the Town, to be withheld or granted in the Town's sole and absolute discretion, the Licensee shall have the right from time to time after initial placement and installation of the Outdoor Furniture to remove, replace or relocate the Outdoor Furniture within the License Area, subject to municipal and other legal or regulatory requirements for any such placement or location.

e. **Compliance with Licenses.** The Licensee shall comply with all terms and conditions of its Common Victualler and All Alcoholic Restaurant Liquor Licenses governing the Licensee Property at 47 Railroad Street. This License does not constitute an amendment of those licenses.

7. **Successors and Assigns.** The Licensee's rights under this License are for the benefit only of the Licensee. The Licensee shall not assign, sublicense, or transfer any of its rights under this License.

8. **Miscellaneous.** Any notice given under or in connection with the License shall be effective only if given in writing and shall be deemed duly served if and when hand delivered or if and when mailed postage prepaid by certified mail (in either case, whether or not delivery is accepted) to the address given above for the party to receive such notice. This Agreement contains all the agreements between the parties with respect to use of the License Area by the Licensee, and may be amended only in writing by an instrument signed by all of the parties hereto. No provision of this Agreement shall be deemed to have been waived by any party unless such waiver is in writing and is signed by the party to be charged.

Building Owner:
47 RAILROAD STREET, LLC

THE TOWN OF GREAT BARRINGTON

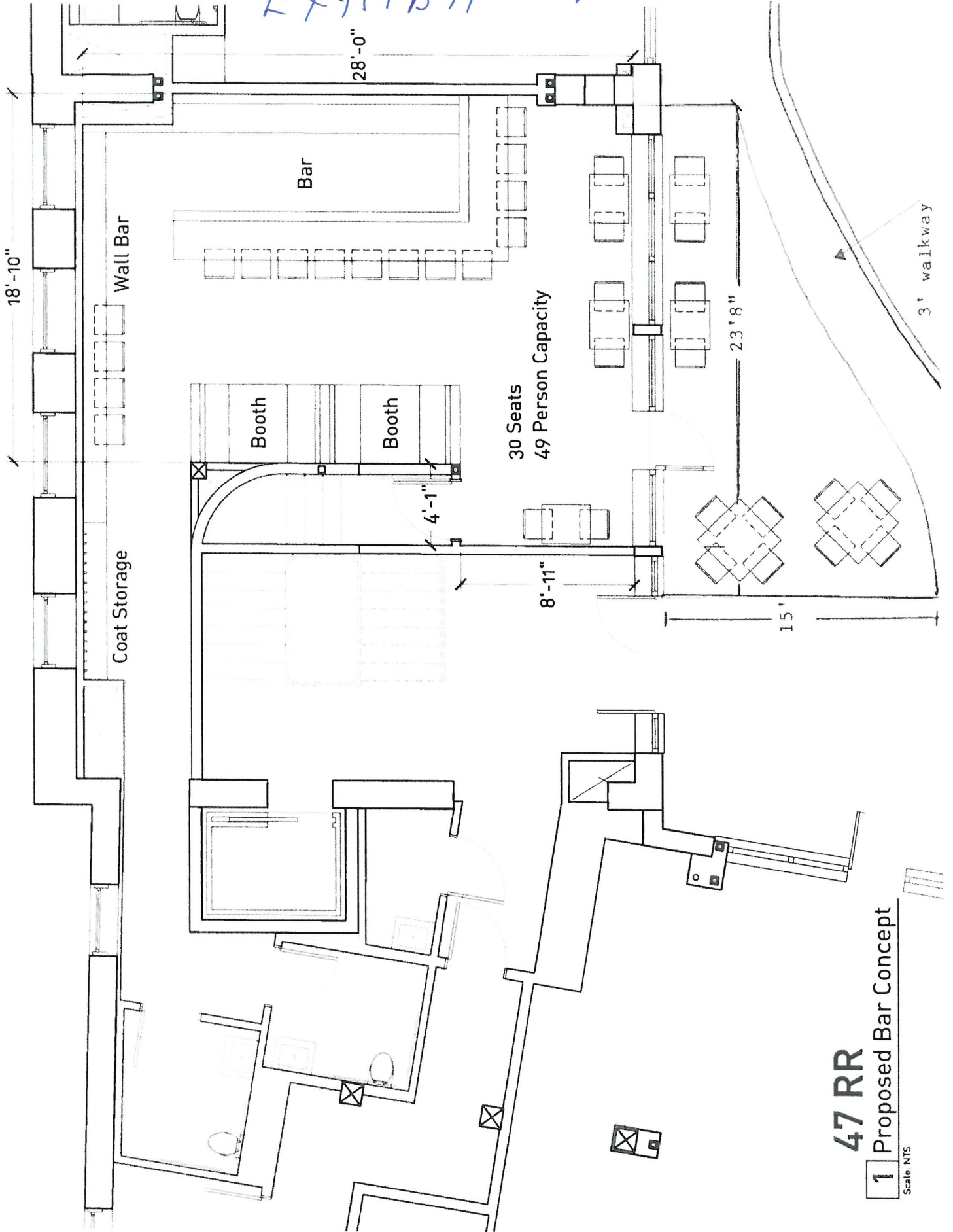
By: _____
Samuel Nickerson

By: _____
Stephen Bannon, Chair

Licensee:
Mooncloud, LLC

By: _____
Emily Rachel Irwin, Authorized Signatory

EXHIBIT "A"



47 RR

1 Proposed Bar Concept

Scale: NTS