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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Regular Meeting and Joint meeting with Housing Authority
Order of Agenda for Monday, February 8, 2021, at 6:00 PM, Via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83252033211?pwd=a1R5WGNGUG1renBZaERqTjdmdbDBpZz09>

Webinar ID: 832 5203 3211

Passcode: 945945

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Great Barrington Selectboard 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 by following the 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. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

*****ALL VOTES ARE ROLL CALL*****

1. CALL TO ORDER SELECTBOARD REGUALR MEETING
2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
 - a. Election Warden Retirement
3. TOWN MANAGER'S REPORT
 - a. HWW
 - b. Board/Committee Vacancies
 - c. HIC Update
 - d. FY22 Budget Season
4. LICENSES AND PERMITS
 - a. Wayland Benbow for an Annual Common Victualler License for the Subway Restaurant at 246 Stockbridge Road
5. NEW BUSINESS
 - a. Referral of proposed zoning amendments to the Planning Board for Public Hearing
 - b. FY22 Budget Policy

6. UNFINISHED BUSINESS

- a. Trust Policy Committee
- b. Personnel Policy
- c. Lover's Lane/Route 7 Intersection (stakeholder discussion)

7. CITIZEN SPEAK TIME

- a. *Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.*

8. SELECTBOARD'S TIME

9. MEDIA TIME

10. ADJOURNMENT

*****ALL VOTES ARE ROLL CALL*****

1. CALL TO ORDER SELECTBOARD AND HOUSING AUTHORITY JOINT MEETING 7 PM

2. JOINT APPOINTMENT TO THE HOUSING AUTHORITY

3. CITIZEN SPEAK TIME

Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.

4. MEDIA TIME

5. ADJOURNMENT

NEXT SELECTBOARD MEETING

Budget Meeting February 16, 2021

Regular Meeting February 22, 2021

Regular Meeting March 8, 2021

Regular Meeting March 22, 2021



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 be brought up for discussion to the extent permitted by law.

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

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 2/1/81

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: Wayland Benbow

NAME OF BUSINESS: Subway - VSub Boid LLC

D/B/A (if applicable): Subway

BUSINESS MAILING ADDRESS: 1050 West Hill Rd Wells VT 05774

BUSINESS TELEPHONE: 413-429-8554 HOME TELEPHONE: 203-314-5447

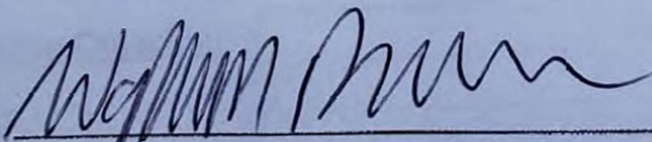
LOCATION WHERE LICENSE IS TO BE USED: 246 Stockbridge Rd
Great Barrington MA

DAYS OF OPERATION: Mon - Sun

HOURS OF OPERATION: 10 - 8 PM

DESCRIPTION OF PREMISES: Subway in gas station

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: _____
Corporate Officer (if applicable)

or FID# _____



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

February 4, 2021

Stephen Bannon, Chairman
Great Barrington Selectboard

Re: Planning Board's Proposed Zoning Amendments for the 2021 Annual Town Meeting

Dear Steve:

Enclosed please find the Planning Board's proposed zoning amendment for the next Annual Town Meeting. We ask the Selectboard to refer this and any other amendments proposed by the Selectboard, citizens, or landowners to the Planning Board for the hearing. The Planning Board will begin its Public Hearing on Thursday March 11, 2021 at 6:00 PM.

As you know, per MGL Ch. 40, s.5 the procedure for proposed zoning amendments (whether they are proposed by the Planning Board, citizens, or any other party) is that they be transmitted to the Selectboard. Upon receipt, the Selectboard must refer them to the Planning Board for a public hearing. At the hearing, the Planning Board will consider input on each draft amendment and vote whether or not to recommend the amendment to Town Meeting.

We understand that citizen-petition zoning amendments continued from the September 2020 special town meeting will also need to be heard at the public hearing. Unless you receive new versions of those proposals, the Board will take up the same materials that were submitted last year.

Thank you.

Sincerely,

Brandee K. Nelson, Chair

cc: Mark Pruhenski, Town Manager
Jennifer Messina, Town Clerk
Chris Rembold, Assistant Town Manager
Edwin May, Building Inspector

Attachment

Article 1: Downtown Business Mixed Use B-3 district

Purpose of the Amendment: These amendments will update the B-3 zone, which was adopted in 2007 in order to stimulate development at two large, abandoned sites – the former Searles-Bryant school and the Log Homes property – both on Bridge Street.

While well intentioned and aspirational in nature, in fact, the B-3 zone has not served its primary purposes. The current regulations are a set of design controls, open space and affordable housing bonus provisions, and onerous parking requirements, all wrapped into a complicated special permit process. The B-3 zone also included several lots on Church and School Street, none of which is large enough to lend itself to the sort of transformative development that the B-3 was designed to encourage; unfortunately, the B-3 could be used in a way to demolish small existing buildings in order to build new.

Fifteen years since its passage, both of the key campus sites have been partially developed, and permits are in place that would enable more development to be completed. Bryant was saved and reused, and Searles is permitted to be saved and reused. Affordable housing was built on the Log Homes site and will be occupied by the time of the 2021 Annual Town Meeting, and riverfront open space has been preserved for public enjoyment on both sides of the River. The forward progress in this zone has come not because of the B-3 zone provisions but despite them.

The Planning Board proposes to update the regulations to clarify the purpose of the zone and significantly streamline the development process.

Proposal: To see if the Town will vote to amend Sections 9.4, 3.1.4 (Table of Use Regulations) and 11 (Definitions), of the Zoning Bylaw as set forth below.

Proposed additions are underlined
Proposed deletions are ~~struck through~~

9.4 DOWNTOWN MIXED-USE B3 DISTRICT

9.4.1 Purpose. The Downtown Mixed-Use B3 District is a transitional area between the downtown business core and ~~the~~ residential neighborhoods. It is designed to protect the traditional character of these respective areas, ~~and~~ to assist in revitalizing, ~~preserving, and expanding~~ the larger tracts of former industrial land in this area, and to allow parcels to contain a mix of uses, either vertically or horizontally, to promote a variety of housing and business opportunities. ~~character of the traditional downtown core. The district is designed to enhance the downtown by providing a pleasing mix of land uses that work together and result in a lively, prosperous town center, that serves as an attractive place to live, work, shop, and recreate. Mixed uses may occur vertically or horizontally. Development and redevelopment in the district is intended to respect the traditional scale, massing, and character of the downtown.~~ The district is intended to foster the redevelopment of existing buildings or redevelopment that is sealed and massed in a manner that

creates a positive pedestrian environment with active pedestrian amenities. Specific objectives of the Downtown Mixed-Use District are to:

1. Allow for different types of compatible land uses close together or in the same building to encourage pedestrian and public transit travel and reduce the use of personal automobiles;
2. Encourage infill and redevelopment of commercial, residential, and mixed-use development while preserving and enhancing the overall character of the district;
3. ~~Allow flexibility in development standards in recognition of the challenge of developing~~ Encourage the development of small scale mixed-use buildings;
4. Encourage shared parking to promote a compact walkable town center, maximize pedestrian safety, and minimize the number of curb cuts.
5. ~~Maintain or increase the supply of affordable dwelling units.~~

9.4.2 Location. The Downtown Mixed-Use B-3 District is shown on a map entitled "Proposed B3 District," which is hereby incorporated into the Zoning Bylaw, and includes the following land as shown on the 2006 Great Barrington Assessors' Maps:

Map 19	Parcels 118, 119, 120, 121, 127, 128, 130, 135A, 136, 137, 138, 138A, and 139
Map 20	Parcels 2, 5, 8, 8A, 12, 12A, 13, 14, 15, 16, 17, and 61

~~**9.4.3 Definitions.** For the purposes of this Section, the terms defined in Section 11, "Downtown Mixed Use B3 District" shall apply.~~

9.4.43 Permitted Uses. Permitted uses in the Downtown Mixed-Use B3 District are enumerated in Section 3.1.4, the Table of Use Regulations. The permitted uses are intended to promote multifamily residential uses, mixed uses and compatibility between residential and nonresidential uses.

Projects that incorporate both multifamily residential uses or assisted living facilities with any of the following non-residential uses, where at least 25% of the street-level floor space is utilized for these non-residential uses, shall be considered Mixed Use for this district, and shall be permitted by-right, subject to Site Plan Review, notwithstanding the permissions set forth for any individual use in Section 3.1.4:

- (1) Offices, including medical offices
- (2) Retail stores, including banks, but excluding stores and establishments with drive-through windows
- (3) General service establishments and/or personal service establishments

- (4) Bakeries and/or artisan food or beverage producers
- (5) Restaurants and cafes, indoor or outdoor
- (6) Community, education, or recreational uses, including museums, parks, playgrounds, health clubs and gym/fitness centers
- (7) Municipal buildings and facilities.

9.4.54 Dimensional Requirements. Dimensional requirements in the Downtown Mixed-Use B3 District shall be as set forth in Section 4.0. ~~The dimensional requirements reflect the proximity to downtown.~~

~~1. The maximum number of dwelling units permitted by right shall be based on a minimum area of 2,500 square feet of land per dwelling unit, except that one two family dwelling may be permitted on a lot of at least 5,000 square feet. The minimum area of land required per dwelling unit may be reduced through incentives described in this section and granted by special permit.~~

~~**9.4.6 Open Space.** The Minimum open space required shall be 20% of the total lot area, subject to reduced requirements earned through incentives described in this section and granted by special permit. For the purpose of this section, "open space" shall be defined as yards, playgrounds, walkways and other areas not covered by parking and driveways; such open space need not be accessible to the public.~~

~~**9.4.75 Parking.** Parking requirements for residential dwelling units shall be one parking space for each unit. No parking space shall reduce the effective width of a driveway providing access to more than one dwelling unit to less than 12 feet. In the event the parking spaces cannot be provided on the property, deviation from this requirement may be permitted in accordance with Section 6.1.9. The off-street parking requirements in Section 6.1 shall not apply in the B-3 except as provided in this section. Off-street parking requirements in the B-3 shall be as follows:~~

- ~~1. For new buildings, required off-street parking spaces shall not be located within the front yard area.~~
- ~~2. Only one space shall be required for any dwelling unit, whether in residential-only or in mixed-use buildings.~~
- ~~3. For permitted uses in existing buildings (those in existence as of May 1, 2021) that are not substantially expanded, the existing parking spaces shall be retained, but no new spaces shall be required. A substantial expansion is defined, for the purpose of this section, as one which involves increasing the gross floor area of a structure by more than 25% or 500 square feet, whichever is less.~~
- ~~4. For permitted uses in new buildings or existing buildings that are substantially expanded, as defined in this section, or for any building greater than 5,000 square feet gross floor area, parking is required as follows:
 - ~~(a) one parking space shall be required for each dwelling unit;~~
 - ~~(b) the parking requirements for business or industrial uses in Section 6.1.2 through 6.1.6 shall be calculated as follows: the sum of the required parking for each use multiplied by 0.5 with the product rounded down to the nearest whole number, plus~~~~

handicapped parking as may be required by law or building code (Example: 3 spaces required for retail, 4 spaces required for offices: $(3 + 4) \times 0.5 = 3.5$, so 3 spaces, + 1 handicapped space, = 4 spaces are required); and

5. The parking requirements of paragraphs 2, 3, or 4 of this section may be waived if the SPGA grants a special permit pursuant to section 6.1.9.

9.4.86 Site Plan Review. ~~All redevelopment and~~ development ~~on a parcel or parcels in excess of 10,000 square feet of land~~ shall be subject to site plan review by the Planning Board. No building permit for such a development shall be issued by the Building Inspector until the Planning Board has conducted site plan review in accordance with Section 10.5.

9.4.97 Special Permit. Uses indicated in the Table of Use Regulations, ~~and any development or redevelopment in excess of 20,000 square feet of gross floor area, regardless of use,~~ shall require a special permit. ~~A special permit shall be required for any project seeking to use the density or open space incentives defined in this section.~~ The ~~Selectboard~~ SPGA may grant a special permit in accordance with the provisions of Section 10.4.

~~**9.4.10 Development Incentives.** To encourage specific attributes of development beneficial to the Town, the following incentives are offered by special permit.~~

- ~~1. Incentives for mixed use. Due to the proximity of this B3 District to the downtown core, and to promote the public enjoyment of development in this district, the following incentives are offered to promote mixed use, affordable housing, community supporting activities, river appreciation and community open space. Uses may simultaneously qualify for one or more incentives defined in this subsection.~~
- ~~2. Density incentives reduce land area per dwelling unit as set forth in Section 9.4.5. The maximum density incentive is a 50% reduction in required land area per dwelling unit.
 - a. Mixed use: for each 1,000 square feet of nonresidential use, reduce the minimum land area required per unit by 1%.
 - b. Affordable housing: for each unit of affordable housing reduce the minimum land area required by 5%.
 - c. Density incentives are cumulative.~~
- ~~3. Open space incentives reduce total open space requirements as set forth in Section 9.4.7. The maximum open space incentive is a 50% reduction in total open space requirement.
 - a. Community supporting activity: for the first use that the SPGA certifies as a legitimate community supporting activity, reduce the minimum open space required per unit by 5%. For additional uses occupying at least 1,000 square feet that the SPGA certifies as a legitimate community supporting activity, reduce the minimum open space required per unit by 5% for each 1,000 square feet. For the~~

~~purpose of this section, a "community supporting activity" is defined as use or ownership by either a nonprofit organization or an educational or arts organization which provides services to the community.~~

~~b. River appreciation: for a nonresidential use that facilitates the public enjoyment of the riverfront, as determined by the SPGA, reduce the minimum open space required per unit up to 15%.~~

~~c. Community open space: for a nonresidential use that allows permanent public access to open space within the development, as determined by the SPGA, reduce the minimum open space required per unit up to 15%.~~

~~d. Open space incentives are cumulative.~~

~~**9.4.11 Affordable Housing.** To promote the development of affordable housing units in the Town. All new residential development in this district containing more than four dwelling units shall contribute to affordable housing.~~

~~1. New construction of more than four and fewer than 10 dwelling units shall include either: A contribution to an established Municipal Affordable Housing Trust Fund to be used for the development of affordable housing in accordance with this Section; or construction and offering of at least one affordable unit within the development in accordance with this Section.~~

~~2. Any project of 10 or more dwelling units shall designate 10% of the units within the development as affordable units, and includes a contribution to the Municipal Affordable Housing Trust fund for fractional units as defined herein~~

~~The Building Inspector shall not issue a building permit or the SPGA shall deny any application for a special permit for development or redevelopment under this section if the applicant does not comply with the following requirements:~~

~~1. For construction of 10 units or any multiple of 10, one of each 10 units shall be an affordable unit. For each unit sold prior to provision of the required affordable housing units, a performance security, in the amount of 3.5% of the sales price of each unit, shall be placed in escrow to be held by the Municipal Affordable Housing Trust Fund. Such contributions to escrow shall be made at time of closing for each unit sold and shall be returned to the developer in proportion to the completion of the affordable housing units. For purposes of this section, "completion" means a certificate of occupancy under the State Building Code has been issued.~~

~~2. When the total number of units is not evenly divisible by 10, applicants under this section shall either:~~

~~a. Construct one additional affordable unit in addition to those required pursuant hereto; or~~

~~b. Contribute, at time of closing, 3.5% of the sales price of each fractional unit to the Municipal Affordable Housing Trust Fund. Fractional units are determined as follows:~~

~~1. For construction of more than four but less than 10 dwelling units, the number of fractional units is the total number of units.~~

~~2. For construction of more than 10 units or any multiple of 10, the number of fractional units is determined by subtracting the largest multiple of 10 from the total number of units.~~

~~3. Income and asset limits for purchasers or renters: To ensure that only eligible households purchase or rent affordable housing units, the purchaser or renter of an affordable unit shall be required to certify that his/her annual income does not exceed 80% of the area wide median household income adjusted for household size, as determined by the United States Department of Housing and Urban Development ("HUD") and using HUD's rules for attribution of income to assets, as may be revised from time to time.~~

~~4. The maximum housing cost for affordable units created under this section shall be as set forth in the Local Initiative Program Guidelines of the Massachusetts Department of Housing and Community Development ("DHCD"), dated November 2006, or as subsequently amended.~~

~~5. Preservation of affordability. Each affordable unit created in accordance with this section shall have limitations governing its resale. The purpose of these limitations is to preserve the long term affordability of the unit and to ensure its continued availability for low and moderate income households.~~

~~6. The developer or redeveloper of any project under this section shall execute and properly record a LIP Regulatory Agreement and Deed Rider in the form required under the Local Initiative Program Guidelines, which constitute "affordable housing restrictions" as defined in G.L. c. 184, s. 31, and provide for affordability in perpetuity.~~

~~7. The purchaser of any affordable unit under this section shall execute and properly record an Affordable Housing Deed Rider for Projects in Which Affordability Restrictions Survive Foreclosure, or as it may be subsequently amended, in the form used for so-called Local Action Unit (LAU) homeownership projects under the regulations of the DHCD. This deed rider establishes the formulas for maximum resale price, and provides an option to purchase to the municipality if an eligible purchaser cannot be found.~~

~~**9.4.12 Affordable Housing; Specific Requirements.** The purpose of this subsection is to provide for the development of affordable units in compliance with various initiative programs developed by state and local government. This subsection does not apply to construction of four or fewer dwelling units on the same lot. Provided that there are more than four dwelling units in a~~

~~development subject to this Section, at least 10% of the units shall be established as affordable units:~~

- ~~1. Affordable housing units shall be constructed and made available for occupancy coincident with and in proportion to the development of market rate units.~~
- ~~2. All affordable units shall be situated within the development in no less desirable locations than market rate units in the development;~~
- ~~3. All affordable units shall be no less accessible to public amenities, such as open space, than the market rate units;~~
- ~~4. All affordable units shall be integrated with the rest of the development;~~
- ~~5. All affordable units shall be compatible in design, appearance, construction and quality of materials with other units; interior features of affordable units shall comply in all respects to the minimum design and construction standards set forth in Section III of the Local Initiative Program Guidelines cited below.~~

~~**9.4.13 Affordable Housing Units; Marketing Plan.** Applicants under this section shall submit a marketing plan to the Building Inspector or SPGA for approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants and shall comply with all applicable provisions of state law regarding marketing of, and tenants or buyer selection for, affordable units.~~

- ~~1. Local preference shall be given to the maximum extent permitted by law.~~

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
(4)	Clubhouses or fraternal lodges not conducted for profit	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	
(5)	Commercial amusements, fairgrounds	N	N	N	N	N	SB	SB	N	SB	N	N	NSB	SB	SB	SB	
(6)	Community center operated by a municipal or private not-for-profit organization	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	
(7)	Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(8)	Educational use, nonexempt	N	N	SB	N	SB	SB	SB	N	SB	SB	SB	SB	SB	SB	SB	See also 7.6
(9)	Golf or country clubs	N	N	SB	N	SB	N	N	N	N	SB	N	N	N	SB	SB	
(10)	Hospitals, sanitariums, nursing or convalescent homes or philanthropic institutions, provided that no principal building so used shall be within 50 feet of any lot line	N	N	SB	N	SB	SB	SB	N	SB	SB	SB	SB	SB	SB	SB	See also 8.10 .
(11)	Municipal parks and playgrounds, including recreational buildings therein	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(12)	Public libraries, public museums, municipal buildings and facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(13)	Riding stables on less than 5 acres, provided that any buildings or structures are set back not less than 50 feet from any lot line	N	N	SB	N	SB	SB	N	N	SB	SB	N	N	N	SB	SB	
(14)	Ski tows, provided that	N	N	SB	N	SB	SB	N	N	SB	N	N	N	N	SB	SB	

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
	any buildings or structures are set back not less than 50 feet from any lot line																
(15)	Summer camps operated for children on sites not less than 10 acres in area	N	N	SB	N	SB	N	N	N	N	SB	N	N	N	N	N	
(16)	Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
C. Office, retail and consumer service establishments																	
(1)	Banks and other financial institutions	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(2)	Fast-food eating establishments	N	N	N	N	N	SB	SB	N	SB	N	SB	N	SB	N	N	See also 7.7 , 7.9
(3)	Fuel storage and sales, excluding motor vehicle fuel stations	N	N	N	N	N	SB	N	N	SB	N	N	N	SB	SB	SB	
(4)	Garages, public	N	N	N	N	N	SB	SB	N	SB	N	SB	SB	SB	SB	SB	See also 9.7
(5)	Garden centers, including associated landscaping services	N	N	N	N	N	SB	Y	N	Y	Y	Y	Y	Y	Y	Y	
(6)	General service establishment	N	N	N	N	N	Y	Y	N	Y	N	Y	SB	Y	Y	Y	
(7)	Greenhouses, commercial, on less than 5 acres, provided that no heating plant for a greenhouse shall be within 50 feet from any side or rear lot line	N	N	Y	N	Y	SB	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(8)	Hotels	N	N	N	N	N	SB	SB	N	SB	SB	SB	SB	SB	SB	SB	See also 7.10
(9)	Institutional administrative offices	N	N	SB	N	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	See also 7.13

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS		
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2	
	or planned professional office developments or research centers, provided that in R2 & R4 Districts such uses are subject to special requirements																	
(10)	Kennel	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	See also 7.17
(11)	Large-scale commercial development	N	N	N	N	N	Y	SB	SB	SB	N	N	SB	N	SB	SB	See also 7.9 , 7.12 , 9.6	
(12)	Lumberyards	N	N	N	N	N	SB	N	N	SB	N	N	SB	SB	SB	SB		
(13)	Marijuana Establishment, Retail and Medical Marijuana Treatment Center	N	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	Y	N	See also 7.18.	
	Marijuana Establishment, Cultivation *	N	N	SB*	N	SB*	N	N	N	N	N	N	N	N	SB	N	* Cultivation in the R2 and R4 zones may only be considered on parcels of 5 acres or larger. See also 7.18.	
	Marijuana Establishment, Manufacturing	N	N	N	N	N	N	N	N	SB	N	N	SB	N	SB	N	See also 7.18.	
(14)	Motels or overnight cabins	N	N	N	N	N	SB	SB	N	SB	N	SB	SB	SB	SB	SB	See also 7.10	
(15)	Motor vehicle fuel station	N	N	N	N	N	SB	SB	N	SB	N	SB	N	SB	SB	SB	See also 7.8	
(16)	Motor vehicle general and body repair	N	N	N	N	N	SB	SB	N	SB	N	SB	N	SB	SB	SB		
(17)	Motor vehicle sales rooms including used car lots	N	N	N	N	N	SB	SB	N	SB	N	SB	N	SB	SB	SB		
(18)	Offices	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
(19)	Parking lots,	N	N	N	N	N	SB	SB	N	SB	N	SB	SB	SB	SB	SB		

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
	commercial																
(20)	Personal service establishment	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	
(21)	Professional offices	SB	SB	SB	SB	SB	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See also 7.14
(22)	Restaurants and other places for serving food, other than fast-food eating establishments	N	N	N	N	N	Y	SB ⁴	SB	SB	SB	SB	SB	SB	SB	SB	See also footnote 4, below.
(23)	Retail stores or centers and/or wholesale sales and service with total aggregate floor area less than or equal to 20,000 square feet	N	N	N	N	N	Y	Y ⁵	Y	Y	SB	Y ⁵	Y	Y ⁵	Y	Y	See also footnote 5, below.
(24)	Retail stores and shops for custom work or making of articles sold on the premises	N	N	N	N	N	Y	Y	SB	Y	SB	Y	Y	Y	Y	Y	
D. Agricultural uses																	
(1)	Agriculture, as defined by MGL c. 40A, s. 3, on tracts larger than 5 acres, including sales of products raised on premises on stands or structures erected in accordance with front yard setback requirements, provided that soil fertilizer shall be stored not less than 100 feet from any lot line, unless kept in air-tight containers	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
E. Utilities, communication and transportation																	
(1)	Aviation field, public or private	N	N	N	N	SB	N	N	N	N	N	N	N	N	N	N	See also 7.2

Permitted Use		ZONING DISTRICT ¹															ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I	I2	
(2)	Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
(3)	Freight terminals, truck or rail	N	N	N	N	N	SB	N	N	SB	N	N	N	SB	SB	SB	
(4)	Low-power FM broadcast radio licensed by FCC																See also 7.15
	(a) Studio	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
	(b) Antenna	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	
(5)	Passenger stations	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	
(6)	Personal wireless tower or structure as a principal (or accessory) use in the Overlay District, and the initial and any subsequent personal wireless service facility located upon that tower or structure (see Section 9.3 of this Bylaw)																See also 9.3
(7)	Solar Energy Systems:																
	Roof-mounted (any size)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See also 9.12
	Accessory use, up to 750 sf project area ⁶	Y	Y	Y	Y	Y	PB	PB	Y	Y	Y	Y	Y	Y	Y	Y	See note ⁶ and 9.12
	Accessory use 750 sf project area or larger ⁶	PB	PB	Y	PB	Y	PB	PB	Y	Y	PB	PB	Y	Y	Y	Y	See note ⁶ and 9.12
	Commercial scale	N	N	PB	N	PB	PB	N	N	PB	N	N	PB	N	Y	PB	See also 9.12
F. Industrial, manufacturing and storage uses																	
(1)	Contractor's and Landscaper's yards	N	N	N	N	N	N	N	N	N	N	N	N	SB	Y	Y	
(2)	Gravel, loam, sand and stone removal for commercial purposes	N	N	SB	N	SB	N	N	N	SB	N	N	N	N	SB	SB	See also 7.5
(3)	Light manufacturing	N	N	N	N	N	N	SB	N	SB	N	SB	SB	SB	Y	Y	See also 6.4
(4)	Saw (log) mill and manufacture of forest products, provided that any saw (log) mill shall be	N	N	N	N	N	N	N	N	N	N	N	N	N	SB	SB	

Permitted Use		ZONING DISTRICT ¹														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
	sod or removal of topsoil, gravel, loam, sand, stone or other earth materials																
(11)	Keeping of horses, for whatever purpose, subject to Board of Health regulations and only on lots of 5 acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(12)	Private garage or off-street parking for private automobiles registered at the premises	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(13)	Swimming pools, inground or aboveground. Pool must be equipped with safety covers, alarms, fencing, or other means of protection as required by the Building Code, so designed and built to restrain entry by unauthorized persons.	Y	Y	Y	Y	Y	SB	Y	SB	SB	SB	Y	SB <u>Y</u>	Y	SB	SB	
(14)	Wind Energy Generator	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB



DEFINITIONS (SECTION 11)

~~**DOWNTOWN B3 MIXED USE DISTRICT:** The following definitions apply in the Downtown Mixed-Use B3 District:~~

~~**AFFORDABLE UNITS:** Housing units that are affordable to and occupied by individuals and families whose annual income is less than 80% of the area wide median income as determined by HUD, adjusted for household size and using HUD's rules for attribution of income to assets. Affordability shall be assured in perpetuity through the use of an affordable housing restriction as defined in G.L. c. 184, s. 31. Affordable units shall 1) meet the standards set out in 760 CMR 45.03, Local Action Units, as set forth in 760 CMR 45.00, Local Initiative Program, and further described in the DHCD's Local Initiative Program Guidelines, dated November 2006, or as subsequently amended; or 2) be created as affordable units within an approved MGL c. 40B Comprehensive Permit application. Such units shall be created and restricted so as to be eligible for inclusion, as low or moderate income units, on the Town's Subsidized Housing Inventory as maintained by the DHCD.~~

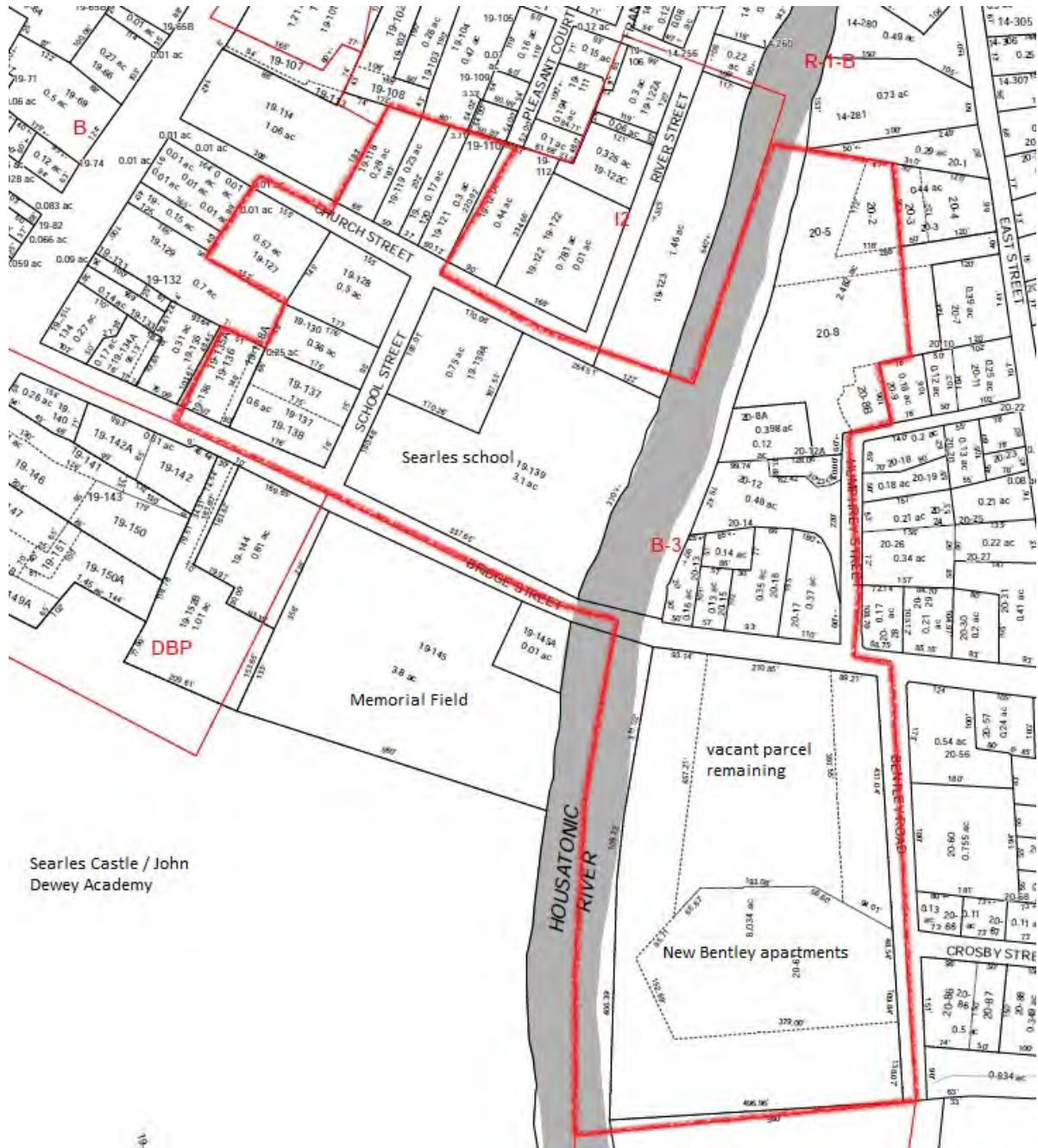
~~**COMMUNITY SUPPORTING ACTIVITY:**— Activity sponsored by a nonprofit or educational or arts organization that provides services to members of the community either directly (for example, by providing medical services at a reduced cost) or through programs available to community members (for example, by offering theater programs, or classes in which community members may participate).~~

~~**MUNICIPAL AFFORDABLE HOUSING TRUST FUND:** A trust fund established by the Town in accordance with G.L. c. 44, s.55C for the specific purpose of providing for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households.~~

~~**QUALIFIED PURCHASER:** An individual or family with household income that does not exceed 80% of the area median income, with adjustments for household size, as reported by HUD and the DHCD's Local Initiative Program.~~

~~**QUALIFIED TENANT:**— An individual or family with household income that does not exceed 60% of the area median income, with adjustments for household size, as reported by HUD and the DHCD's Local Initiative Program.~~

NB: the B-3 zone is as shown below (current 2020 assessor's map).



Great Barrington Budget & Financial Policy for Fiscal Year 2022

The Town of Great Barrington will manage municipal finances wisely. This will include planning for adequate funding to: 1) Provide and maintain public services and facilities at a level that will ensure public well-being and safety; 2) Comply with all Town by laws, rules and regulations; and 3) Meet the strategic priorities of the Town.

The budget and financial goals set forth by the Town Selectboard and the Finance Committee in the policy document outlines the priorities and objectives of the Town and provides agreed upon financial guidelines to be used in the preparation and review of the annual budget.

STRATEGIC PRIORITIES

- Ensure public safety.
- Ensure public health.
- Maintain a strong local economy.
- Strive for a high quality of life.
- Maintain developed, stable and healthy communities.
- Seek environmental sustainability.
- Ensure the fiscal stability of the Town.
- Maintain public infrastructure.
- Follow Great Barrington's Master Plan.

FINANCIAL GOALS

- Maintain adequate financial resources to sustain municipal services in the short and long term.
- Respond to the changes in the economy and meet the priority needs of our Town.
- Provide quality services efficiently and on a cost-effective basis.
- Maintain appropriate financial capacity for present and future needs.
- Maintain our top level AAA credit rating.
- Work to keep the overall tax levy as low as possible.

FINANCIAL MANAGEMENT POLICY

Revenue

- Services provided may not exceed available resources.
- Process must provide quality estimates of available revenue.
- Process must anticipate any changes in revenue in upcoming years.
- Seek to diversify revenue sources.
- Estimate available resources including state funds, local funds, fees, grants and other sources.

Real Estate Tax

- Town must restrict levy to a 2.5 % increase over the prior year levy limit adjusted for new construction growth and net debt and capital exclusions, as per Mass General Law.

- Proposed budget to not exceed legal property tax levy. Evaluate local estimated tax rate based on level of affordability including: average and median income; average and median value of real property and the cost of living.

User Fees

- Establish user fees and other non-property tax revenues to recoup, to the extent possible, the costs of supplying a particular service.
- Review current department fee structures and charges for services annually to determine if they reflect the cost of the service and are also reasonable and affordable fees.

Debt Management

- Allow no borrowing to fund operational programs.
- Debt service payments may not require the elimination of essential Town services.
- Ensure that the Town's general obligation debt ratio not exceed 50% of statutory limit (5% of equalized valuation).
- Exempt from Proposition 2½ any long term capital debt for municipal buildings, WWTP improvements, fire apparatus acquisition and school facilities improvements.

Service Delivery

- Manage financial resources through internal controls.
- Establish operation practices that minimize the cost of government and financial risk.
- Provide efficient public services.
- Minimize the cost of administration.
- Identify and measure performance outcomes.
- Review the level of services and standards annually.

BUDGET PREPARATION PROCESS

The FY 2022 budget will be estimated in accordance to municipal code and applicable state law. The budget is based on separate funds set forth from anticipated revenues and expenditures for the General Fund and the Enterprise Fund.

The annual operating budget will contain complete financial statements that show outstanding obligations of the municipality, cash on hand to the credit of each fund, funds received from all sources during the preceding year, funds available from all sources during the ensuing year, revenue estimates to cover expenses in the proposed budget and the estimated tax rate required to fund the proposed budget.

For Fiscal Year 2022, the Selectboard and the Finance Committee agree that the budget preparation and review process shall include the following steps.

1. Review and approve Financial Policy.
 - a. Distribute Budget Books
 - b. Forecast Revenues.
 - c. Update Capital Plan.
 - d. Review Department Budgets
2. Review Projects Proposed for CPA Funds.

3. Participate in BHRC's joint budget meeting with Stockbridge and West Stockbridge.
4. Hold Budget Workshop Meetings.
5. Hold Public Hearing.

The Selectboard and the Finance Committee will jointly set the dates for the above budget meetings. For Fiscal Year 2022, the Selectboard and the Finance Committee agree that the following will be done to ensure there is community engagement in the budget process:

1. Provide on-line access to budget information.
2. Provide printed budget books for the public at the libraries.
3. Provide a digital budget book on the town website.
4. Hold open meetings and hearing.

LOCAL GOVERNMENT SERVICES

- The Town Manager will prepare the budget for review by the Selectboard and the Finance Committee.
- The Town Manager may propose significant reorganizational changes and provide alternative ways to deliver services within the proposed budget.
- Performance objectives and goals will be identified and assessed.
- Town Manager may propose elimination of a service in the budget if it is not needed or cost-effective and/or propose new services as needed.
- Any service reductions shall be noted in the Fiscal 2022.
- Salaries and employee insurance contributions shall be set in the Fiscal Year 2022 budget pursuant to the Town's collective bargaining units and/or those already approved via a negotiated settlement and for non-represented personnel as authorized by the Town Manager.

For any proposed new needs, the Town Manager will:

1. Explain and justify the new need(s).
2. Identify alternatives to what is being proposed and the pros and cons.
3. Identify the cost and benefit of the proposed alternative.
4. Identify financing source to pay for new need.
5. New need(s) include: any expansion of municipal services necessary; any additional staff and any additional resource needed to meet service needs or expanded service needs.

TOWN BUDGET FORMAT

For Fiscal Year 2022, the Selectboard and the Finance Committee agree that the following will be done to ensure that the budget information is provided in a format that is clear, accurate and complete.

Operating Budget Report:

- Town Manager to request that Departments submit proposed budget with operational plan and report. Background information will include department goals and objectives, strategic initiatives, summary of activities and level of service.
- The Town Manager to review methods of operation, program service delivery and

- expenditure of resources inclusive of manpower allocation to ensure maximum efficiency of the Town.
- Town Manager to provide complete financial statements in the Budget Book to include:
 - Outstanding obligations.
 - Cash on hand.
 - Funds received from prior year.
 - Sources of funds from prior year.
 - Estimated revenues.
 - Estimated expenses.
 - Estimate tax levy.
 - Estimate tax rate.
 - Estimate user fees for services.

Capital Budget Report:

- The Town defines a capital project as having an overall expenditure of \$10,000 and a life expectancy in excess of 2 years.
- The Town's annual budget will include a capital plan that identifies work to be started within that fiscal year.
- The budget shall include a five-year Capital Improvement Plan for all Town assets.
- Each year, the Selectboard and the Finance Committee will review the five-year Capital Improvement Plan to identify the future upcoming needs, review any changes to the schedule, cost estimate or sources of funding.
- Operational costs associated with any new equipment or infrastructure will be identified. The capital budget report will identify a funding plan that reflects available State funds, grants, bonds and tax levy dollars to finance each project.
- The capital budget report will include the Debt Schedule broken down by department and function and a 10-year history be provided if possible.

Enterprise Fund Report:

- The Town Manager shall prepare a budget for the Enterprise Fund that maintains it as self-supporting, without a property tax transfer.
- Enterprise Fund report will include a report on sewer fees and rate structure.

As adopted by the Finance Committee on the 2nd day of February 2021.

As adopted by the Selectboard the on the th day of , 2021.

EXECUTIVE SUMMARY

TITLE: Great Barrington Trust Policy Committee

BACKGROUND: In 2017, the Selectboard adopted the “Safe Communities- Great Barrington Trust Policy.” In accordance with that policy, the town is dedicated to developing a formal process for addressing violations of those Trust Policy commitments.

At our meeting of January 11th, the Selectboard instructed the town manager to prepare an executive summary for continued conversation on this topic.

Attached to this summary, is a copy of the 2017 Trust Policy, as well as a proposed charter for the creation of a “Great Barrington Trust Policy Committee.”

RECOMMENDATION: Staff recommends the Selectboard consider establishing a seven (7) member committee made up of residents from any South Berkshire town as proposed in the attached charter.

Staff further recommends that the board consider broadening the proposed Great Barrington Trust Policy Committee charter to include provisions for addressing the below commitment(s) of the 2019 GB Proclamation, or establishing a separate commission to fulfill this responsibility at a later date.

Therefore, the Selectboard resolves to:

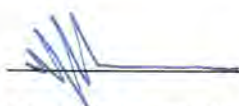
Create a working group to reflect the needs of our community and to review current practices and policies, and, if necessary, to make recommendations with respect to:

- *Police Department transparency and accountability*
- *Handling of allegations of misconduct*
- *Directing resources to community-based services to support residents and divert them from the criminal justice system.*

FISCAL IMPACT: None

PREPARED AND APPROVED BY:

DATE:



Mark Pruhenski/Town Manager

2/4/2021

GREAT BARRINGTON TRUST POLICY COMMITTEE

In accordance with section 2.2.6 of Great Barrington's 2017 *Trust Policy*, let the following document establish mandates for the creation and maintenance of a Trust Policy Commission.

ARTICLE I: TITLE AND PURPOSE

1. The purpose of the Great Barrington Trust Policy Commission (hereinafter the "Committee") is to uphold, review, and enforce the tenets of the *Trust Policy*.
2. The purpose of these regulations is to establish the responsibilities, duties, composition, and procedures for the operation of this Committee.

ARTICLE II: RESPONSIBILITIES AND DUTIES

1. Understand and uphold all principles and mandates of the Great Barrington *Trust Policy*.
2. Create a process for citizens to report and the committee to review instances of Trust Policy violations.
3. Review instances of *Trust Policy* violations and make recommendations to the appropriate authorities.
4. Work in conjunction with, and review, the activities of the Great Barrington Police Department (GBPD) as pertaining to policies, procedures, services, and activities involving immigrants in Great Barrington. *****For further discussion on Monday*
5. Work in cooperation with other departments and boards in the Town of Great Barrington on matters pertaining to the *Trust Policy*.
6. Recruit and recommend prospective Committee members to the Selectboard.
7. File an annual report, which shall be printed in the Town report.

ARTICLE III: MEMBERSHIP

1. The Committee shall consist of seven (7) members appointed by the Selectboard. All members must live in a South Berkshire town.
2. The terms of the first members of said Committee 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. A resignation shall be made by notifying the chairperson of the Committee and the Selectboard in writing.

4. If any member is absent from two regularly scheduled meetings in any one calendar year, a recommendation shall be made to the Selectboard and chairperson that he/she be removed from the Committee, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, but not be 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. Members shall get the approval of the Committee prior to making statements or joining activities on behalf of the Committee.
7. All members shall have full voting rights in Committee matters.
8. Members shall be selected to ensure a diverse committee is formed, capable of considering all intersectional components within topics of interest.

ARTICLE IV: OFFICERS

1. The officers shall include a chairperson, vice-chairperson, and secretary.
2. Officers shall be elected annually by the majority vote of the Committee, at the first meeting after the annual Town elections in May.
3. 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.

ARTICLE V: MEETINGS

1. Regular meetings shall be held at least four (4) times a year.
2. A quorum shall consist of four (4) members.
3. Meeting minutes will be reviewed, amended, and approved at the next meeting.
4. Special meetings can be called by the chairperson.
5. Decisions will be made by a majority of the quorum.

ARTICLE VI: AMENDMENTS

1. Proposed amendments to these regulations may be recommended to the Great Barrington Selectboard, which may in turn vote to approve, modify and approve, or disapprove on proposed amendments.

GREAT BARRINGTON TRUST POLICY COMMITTEE GOALS

1. ENSURE THE SAFETY OF IMMIGRANTS TO GREAT BARRINGTON:

- Identify and support organizations in the community that focus on assisting immigrants in Great Barrington.
- Work with the aforementioned organizations, the GBPD, and the town government to identify and address the economic, social, health, and legislative needs of GB's immigrant community.

2. CREATE NON COMPLIANCE GUIDELINES BETWEEN TOWN REPRESENTATIVES AND IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) PER GREAT BARRINGTON'S TRUST POLICY:

- Cite mandates 2.2.1 - 2.2.4 in formalizing procedures, scripts, and automated responses in accordance with the *Trust Policy*.

3. REVIEW INSTANCES OF TRUST POLICY VIOLATIONS:

- Provide judgment using principles and mandates in determining whether the *Trust Policy* has been violated after receiving and analyzing information from all groups/individuals involved in a breach of said policy.
- Meet with local law enforcement agencies to review instances of *Trust Policy* violations.

4. RESEARCH AND DEVELOP TRAINING OPPORTUNITIES FOR ALL TOWN REPRESENTATIVES OF GREAT BARRINGTON:

- Work with organizations to identify training opportunities for town officials to better the quality of life for immigrants in Great Barrington.

5. PUBLICIZE AND DRAW AWARENESS TO ICE ACTIVITIES IN GREAT BARRINGTON:

- Working with appropriate staff and boards including the Selectboard, Town Manager, Planning Staff, Building Inspector, and Department of Public Works to identify ways through which Great Barrington can alert immigrants to ICE activities.
- Engage in conversations and promote awareness around the threat posed by ICE to certain members of our community.

WELCOMING AND SAFE COMMUNITIES ARE POSSIBLE IF WE ARE INCLUSIVE AND IF WE TRUST

Values Statement

Considering that we the people of Great Barrington acknowledge the value for our Town of our diverse population as an integral part of our labor and cultural force and that we recognize the need to provide a safe community for all residents and to keep our families together regardless of their immigration status.

Considering that the Great Barrington Police Department has stated in previous resolutions and through their positive community policing and accreditation efforts their commitment to build and maintain positive relations within the community in which inclusivity and protection to all of our residents goes hand in hand with their mission of guaranteeing public safety and security for our community.

Considering that in our system we are all accountable under the rule of law, including the government, its officials and agents as well as the individuals and private entities that are part of our community and, in order to guarantee a sense of safety and accountability the laws should be clear, just, publicized, applied evenly and enforced in a way that reflects the community served.

We as residents of Great Barrington hereby publicly designate the Town of Great Barrington as a safe, inclusive and welcoming community, with its commitment to the following principles, policies and procedures to be followed uniformly throughout our Town:

Great Barrington Trust Policy Principles

1. Great Barrington will continue to ensure civil liberties of all and enforce protection from discrimination for all residents regardless of their race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious, political or social affiliations, professed beliefs, homed or homeless status and any other demographic characteristics.
2. Great Barrington police will equally enforce the laws, promote safety and serve the Great Barrington community without consideration of individuals' immigration status or other demographic characteristics.
3. Great Barrington will not participate in enforcement of federal immigration law or aid in the detention, transfer or deportation of residents for civil immigration purposes.
4. Great Barrington police and any other Town agencies will not profile groups, i.e. not contact, detain, or arrest based only on demographic characteristics, including immigration status.
5. Great Barrington will not use Town funds or resources to assist in federal immigration detention and arrest processes, except in criminal cases.
6. Great Barrington will follow public record laws and will not, except as required by law, collect, keep or distribute information about any individual or group based on demographic characteristics, including immigration status for any other purpose.
7. Great Barrington will provide training to Town employees regarding these policies and practices in alignment with accreditation requirements and serving the purpose of our Trust Policy.

ICE request, shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.

4. In furtherance of the US Victims of Trafficking and Violence Prevention Act, Town of Great Barrington law enforcement shall consider and sign a U Visa certification request if an individual is:

(a) The victim of a qualifying crime, and

(b) Has been, is being, or will likely be helpful in the investigation/prosecution of that crime.

5. Make reports publicly available of ICE activity in Town including but not limited to holds, reimbursements, and removals.

6. Develop a formal process for addressing violation of Trust Policy Commitments at Selectboard meetings and in collaboration with a proposed Residents' or Human Rights Commission to be established at a later time.

OFFICIAL PERSONNEL POLICY



**TOWN OF GREAT
BARRINGTON, MA**

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INTRODUCTION

Being a municipal employee has its unique challenges and rewards. Every municipal employee, regardless of specific job title, must strive to serve the needs of the public efficiently and courteously. As an employee of the Town, you are an employee of the taxpayers. You should expect to be held to a high standard of productivity when accepting employment with the Town. Please remember that often you are the first line representative of all of the Town's employees and first impressions are lasting impressions. Take pride in your work; we are proud to have you as part of the municipal team.

It is our wish that the material presented here will help make your work easier and more rewarding, as well as answer pertinent questions about your job, status, and benefits as a Town employee.

Any questions relating to the interpretation of policies in this handbook should be referred to the Town Manager.

This employee handbook should not be construed as an employment contract with the Town of Great Barrington. Only the Selectboard and Town Manager are authorized to create an employment contract, and a signed written agreement is required for them to do so. Any such document is the Town's confidential data or information and can only be used for internal purposes unless the employee obtains the prior written permission of the Town.

The final interpretation of the provisions of these documents is the exclusive responsibility of the Selectboard.

Equal Employment Opportunity Statement

The Town is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practice laws. The Town strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex, gender, gender identity, pregnancy and pregnancy-related conditions, sexual orientation, age (40 and over), disability, citizenship status, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All Town employees and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

For the purposes of the policies contained in this handbook, full time employees shall be employees who work an equivalent of 40 hours per week. Unless otherwise specified, benefits shall be calculated on a full-time schedule, based on a 40 hour week. Employees who work less than 40 hours per week shall be entitled to benefits calculated at a pro rata basis in proportion to a full-time schedule.

Last updated February 2021

DIVERSITY, EQUITY, AND INCLUSION STATEMENT

The Town of Great Barrington is committed to fostering, cultivating and preserving a culture of diversity, equity and inclusion.

Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

The Town's ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of Great Barrington have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other town-sponsored and participative events. All employees are also required to attend and complete periodic diversity awareness trainings to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination should seek assistance from a direct supervisor or the **Town Manager**.

SECTION I: GENERAL INFORMATION

ATTENDANCE

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town requires consistent and punctual attendance from all employees. Employees who must be absent for a full or partial workday must notify their direct department supervisor at least twenty four (24) hours prior to the date of absence. In the case of an emergency, employees must notify their direct department supervisor as soon as possible.

Absences requested and approved in compliance with the Town’s vacation, sick, personal, and other paid leave policies will be considered excused. Unexcused absences shall include absences for a full or partial workday without approval, late arrivals, and early departures.

The Town reserves the right to discipline employees for unexcused absences, up to and including termination. Except in unusual circumstances, any employee who is absent from Town work for an excessive amount of time, as determined by the Town Manager, without notifying their direct department supervisor, will be deemed to have abandoned their job and their employment may be terminated at the discretion of the Town.

Last updated February 2021

DIRECT DEPOSIT/ELECTRONIC PAY ADVICES

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their bereavement leave benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

All employees shall receive their pay through direct deposit. The Town may provide employees with electronic pay advices in lieu of paper advices/paystubs.

Last updated February 2021

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PROBATIONARY PERIOD

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA regarding probationary periods. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

New employees appointed to a position within the Town shall be considered on probation for a period of six (6) months. During this period, the employee and the Town will have the opportunity to determine if the job is the proper fit for the employee.

Employees shall accrue sick, vacation and personal leave in accordance with Town policy during this period.

If, in the determination of the Department Head and Town Manager, the employee is not performing satisfactorily, the employee may be terminated. Further, the Town reserves the right to extend an employee's probationary period at the Town's sole discretion.

Last updated February 2021

SEPARATION FROM EMPLOYMENT

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

I. Employment at Will

Unless otherwise provided pursuant to a contract or statute, all employees of the Town are deemed to be employees at will and may be separated from employment at any time.

If an employee is determined to be unfit for his/her position, the Town may proceed with termination of employment. Termination notices will be provided in writing and be effective immediately.

II. Resignation

Employees shall provide a minimum of two weeks' notice of resignation prior to their final day of work. Notice must be provided in writing to the appropriate Department Head.

III. Layoffs

When the Town determines that there is either a shortage of work or funding which requires a reduction in force in any Town Department, any and all layoffs shall be determined by the Town Manager unless the employee is in a position under the authority of the Selectboard. When possible, the Town will provide affected employees with two-weeks' notice.

IV. Payment of Wages

All wages will be paid to the employee on the regular pay date following the employee's last date of employment. In the event of termination, all wages will be paid to the employee on the day of termination.

Last updated February 2021

WORK SCHEDULE AND OVERTIME

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The workweek for full-time employees is forty (40) hours, not including a daily unpaid thirty (30) minute lunch period. Atypical or flexible work schedules may be permitted with the approval of the Department Head and Town Manager.

Employees who are exempt under the Fair Labor Standards Act shall complete their job assignments in a professional manner. The workweek for exempt employees may require more than forty (40) hours per week.

Employees who are non-exempt under the Fair Labor Standards Act shall be paid at the rate of one and one-half their regular rate for each hour of work in excess of forty (40) hours in a workweek. Department Heads shall approve overtime hours.

Last updated February 2021

SECTION II: BENEFITS

BEREAVEMENT LEAVE

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their bereavement leave benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Full-time employees who have completed 30 days of service are eligible for five (5) days of paid bereavement leave for the death of an immediate family member and three (3) days of paid bereavement leave for the death of an extended family member. Leave does not need to be taken immediately or consecutively but must be taken within a reasonable period of time following the loss.

Part-time employees who have completed 30 days of service and employees who work less than 40 hours per week shall receive bereavement leave in the same proportion that their part-time service bears to a full-time schedule in proportion to the number of hours they are regularly scheduled to work.

Employees will only be eligible for bereavement leave on days the employee was previously scheduled to work.

Employees may also request to use accrued but unused vacation or personal leave if additional time is needed. Additional unpaid time off may be granted at the discretion of the Town Manager on a case-by-case basis.

For purposes of this policy, immediate family members include an employee's:

- Spouse, Domestic Partner or Live-in Partner
- Child or stepchild
- Parent or stepparent
- Sibling
- Grandparent, grandchild

For purposes of this policy, extended family members include an employee's:

- Aunt or Uncle
- Parent-in-law
- Brother-in-law or sister-in-law
- Son-in-law or daughter-in-law
- Niece or nephew

Parent and child relationships include step, foster, and adopted relationships, and relationships based on an individual's legal guardianship.

Employees are responsible for requesting bereavement leave from their Department Head as far in advance as possible. The Town may require verification in the form of a death certificate, obituary, or other verifiable documentation of the need for bereavement leave.

Last updated February 2021

DRAFT

FAMILY AND MEDICAL LEAVE

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA to determine their family and medical leave benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town provides leave benefits to employees pursuant to the Family and Medical Leave Act (“FMLA leave”) and the Massachusetts Parental Leave Law (“Parental leave”).

FMLA Leave

Eligible Town employees are entitled to up to twelve (12) weeks of unpaid FMLA leave per year. This leave can be taken for:

- The birth and care of the employee’s newborn child;
- The placement of a child for adoption or foster care in the employee’s home;
- To care for an immediate family member (spouse, parent or child) with a serious health condition; or
- If the employee is unable to work due to a serious health condition.

Eligible employees may also take up to twenty-six (26) weeks of unpaid FMLA leave during a twelve (12) month period to care for a servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, or next of kin of the servicemember.

Employees are eligible for FMLA leave under this policy if they have worked for the Town for at least twelve (12) months and at least 1,250 hours during the 12 months immediately prior to the start of the requested leave.

When an employee requests FMLA leave under this policy, he or she must provide the Town with notice of their need to use FMLA leave at least 30 days before the need arises when the need for leave is foreseeable or as soon as possible. Employees must follow their Department’s usual procedures for requesting leave to the greatest extent possible. (See link below for required form)

The Town will notify employees in writing when leave is designated as FMLA leave. Notice will also include whether a fitness for duty certificate is required prior to the employee’s return to work.

Leave may be approved on a consecutive or intermittent basis consistent with the medical certification. Employees will be required to use their accumulated sick, vacation and personal time while out of work on FMLA leave. While an employee is on FMLA leave, the Town will continue to pay its share of any health insurance benefits that the employee may receive from the Town.. The employee will continue to be responsible for his/her own share of such benefits during an approved FMLA leave of absence. At the conclusion of FMLA leave, the employee will be restored to the employee’s previous, or a similar, position as of the start of the leave.

Parental Leave

A full-time employee who has been employed by the Town for at least three (3) consecutive months may take eight (8) weeks of unpaid parental leave for:

- a. the birth of a child;
- b. adopting a child under the age of 18; or
- c. adopting a child under the age of 23 if the child is mentally or physically disabled.

The employee shall give at least 2 weeks' notice to the Town (their Department Head or Town Manager) of the anticipated date of departure and the employee's intention to return to work. If the employee experiences a delay beyond their control, the employee must provide as much notice as practicable.

The eight (8) weeks of Parental leave shall be included in the employee's twelve (12) weeks of FMLA leave if FMLA leave has not already been exhausted for the year. Employees may use their accumulated sick, vacation and personal time while out of work on Parental leave.

If two Town employees give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

While an employee is on Parental leave, the Town will maintain all employee benefits that would apply if the employee was actively working. The employee shall be restored to the employee's previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the start of the leave.

An employee who wishes to take FMLA or Parental leave should complete the form found at the link below:

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-381.pdf>

Last updated February 2021

HEALTH INSURANCE

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA to determine their family and medical leave benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town offers a range of health insurance plans to eligible employees. Currently, employees who participate in the HMO plan provided by the Town are responsible for 20% of the cost of the monthly premium and the Town pays 80% of the monthly premium. For other health insurance plans, the Town currently pays an amount equal to 80% of the monthly HMO premium.

In the event the Town adopts additional insurance plans or makes changes to the percentage cost allocations, the Town will provide employees with advance notice.

The Town also contributes towards Term Life Insurance, death and dismemberment insurance policies presently available to the employees.

Last updated February 2021

HOLIDAYS

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The following days shall be paid holidays for employees:

New Year's Day

Martin Luther King Day

President's Day

Patriots' Day

Memorial Day

Juneteenth (New in 2021)

Independence Day

Labor Day

Indigenous People's Day

Veterans' Day

Thanksgiving Day

Christmas Day

When a holiday occurs on the regularly scheduled workday of a full-time employee, the employee shall receive their regular day's pay for such holiday.

An employee required to work on a holiday shall receive a compensatory day off with pay within the calendar year following the holiday to be taken at a time approved by the employee's Department Head.

A part-time employee shall receive pay for a holiday or earn compensatory time in the same proportion their part-time service bears to a full-time schedule. Part-time employees will be paid only for scheduled time lost due to a holiday closure.

An employee scheduled to work on a holiday who fails to report for work shall be considered absent without pay. Employees who cannot work as scheduled due to illness are required to notify their supervisors and/or provide medical documentation of such illness in accordance with any sick leave policies in effect at the time. Employees who are scheduled to work on a holiday who do not work as scheduled shall not receive holiday pay or a compensatory day off.

Last updated February 2021

JURY DUTY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their jury duty benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Employees summoned for jury duty are entitled to paid time off for the first **three (3)** days of jury service. For any additional days, the Town shall compensate employees for the difference between the compensation provided by the state of Massachusetts and their regular, daily rate.

If an employee receives a jury summons, that employee must promptly inform their Department Head as soon as possible to plan for a leave of absence. The Town reserves the right to require employees to provide a copy of their summons and/or receipt of jury service.

Employees are expected to return to work if they are excused from jury duty during working hours or released from jury duty earlier than expected.

The Town Manager's Office is responsible for the administration of this policy. Any questions regarding this policy or questions about jury duty leave should be directed to the Town Manager's Office.

Last updated February 2021

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LONGEVITY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their jury duty benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Each employee shall be entitled to an annual payment in addition to his/her base salary according to the following schedule:

\$200.00 on reaching five (5) years of service.

\$300.00 on reaching ten (10) years of service.

\$500.00 on reaching fifteen (15) years of service.

\$750.00 on reaching twenty (20) years of service.

Such longevity payments shall be paid during the last payroll in November to all eligible employees on the payroll as of November 1. Employees leaving the employ of the Town prior to November 1 shall receive a pro-rated portion of longevity pay. The Town reserves the right to change distribution of longevity.

Last updated February 2021

MILITARY SERVICE LEAVE

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town provides military service leaves of absence to all regular full-time, part-time, and probationary employees in compliance with the Uniformed Services Employment and Reemployment Rights Act and applicable Massachusetts laws.

I. Notice to the Town

An employee who needs to take military service leave shall provide advance notice to their Department Head or Supervisor. When possible, employees should give at least 30 days' notice of a request for leave. If 30 days' notice is not possible because of military necessity or for other reasons, employees should give the Town as much notice as possible. All notices must be provided to the Town in writing.

II. Compensation

Employees who are out of work due to required military service are entitled to some or all of their salary while on leave. The amount of compensation an employee receives while out of work due to required military service is determined by Massachusetts and federal law.

III. Benefits

During military service leave, employees will continue to receive the same rights and benefits as employees on paid leave of absence. Employees are entitled to the seniority and seniority-based rights and benefits that he or she had on the date the military service leave began, plus any seniority and seniority-based rights and benefits that the employee would have attained with reasonable certainty if he or she had remained continuously employed. Health insurance benefits will continue for the first 24 months of absence (plus the time allowed to apply for reemployment).

IV. Reemployment

After completion of service, employees must either report to work or resubmit an application for employment in accordance with the following timelines:

- When an employee is out on military leave for less than 30 days, the employee must return to work on the first regularly scheduled workday that is at least (8) eight hours after they return from military service.
- When an employee is out on military leave for 31 to 180 days, the employee must apply for reemployment within 14 days of completion of military service.

- When an employee is out on military leave for more than 180 days, the employee must apply for reemployment within 90 days following completion of military service.

Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the Town's policies regarding unexcused absences, including but not limited to separation from continued employment with the Town. An employee will not be eligible for reemployment after 5 years of absence.

Provided all other provisions of this policy are met, an employee who is eligible to be reemployed will be restored to the same or comparable job and benefits that he or she would have if they had not been absent due to military service. Employees are not eligible if the employee has five years or more of cumulative service in the uniformed services while with the Town or if the employee is separated from service with a disqualifying discharge or any other discharge other than honorable conditions.

The Town is not required to reemploy individuals who are not eligible for reemployment rights under applicable law.

Last updated February 2021

PERSONAL LEAVE

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Employees shall receive five (5) personal days per fiscal year, to be awarded each July 1. Employees who work less than 40 hours per week will receive personal leave in the same proportion that their part-time service bears to a full-time schedule.

Personal days shall not carry over from year to year. Employees who leave employment with the Town shall not be compensated for unused personal days.

Employees hired during a fiscal year shall receive personal days, prorated according to their date of hire.

Personal leave shall generally be used for matters not covered by other types of leave, such as personal business.

Last updated February 2021

SICK LEAVE

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

During the first year of employment, each full-time employee shall be credited with two (2) days of sick leave per month with pay until a total of fifteen (15) days have been credited to the employee's account. Sick leave credit will begin the first day of the month in which the employee is employed. On the next July 1, each employee shall be credited with an additional fifteen (15) days of sick leave with pay.

Employees working less than 40 hours will earn sick time in the same proportion that their part-time service bears to a full-time schedule based on the number of hours they are regularly scheduled to work.

Employees may accumulate an unlimited number of sick days.

Sick leave shall be granted only for the employee's personal sickness or injury or to care for a sick or injured family member as discussed herein. Sick time hours may also be used for a doctor's or dentist appointment or scheduled surgical or diagnostic procedures with the approval of the Town Manager.

Employees must provide their Department Head with notification of illness as soon as possible. The employee's Department Head may require medical documentation.

The Town may request medical evidence of illness for periods of absence of more than five (5) consecutive days. Any request for medical evidence for absence of less than five (5) consecutive days shall be made on an individual basis and as circumstances warrant.

Any employee who has a serious illness, but can still work, and who has exhausted their paid leave benefits may be allowed up to five (5) additional sick days to attend doctors' appointment, with the approval of the Town Manager.

Employees do not accrue sick time while on vacation or other leave. Sick time is accrued only for hours worked.

FAMILY SICK LEAVE

In order to care for a sick or injured member of the immediate family or attend a routine medical appointment of a member of the immediate family (as defined by the Family and Medical Leave Policy), up to five (5) days of sick leave shall be allowed in any one fiscal/calendar year, unless the employee requires leave under the Family and Medical Leave Policy.

Sick leave benefits shall be prorated for part-time employees in the same proportion that their part-time service bears to a full-time schedule.

Last updated February 2021

SICK LEAVE BUY-BACK

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Accumulated sick leave shall be paid in a lump sum to the estate of an employee eligible for such leave if terminated by death.

Unused accumulated sick leave, up to a maximum of seventy-five (75) days, shall be paid to a permanent full-time employee at the time of his/her retirement, at age 55 with 10 years of service, or to their estate in the event of death. This sum shall not exceed \$8,300.00.

For the purposes of this article, retirement shall mean a separation from Town employment on or after the employee's normal retirement age, when they shall be eligible to receive full benefits under the retirement program in which they are enrolled.

Last updated February 2021

SICK LEAVE BANK

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Effective July 1, 2020 there shall be established for all benefited non-union Town employees an extended sick leave bank which shall be administered by the Town, established and utilized according to the following procedures:

- A. To be eligible for membership, an employee must have completed at least twelve months of employment, actually worked a minimum of 1,250 hours and must have voluntarily donated at least one (1) sick day to the extended sick leave bank. These donated days shall be deducted from the employee's accumulated sick leave and shall not be considered as sick leave for the purposes of monitoring the employee's sick leave usage.
- B. All non-union employees of the Town shall share one sick leave bank.
- C. The Bank shall contain no more than 350 days at any one time regardless of donations made to the Bank.
- D. The Town Manager or his/her designee will be responsible for reviewing requests for sick leave bank days to be withdrawn from the sick leave bank and will endeavor to make a determination on each application within 10 working days of receipt of all required documentation. Provided that the balance in the sick leave bank is sufficient, eligible employees approved for sick bank may receive up to 15 days per calendar year for a medical event. If the initial sick bank allotment has been exhausted and the employee is still unable to return to work, s/he may request an extension of up to an additional 15 days which shall be allowed on a case-by-case basis, but in no event shall the total of such sick bank grant(s) to an employee exceed 30 days in total per calendar year.
- E. Applications for sick leave bank days must be submitted in writing to the Town Manager along with a signed statement from the employee's health care provider which fulfills the criteria in Part F(c) below. The Town Manager or his/her designee may request additional medical information from the employee's health care provider as necessary. All information submitted in the application shall be treated as confidential.
- F. The following criteria shall be used in awarding sick leave bank days:
 - a. The employee is eligible by virtue of meeting the criteria in Paragraph A above;
 - b. The employee has exhausted or will exhaust all accumulated paid leave, including sick leave, by the end of the pay period in which the application is submitted; and
 - c. The application is accompanied by adequate medical evidence of a serious illness or serious injury, which prevents the employee's immediate return to work.

The Town Manager may require additional medical information or documentation prior to making a decision on any application. Sick leave bank days which are granted but unused shall revert to the sick leave bank upon an employee's return to work, retirement, resignation or other separation from employment or death whichever occurs first.

G. Decisions of the Town Manager shall be final.

Last updated February 2021

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VACATION LEAVE

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their vacation leave benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

Vacation leave with pay shall be credited every July 1 depending on years of service and shall be scheduled with prior approval from the Department Head and Town Manager, which approval shall not be unreasonably denied. In instances where multiple employees within a given department request the same time period of vacation, seniority shall be the deciding factor in determining approval.

Vacation leave must be taken before the end of each fiscal year (June 30), provided, however, that an employee may carry-over the equivalent of 1 week of vacation time to be used by September 30, with prior written approval of the Town Manager.

Vacation leave, with pay, shall be credited as follows:

1. After the first month of hire, vacation time will accrue at 4 hours per month for a 40-hour work week employee to be used by June 30. For a 35-hour work week employee, vacation time will accrue at 3.5 hours per month to be used by June 30. On July 1, an employee will receive five (5) days to be used during that fiscal year (July 1 – June 30).
2. For two (2) years of service, but less than five (5) years of service, ten (10) days of vacation.
3. For five (5) years of service, but less than ten (10) years of service fifteen (15) days of vacation.
4. For ten (10) years of service, but less than fifteen (15) years of service, twenty (20) days of vacation.
5. For fifteen (15) years of service, but less than twenty (20) years of service, twenty (20) days of vacation plus one (1) additional day for each year above fifteen years up to a maximum of twenty-five (25) total days of vacation.

Upon termination of employment, the employee shall receive payment equal to the amount of vacation pay he/she would have received had the termination not occurred. If termination is caused by death, such payment shall be made to the employee's estate.

The Town agrees to change any previously scheduled vacation in instances where the employee becomes ill and is unable to take the vacation prior to the commencement of his/her vacation leave.

This policy shall be retroactive to July 1, 2014.

Last updated February 2021

SECTION III: POLICIES

CODE OF CONDUCT POLICY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA regarding probationary periods. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern. Individual departments may also have their own rules and regulations regarding conduct which employees in those departments are expected to adhere to.

Employees of the Town are expected to conduct themselves in a way that reflects positively on the Town and encourages public confidence in the Town. This policy extends to private conduct, to the extent provided for by law. Please see the Conflict of Interest Policy for additional information. Nothing in this policy limits the requirements of M.G.L. c.268A or the Town's other policies regarding employee conduct, rather, this policy is meant to supplement accompanying Town policies.

Conduct that is deemed to be inappropriate under this policy may include, but is not limited to, the following:

- Asking, encouraging or condoning another Town employee to violate the Town's policies or the law;
- Disclosing confidential information;
- Possessing, using or being intoxicated by illegal drugs or alcohol in the workplace;
- Smoking (lighting a cigarette, cigar, pipe or other tobacco product or any other tobacco or non-tobacco product designed to be lit and inhaled) unless in a designated smoking area;
- Engaging in behavior that a reasonable person would find discriminatory or harassing;
- Unprofessional comments, conduct, communications, correspondence or gestures directed at another Town employee or official, member of the public or visitors that a reasonable person would find offensive;
- Disparaging or misrepresenting the Town or any Town employee or official.

Employees in customer service positions are expected to act professionally towards all customers and provide quality customer service.

The conduct listed herein is not intended to be an exhaustive list and the Town may determine that an employee violates the Code of Conduct even if the actions are not listed above. Conduct that violates this policy may result in discipline, up to and including, termination.

Last updated February 2021

DOMESTIC VIOLENCE LEAVE POLICY

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

I. Policy Statement

It is the policy of the Town of Great Barrington to permit qualifying employees up to 15 days of unpaid leave in any 12-month period to address issues directly related to abusive behavior against the employee or a family member of the employee. Prior to receiving leave under this policy, employees must first exhaust all accrued, unused vacation, sick, and personal leave. Upon an employee's return from leave, the employee shall be restored to the employee's original job or an equivalent position.

For the purposes of this policy, family member shall include: (i) a parent, stepparent, child, stepchild, sibling, grandparent, or grandchild; (ii) a married spouse; (iii) persons in a substantive dating or engagement relationship and/or who reside together; (iv) persons having a child in common regardless of whether they have ever married or resided together; or (v) persons in a guardianship relationship.

Leave benefits under this policy are not available to employees who are the perpetrators of abusive behavior.

II. Notice Requirements

Except in cases of imminent danger to health or safety, employees seeking leave under this policy must provide advance notice of leave consistent with the Town's sick leave policy.

In cases of imminent danger to the health or safety of an employee or the employee's family member, advance notice of leave is not required. However, the employee must notify the Town within three workdays that leave is being taken under this policy.

Notification to the Town may be communicated by the employee, a family member of the employee, or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member, and may be done by telephone, in person, in writing, or by any other reasonable means of communication.

Notification shall be made to the Town Manager or his/her designee.

III. Purposes of Leave

An employee may take up to 15 days of unpaid leave in any 12-month period if the employee or the employee's family member is a victim of abusive behavior for the following reasons:

- to seek or obtain medical attention, counseling, victim services or legal assistance;

- to secure housing;
- to obtain a protective order from a court;
- to appear in court or before a grand jury;
- to meet with a district attorney or other law enforcement official; or
- to attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or the employee's family member.

IV. Required Documentation

Employees requesting leave under this policy must provide documentation evidencing that the employee or employee's family member has been a victim of abusive behavior and that the leave is taken under M.G.L. c 149, §52E, the *Massachusetts Domestic Violence Leave Act*. An employee can satisfy the documentation requirement by providing any one of the following:

- a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or the employee's family member;
- a document under the letterhead of the court, provider, or public agency which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or the employee's family member;
- a police report or statement of a victim witness provided to police, including a police incident report, documenting the abusive behavior complained of by the employee or the employee's family member;
- documentation that the perpetrator of the abusive behavior against the employee or the employee's family member has: (i) admitted to sufficient facts to support a finding of guilt of the abusive behavior; or (ii) been convicted of, or adjudicated a juvenile delinquent by reason of, an offense related to the abusive behavior;
- medical documentation of treatment of the employee or the employee's family member for the abusive behavior;
- a sworn statement, signed under the penalties of perjury, of a counselor, social worker, healthcare worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; or
- a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of the abusive behavior or is the family member of a victim of abusive behavior.

V. Confidentiality of Information

The Town shall keep confidential all information related to an employee's leave under this policy. Information shall not be disclosed by the Town except to the extent that disclosure is: (i) requested or consented to, in writing, by the employee; (ii) ordered to be released by a court; (iii) otherwise required by state or federal law; (iv) required in the course of an investigation authorized by law enforcement; or (v) necessary to protect the safety of anyone employed at the workplace.

Any documentation provided by an employee in support of leave under this policy shall be maintained by the Town only for as long as required for the Town to make a determination whether the employee is eligible for leave.

Last updated February 2021

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DRESS CODE POLICY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

This policy does not apply to employees who are required to wear uniforms. Employees in positions that do not require uniforms shall wear business attire. The Town Manager may designate positions which are exempt from this policy due to the nature of the position and may make exceptions at his/her discretion.

Clothing items that are inappropriate to wear while on duty include:

- Jeans
- Athletic or leisure clothing
- Shorts
- Track suits or sweatsuits
- Flip-Flops
- T-shirts, tank tops or halter tops
- Hats
- Clothing or accessories with profanity or violent or sexual imagery

Any employee who requires a reasonable accommodation for reasons based on race, disability, religion or other deeply held belief, or any other protected class under the law should notify their Department Head.

This policy is not intended to interfere with communications or actions protected by state or federal law.

Last updated February 2021

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA to determine their rights and responsibilities regarding drug and alcohol use. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town has a strong commitment to its employees to provide a safe workplace and to establish programs promoting high standards of employee health. The goal of this policy is to provide a safe and healthy work environment for all employees that is free from alcohol and unlawful drugs, as defined by local, state or federal law. The safety of Town employees and residents is paramount to the Town and therefore the use of alcohol and/or unlawful drugs in the workplace is strictly prohibited.

This policy is intended to comply with all applicable federal laws and regulations governing workplace anti-drug and alcohol programs, including but not limited to the Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, and 49 CFR Part 382.

This policy applies to all employees of the Town of Great Barrington.

I. Drug and Alcohol Restrictions in the Workplace

Employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at work or on Town property (on or off duty). This includes prescription medication that is not prescribed to the user. This does not apply to an employee's use of current, valid prescription medications that do not interfere with the employee's ability to safely perform their job with competence. Employees shall not share their prescription medication with other Town employees. Employees are expected to follow any directions of their health care provider concerning prescription medications and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. The Town will reasonably accommodate employees in accordance with the Town's Reasonable Accommodation Policy.

Employees are also prohibited from the possession or consumption of alcohol while on duty or on Town property or reporting for duty while under the influence of alcohol or a controlled substance.

The Town acknowledges that the state of Massachusetts has legalized the limited recreational use of marijuana. Marijuana remains federally illegal and the Town is required to act in accordance with federal law when enacting this policy.

An employee must notify the Town of any criminal drug statute conviction for a violation under state or federal law occurring in the workplace no later than 5 calendar days after the conviction or plea.

Violations of any and all provisions of this Policy may:

- (1) Result in discipline, up to and including termination from Town employment.

- (2) Require an employee's satisfactory participation in a substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency, by any employee who is convicted.

Employees struggling with substance abuse issues are encouraged to seek help. Town employees who seek help in dealing with these issues are urged to contact the Town Manager or his/her designee for more information regarding the Employee Assistance Program or their healthcare provider for assistance.

All information received by the Town pursuant to this policy shall be considered confidential.

Last updated February 2021

DRAFT

DRUG AND ALCOHOL TESTING POLICY

Employees with CDL Licenses

Pursuant to federal regulations promulgated by the U.S. Department of Transportation (DOT), certain Town employees are subject to drug and alcohol testing requirements. It is the Town's policy to comply fully with these regulations.

I. Covered Employees

The DOT regulations apply to all Town employees with a commercial driver's license (CDL) who may be assigned to operate a commercial motor vehicle, including drivers with a restricted-use CDL, as well as employees who may be assigned to perform safety-sensitive duties or functions related to a commercial motor vehicle. This includes, but is not limited to: casual, intermittent, or occasional drivers; and independent, owner-operator contractors who are either directly employed by or under lease to the Town, or who operate a commercial motor vehicle at the direction of or with the consent of the Town. Drivers who are used by the Town more than once a year, but are not "employed" by the Town, such as snow plow drivers, must participate in an alcohol controlled substances testing program that meets the testing requirements of the DOT regulations every six months. The Town also may, at its discretion, require other Town employees who drive for Town business to undergo drug and alcohol testing consistent with this policy.

The Town acknowledges that the State of Massachusetts has legalized the limited recreational use of marijuana. Marijuana remains federally illegal and the Town is required to act in accordance with federal law when enacting this policy. For the purpose of this policy, marijuana is considered a controlled substance.

II. Prohibited Conduct

The following conduct is prohibited under this policy:

- a. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions with a breath/blood alcohol content of 0.04 percent or higher.
- b. Use of alcohol within four (4) hours prior to performing a safety-sensitive function like driving.
- c. Use of alcohol on the job.
- d. Use of alcohol during the eight (8) hours following an accident.
- e. Possession of any medication or food containing alcohol while driving a vehicle.
- f. Refusal to take a required controlled substance and/or alcohol test.

- g. Use of controlled substances on- or off-duty unless prescribed by a physician and the physician has informed the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle safely.

A driver is considered to be performing a safety-sensitive function at the following times:

- a. All time on Town property, public property, or other property waiting to be dispatched or drive.
- b. All time inspecting, servicing, or conditioning any commercial motor vehicle.
- c. All time driving.
- d. All time other than driving in or upon a commercial motor vehicle.
- e. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or in giving receipts for shipments loaded or unloaded.
- f. All time spent performing driver requirements relating to accidents.
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. Required Testing

a. Pre-Employment Testing for Controlled Substances

All applicants for employment in covered positions, or candidates for transfer or promotion to such positions, as well as those covered employees returning to duty after an extended, continuous break in service, are subject to screening for use of controlled substances.

b. Post-Accident Testing

All covered employees shall be tested for alcohol and controlled substances in the following circumstances:

- An accident resulting in loss of human life while performing safety-sensitive functions;
- The issuance of a citation for a moving traffic violation if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away by a tow truck or other motor vehicle.

Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours of the accident. Tests for controlled substances shall be conducted within 32 hours of the accident.

Employees must refrain from all alcohol and controlled substance use until testing is complete. Employees are obligated to cooperate in such testing or will be deemed to have refused. It is the employee's responsibility to make him/herself available for testing. If the employee does not avail themselves to testing, the employee will be deemed to have refused. The employee will be accompanied to/from the testing site by a representative of the Town.

c. Reasonable Suspicion Testing

If a supervisor or other person of authority has a reasonable suspicion based on objective factors (including appearance, behavior, speech or body odors) that the employee has engaged in prohibited conduct under this policy, or has been or is using or possessing controlled substances without a physician's prescription, such employee shall be required to undergo testing.

In the case of alcohol use, observation shall be limited to during, just preceding, or just after the workday. No such limitations shall apply to observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours, after the observation is made.

d. Random Testing

Covered employees shall be tested for the use of alcohol and/or controlled substances on a random, unannounced basis. Random testing for alcohol shall occur just before, during, or after performance of safety-sensitive functions while random testing for controlled substances may be done at any time.

Each year, the Town shall conduct random alcohol testing in accordance with the required minimum annual percentage rate established by DOT.

e. Return to Duty and Follow-Up Testing

An employee who has violated the prohibited alcohol and/or drug standards shall be tested for alcohol and/or drug use prior to his/her return to performing safety-sensitive functions. Employees shall be subject to at least six (6) unannounced follow-up tests in the first 12 months during safety-sensitive duty following the employee's return. In addition, such employee shall be subject to follow-up testing for up to four (4) years following the completion of this 12-month period.

IV. Conducting Tests

a. Alcohol Testing

DOT rules require breath testing using evidential breath testing (EBT) devices conducted by a trained breath alcohol technician (BAT). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. A test result of 0.04 or greater is considered a “positive” test. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. Refusal of an employee to complete and sign the breath alcohol testing form shall be deemed a refusal to test.

b. Drug Testing

Drug testing shall be conducted by analyzing a driver’s urine specimen and shall be conducted through a U.S. Department of Health and Human Services (DHHS) certified facility in a manner that ensures that the specimen’s security, proper identification, and integrity are not compromised. Specimen shall be tested for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

DOT rules require a split specimen procedure. Each urine specimen shall be subdivided into a primary and a split. Initially, only the primary specimen shall be used for urinalysis. The split specimen will remain sealed. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. All drug tests will be reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the Town. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

c. Refusal to Participate/Tampering

Any refusal to participate in any of the types of alcohol and/or drug tests authorized in this policy will be treated as indicative of a positive result.

If there is any evidence that an employee engaged in sample tampering, such conduct shall be treated as a refusal to participate in testing.

Refusal to participate in testing and/or tampering with a test shall be considered serious misconduct and may result in disciplinary action up to and including termination of employment.

Refusal to participate in an alcohol or controlled substances test means:

- Failure to appear for any test within a reasonable time, as determined by the Town;
- Failure to remain at the testing site until the testing process is completed;

- Failure to provide a urine specimen for any drug test required by this policy or DOT regulations;
- Failure to allow the observation or monitoring of the driver's provision of a specimen;
- Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failure or refusal to take a second test the Town or collector has directed the employee to take;
- Failure to undergo a required examination or evaluation;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- Having a verified adulterated or substituted test result.

V. Consequences of Alcohol/Drug Misuse

- a. Drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be prohibited from performing or continuing to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- b. Drivers who engage in prohibited alcohol or drug conduct (i.e., test positive for alcohol or drug use or who refuse to take a test) shall be immediately removed from performing safety-sensitive functions, evaluated by a substance abuse professional, and undergo a treatment program as defined by the professional.
- c. Drivers must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. Drivers who fail to comply with the evaluation/treatment recommendations may be subject to termination of employment.
- d. Drivers who have been evaluated by a substance abuse professional, comply with any recommended treatment, and taken a return to duty test with a result less than 0.02 alcohol concentration and/or a negative urine test may return to work subject to unannounced follow-up tests as outlined above.
- e. Drivers who have returned to work who subsequently test positive for alcohol and/or drugs in accordance with this policy may be subject to disciplinary action up to and including termination of employment.

VI. Information/Training

All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. Furthermore, all employees shall receive a copy of this policy and sign a confirmation of receipt.

All employees designated to supervise drivers shall receive at least two (2) hours of training on alcohol misuse and controlled substance use and must attend at least two (2) hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.

VII. Recordkeeping

The Town is required to keep detailed records of its alcohol and drug misuse prevention program. Alcohol and drug testing records shall be maintained confidentially, separate from an employee's personnel file. The Town will not disclose such confidential records without written authorization unless legally compelled or as necessary to justify any discipline imposed by the Town.

The Town will be required to collect the following information and shall report to the Clearinghouse, pursuant to 49 CFR §382.701:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required;
- An employer's report of actual knowledge, as defined at 49 CFR §382.107:
 - On duty alcohol use pursuant to 49 CFR §382.205;
 - Pre-duty alcohol use pursuant to 49 CFR §382.207;
 - Alcohol use following an accident pursuant to 49 CFR §382.209; and
 - Controlled substance use pursuant to 49 CFR §382.213;
- A substance abuse professional report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

VIII. Pre-employment References

Applicants for employment by the Town in a safety-sensitive position must permit the Town to obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years:

- Information about a test in which the employee's blood alcohol concentration was 0.04 or greater;
- Information about a verified positive drug test;
- Information about any refusal (as defined above) to participate in an alcohol and/or drug testing program;
- Other violations of DOT agency drug and alcohol testing regulations; and
- Documentation of the employee's successful completion of DOT return-to-duty requirements.

The prospective employee must provide the former employer with written authorization allowing the release of this information to the Town. Failure to provide such information to the Town shall be deemed a withdrawal of application for employment by the Town.

An applicant who tested positive under a previous employer, or who refused to participate in an alcohol or drug test under a previous employer, may not be appointed by the Town unless the applicant can show that he/she was evaluated by a substance abuse professional, underwent recommended treatment, and tested negative in all subsequent return-to-duty and/or follow-up tests.

IX. Employee Assistance Program

The Employee Assistance Program (EAP) is an evaluation and referral service which assists employees in obtaining treatment for a wide range of problems, including but not limited to substance abuse, stress-related disorders, eating disorders, anxiety, depression, and family relationship problems. There is no cost for this service to employees and all services provided are kept confidential between the EAP provider and the employee. All employees may request assistance with drug and/or alcohol problems through the EAP. The testing provisions outlined in this policy for covered employees shall not be stayed due to an employee's participation in the EAP.

Any questions about the Town's Drug and Alcohol-Free Workplace Policy, including the testing provisions, may be directed to the Town Manager.

Last updated February 2021

EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION AND HARASSMENT POLICY

I. Introduction

It is the goal of our Town to promote a workplace that is free of unlawful discrimination and harassment (“harassment”) of any type, including sexual harassment and retaliation. Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as race, color, religious creed, national origin, ancestry, sex/gender, gender identity, age, disability, sexual orientation, genetics, and active military status. Our Town will not tolerate harassing conduct that interferes unreasonably with an individual’s performance, or creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or at work-sponsored events will not be tolerated. Further, any retaliation against an individual for having complained about harassment or retaliation against individuals for having cooperated with an investigation of a harassment complaint will not be tolerated.

Because the Town takes allegations of harassment seriously, the Town will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the Town’s goals of promoting a workplace that is free of harassment as defined above, the policy is not designed or intended to limit the Town’s authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of harassment.

II. Definitions

“Harassment” means unwelcome conduct, whether verbal or physical, that is pervasive and severe and is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Under this definition, for example, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct that has the effect, whether intended or not, of creating a work environment that is hostile, offensive, intimidating or humiliating to either male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual for having complained about harassment, including sexual harassment, and retaliation against individuals for cooperating with an investigation of a harassment complaint, including sexual harassment, will not be tolerated by the Town.

III. Complaint Procedures

All employees, managers, and supervisors of the Town share responsibility for avoiding, discouraging and reporting any form of harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Manager or his/her designee, who will administer the policy and procedures described herein. He/She will also be available to discuss any concerns you may have and to provide information to you about the Town's policy on harassment and the complaint process. Any manager or supervisor who observes harassment must report the conduct to the Town Manager so an investigation can begin, if appropriate.

If any Town employee believes that he or she has been subjected to harassment, the employee has the right to file a complaint with the Town. This may be done in writing or verbally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to harassment by an employee of the Town may also file a complaint with the Town using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents,

visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting your supervisor, Department Head or Town Manager.

IV. Complaint Investigation

When the Town receives a complaint, the Town will promptly investigate the allegation(s) in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, but confidentiality cannot be guaranteed. The investigation may include private interviews with the person filing the complaint and with witnesses. The Town may also interview the person alleged to have committed the harassment. The complainant, the person alleged to have committed the harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. When the Town has completed its investigation, the Town will inform the person filing the complaint and the person alleged to have committed the harassment that the investigation has been completed. Notwithstanding any provision of this policy, the Town reserves the right to investigate and act on their own initiative in response to conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action.

V. Corrective Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment of any type, including sexual harassment and retaliation, you may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

United States Equal Employment Opportunity Commission ("EEOC")

JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000

Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

New Bedford Office:

128 Union Street, Suite 206
New Bedford, MA 02740
(774) 510-5801

Springfield Office:

436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

VII. Reasonable Accommodation

Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Massachusetts Fair Employment Law, and all applicable state or local law, the Town will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

Any individual seeking a reasonable accommodation may submit a request to the appropriate Department Head, or the Town Manager. The Town may require the individual to participate in an interactive discussion in connection with any such request. Furthermore, individuals requesting a reasonable accommodation may not receive the specific accommodation requested if the Town determines that an alternate accommodation would be effective in allowing the individual to perform the essential functions of the job.

VIII. Equal Employment Opportunity Statement

The Town is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practice laws. The Town strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex, gender, gender identity, pregnancy and pregnancy-related conditions, sexual orientation, age (40 and over), disability, citizenship status, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All

Town employees and representatives are prohibited from engaging in unlawful discrimination. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

Last updated February 2021

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INCLEMENT WEATHER POLICY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

This policy does not apply to essential public safety employees, school employees or Department of Public Works employees.

In cases where the Town closes municipal buildings due to inclement weather, employees shall not be required to report to work and shall be compensated their regular wages. Employees who were previously scheduled to be out on sick, vacation or other leave shall be charged for the relevant leave. In the case where there is inclement weather, but the municipal buildings remain open, employees may opt to use vacation or personal time, in accordance with such policies, in lieu of reporting to work.

There may be times where the Town opens municipal buildings late or closes them early. In this situation, employees shall, when possible, receive an email regarding the changes. Because there may be instances where an email is not possible or an employee may not have access to the internet at home, employees shall be expected to monitor the local news stations and Town website.

Last updated February 2021

**INFORMATION TECHNOLOGY RESOURCES
ACCEPTABLE USE POLICY**

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

The Town provides information technology resources (ITR), including but not limited to computers, laptops, printers, fax machines, email, internet, tablets, and mobile phones, to employees and other authorized users working on behalf of the Town. The Town determines which, if any, ITR are appropriate for each position and provides ITR to employees where appropriate at the Town's discretion. All users of Town ITR must ensure that they use Town ITR in a responsible manner and in accordance with this policy.

I. Employee Responsibilities

Employees who are authorized to use Town ITR shall be provided with a copy of this policy. This policy shall be disseminated annually. Each year, employees will be required to review the policy and sign an acknowledgement form. It is the responsibility of any employee who uses Town ITR to read, understand, and adhere to this policy. Any questions concerning the application or meaning of this policy should be directed to the Town Manager. Use of the Town's ITR by an employee shall constitute acceptance of the terms of this policy by such employee. Conduct in violation of the policy may result in revocation of Town ITR privileges and/or disciplinary action up to and including termination of employment.

II. Prohibited Conduct

While it is not possible to list all of the circumstances which may constitute inappropriate use of Town ITR, employees are prohibited from using Town ITR for the following:

- in furtherance of any illegal act, including violations of state or federal criminal or civil laws or regulations;
- to access, display, or disseminate sexually explicit, obscene, or otherwise inappropriate materials, messages, images, or videos, including but not limited to any content that is sexual in nature, or includes racial, ethnic, sexual, religious, or gender-based slurs, or offensively addresses an individual's age, sex, sexual orientation, gender identity, religion, race, ethnicity, national origin, disability, or political beliefs;
- to access, display or disseminate material that advocates violence or discrimination towards other people (hate literature);
- for any commercial purpose, including but not limited to the offering, providing, leasing, or purchasing of products or non-Town-related services;

- to gain, or attempt to gain, unauthorized access to any computer or network;
- to intercept, or attempt to intercept, communications intended for other persons;
- to misrepresent the Town or the employee's role at the Town;
- for any political purpose (subject to the exceptions set forth herein) or to make solicitations in violation of Massachusetts General Laws Chapter 55;
- to libel or otherwise defame any person;
- to download and/or install software applications or programs not authorized by the Town;
- to violate any copyright laws or to infringe on any intellectual property rights;
- to distribute chain letters;
- to access online gambling sites;
- to connect unauthorized or unapproved computers, printers, or other peripherals to the Town's network;
- to develop or use programs that harass other users or infiltrate a computer, computing system, or network and/or to damage or alter the software components of a computer, computing system, or network;
- to establish unauthorized connections which create routing patterns that are inconsistent with the effective and shared use of the Town's network;
- for any use that causes interference with or disruption to the Town's ITR, other network users, or any other resources;
- for any use which violates other Town policies, including but not limited to the Town's Anti-Discrimination and Harassment Policy; or
- to modify or access any Town records without authorization.

The above list of prohibited conduct is not all-inclusive. Employees who are uncertain as to the appropriateness of any action or conduct being contemplated should consult with their supervisors for guidance.

III. Use for Town Business

The Town's ITR, including but not limited to the Town's email and other online services, are the property of the Town, and should be used only for business associated with the Town. However, incidental and/or occasional use of Town ITR for personal purposes is permissible provided that,

in addition to the prohibited conduct, constraints, and conditions otherwise discussed herein, such personal use does not: (i) directly or indirectly interfere with the Town's operation of computing facilities or electronic mail services; (ii) burden the Town with noticeable incremental cost; or (iii) interfere with the employee's work performance, duties, responsibilities or obligations to the Town or with any other employees' work duties. Personal use will be acceptable only as described herein and only on the employee's own time. Excessive or non-incident personal use of Town ITR, or any other misuse of ITR, may result in disciplinary action up to and including termination of employment. Use of the Town's ITR is a privilege, not a right, and may be revoked at any time for inappropriate conduct.

IV. Email Communication

Email messages are considered public records and are subject to disclosure and records retention requirements established by law. Employees should not expect that email messages, such as those marked "personal" or "confidential," are private or confidential. Employees shall not send an email or access the internet under another employee's name or using another employee's credentials unless authorized to do so by such other employee. In addition, no employee shall alter any portion of a previously sent email message without authorization. All employees with a Town assigned email account must conduct any Town related email business via that account.

V. No Expectation of Privacy

Employees should have no expectation of privacy in any use of Town ITR. The Town may monitor employee use of Town ITR including but not limited to computer equipment, email, internet usage, websites visited, and files downloaded. Deletion of messages, data, or files may not eliminate them from the network and/or avoid detection. All use of Town ITR is subject to monitoring by the Town at any time, with or without notice, and notwithstanding any passwords. Use of the Town's ITR constitutes consent to monitoring and is conditioned upon strict adherence to this policy.

VI. Precautions against Computer Viruses

All users are expected to undertake precautions to prevent infection of Town computers by computer viruses. In particular, employees should not import executable programs to Town computers without proper authorization or access email attachments from unfamiliar sources. Users must immediately notify their supervisors and the Town Manager if a Town computer is infected by a virus.

VII. Political Activities and Conflicts of Interest

An employee's use of Town ITR may not conflict with the state's conflict of interest law (Massachusetts General Laws Chapter 268A) or campaign finance law (Massachusetts General Laws Chapter 55). Notwithstanding any provisions of Section II (Prohibited Conduct) above, political activity may be permitted to the extent that such activities are a part of an employee's official responsibilities. Employees with questions regarding appropriate use of Town ITR for political activities are advised to speak with their supervisors and/or the Town Manager.

VIII. Additional Responsibilities of Department Heads, Managers, and Supervisors

Department Heads, managers, and supervisors are responsible for ensuring that all employees under their supervision using any Town ITR have read this policy and understand its applicability to their activities. Furthermore, Department heads are responsible for ensuring that any employee who will be given access to Town ITR receives a copy of the policy and acknowledges in writing receipt of the policy. A signed copy of the acknowledgment of receipt shall be placed in the employee's personnel file.

Last updated February 2021

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MASSACHUSETTS CONFLICT OF INTEREST LAW POLICY

Massachusetts General Law chapter 268A is the state's conflict of interest law. The State Ethics Commission (the "Commission") is the state agency charged with administering and enforcing the conflict of interest law. All Town employees will be provided with this "Summary of the Conflict of Interest Law for Municipal Employees" within 30 days of hire or election, and then annually. All Town employees must acknowledge in writing that they received the policy.

Summary

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them.

This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

For the purposes of this policy, all references to "Sections" refer to specific sections with M.G.L. c. 2

I. Are you a municipal employee for conflict of interest law purposes?

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a Town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the Town and the employee is a "key employee" under the contract, meaning the Town has specifically contracted for services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

II. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example: A Town Administrator accepts reduced rental payments from developers.

Example: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions: There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the Town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example: A Town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with Town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use their official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use their official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example: A full-time Town employee writes a novel on work time, using their office computer, and directing their secretary to proofread the draft.

Example: A Town councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example: A mayor avoids a speeding ticket by asking the police officer who stops them, "Do you know who I am?" and showing their municipal I.D.

(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)

A municipal employee may not participate in any particular matter in which they or a member of their immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. They also may not participate in any particular matter in which a prospective employer, or a business organization of which they are a director, officer, trustee, or an employee has a financial interest. Participation includes discussing as well as voting on a matter and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example: A school committee member's wife is a teacher in the Town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example: A member of a Town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, they are presumed to have a financial interest in the matter. They cannot participate unless they provide the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect their financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which they have a financial interest. The employee need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if they determine that the financial interest in question is not so substantial that it is likely to affect the integrity of their services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example: An appointed member of the Town zoning advisory committee, which will review and recommend changes to the Town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed the employee to their position, and that board gives the employee a written determination authorizing their participation, despite the company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the Town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

Regulatory exemptions. In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting Town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

Example: A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shell-fishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which they have a financial interest common to all commercial fishermen, but may not participate in determinations in which they alone have a financial interest, such as the extension of the employee's own individual permits or leases.

(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more or cause another person to do so.

Example: A public works director directs their secretary to fill out time sheets to show them as present at work on days when they were skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that the employee would show favor toward someone or that they can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether their relationships and affiliations could prevent them from acting fairly and objectively when performing their duties for the Town. If the employee cannot be fair and objective because of a relationship or affiliation, they should not perform their duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to their appointing official.

Example: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor their cousin. The chair files a written disclosure with their appointing authority explaining the relationship with their cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

Example: A police officer may not work as a paid private security guard in the Town where they serve because the demands of their private employment would conflict with their duties as a police officer.

(b) Divided loyalties. Receiving pay from anyone other than the Town to work on a matter involving the Town is prohibited. Acting as agent or attorney for anyone other than the Town in a matter involving the Town is also prohibited whether or not you are paid. (See Sec. 17)

Because Cities and Towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the Town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the Town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the Town; and serving as spokesman.

A municipal employee may always represent their own personal interests, even before their own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example: A full-time health agent submits a septic system plan that they have prepared for a private client to the Town's board of health.

Example: A planning board member represents a private client before the board of selectmen on a request that Town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the Town or receive small stipends. Others, such as a private attorney who provides legal services to a Town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of Town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, Town council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in Towns of 10,000 or fewer are automatically "special"; selectman in larger Towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that they have not participated in or had responsibility for as a school committee member. There is no conflict. However, the employee may not appear before the school committee, or the school department, on behalf of a client because they have official responsibility for any matter

that comes before the school committee. This is still the case even if they have recused themselves from participating in the matter in their official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under Town by-laws, the employee only has official responsibility for matters assigned to them. The employee may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to them and they will not participate in it.

(c) Inside track. Being paid by the Town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the Town has with someone else. This provision is intended to prevent municipal employees from having an “inside track” to further financial opportunities.

Example: Legal counsel to the Town housing authority becomes the acting executive director of the authority and is paid in both positions.

Example: A selectman buys a surplus truck from the Town DPW.

Example: A full-time secretary for the board of health wants to have a second paid job working part-time for the Town library. The employee will violate Section 20 unless they can meet the requirements of an exemption.

Example: A Town councilor wants to work for a non-profit that receives funding under a contract with their Town. Unless they can satisfy the requirements of an exemption under Section 20, they cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second Town position, housing-related benefits, public safety positions, certain elected positions, small Towns, and other specific situations. Please call the Commission’s Legal Division for advice about a specific situation.

IV. After you leave municipal employment. (See Section 18)

(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation: A former school department employee works for a contractor under a contract that they helped to draft and oversee for the school department.

(b) One-year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example: An assistant Town manager negotiates a three-year contract with a company. The Town manager who supervised the assistant and had official responsibility for the contract but did not participate in negotiating it, leaves their job to work for the company to which the contract was awarded. The former manager may not call or write the Town in connection with the company's work on the contract for one year after leaving the Town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the Town in relation to the matter.

Example: While serving on a Town's historic district commission, an architect reviewed an application to get landmark status for a building. Their partners at the architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, their partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

Example: A former Town counsel joins a law firm as a partner. Because the employee litigated a lawsuit for the Town, their new partners cannot represent any private clients in the lawsuit for one year after their job with the Town ended.

Last updated February 2021

MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT POLICY

Pursuant to the Pregnant Workers Fairness Act, it is the policy of the Town not to discriminate on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. The Town shall not treat employees or job applicants less favorably than others based on pregnancy or pregnancy related conditions and shall accommodate pregnant workers in accordance with this Policy.

Upon request for an accommodation from an employee or job applicant capable of performing the essential functions of the position involved, the Town shall engage in a timely, good faith and interactive process with the employee or prospective employee to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee's job or the position to which the prospective employee has applied.

The Town may require documentation about the need for a reasonable accommodation from an appropriate health care or rehabilitation professional except when the accommodation requested is:

- more frequent restroom, food or water breaks;
- seating;
- limits on lifting more than 20 pounds; and
- private non-bathroom space for expressing breast milk.

The Town may require documentation for an extension of the accommodation beyond the originally agreed-to accommodation.

This policy shall be distributed to all employees.

New employees will receive a copy at the commencement of employment.

An employee who notifies the Town of a pregnancy or condition related to the employee's pregnancy shall receive a copy of this policy within 10 days.

Last updated February 2021

PROHIBITION OF SMOKING AND THE USE OF TOBACCO PRODUCTS

In accordance with Massachusetts General Laws, Chapter 270, Section 22, employees are prohibited from smoking or lighting cigars, cigarettes, pipes or other tobacco products intended for inhalation in any manner or form including the use of electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization in Town buildings and vehicles.

Pursuant to Massachusetts law, Police Officers are prohibited from smoking tobacco products.

Employees may smoke only in designated areas at least 20 feet away from Town buildings.

Any employee who wishes to engage in a smoking cessation program is encouraged to contact the Human Resources office or their health care provider.

Last updated February 2021

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SOCIAL MEDIA POLICY

Employees covered by a collective bargaining agreement (CBA) should also refer to their respective CBA to understand their social media policy. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

I. Purpose

The Town endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the Town's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

II. Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Personnel: Individuals employed by the Town without regard to position.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram), microblogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube, Snapchat, TikTok), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Users: Employees who use, control, and/or post on a Town social media account.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Interchangeable with the term "social media."

Wiki: Web page(s) that can be edited collaboratively.

III. On The Job Use

a. Town-Sanctioned Pages

- i. All Town social media sites or pages shall be approved by the Town Manager or his or her designee before creation and shall be administered by the Town or as otherwise determined.
- ii. The user for each social media page shall provide the Town Manager or his or her designee with the username and password for the page when the page is created and whenever such log-in credentials are updated.
 1. Users may not use non-work-related e-mail addresses or phone numbers to create a Town social media page.
 2. “Strong” passwords shall be used for all Town social media pages. Passwords must be at least eight (8) characters long with a mix of characters, numbers and letters.
 3. The user for each social media page must change the password every three (3) months and immediately provide the Town Manager or his or her designee with the updated password.
- iii. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Town’s presence on the website.
- iv. Where possible, the page(s) should link to the Town’s official website.
- v. Where possible, social media pages shall clearly indicate they are maintained by the Town and shall have Town contact information prominently displayed.
- vi. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
- vii. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
- viii. Content must be managed, stored, and retrieved to comply with public records laws, open meeting laws, and e-discovery laws and policies.
- ix. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Town.
- x. Pages shall clearly indicate that posted comments will be monitored and that the Town reserves the right to remove the following content:
 1. Obscenities and vulgar language;
 2. Off-topic comments;

3. Harassing, discriminating and/or threatening comments;
 4. Sexual-based comments;
 5. Comments encouraging illegal activity;
 6. Confidential health information;
 7. Personnel information;
 8. Information that is otherwise exempt from public disclosure.
- xi. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- b. Town-Sanctioned Use
- i. Employees representing the Town or a Town department via social media outlets must conform to the following:
 1. Users must conduct themselves at all times as representatives of the Town and, accordingly, shall adhere to all Town standards of conduct and observe conventionally accepted protocols and proper decorum.
 2. Users must identify themselves as a Town employee.
 3. Users cannot use any Town social media page to engage in conduct that violates any local, state, federal law and/or regulation.
 4. Users cannot disseminate confidential information, including photographs or videos, without express written permission.
 5. Users cannot harass any other employee in violation of the Town's Anti-Discrimination and Harassment Policy.
 6. Users cannot use any Town social media page to conduct political activities or private business.
 7. Users cannot use any Town social media page to post a review or recommendation about another individual, business, cause or otherwise endorse another individual, business or cause.
 8. If a user makes an error in publishing a post to a Town social media page, they must not delete the post, but rather publish a follow-up post that corrects the error.
 9. Users shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

10. Users cannot block other accounts or delete comments/replies on social media unless they have clearly violated the page's policy against the following content:

- a. Obscenities and vulgar language;
- b. Off-topic comments;
- c. Harassing, discriminating and/or threatening comments;
- d. Sexual-based comments;
- e. Comments encouraging illegal activity;
- f. Confidential health information;
- g. Personnel information;
- h. Information that is otherwise exempt from public disclosure.

11. Employee use of personally owned devices to manage the Town's social media activities or in the course of official duties is prohibited without express written permission from the Town Manager.

12. Information Technology Responsibilities

- a. The Town Manager or his or her designee shall maintain a list of all Town social media accounts and the username, e-mail address, and password of each account.

IV. Personal Use

- a. Employees are free to express themselves as private citizens on social media sites. Employees are reminded that their speech on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental or otherwise inappropriate. Employees should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- b. Employees are prohibited from posting, sharing, etc. on any form of social media, personal or otherwise, while they are working.
- c. Employees are prohibited from using social media to engage in conduct that violates any local, state, federal law and/or regulation.

- d. Employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without express authorization. When an employee is discussing a matter that is public record on their social media, the Employee must clearly state that any opinion stated is their own.
- e. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected. Employees should expect that any information created transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Town at any time without prior notice.

V. Discipline

Employees that violate this policy may be subject to discipline, up to and including discharge.

VI. Personnel Responsibility

It is the responsibility of all Employees to familiarize themselves with this policy.

Last updated February 2021

TRAVEL REIMBURSEMENT POLICY

Employees covered by a collective bargaining agreement (CBA) should refer to their respective CBA to determine their travel reimbursement benefits. In the event of a conflict between this policy and the specific terms of a CBA, the terms of the CBA will govern.

If an employee is required to use their personal vehicle for travel directly related to Town employment, the Town will reimburse the employee for mileage and tolls. Mileage shall be reimbursed at the rate set forth annually by the Internal Revenue Service. To receive reimbursement, employees must submit expense reports which must be approved by the Department Head. Department Heads shall provide expense report forms to employees who qualify for reimbursement.

Last updated February 2021

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SECTION IV: EMPLOYEE ACKNOWLEDGEMENT

EMPLOYEE ACKNOWLEDGMENT FORM

The undersigned acknowledges that s/he has received a copy of the following personnel policies of the Town of Great Barrington:

- Attendance
- Bereavement Leave
- Direct Deposit
- Domestic Violence Leave Policy
- Dress Code Policy
- Drug and Alcohol-Free Workplace Policy
- Drug and Alcohol Testing
- Equal Employment Opportunity, Anti-Discrimination and Harassment Policy
- Family and Medical Leave
- Health Insurance
- Holiday Policy
- Inclement Weather Policy
- Information Technology Resources Acceptable Use Policy
- Jury Duty
- Longevity
- Massachusetts Conflict of Interest Law
- Massachusetts Pregnant Workers Fairness Act Policy
- Military Service Leave
- Personal Leave
- Probationary Period
- Prohibition of Smoking and the Use of Tobacco Products
- Separation from Employment
- Sick Leave
- Sick Leave Bank
- Social Media Policy
- Travel Reimbursement Policy
- Vacation Leave
- Work Schedule and Overtime

By signing this Employee Acknowledgment Form, I am acknowledging that I have received a copy of each policy listed. I have read, understand and agree to comply with each policy. I understand that the Town of Great Barrington has the discretion permitted by law to interpret, change, modify, or delete the procedures, and benefits contained in the Personnel Policies at any time without notice. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this Handbook. A copy of this signed acknowledgment will be maintained in my Personnel File.

Employee Name (print)

Employee Signature

Date

Policies Last Updated: February 2021

Mark Pruhenski

From: Contact form at Great Barrington MA <cmsmailer@civicplus.com>
Sent: Friday, February 5, 2021 10:35 AM
To: Mark Pruhenski
Subject: [Great Barrington MA] Lovers Lane (Sent by JAMES SANTOS, jcurriesantos@outlook.com)

****CAUTION:****

****This is an external email, be vigilant****

*****Do not click links or open attachments unless you recognize the sender (and their email address) and know the content is safe*****

Hello mpruhenski,

JAMES SANTOS (jcurriesantos@outlook.com) has sent you a message via your contact form (<https://www.townofgb.org/user/1973/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/1973/edit>.

Message:

Good Morning Mark,

My name is Jim Santos. I live on Lovers Lane in Gt. Barrington. I understand the Board of Selectmen will be discussing the intersection of Lovers Lane and Rt. 7 at their next meeting.

My thoughts on this are as follows. I see three possible ways to go with this:

1. Make no changes - leave the intersection as it is. To improve safety, maybe the state could put up signs going both North and South on Rt. 7 stating that there is a dangerous intersection ahead.
2. Make Lovers Lane one way, turning onto Lovers Lane from Rt. 7 towards Monument Valley Road (West to East).
3. Close Lovers Lane to thru traffic.

I'm in favor of number 1. Leave the intersection as is. The recent fatal accident was unfortunate, but I think history will show there have not been many accidents (fatal or otherwise) at this intersection. Number 2 creates another problem. If you are heading south on Rt. 7 and want to turn into Lovers Lane, you would have to turn left across 2 north bound lanes of traffic heading up the mountain. Number 3, to me, is a last resort choice. I don't think we need to be this drastic.

Thank you for your time .

Jim Santos

Mark Pruhenski

From: Amanda Height <amanda.height52@gmail.com>
Sent: Thursday, February 4, 2021 5:34 PM
To: Mark Pruhenski
Subject: Lovers lane resident

****CAUTION:****

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Good evening.

Is there going to be a way to make sure the actual residents of lovers lane can have their say at mondays meeting? I'm guessing that there will be many people wanting to make comments, especially since the town posted it on Facebook. My family will be attending, as well as my parents...we all live on lovers lane and have strong feelings about our little road and the consequences that changing the traffic pattern would have on us.

Should I get my thoughts down and send them to you anyway?

Thank you

Amanda and Jon Height

7 lovers lane

Mark Pruhenski

From: Barry Weitzner <barry.weitzner@gmail.com>
Sent: Thursday, February 4, 2021 5:40 PM
To: Mark Pruhenski
Subject: Fwd: CodeRed Call of 2/4/2021: Residents in the area of Lover's Lane

****CAUTION:****

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Thank you for reaching out to the local residents with regard to this matter. I am sadly aware that there was a fatal accident at this intersection in the past few weeks. We are new residents who live on Muddy Brook Circle (moved in mid-December) and have on occasion been traveling north on Rt. 7 and turned right onto Lover's Lane. I will only do so if there are no cars visible behind me because I believe that this is a dangerous corner to slow down and turn onto. I would never consider exiting from Lover's Lane onto Rt. 7 because the sight distance to the left (south) is limited by the hill.

In summary, I would suggest that the intersection be permanently closed and that Lover's Lane become a dead end road. I would of course defer to the folks who live on Lover's Lane, as they are more directly impacted.

Sincerely,
Barry Weitzner

----- Forwarded message -----

From: Great Barrington MA <cmsmailer@civicplus.com>
Date: Thu, Feb 4, 2021 at 4:50 PM
Subject: CodeRed Call of 2/4/2021: Residents in the area of Lover's Lane
To: <barry.weitzner@gmail.com>

CodeRed Call of 2/4/2021: Residents in the area of Lover's Lane

This message was sent to residents in the area of Lover's Lane earlier today:

The Selectboard will be discussing the Lover's Lane/Route 7 Intersection at their meeting on Monday, February 8th, beginning at 6 PM via Zoom. The Board would like to invite residents in that area to participate in the discussion. Residents can find the Zoom access information on the Selectboard's Agenda, posted on the Town's website, <https://www.townofgb.org>. If you cannot attend but have comments you would like to share with the Board, please email them to townmanager@townofgb.org. If you have any questions, you may call the Town Manager's office at 413-528-1619 ex 2900

[Read more](#)

Mark Pruhenski

From: Peter Dillon <peter.dillon@bhrsd.org>
Sent: Tuesday, February 2, 2021 12:01 PM
To: Mark Pruhenski
Subject: Lovers Lane

****CAUTION:****

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Mark,

I'm writing in response to your request for feedback on the Lovers Lane — Route 7 intersection.

First of all, I shared your request with Massini Bus Co.. You should get a response from them.

While there are many solutions to making challenging intersections safer, I would recommend that cars not be allowed to turn left on Route 7, with the exception of emergency vehicles.

There is obviously lots of traffic going both North and South there and the left turn is challenging to negotiate safely. From a school perspective, we have many new drivers and making the path to and from school safer makes sense.

I trust you, the highway department, and the Mass. DOT to recommend a solution that the Selectboard will enact.

Thanks for asking for the School District's feedback. We appreciate our partnership.

Peter

Peter Dillon, Ed.D.
Superintendent of Schools
Berkshire Hills Regional School District / Richmond Consolidated School
50 Main Street
P.O. Box 617
Stockbridge, MA 01262
413-298-4017, Ext. 719 (note new extension)

<http://www.bhrsd.org>

peter.dillon@bhrsd.org

Mark Pruhenski

From: Steve Bannon
Sent: Tuesday, February 2, 2021 7:51 AM
To: ldrossner@roadrunner.com
Cc: Mark Pruhenski
Subject: Re: [Great Barrington MA] lovers lane (Sent by Linda Santos, ldrossner@roadrunner.com)

Linda Thank you for your input. We will have a neighborhood meeting prior to making any decisions. SCB

Stephen Bannon
413-446-6957
Sent from my iPad

On Feb 2, 2021, at 7:48 AM, Contact form at Great Barrington MA
<cmsmailer@civicplus.com> wrote:

****CAUTION:****
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Hello sbannon,

Linda Santos (ldrossner@roadrunner.com) has sent you a message via your contact form (<https://www.townofgb.org/user/76/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/76/edit>.

Message:

I have lived at 9 lovers lane for 20yrs, i NEVER venture out onto rte 7 heading south due to inability to see far enough up rte 7 to the north and traffic ALWAYS going at least 65mph.... I drive dwn to the intersection by the schools to exit safely....i would be in favor of either only allowing a rt hand turn onto rte 7 going north or closing the lane altogether with a blockade at the rte 7 end (as long as it is maintained by the town)allowing one way only turning INTO lovers lane would be a hazard for school buses and all other drivers who could get rear ended by the speeding distracted drivers. I guess i would have to go down into town somewhere and turn around! Thanks for listening!

Mark Pruhenski

From: Paul Storti
Sent: Friday, January 29, 2021 11:00 AM
To: Mark Pruhenski
Cc: Adam Carlotto
Subject: RE: Lover's Lane/Route 7

Mark, My initial thoughts on this matter based on my personal experience is that taking a left hand turn at certain times of the day can be difficult and dangerous. This is based on the speed limit in the areas, the two lanes and the slight hill as vehicles travel s/b in Rt 7. I have completed a check on our in-house system and discovered that since 2007 to date we have had only this MVA at the intersection. We have had a handful on the mountain, cars off road, sideswipe headed north, but no other accidents involving vehicles entering or exiting Lovers lane from Stockbridge Rd. This latest accident was the most serious of all the accidents. In my opinion, this last accident was due to operator error. The traffic at the time was light and there were no road conditions or visibility issues that factored into the accident. I know this accident was tragic and very sad, I'm not sure if any action is warranted at this time. Hopefully this helps you. If you would like me to research any additional information, please let me know how I can help. Paul

From: Mark Pruhenski
Sent: Thursday, January 28, 2021 4:06 PM
To: Peter Dillon <Peter.dillon@bhrs.org>; Charles Burger <cburger@Townofgb.org>; Paul Storti <PStorti@Townofgb.org>; William Hathaway <director@sbvas.com>
Cc: Sean Van Deusen <svandeusen@townofgb.org>
Subject: Lover's Lane/Route 7

All,

The Selectboard will be discussing the intersection of Lovers Lane and Route 7/Stockbridge Road at their meeting of **Monday February 8th/6:00 PM**, and would like your input. This conversation is a result of the recent fatal motor vehicle accident at that intersection, and they have four options on the table at this time.

- 1- install signs that would prohibit left turns from LL (entering Route 7)
- 2- close off LL where it meets Route 7 making it a dead-end
- 3- convert LL to a one-way road (Route 7 to MMVR)
- 4- do nothing at all

If you cannot attend, can you please forward along comments/concerns so we can share them with the board that night? I'll be reaching out to the residents on that road as well.

Peter, can you forward this along to the bus company if you think this will impact any bus routes? We'd like to hear from them as well, but I don't have an email contact (and no website seems to exist).

Thanks in advance! -m

From: John Grogan
Sent: Tuesday, January 5, 2021 10:32 AM
To: Mark Pruhenski
Subject: GBHA

Hi Mark,

I hope all is well with you and yours. I would like to be considered to fill the current vacancy on the GBHA. My resume is attached here, and I'd like to know what else you and the Selectboard would require of me. I was on School Committee for some time so I am well aware of the level of commitment required and am ready to be involved and try to be of service to our community again.

I think here, in Great Barrington and throughout Berkshire County, housing, affordable housing, is of primary importance to us prospering as a town in the future. I'd like to lend my voice to the discussion and my work ethic & expertise to accomplishing what needs to be done. Please let me know if there's anything else you need of me.

John Grogan

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John Grogan

Housatonic, MA 01236

EXPERIENCE:

Publisher - Linux Journal GeekGuides, Poindexter Papers

Associate Publisher - Linux Journal

January 2013 – Present

Conceived and developed the GeekGuide eBook imprint to extend the long-form journalism Linux Journal is famous for into the eBook/**content marketing** realm. GeekGuides have been enormously successful as both esteemed editorial products and fabulous content marketing vehicles generating leads at incredible CPLs. They drove a 75% increase in revenue over their first 2 years. Founded Poindexter Papers to continue the long-form journalism mission. Currently, with my team, I handle every ebook from topic conception to lead fulfillment and have done successful ones for IBM, SUSE, Puppet, Symantec, Help Systems, Intel and many others. Was also responsible for all aspects of sales and sales processes for a successful high tech, multi-platform publication. Installed processes and best practices for prospecting, selling and closing business as well as for coordinating ad delivery and tracking results. None existed prior. Also responsible for developing new products and revenue streams, repositioning the property, redesigning the sales story/pitch and media kit and all other marketing activity. The result is 3.5x revenue growth in 1st year, 10x in 3 years by infiltrating, building collaborative relationships with and bringing in major tech accounts such as IBM, CA, HELP, HP, SUSE, Intel, etc.

President - BGA/Point B Partners

October 2010 – December 2012

Advertising, guerrilla marketing, contract sales, social media marketing...serious marketing & sales for companies serious about results.

Director of Business Development - TMC

September 2009 – October 2010

Digital ad sales, including digital display, lead gen & content marketing, for a start-up property in an established organization. Landed IBM, CA, HP and other major accounts along with numerous smaller ones.

Associate Publisher – Realtime Publishers

4/2007 – 2009

Manage sales efforts in the Eastern half of the country for an unknown content-marketing company selling eBook, whitepaper and article sponsorships to high-tech companies. Developed marketing materials, marketing & awareness campaigns and have been responsible for all prospecting, database building and sales. Have brought in huge bellweather accounts such as IBM, EMC, APC, CA etc. and have established credibility & excellent working relationships with most other tech companies.

Ad Sales Director/Publisher - New England Antiques Journal - Turley Publishing

4/2005 – 12/06

Overhauled, redesigned and repositioned two Antiques publications to go from perennial money losers to profitability in 6 months. This includes analyzing sales processes, marketing strategy, sales staff, sales story/presentation, distribution, circulation, alternative revenue streams (Internet, ancillary publications, etc.) & all publishing operations and adjusting, training, redesigning or recreating where necessary. Result: 100% increase in subscribers, average 15% growth across territories over last year in a down market, and profitability.

Partner/Owner - Mama's Earth: The Environmental General Store
1999 - 4/2005

Conceived and wrote business and marketing plans. Set financial goals and tracked performance. Designed and produced web site and catalogs including photography & copy for both. Managed IT. Managed all facets of all marketing efforts including search engine optimization, Blogging, customer retention programs, advertising, public relations, etc. Grew company from 0 to \$400,000+ in sales to individual consumers via Internet and catalog.

Associate Publisher - Internet World Magazine - Mecklermedia, Inc.
1997 - 1999

Bottom-line responsible for all sales and marketing to resuscitate and reposition a struggling technology publication. Managed and directed efforts of a 7 person sales staff including hiring and firing. Successfully repositioned magazine from a consumer publication to business-to-business to the acclaim of advertisers. Doubled revenue in first 6 months in hyper-competitive market

Eastern Ad Director - PC World Magazine & Publish! - IDG Communications
1988 - 1997

Managed East coast ad sales efforts for two struggling publications. First took a Publish! Magazine territory from \$22,000 to \$125,000 per month. Generated 50% of magazine's total revenue. Then took PC World from \$50,000 to \$600,000 per month. Was leading revenue producer & sales call total leader. Managed four salespeople and was ultimately responsible for \$19,000,000 in sales revenue per year.

EDUCATION:

Hobart College

BA in English, Honors in Creative Writing

Albany Academy

Cum Laude

COMMUNITY INVOLVEMENT:

School Committee Member - Berkshire Hills Regional School District – Elected position
Chairman - Communications Subcommittee of BHRSD School Committee
Chairman - Berkshire Division VI - Massachusetts Association of School Committees
Founder/President - Housatonic School Scholarship Fund
Hockey Coach - USA Hockey Level III, High school coach
Softball Coach - Girls High School varsity, U12 & U 16 teams