

Jennifer Tabakin
Town Manager

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



Town Hall, 334 Main Street
Great Barrington, MA 01230

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

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Revised

SELECTBOARD'S MEETING AGENDA

MONDAY, JANUARY 22, 2018

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

December 11, 2017 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

B. Review of Citizen Petition Process for Town Meeting Articles.

(Citizen Petition: **Opens - January 22, 2018; Closes – January 31, 2018**)

4. TOWN MANAGER'S REPORT:

A. Department Updates.

B. Project Updates

- Update on Housatonic School MOU.

5. PUBLIC HEARINGS:

A. Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for alteration of premises on the Common Victualler All Alcoholic Restaurant Liquor License at 20 Railroad Street, Great Barrington, MA 01230. (Discussion/Vote)

a. Open Public Hearing

b. Explanation of Project

c. Speak in Favor/Opposition

d. Motion to Close Public Hearing

e. Motion re: Findings

f. Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

A. Anne Marie Aigner/Food Truck Festivals of America, LLC for Temporary One Day

Weekday Entertainment License for June 30, 2018 from 11:00 am – 5:00 pm at Great Barrington Fairgrounds, 684 Main Street. (Discussion/Vote)

- B. Anne Marie Aigner/Food Truck Festivals of America, LLC for One Day Beer and Wine License for June 30, 2018 from 11:00 am – 5:00 pm at Great Barrington Fairgrounds, 684 Main Street (Discussion/Vote)
- C. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for February 10, 2018 from 11:00 am – 6:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)
- D. Robin M. Vickery/Great Barrington Fish and Game for Six (6) One Day Beer and Wine Liquor Licenses Every Sunday from February 18 – March 25, 2018 (2/18; 2/25; 3/4; 3/11; 3/18 and 3/25) from 11:00 am – 6:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)
- E. Robin M. Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for March 17, 2018 from 3:00 pm – 11:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road. (Discussion/Vote)

7. OLD BUSIESS:

- A. SB – Approve the Declaration of Trust for the GB Affordable Housing Trust. (Discussion/Vote)

8. NEW BUSINESS:

- A. SB – to appoint Attorney Donald Dubendorf as Special Town Counsel. (Discussion/Vote)

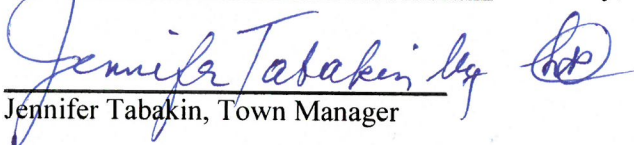
9. CITIZEN SPEAK TIME:

10. SELECTBOARD’S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD’S MEETING: Monday, February 12, 2018, 7:00 P.M.


Jennifer Tabakin, Town Manager

Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on Monday, January 22, 2018 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the application of Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for alteration of premises on the Common Victualler Restaurant Liquor License at 20 Railroad Street, Great Barrington, MA 01230.

Sean Stanton
Chair

PLEASE PUBLISH January 5 and 12, 2018.

PUBLIC HEARING:

The Selectboard will hold a public hearing on Monday, January 22, 2018 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the application of Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for alteration of premises on the Common Victualler Restaurant Liquor License at 20 Railroad Street, Great Barrington, MA 01230.

- a. **Board** - **Open Public Hearing**
- b. **Applicant/Attorney** - **Explanation of Project**
- c. **Board** - **Motion to Close Public Hearing**
- d. **Board** - **Motion re: Findings**

FINDINGS OF FACT:

Completed application was submitted to Selectboard on November 16, 2017.

Public Hearing was properly advertised in the Berkshire Record for two (2) consecutive weeks on January 5 and 12, 2018. No notification to abutters was required.

Public Hearing is scheduled for January 22, 2018 @ 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA 01230.

No impediments were disclosed as to the approval or denial for the alteration of premises on the Common Victualler Restaurant All Alcoholic Liquor License.

- e. **Board** - **Motion re: Approval/Denial/Table**

Motion: _____ Move to approve the Findings of Fact for alteration of premises for alteration of premises on the Common Victualler Restaurant Liquor License for Shackdown, Inc. d/b/a 20 Railroad Public House, Benjamin D. Downing, Manager for at 20 Railroad Street, Great Barrington, MA 01230 and with the findings that the benefits of the proposal outweigh any possible detrimental impacts.

Second:

Vote:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

AMENDMENT APPLICATION FOR AN ALTERATION OF PREMISES OR CHANGE OF LOCATION

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF LICENSEE (Business Contact)	Shackdown, Inc		
ABCC License Number	046400011	City/Town of Licensee	Great Barrington

2. APPLICATION CONTACT			
The application contact is required and is the person who will be contacted with any questions regarding this application.			
First Name:	Benjamin	Middle:	David
Last Name:	Downing		
Title:	Owner	Primary Phone:	4134465351
Email:	ben@20railroad.com		

3. BUSINESS CONTACT			
Please complete this section <u>ONLY</u> if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.			
Entity Name:			
Primary Phone:		Fax Number:	
Alternative Phone:		Email:	

Business Address (Corporate Headquarters)			
Street Number:	20	Street Name:	Railroad Street
City/Town:	Great Barrington	State:	Massachusetts
Zip Code:	01230	Country:	USA

Mailing Address		<input checked="" type="checkbox"/> Check here if your Mailing Address is the same as your Business Address	
Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

Two story building, first floor to be licensed. Ten rooms in total on first floor (including bathrooms, kitchens and closets), nine are a part of this space, Main dining room, pizza room, kitchen, wait station, storage room waiting room and three bathrooms. These spaces are 3,564sq.ft.



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
BERKSHIRE COUNTY
BUSINESS CERTIFICATE
2016

Date: APRIL 7, 2016

Personally appeared before me,

BENJAMIN D. DOWNING

DBA: 20 RAILROAD PUBLIC HOUSE

And made an oath that the foregoing statement is true:

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: APRIL 7, 2020

Marie Y. Ryan, CMC
Town Clerk

CORPORATE RESOLUTION

I, BENJAMIN D. DOWNING, President and Clerk of SHACKDOWN, INC., hereby certify that a special meeting of the Stockholders of the Corporation, at which 100 percent of the shares were represented, and which was immediately followed by a special meeting of the Board of Directors, duly called and held at its office at Great Barrington, MA, on September 6, 2017, a quorum being present and voting, it was unanimously,

VOTED: THAT BENJAMIN D. DOWNING, President be hereby authorized and empowered to sign, seal, acknowledge, and deliver, in the name of and on behalf of the Corporation, all necessary documents to apply for an alteration of premises or change of location at 20 Railroad Street, Great Barrington, Massachusetts relating to a Commonwealth of Massachusetts Alcoholic Beverages Control Commission License Amendment Application

VOTED: TO adjourn.

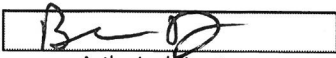
A true copy:



Attest

A handwritten signature in black ink, appearing to read 'B D', is written over a horizontal line.

BENJAMIN D. DOWNING, Clerk

APPLICANT'S STATEMENT

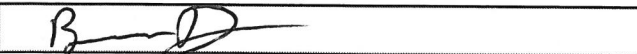
I,  the: sole proprietor; partner; corporate principal; LLC/LLP member
Authorized Signatory

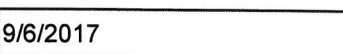
of , hereby submit this application for 
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date: 

Title: 



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

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

Name: Anne Marie Aigner

Business/Organization: Food Truck Festivals of America, LLC

D/B/A (if applicable): _____

Address: 214 Lincoln St. suite 300 Allston, MA 02134

Mailing Address: 214 Lincoln St. suite 300 Allston, MA 02134

Phone Number: 617-254-9500

Email: annemarie@foodtruckfestivalsofamerica.com

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

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

Other (please explain) Festival

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) _____

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

___ YES

NO

Please circle: **INDOOR** or **OUTDOOR** Entertainment

Exact Location of Entertainment (include sketch): Great Barrington
Fairground; 684 S. main St. Great Barrington, MA 01230

Date(s) of Entertainment*: June 30, 2017
*Does not include SUNDAY

Start & End Times of Entertainment: 11am - 5pm

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

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

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

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

A. Allyn 12/19/17 45-145212E
Signature of Individual or Date SS# or FID#
Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: No objections. Please see memo
attached for additional review still needed @

APPROVAL DATE: _____

LICENSE # _____

Subject:

Food Truck Festival June 30, 2018 // DRT preliminary comments for Ent. Permit

On January 9 the DRT staff reviewed preliminary plans for the Food Truck Festival and we appreciate the cooperation of the event producers. We understand the producers hope for 4,000 to 5,000 people over the duration of the festival, with approximately 2,500 on the site at a peak period, and approximately 25 food trucks and breweries, plus miscellaneous crafters set up for the festival.

Staff has no objections to the event. We note however that continued coordination and communication of parking, traffic, and emergency plans is required over the next several months. Also:

A more accurate site plan will be needed and it must indicate locations of all parking, tents, vendors, ticket/entrance kiosks, porta-bathrooms, etc. Organizers are aware that parking and activities in wetland areas are not permitted. The parking area must be able to accommodate 1,500 to 2,000 cars for the expected amount of people on the site at the peak period, and parking shall be managed by the event producer or site owner. The final site plan shall be submitted to the DRT not later than two months in advance of the event.

GB Health requests certifications of food trucks well in advance of the event, at least two weeks prior. Last minute changes are not unexpected and can be dealt with as necessary. A plan to provide potable water on-site must also be provided to the GB Health Dept.

Both Health and Fire Dept. will sign off all trucks on-site the morning of the event.

Signs including banners and temporary signs, and tent permits shall be coordinated with the Building Inspector's office.

It is recommended that the applicant coordinate and pay for police details to be provided on site, and at the site entrance for traffic control.

An emergency preparedness/crisis plan shall be provided to the DRT staff not later than two months in advance of the event.

Thank you.

Christopher T. Rembold, AICP

Town Planner
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230
Ph: (413) 528-1619, x. 7
www.townofgb.org



[GBFG.org]
P.O. Box 121
Great Barrington, MA 01230

12 January 2018

TO: Town Of Great Barrington

To whom it may concern,

As director of Fair Ground Community Redevelopment Project, I hereby authorize Anne Marie Aigner or her assigns, acting on behalf of Food Trucks of America, inc, to apply for any necessary permits or take other actions to facilitate their rental of our property at 659 South Main Street, Great Barrington, MA for their 2018 event.

Sincerely,

Bart Elsbach
For Fair Ground Community Redevelopment Project
dba GBFG



TO: ALL CONCERNED
FROM: The FTFA Team
DATE: January 5, 2018

RE: BERKSHIRES FOOD TRUCK & CRAFT BEER FESTIVAL

This festival will consist of:

- 25 food trucks
- At least 25 local and regional craft brewers, each offering 3-4 beers (a total of 75-100 beers)
- Local entertainment, games, and face painting for the kids
- It will run from 11:00 a.m. – 5:00 p.m.
- Rain or shine

Beer:

- Throughout the entire event, full 12-ounce beers will be available to all attendees (21+)

Food Trucks:

- Participating trucks will serve a variety of cuisines, from homemade comfort foods to more modern dishes
- We will have 25 of the best and most creative food trucks in western Massachusetts
- Each truck will be asked to serve a small item (\$4-\$5), a medium-sized item (\$6-\$8), and a large, full-sized item (\$9+) – most guest come to “graze”
- We will increase/decrease the number of trucks based on the rate of pre-sale tickets and the forecast on the Monday before the scheduled festival

Number of Attendees:

- Between 4,000 - 6,000 guests – Again, we will update the expected attendance the Monday before the festival, based on Facebook trending, advance ticket sales, PR/social media coverage, and the weather forecast for the day of the event so that trucks and breweries can bring enough food/beer and staff

Ticketing Structure

11AM- Noon: VIP Hour

- Sponsored by our media partner/s
 - Typically, \$25 pre-sale, \$30 day of
 - FTFA keeps gate (\$5 presale, \$10 day of), media partner/s will keep or split the rest
 - Gives people early admission which means shorter lines!
 - Guests will also have access to unlimited non-alcoholic beverages and one free dessert from a designated dessert truck

Noon- 5PM: General Admission

- General Admission:
 - In advance/online: \$5
 - Day of at the Gate: \$10
- Packages:
 - Beer Lovers:
 - 3 Beer tickets included in price + general admission. Total for beers comes to \$15.00 total, or \$5.00 per beer. Otherwise, beers cost \$6 at the festival.

Non-profit Partnership:

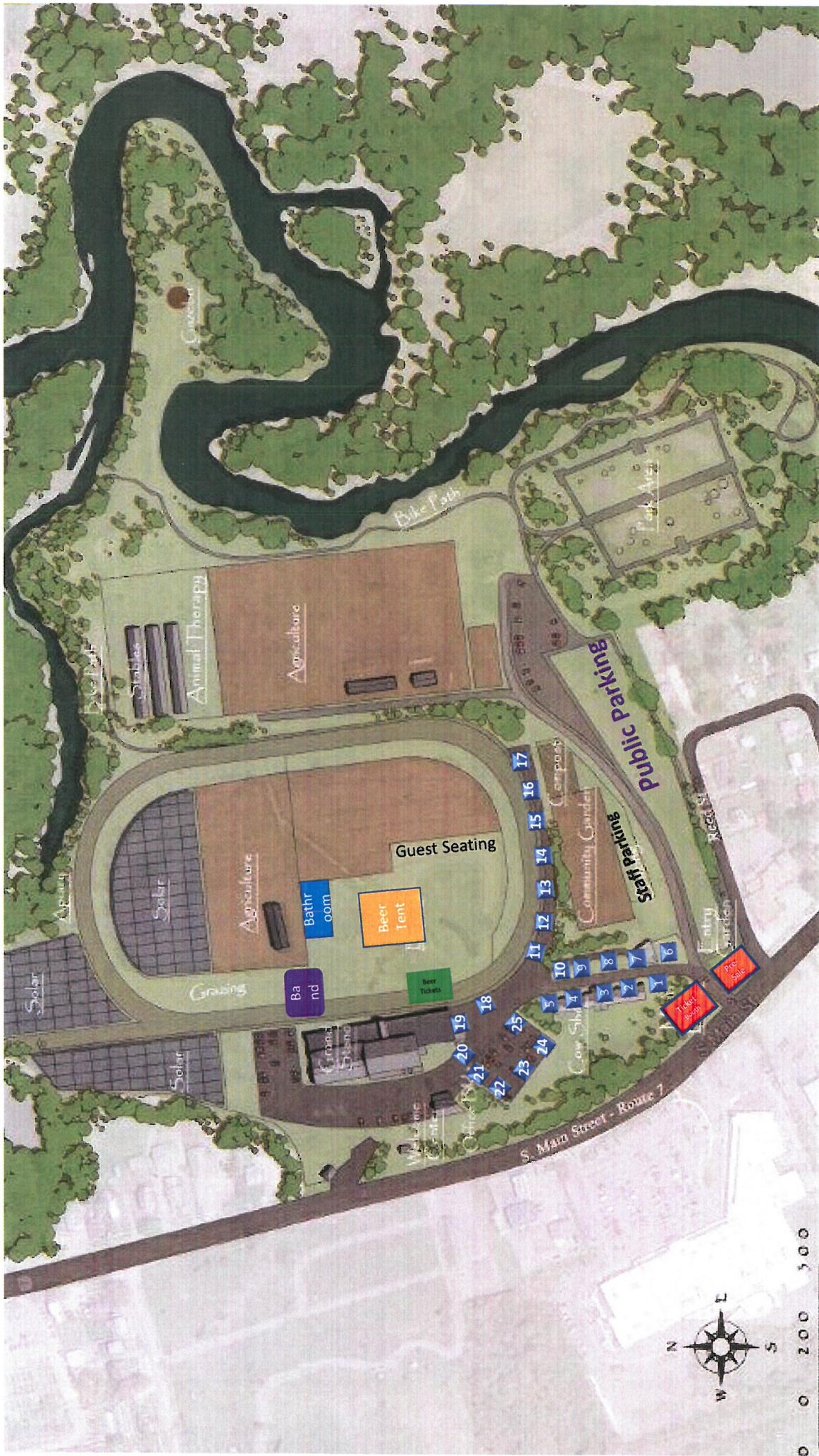
Venue Partner:

Media Partners:

A Community Redevelopment Project
GREAT BARRINGTON
Fair Ground

For more information, please visit our website – www.foodtruckfestivalsofamerica.com

Who is Food Truck Festivals of America? Food Truck Festivals of America was founded in 2012. It has grown to be the largest food truck festival touring company in the U.S. and has produced over 40 festivals to date. Our goal is not only to introduce communities across the country to the booming phenomena of gourmet food trucks and craft beer, but to support the small business owners who run them. Since we began, we estimate that we have helped to generate revenue for nearly 600 small businesses since most of our participating trucks are start-up businesses.



0 0 200 300

RECEIVED
TOWN MANAGER

DEC 15 2017

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Anne Marie Cagner

Organization Name: Food Truck Festivals of America LLC.

Applicant's Address: 214 Lincoln St. suite 300 Allston, MA 02134

Telephone Number: 617-254-9500

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

Event: Berkshires Food Truck & Craft Beer Festival

Date: 6/30/18 Start Time: 11 am End Time: 5 pm

Event Address: 684 S main st. Great Barrington, MA

Is the Event on Town property? YES NO

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

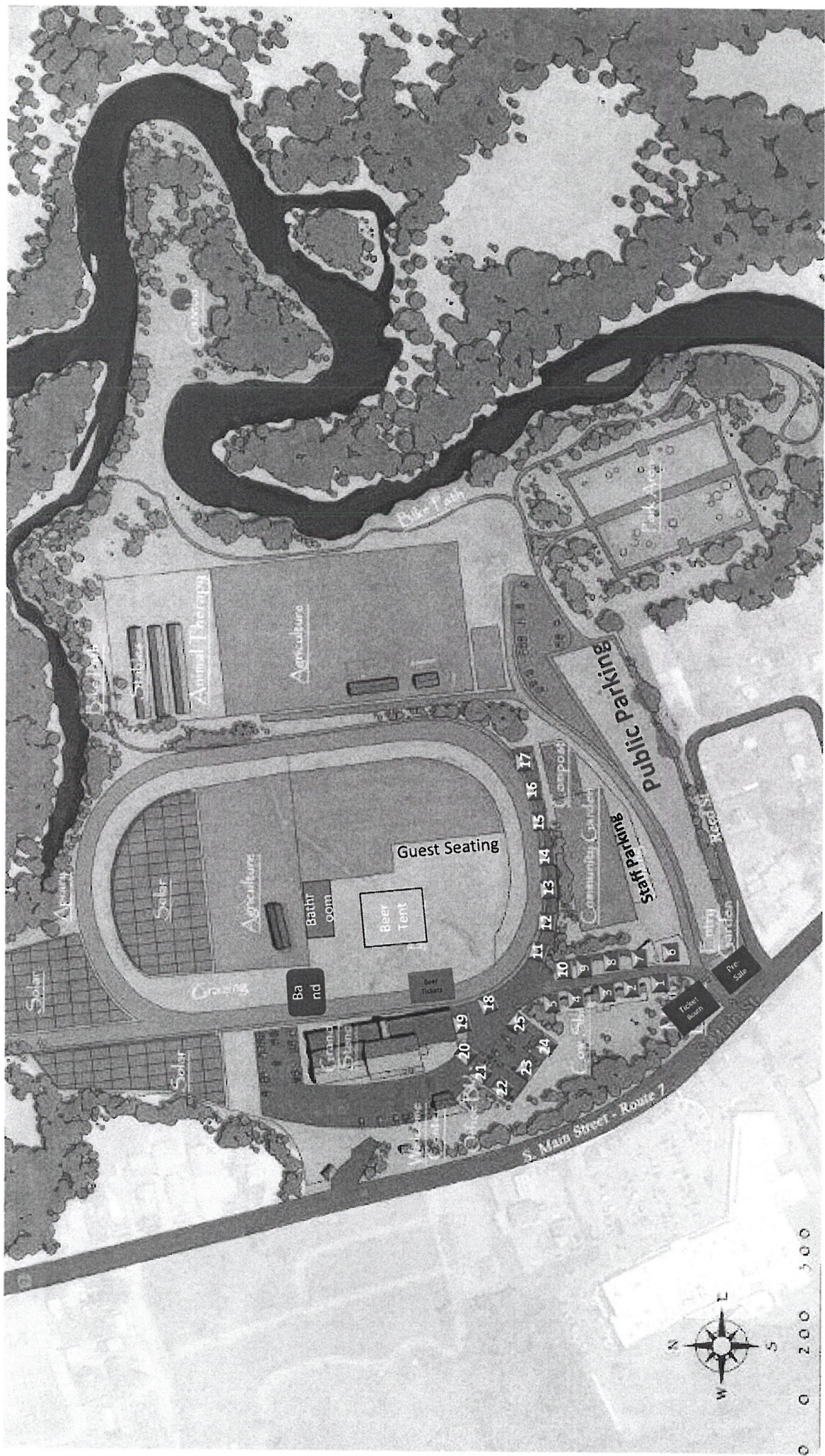
Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the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

A. Cagner
Signature of Applicant

12/6/17
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____



Animal Pharmacy

Agriculture

Bathroom

Guest Seating

Band

Beer Tent

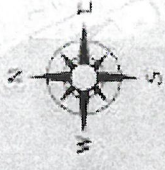
Public Parking

Staff Parking

Community Garden

Tiger Booth

Pre-Sale



0 0 200 500



1 day (Fee: \$25.00 (per day)) \$25.-

APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Robm M. Vickery

Organization Name: Gt. Barrington Fish + Game

Applicant's Address: 338 Long Pond Rd Housatonic Ma

Telephone Number: 274-6291

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

Event: Annual Ice Fishing Derby

Date: FEB 10, 2018 Start Time: 11am End Time: 6pm

Event Address: 338 Long Pond Rd Housatonic

Is the Event on Town property? YES NO

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

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

Robm M Vickery
Signature of Applicant

1-16-18
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

6 (Fee: \$25.00 (per day)) = \$ 150. —



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Robm M Vickery

Organization Name: Gt. Barrington Fish + Game

Applicant's Address: 338 Long Pond Rd Housatonic

Telephone Number: 274-6291

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

Event: Annual Ham Shoots

Every Sunday Date: 2/18/18 thru 3/25/18 Start Time: 11 am End Time: 6 pm

Event Address: 338 Long Pond Rd Housatonic Ma

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

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

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

Robm M Vickery
Signature of Applicant

2/16/18
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

- ① 2/18/18
- ② 2/25/18
- ③ 3/1/18
- ④ 3/11/18
- ⑤ 3/18/18
- ⑥ 3/25/18



1 day (Fee: \$25.00 (per day)) \$25.00

APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Robert M Vickery

Organization Name: Gr. Barrington Fish + Game

Applicant's Address: 338 Long Pond Rd Housatonic

Telephone Number: 274-6291

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

Event: Private Party (Wedding reception)

Date: 3/17/18 Start Time: 3 pm End Time: 11 pm

Event Address: 338 Long Pond Rd Housatonic Ma

Is the Event on Town property? YES NO

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

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

Robert M Vickery
Signature of Applicant

1-16-18
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

DECLARATION OF TRUST
Great Barrington Affordable Housing Trust Fund

THIS DECLARATION OF TRUST is hereby made as of the 22nd day of January, 2018, by the Town of Great Barrington, acting by and through its Selectboard, in accordance with the vote of the January 26, 2017 Special Town Meeting and pursuant to the provisions of G.L. c. 44, §55C.

Section 1: Name of Trust. The Trust shall be called the “Great Barrington Affordable Housing Trust Fund.”

Section 2: Purpose. The purpose of the Trust is to provide for the creation and preservation of affordable housing in Great Barrington, for the benefit of low and moderate income households, as defined by the Massachusetts Department of Housing and Community Development or successor agency (DHCD), and for the funding of community housing, as defined in and in accordance with the provisions of G.L. Chapter 44, §55C.

Section 3: Board of Trustees. There shall be a Board of Trustees, which shall include seven (7) Trustees, to be appointed by the Selectboard for terms not to exceed two (2) years. To the extent possible, the Board of Trustees should include members with experience in banking, real estate, real estate law and residential development. Trustees must be residents of the Town of Great Barrington. At least one member of the Board of Trustees shall be a member of the Selectboard. The Selectboard may remove any member of the Board of Trustees for cause after that member has been provided an opportunity to be heard by the Selectboard. The term “cause” shall include, but not be limited to, four (4) consecutive unexcused absences from Board meetings. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk, recorded with the Registry of Deeds, and filed with the Registry District of the Land Court, if applicable.

If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Selectboard to fill such vacancy for the remainder of the unexpired term, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed shall be filed with the Town Clerk, recorded with the Registry of Deeds, and filed with the Registry District of the Land Court, if applicable. No such appointment shall be required so long as there are at least five Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment or a certificate of such election the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in

such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

The Trustees shall annually elect a Trustee to serve as Chair. The Chair may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairs of the sub-committees may be selected by the members of the sub-committees.

In order to stagger the terms of the Trustees, the first three Trustees appointed shall have terms of one year, and the remaining four shall have terms of two years. Accordingly, of the original Trustees, Samantha Homeyer, Bruce Marzotto and Johnathan Hankin shall hold office until June 30, 2018; and Fred Clark, Bill Cooke, Cara Davis and John Katz shall hold office until June 30, 2019.

Section 4: Powers of the Board of Trustees. The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws, Chapter 44, Section 55C, and pursuant to the provisions of this Declaration of Trust, shall include the following:

1. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from chapter 44B of the General Laws (the Community Preservation Act); provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the Community Preservation Committee of the Town for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue.
2. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
3. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

4. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
5. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
6. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
7. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
8. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
9. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
10. to carry property for accounting purposes other than acquisition date values;
11. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;
12. to make distributions or divisions of principal in kind;
13. to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

14. to manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

15. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

to extend the time for payment of any obligation to the Trust.

Section 5: Meetings of the Board of Trustees. The Trust shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chair or by any two (2) Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, G.L. c. 30A, §§18-25, as it may be amended from time to time. While a majority of the full Board of Trustees shall constitute a quorum for the transaction of any business of the Board of Trustees, less than a quorum may, subject to the requirements of the Open Meeting Law, continue a meeting to a time, date and place certain.

Section 6: Acts of Trustees. Any action of the Board of Trustees shall be approved by a majority of those present and voting at a duly called meeting, provided that a quorum is present, and any and all instruments executed by such majority shall be binding upon the Trust, and shall be conclusive evidence that such action has been duly authorized. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute and deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees or the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust estate. No one dealing with the Trustees need inquire concerning the validity of any act of the Trustees or see to the application of anything paid to or upon the order of the Trustees. No Trustee shall be liable for the act, negligence or default of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

Section 7: Funds Received. Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the Trust, remain Trust property.

Section 8: Town Treasurer as Custodian of Trust Funds. The Town Treasurer shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds. The Treasurer shall invest the Trust's funds in the manner authorized by G.L. c. 44, §55B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust. The yearly approved budget, and any approved budget revisions, will be filed with the Town Treasurer. As custodian, the Treasurer shall issue checks or transfer monies as directed by the Trustees and approved by the Town Manager.

Section 9: Duration of the Trust. This Trust shall continue so long as authorized under the laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, this Trust may be terminated in accordance with G.L. c. 4, §4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Registry of Deeds and the Registry District of the Land Court, if applicable. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Selectboard for affordable housing purposes. In making any such distribution, the Trustees shall, subject to the approval of the Selectboard, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 10: Construction of Terms. In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, words denoting males include females and words denoting persons include individuals, firms, associations, companies, trusts and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. All the powers and provisions of the Trust herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

Section 11: Amendments. This Declaration of Trust may be amended from time to time except as to those provisions specifically required under G.L. c.44, §55C, by an instrument in writing signed by a majority of the Trustees and approved at a meeting called for that purpose, and approved by the Selectboard, provided that in each case, a certificate of amendment shall be recorded with the Registry of Deeds and the Registry District of the Land Court, as applicable.

Section 12: Record to be Conclusive, Certificate as to Facts. Every contract, deed, mortgage, lease and other instrument executed in compliance with Section 6, as appears from instruments or certificates recorded with the Registry of Deeds and Registry District of the Land Court, as applicable, to be Trustees hereunder shall be conclusive evidence in

favor of any person relying thereon or claiming hereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that delegations of authority pursuant to Section 6 hereof and instruments of amendment pursuant to Section 11 and an instrument of termination pursuant to Section 9 hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by a majority of the Trustees. Any person dealing with the Trust property or the Trustees may rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

Section 13: Trust as Public Employer. The Trust is a public employer and the members of the Board are public employees for purposes of chapter 258 of the General Laws.

Section 14: Trustees as Municipal Employees. The Trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of chapter 268A of the General Laws.

Section 15: Exemption from Taxes. Pursuant to G.L. chapter 44, section 55C, the Trust is exempt from chapters 59 and 62 of the General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

Section 16: Annual Audit. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. A copy of any audit report shall be provided to the Selectboard.

Section 17: Open Meeting Law. The Trust is a public body for purposes of sections 18 through 25 of chapter 30A of the General Laws, the Open Meeting Law.

Section 18: Procurement, Transfer of Land. The Trust is a board of the Town for purposes of chapter 30B and section 15A of chapter 40 of the General Laws; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said chapter 30B.

Section 19: Town not Bound. Except as may be specifically authorized herein, neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town.

[Signature Page Follows]

IN WITNESS WHEREOF the said Selectboard have hereunto set their hands and seals on the day and year first hereinabove set forth.

TOWN OF GREAT BARRINGTON,
Selectboard

Sean Stanton

Stephen C. Bannon

Daniel Bailly

Ed Abrahams

Bill Cooke

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

On this ___ day of _____, 2018, before me, the undersigned notary public, personally appeared the above-named _____, Selectman of the Town of Great Barrington, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as Selectman on behalf of the Town of Great Barrington.

Notary Public
My Commission Expires:

DONALD R. DUBENDORF is an attorney in private practice in Williamstown, Massachusetts since 1978. His practice concentrates in corporate, business and land use law throughout Western Massachusetts and beyond. He works with a wide range of businesses, financial and cultural institutions, developers and entrepreneurs providing creative problem solving and innovative solutions and applying the law in pursuit of the best of client outcomes.

Dubendorf currently serves in leadership positions for key public-private partnerships supporting innovative economic, communications and educational initiatives.

These include:

- Chair, Governing Board, John Adams Innovation Institute (2004 – present), the economic development division of the Massachusetts Technology Collaborative. The Innovation Institute is entrusted with the management of two public purpose funds, making targeted, strategic investments to grow and strengthen industry clusters, support the research enterprise in Massachusetts, and grow the Commonwealth's knowledge-based Innovation Economy.
- Director, Massachusetts Broadband Institute (2008 – present), a division of the Massachusetts Technology Collaborative tasked to ensure broadband availability and affordability throughout Massachusetts with specific focus on the needs of Western Massachusetts.
- Member, Board of Directors, 1Berkshire (2015 – present), Berkshire County's leading private economic development enterprise.
- Member, Board of Directors, Lever, Inc. (2017 – present), a private regional economic development enterprise.

Dubendorf has also served in numerous leadership roles for corporate and community institutions.

These include:

- MountainOne Financial Partners, Inc., director (2002 – 2005), corporator (2002 – present)
- Northern Berkshire Healthcare (North Adams Regional Hospital), trustee (1986 – 2006), chair of the Board of Trustees (1991 – 1996)
- Williamstown Savings Bank, trustee (1984 – 1995), corporator (1980 – 2002)

Dubendorf served on the faculties of Williams College and Vermont Law School and has lectured widely on land use matters. A 1975 graduate of Williams College, Dubendorf received his J.D. from Boston University in 1978.