

Jennifer Tabakin
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA

THURSDAY, JUNE 28, 2018

5:30 PM – EXECUTIVE SESSION

REGULAR SESSION FOLLOWING EXECUTIVE SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

5:30 PM - OPEN MEETING

1. CALL TO ORDER:

5:30 PM Open Session

5:30 PM **Selectboard Office**
Executive Session, under MGL c.30A, §21(a)(3) and (6), to discuss litigation strategy relating to pending litigation known as (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134 and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 2018MISC000240 and to discuss the potential purchase, exchange, lease or value of real property relating to land known as 11 Roger Road, if the Chair declares that an open meeting may have a detrimental effect on the Town's litigating and negotiating position. A vote regarding whether to go into executive session is expected; and votes may occur during the executive session.

Chair's Declaration:

I declare, under G.L. c.30A, §21(a)(3) and (6), that the purpose of the executive session will be to discuss litigation strategy regarding pending litigation concerning 11 Roger Road known as: (1) Belanger v. Zoning Board of Appeals, Berkshire Superior Court, C.A. No. 1876CV00134 and (2) GJO, LLC v. Zoning Board of Appeals, et al., Land Court Docket No. 18MISC000240 and to discuss the potential purchase, exchange, lease of value of real property known as 11 Roger Road because discussion of the foregoing in open session could have a detrimental effect on the litigating and negotiating position of the Town and other public agencies, with the Board to **Return To Open Session** at the conclusion of the executive session.

Motion Convening the Executive Session:

I **move** that the Select Board go into executive session, under G.L. c.30A, §21(a)(3)and (6) for the purposes and reasons declared by the Chair and with the Board to **Return To Open Session** at the conclusion of the Executive Session.

Roll Call Vote:

2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

3. TOWN MANAGER'S REPORT:

4. PUBLIC HEARING:

- A. National Grid Petition to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures, as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions. The following are the public ways or part of ways along which the underground electric conduits above referred may be laid, as per attached Exhibit. Bridge Street-National Grid to install and or maintain underground infrastructure underneath Bridge Street from Pole 3 to private property in order to provide electric service for the Powerhouse Square project and continue to provide electric service for existing customers. Upon completion, most overhead infrastructure shall be removed. (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

5. LICENSES OR PERMITS:

- A. George Laye/The Guthrie Center for One Day Beer and Wine Liquor License for Sunday, July 8th, 2018 from 6:00 pm – 12:00 pm at the Guthrie Center, 2 Van Deusenville Road. (Discussion/Vote)

6. NEW BUSINESS:

- A. SB – Review of Selectboard's Policies and Procedures. (Discussion/Vote)

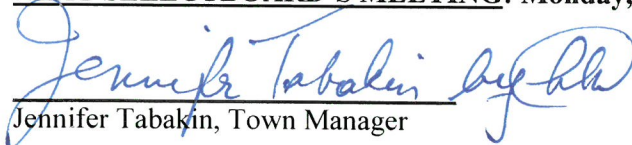
7. CITIZEN SPEAK TIME:

8. SELECTBOARD'S TIME:

9. MEDIA TIME:

10. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, July 9, 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.

Questions contact – Steve Hayward 413 528 7018

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To the Town manager of Great Barrington Massachusetts

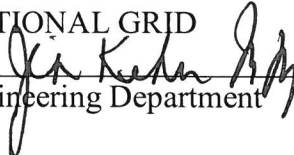
Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Bridge St-Great Barrington Massachusetts

The following are the streets and highways referred to: **23723869**

Bridge St-National Grid to install and or maintain underground infrastructure underneath Bridge St from pole 3 to private property in order to provide electric service for the Powerhouse Square project and continue to provide electric service for existing customers. Upon completion, most overhead infrastructure shall be removed.

Location approximately as shown on plan attached

NATIONAL GRID
BY 
Engineering Department

Dated: June 20, 2018

Town

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 20th day of June 2018.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked –Bridge St-Great Barrington Massachusetts 23723869

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Bridge St-National Grid to install and or maintain underground infrastructure underneath Bridge St from pole 3 to private property in order to provide electric service for the Powerhouse Square project and continue to provide electric service for existing customers. Upon completion, most overhead infrastructure shall be removed.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20

..., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
.....

..... Hereby certify that on20..... at o'clock, .M
at, a public hearing was held on the petition of
NATIONAL GRID for permission to construct the underground electric conduits described in the
order herewith recorded, and that I mailed at least seven days before said hearing a written notice
of the time and place of said hearing to each of the owners of real estate (as determined by the last
preceding assessment for taxation) along the ways or parts of ways upon which the Company is
permitted to construct the underground electric conduits under said order. And that thereupon said
order was duly adopted.

.....

.....

.....

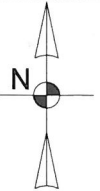
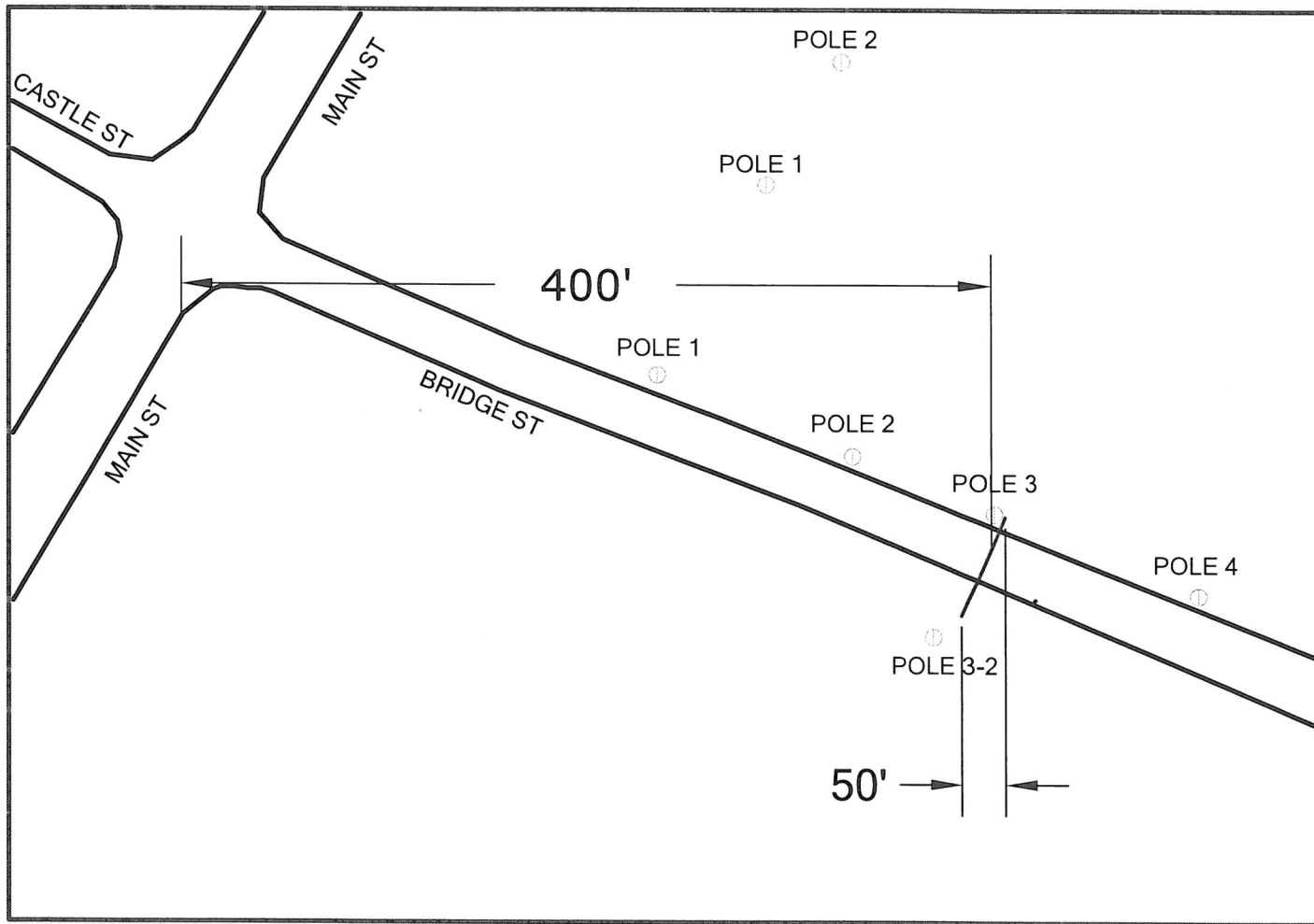


Exhibit A – Not to Scale

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

National Grid requesting to install and/or maintain underground infrastructure underneath Bridge St from Pole 3 to private property in order to provide electric service for the Powerhouse Square project and continue to provide electric service for existing customers. Upon completion, most overhead infrastructure shall be removed.



JOINT OWNED PETITION		nationalgrid And Verizon New England, Inc.	
● Proposed NGRID Pole Locations		Date:	19 JUN 2018
○ Existing NGRID Pole Locations		Plan Number:	23723869
● Proposed J.O. Pole Locations		To Accompany Petition Dated:	
○ Existing J.O. Pole Locations		To The:	TOWN Of GREAT BARRINGTON
⊕ Existing J.O. Pole Locations To Be Replaced		For Proposed:	UNDERGROUND Location: BRIDGE ST
— Proposed Underground Infrastructure		Date Of Original Grant:	
DISTANCES ARE APPROXIMATE			

Steve Haywood - 413 828 7018

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: George Lave

Organization Name: The Guthrie Center

Applicant's Address: 2 Van Deusenville Road Gt Barrington, MA 01230

Telephone Number: 413 528 1955

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

Event: Concerts

Date: _____ Start Time: 6pm End Time: 12pm

Event Address: 2 Van Deusenville Rd Gt Barrington, MA 01230

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.

[Signature]
Signature of Applicant

June 26, 2018
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

Sunday, July 8, 2018

RECEIVED
TOWN MANAGER
JUN 26 2018
BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Revised 10/24/16

Selectboard

Policies and Procedures

I. Meeting Schedule

Regular Meeting(s)

Regular meetings of the Selectboard shall be the second and fourth Mondays of the month. The Board shall not meet on days designated as legal holidays. When a meeting date is to be rescheduled because of a legal holiday, the Board shall agree on a date to reschedule.

Public comment(s) is addressed in Section VIII. Citizen Speak Procedures.

Workshop Meeting(s)

Selectboard's workshop meetings shall be held as informational sessions on various topics. The focus of these meetings is for members of the Board to discuss issues in-depth with fellow Board members.

Public comment(s) at workshops will be at the conclusion of discussion by the Selectboard, prior to a vote being taken and limited to 5 minutes per person.

All meetings of the Selectboard shall be duly posted in compliance with MGL Open Meeting Law requirements.

A. Notice of Meetings

The Town Manager on behalf of the Chair is responsible for providing the Agenda to the Town Clerk in accordance with the Open Meeting Law for posting on the Town's website, notice board inside and outside of the Town Hall, and notifying the media.

B. Meeting Procedures

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. Robert's Rules of Order is used as a guide in matters requiring clarification of definition. Motions to reconsider must be made no later than the next regularly scheduled business meeting following the meeting at which the original vote was taken.

A quorum shall consist of three members of the Board. At times when only three members are present, for a vote to be considered a majority, all three members must vote similarly. Approvals of Special Permits shall require a majority vote of four (4) members of the Board.

Any rules or procedures as to functioning of the Board may be amended, repealed or otherwise

acted upon by a majority vote, at a duly posted meeting of the Selectboard, provided a quorum of members is in attendance.

Although the press and the public have the right to be present at any open meeting, they have no right to participate except during public hearings, citizen speak, or media time unless and until they are recognized by the Chair. All public inquiries shall be addressed to the Chair.

Meeting participants shall conduct themselves in a professional manner. No demonstrations or signs will be allowed in the meeting room. Individual shall refrain from verbal outbursts. Cell phones and pagers shall be turned off prior to the meeting.

Anyone addressing the Board during the meeting shall proceed to the lectern after being recognized by the Chair. Before speaking, they shall state their name and address. There shall be a time limit of 5 minutes per speaker unless extended by the Chair.

II. The Officers of the Board

A. The Chair

The Chair is chosen by fellow Selectboard members to serve a term of one year. The responsibilities of the Chair include: preparation of the agenda for all Selectboard meetings with the Town Manager, calling meetings of the Board, annual evaluation of the Town Manager, presiding over all meetings and public hearings, recognizing others to speak during each meeting and encouraging complete discussion of all relevant issues before the Board. Being Chair does not mean the Chair forfeits the right to vote on any matter or the right to express himself as a Board member.

B. Vice-Chair/Clerk

The Vice-Chair/Clerk is responsible for serving as Chair in the Chair's absence. The Clerk of the Board shall sign all documents as required by law.

III. Preparing the Agenda

The responsibility for preparing the agenda for the Selectboard meetings shall be the Chair of the Board and the Town Manager. Finalized agendas along with supporting background information shall normally be available no later than the close of business on the Friday of the week prior to the next scheduled meeting. The deadline for having requested items on the agenda is 12:00 P.M. the Wednesday of the week prior to the next scheduled meeting. All information relevant to the agenda topic shall also be provided by this time. All information shall be provided to the office of the Town Manager to be included in the agenda packets.

Any items requested by members of the Board shall be placed on the agenda, however, the Chair and Town Manager will use discretion and may need to defer a topic to the next available meeting. Agenda items will be deferred to the next meeting if supporting documentation is

received after the 12:00 PM deadline.

Agenda items should include background information with the agenda packets so that Board members can review and prepare for discussion prior to the meeting. This procedure does not limit an individual member of the Selectboard from raising a concern about an issue under "Selectboard Time". However, no formal action shall be taken by the Board until a future meeting.

Before raising issues publicly at a meeting, Board members should first advise the Town Manager prior to the meeting of issues, concerns, or complaints so that an appropriate response or update can be provided.

IV. Public Hearing Procedures

State law and various Town bylaws require the Selectboard to hold public hearings on certain issues before any action can be taken. The Board will schedule the dates for the hearings.

A. The Chair will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing. The Chair will ask for a motion to open the public hearing to be voted on by members of the Board.

B. The Selectboard has the authority to subpoena a person or relevant information.

C. The basic format of the hearing will be:

1. Chair shall open the public hearing
2. Explanation of project
3. Speak in Favor/Opposition
(Note if there are any letters submitted and if they were in favor or opposition)
4. Motion to close public hearing
5. Motion re: findings of fact
6. Motion re: approval/denial/table

V. Special Permit Regulations

A. Authority and Jurisdiction

These rules and regulations are established and promulgated by the Great Barrington Selectboard pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9 as amended; Chapter 593 of the Acts of 1989, and Section 10.4 of the Great Barrington Zoning Bylaw, and are intended to augment and complement said statutes and the Great Barrington Code.

B. Effective Date

These rules and regulations shall take effect upon a majority vote of the Selectboard after a

public hearing in a newspaper of general circulation in Great Barrington, said advertisement to be published not less than seven (7) days before the public hearing. They shall apply with the force of law to all special permit applications filed on or after the date of said vote.

C. Applications

1. Applications for special permits shall be filed with the Town Clerk on either Form SP-1 (short form) or SP-2 (long form) according to the primary use as determined by the Town's Inspector of Buildings. At least one complete copy, including all maps, plans and other documentation, shall be on sheets no larger than 11 inches x 14 inches.

The long form (SP-2) shall be used for any special permit application under the following subsections of Section 3.1.4 of the Great Barrington Zoning Bylaw.

- Subsection A (4) Assisted living residence
- A (8) Open space residential development
- A (9) Planned unit residential development (PURD)
- A (10) Publicly financed nonprofit age restricted housing

- Subsection B (1) Camping facilities
- B (5) Commercial amusements
- B (8) Educational use, nonexempt
- B (9) Golf or country clubs
- B (10) Hospitals, sanitariums, nursing homes, convalescent homes or philanthropic institutions
- B (13) Riding stables
- B (14) Ski tows
- B (15) Summer camps

- Subsection C (2) Fast food eating establishments
- C (3) Fuels storage and sales, excluding motor vehicle fuel stations
- C (4) Garages, public
- C (8) Hotels
- C (9) Institutional administrative offices or planned professional office developments or research centers
- C (10) Large scale commercial development
- C (11) Lumberyards
- C (12) Motels or overnight cabins
- C (13) Motor vehicle fuel stations

- Subsection E (1) Aviation fields, public or private
- E (3) Freight terminals, truck or rail
- E (6) Personal wireless tower or structure

- Subsection F (2) Gravel, loam, sand and stone removal for commercial purposes

- F (3) Light Manufacturing
- F (4) Sawmills and Manufacturing of Forest Products (Special provisions)

All other special permit applications may be filed on Form SP-1 (short form) unless the Inspector of Buildings or the Special Permit Granting Authority (SPGA) by majority vote requires the filing of Form SP-2 (long form). Applications may be submitted to the Inspector of Buildings or a representative of the SPGA for review before filing with the Town Clerk.

2. Elevation contours on plans submitted with any application filed under subsection F (2) of Section 3.1.4 shall be at intervals of no more than two (2) feet. Elevation contours on plans submitted with all other special permit applications may be at intervals of ten (10) feet, unless the SPGA shall require otherwise.

3. All plans submitted with special permit applications shall be drawn to scale and signed, sealed and dated by an engineer registered in Massachusetts. Specific scales on drawings and plans shall be as follows:

Site plan, parking plan, landscaping plan and drainage plan: one (1) inch shall equal forty (40) feet.

Separate plan showing general characteristics of land: one (1) inch shall equal a maximum of one hundred (100) feet.

Separate scaled drawing of the fully constructed building or change to the existing building shall be submitted. Any photos that are submitted shall be legible if reproduced.

4. Every application for a special permit shall be accompanied by a drainage plan demonstrating that all drainage is either accommodated on the property or directed to a drainage system approved by the SPGA. If post-development flows off the property will differ in any way from pre-development flows, the drainage system shall be designed by a civil engineer registered in Massachusetts and shall be reviewed and approved by the town's consulting engineer at the applicant's expense as provided by Section D of these Rules and Regulations.

5. Every application for a special permit shall be accompanied by a parking plan showing the specific locations of an adequate number of off street parking and loading places to comply with the provisions of Section 6.1 of the Great Barrington Zoning Bylaw and any additional requirements of the SPGA. Each parking space on the plan shall be numbered. Designated loading areas, employee parking and handicapped parking shall be labeled as such.

6. If requested by the Planning Board, an application for special permit shall be accompanied by a landscaping plan satisfactory to that Board, and the Planning Board shall certify in writing to the SPGA its approval of the plan before the SPGA acts on the application. Shall a continuance of the hearing be necessary to complete and certify such plan, it may be granted by the SPGA upon request of the Planning Board.

7. In the event of a continuance of the special permit hearing or decision beyond the statutory time limit set forth by MGL Ch. 40A, Sec. 9 is required for the purpose of completing any plan to the satisfaction of the SPGA, the Planning Board or any other Town Board or official, the applicant and the SPGA may agree in writing to such continuance.

Failure of the applicant to agree to such continuance shall be prima facie evidence that the applicant is not in compliance with all provisions and requirements of Section 10.4 the Great Barrington Zoning Bylaw and these Regulations, and shall be grounds for rejection of the special permit application.

D. Schedule of Fees

1. The minimum filing fee for a special permit shall be \$150. No special permit application shall be accepted without payment in full of the required filing fee. Notwithstanding the foregoing, the SPGA shall be empowered to waive all or part of any fee for applications submitted by municipal or charitable organizations.

2. All reasonable costs approved by the majority vote of the SPGA as necessary for the employment of experts or consultants by any board, agency or official of the Town for the purpose of analyzing or evaluating any project that is the subject of a special permit application shall be assessed to the applicant and shall constitute part of the filing fee. Such costs shall be determined to the satisfaction of the SPGA on the basis of estimates from professionals such as civil engineers, traffic engineers, hydrologists, botanists, and the like, as well as the experience of Town boards, departments, agencies and officials derived from similar projects.

Upon determination by the SPGA of the monies required for evaluation or analysis, the SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or the consultants chosen to evaluate the project and the fees required for such evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage-prepaid, of the nature of the evaluation and the choice of consultant.

All required fees shall be paid by the applicant to the Town within ten (10) business days of receipt of such notification. Payment shall be by check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant, or the postmark thereon, if such postmark is a later date.

In the event additional evaluation of the project is requested by any board, agency or official of the Town after the initial deposit of funds, and if such additional evaluation is approved by a majority vote of the SPGA, the SPGA shall determine the additional monies required and shall require those amounts to be paid to the Town.

The SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or consultants chosen and the fees required for such additional evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage prepaid of the nature of the

additional evaluation and the choice of consultant.

Such additional fees shall be paid with ten (10) business days of receipt of notification by the application. Payment shall be by a check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant or the postmark thereon, if such postmark is a later date.

3. All fees paid under the provisions of Section D (2) shall be deposited in a special account established by the Town Treasurer in the Town Treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the SPGA without further appropriation; provided, however, that such funds shall be expended only in connection with carrying out the responsibilities of such SPGA under law.

Any excess amount in the account attributable to a specific project, including any accrued interest at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest, and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. For the purposes of this regulation, a project shall be deemed complete upon issuance of a final Certificate of Occupancy by the Inspector of Buildings, or if no Certificate of Occupancy is required, by written certification by the Inspector of Buildings that the project has been completed to his satisfaction.

The Town Accountant shall submit annually to the Selectboard a report of such special account for their review. Said report shall be published in the annual town report, and the Town Accountant shall submit a copy of same annually to the director of the bureau of accounts.

4. Failure or refusal to pay any fee assessed to the applicant by the SPGA acting under the provisions of this regulation shall be grounds for summary denial of the special permit application.

E. Administrative Appeal

In the event any party in interest in a special permit proceeding is dissatisfied with any consultant selected by any board, agency or official of the Town to analyze or evaluate any project that is the subject of said permit application, that person may file with the Selectboard a written appeal of the selection.

Any such appeal shall be accompanied by a filing fee of fifty dollars (\$50) and shall be filed within ten (10) business days of the appellant's receipt of notification of the selection of the consultant. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification or the postmark thereon if said postmark is a later date.

Any appeal filed under this section shall be administrative in nature and shall be limited in its

grounds to claims that the consultant selected has a conflict of interest or does not possess minimum qualifications consisting of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field.

The required time limits for action by the SPGA on the special permit application that is the subject of any such appeal shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectboard within the one month following the filing of the appeal, the selection of the consultant shall stand.

Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

F. Severability

The invalidity of any section or provision of these rules and regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any special permit previously issued, not proceeding previously conducted thereunder.

G. Filing of Record of Proceedings and Order of Conditions

The Town Manager shall cause to be filed the Order of Conditions and the Record of Proceedings on any Special Permit with the Town Clerk within 30 days following the Selectboard's vote approving or denying the Special Permit, but in no case later than 90 days following the close of the public hearing.

VI. Approval of Licenses

1. The applicant is strongly urged to appear at the Selectboard's meeting when the license will be discussed. If no representative is present, the Board reserves its right to postpone the issue to the next business meeting of the Board or disapprove the application.
2. If a license application is filed between Selectboard meetings, and the license, if not obtained before the next Selectboard meeting, would cause the applicant irreparable harm, the Chair will have authority to call a special Selectboard meeting. As stated above in the Meeting Procedures section, a quorum will consist of at least three members.

VII. Board and Committee Speak Procedures

1. All boards and committees have the right to request agenda time to address the Board members on matters related to the board or committee. Prior to the meeting, the chair of the board or committee shall provide background material on the matter(s) to be discussed along with the results of any board or committee voting on the matter(s) being presented. All members of the board or committee shall be informed by its chair of said board or committee of the matter(s) that will be presented to the Selectboard and shall be the responsibility of the chair. When a board or committee addresses the Selectboard, the chair of said board or committee

should be in attendance. If the chair cannot attend, the chair shall include with the background material a statement as to who will be speaking on behalf of the board or committee.

VIII. Citizen Speak Procedures

1. All citizens shall have the right to speak for a period not to exceed five (5) minutes after being recognized by the Chair unless a longer period of time is granted by the Chair.
2. Citizens who choose to speak during Citizen Speak time shall have the opportunity to address the Selectboard once during each meeting.
3. The speaker shall not engage in personal attacks against citizens or public officials and shall remain courteous and respectful at all times.
4. Citizens shall speak for themselves and not speak on behalf of others who are not present unless specific permission is granted by the Chair. Generalized accusations and innuendoes will not be permitted.
5. The Chair may rule the citizen out of order and the citizen will lose the right to speak, if the speaker fails to remain courteous and respectful.

IX. Selectboard Response on Received Communication

The Selectboard welcomes communication through whatever vehicle is chosen by its constituents, i.e. email, written letters, phone calls, personal contact. It is the intent to handle inquiries on a timely basis (within 48 hours). Communication sent to the Town Hall shall be considered public documents. When communication is addressed to the ENTIRE Selectboard, the Clerk of the Selectboard within 2 business days contact the individual and inform (CC) the rest of the Board when a response has been sent, and the Chair and Town Manager shall review the matter as follows:

- (1) If the matter can be routinely handled by staff, the Town Manager shall so inform the individual and Selectboard.
- (2) Should the matter be a non-routine administrative matter, the Chair shall arrange that the matter be presented at the earliest convenient time as a regular agenda item of the Selectboard. The Chair shall notify the individual when the item will be on the Selectboard agenda. The Selectboard shall discuss the matter publicly and may refer the matter to the Town Manager and/or an appropriate board/commission/committee for further investigation. Should the matter be acted upon by the Selectboard, the Town Manager shall so inform the individual. Should the matter be referred, a report from the referral entity shall be submitted at a regular meeting of the Selectboard as soon as possible.

This procedure is not intended in anyway to inhibit an individual Selectboard member from discussing any matter with his/her constituents. Individual members of the Selectboard may

establish independent mechanisms for responding to inquiries including, but not limited to, forwarding the matter to the Town Manager for investigation and may forward to the Selectboard Chair also. However, those actions are the sole responsibility of the individual Selectboard member and should not be construed to be the official policy of the Selectboard or Town of Great Barrington.

X. Executive Sessions

There will be no outside discussion of the content of matters addressed in Executive Session, unless and until the Selectboard determines it appropriate to discuss an item in a public session. All Executive Sessions shall conform to the requirements of the open meeting law.

XI. Personnel Information

Information provided to the Board on confidential personnel matters will not be shared with the public.

XII. Protocol for Implementing Zoning Bylaw for Housatonic Mills Revitalization Overlay District (HMROD)

When the HMROD is utilized, the following set of procedures shall be adhered to for implementation of any of the components of section 9.8. This is to ensure a smooth open process enabling all boards/commissions either elected or appointed and the public to have the proper ability to participate.

- When an individual/developer wishes to invoke the HMROD process, the initial step shall involve a meeting of the Development Review Team (DRT), which will examine the scope of the proposal. Within 30 days after the initial submittal to the DRT, a joint meeting of the Selectboard and Planning Board shall be scheduled where the two boards will review the DRT initial report and hear a presentation from the developer. All other boards/commissions of the Town of Great Barrington shall be notified of the joint meeting. Should both the Selectboard and Planning Board find merit in the concept proposal submitted, additional review meetings shall commence with the DRT, Planning Board and the developer to enable the developer to formally submit a special permit application. Upon receipt of the formal special permit application, the required public hearing shall be held within 65 days from date of submittal.
- The developer shall identify at the earliest possible stage any potential infrastructure inclusive, but not limited to, roadway or utility modifications desired, tax increment financing, property acquisition, and/or long term maintenance obligations to be borne by the Town of Great Barrington. These related matters will require concurrence of the Selectboard at the earliest opportunity and prior to the granting of any special permit by the Planning Board. A timeframe for development improvements inclusive of any improvements required by the Town of Great Barrington shall be subject to approval of

the Selectboard and incorporated as necessary in the order of conditions in the issuance of a special permit.

- Minutes and agendas from all meetings involving potential developers utilizing the HMROD shall be distributed to the Selectboard and/or Planning Board.
- In the Planning Board deliberations with developers utilizing the HMROD, the Planning Board shall take into account the fiscal impact for the Town of Great Barrington inclusive of tax base revenues, infrastructure capability recognizing that various financial arrangements shall require Selectboard approval.
- This protocol for HMROD shall remain in full force and effect until modified by majority vote of both the Planning Board and Selectboard. This protocol shall be incorporated into the rules and regulations of the Planning Board, rules and regulations of the Selectboard and the permitting and development guidebook.

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