

Mark Pruhenski  
Town Manager

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Town Hall, 334 Main Street  
Great Barrington, MA 01230

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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Regular Meeting

Order of Agenda for Monday, March 22, 2021, at 6:00 PM, Via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89092860952?pwd=Tk9zeVFqdmprBQzgrZnZlIaThHaUxJQT09>

Webinar ID: 890 9286 0952

Passcode: 884455

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](http://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
2. APPROVAL OF MINUTES
  - a. October 26, 2020
  - b. November 23, 2020
  - c. December 7, 2020
3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
4. TOWN MANAGER'S REPORT
  - a. Housatonic Water Works
  - b. Fairgrounds
  - c. Railroad Street Outdoor Dining Summer/Fall 2021
5. LICENSES AND PERMITS
  - a. Wyantenuck Country Club Annual Renewal of Seasonal All Alcoholic Liquor License
6. NEW BUSINESS
  - a. SB to recommend last zoning citizen petition to PB for public hearing (Maple Ave).
  - b. 40 Grove Street—transfer of deed.
  - c. Local Rapid Recovery Grant
  - d. Elderly Tax Deferral Safety Net Pilot Program
  - e. Local Elections
7. CITIZEN SPEAK TIME
  - i. *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. CONVENE INTO EXECUTIVE SESSION

- a. Motion and vote to meet in executive session pursuant to M.G.L. c.30A §21 (a) (1) for purpose to discuss the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual (GBHA).
- b. Motion and vote to meet in executive session pursuant to M.G.L. c. 30A, § 21(a)(7) to review and approve executive session minutes in compliance with G.L. c. 30A, § 22.
- c. SELECTBOARD CHAIR'S DECLARATION
  - i. I declare, under M.G.L. c.30A, §21 (a) (1) for the purpose of the executive session will be to discuss the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual (GBHA) and review and approve executive session minutes in compliance with G.L. c. 30A, § 22.
- d. MOTION CONVENING THE EXECUTIVE SESSION
  - i. I move that the Selectboard go into executive session under M.G.L. c.30A, §21(a) (1) for the purposes and reasons declared by the Chair and with the Board not return to open session at the conclusion of the executive session.

9. ADJOURNMENT

NEXT SELECTBOARD MEETING

Finance Committee FY22 Budget Hearing  
March 30, 2021  
Regular Meeting April 12, 2021

Regular Meeting April 26, 2021  
Reorganization Meeting May 12, 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.*



Jean M. Lorizio, Esq.  
Commission Chairman

**Commonwealth Of Massachusetts**  
**Alcoholic Beverages Control Commission**  
**95 Fourth Street, Suite 3**  
**Chelsea, MA 02150-2358**

**2021**  
**Retail License Renewal**

License Number: 00032-CL-0464

Municipality: GREAT BARRINGTON

License Name : Wyantenuck Country Club

License Class: Seasonal

DBA :

License Type: Club

Premise Address: 46 West Sheffield Road Great Barrington,  
MA 01230

License Category: All Alcoholic Beverages

Manager: Jennie Vandeußen

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I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:



G.A.

**TOWN MEETING - CITIZEN'S ARTICLE**

DATE and TIME this paper received by Registrars  
 3/2/2021 3:31 PM  
 J. Arthur [unclear]

**SIGNERS' STATEMENT** We are qualified voters of the Commonwealth of Massachusetts and of the Town of Great Barrington.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

C h e c k	I Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	II Now Living At (Street and Number)	III		PRINTED NAME
			W a r r d c	P r e c	
1	<i>Amranda Hanlin</i>	<i>Hochler 193 Maple Avenue</i>	0	1	<i>Amranda Hanlin - Hochler</i>
2	<i>Marc Hochler</i>	<i>193 Maple Avenue</i>	0	1	<i>Marc Hochler</i>
3	<i>[Signature]</i>	<i>11 Main St</i>	0	1	<i>Juliana Van Wagner</i>
4	<i>Royce P. Jones</i>	<i>135 Maple Ave</i>	0	1	<i>Royce P. Jones</i>
5	<i>[Signature]</i>	<i>125 Maple Ave</i>	0	1	<i>VERA DISCOGNETS</i>
6	<i>Carol E. Purcell</i>	<i>120 Maple Ave</i>	0	1	<i>CAROL E PURCELL</i>
7	<i>Alice C. Leason</i>	<i>17 Main St</i>	0	1	<i>Alice C Leason</i>
8	<i>[Signature]</i>	<i>188 Maple Ave</i>	0	1	<i>LOIS HARTWICK</i>
9	<i>[Signature]</i>	<i>145 Maple Ave</i>	0	1	<i>LINDA TRIFIGANTE</i>
10	<i>[Signature]</i>	<i>146 Maple West</i>	0	1	<i>[Signature]</i>
11	<i>Pamela Shad</i>	<i>146 4th West</i>	0	1	<i>P SHAD</i>
12			0	1	
13			0	1	
14			0	1	
15			0	1	
16			0	1	
17			0	1	
18			0	1	
19			0	1	
20			0	1	

**Instructions to Registrars**

- You must time-stamp or write in date and time these papers are received.
- Check this  against the name of qualified voter to be certified. For names not certified, use the codes opposite.
- N no such registered voter at that address.
- S unable to identify signature or address as that of voter because of form of signat or address, or illegible.
- W wrong district or community.
- T already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that ( ) \_\_\_\_\_ signatures:  
 checked thus  are names of voters of the Town of Great  
 Barrington and are qualified to sign this petition.

(at least three Registrars- names must be signed or stamped below)

*Jennifer L. Messum*

\_\_\_\_\_  
 \_\_\_\_\_

Registrars of Voters of the Town of Great Barrington

# CITIZEN'S PETITION

To forestall the chance that irreparable and irreversible harm be done to Town neighborhoods in which Special Permits for development may be awarded in possible error, we the undersigned ask that the Town put to a vote at a suitable time and place the following ByLaw Amendment:

A Town Bylaw Amendment to limit the role of unsubstantiated opinion as a factor in the award of Special Permits by the the Town Planning Board

"1. In voting on whether to grant Special Permits to development and/or business interests the members of the Planning Board in its capacity as sole Special Permit awarding authority must address abutters' specific quality of life concerns by reference to strict criteria and without recourse to vague, qualitative language elsewhere in the Bylaws which 'allow unsubstantiated claims' as to the benign effect of a development on a neighborhood, to wit: claims by a developer that (A) a development 'will not be more detrimental than a previous use'; (B) as a standard for judging effects of increased traffic at a property proposed for a development (or change of use) words to the effect that 'proposed traffic will not be severely impacted by the [new] use'; (C) language currently in the bylaws and related to a development's proposed parking arrangement meet stringent standards (eg that a provision for not less than 1.5 parking slots per unit in a residential development be stipulated as a condition of award), standards moreover which realistically reflect the likelihood of the scale of vehicle ownership by tenants and users; (D) credible provision by the developer for such adequate parking specifically be made on published plans and in writing; (E) claims by a developer that a development is 'consistent with the neighborhood character' be deprioritized as a basis for awarding a Special Permit and replaced by a provision which requires the Planning Board to ascertain a 'neighborhood's character' before accepting assurances about what is, or is not, actually being changed, by whom and how much. To the extent that unsubstantiated claims by developers or their counsel or personnel on the basis of these above captioned Bylaw references occur they shall henceforth be adjudged inadequate as a standard for the award of Special Permits.

"2. The above-referenced 'strict criteria' for awarding Special Permits shall be the subject of review by the Selectboard as a basis for establishing public, Town-wide criteria for allowing fair and consistent Town development in which the views of all parties have equal weight in the outcomes that result from the award of Special Permits."

continued/over

**Affected Premises:**

40 Grove Street  
Great Barrington, MA 01230

3/22/21  
G.B.  
~~40 GROVE ST~~  
40 GROVE ST

---

**DEED**

The TOWN OF GREAT BARRINGTON, acting by and through its Selectboard, pursuant to the vote taken under Article 1 of the September 15, 2020 Special Town Meeting, a certified copy of which is attached hereto,

For consideration paid of One Dollar (\$1.00),

Grants and conveys to the Trustees of the GREAT BARRINGTON AFFORDABLE HOUSING TRUST FUND - William Cooke, Lara Yapple, John Katz, Garfield Reed, and Fred Clark, which trust is a municipal affordable housing trust existing under Chapter 44, Section 55C of the General Laws, and pursuant to a Declaration of Trust dated January 22, 2018, recorded with the Southern Berkshire District Registry of Deeds in Book 2467, Page 158, and having an address of 334 Main Street, Great Barrington, MA,

all of its right, title, and interest in and to

A parcel of land located on Grove Street, Great Barrington, Massachusetts, and all improvements thereon, identified by the Assessors as Parcel 00020-00000-00100, containing approximately 12,632 square feet, and being the premises acquired by the Town pursuant to an Instrument of Taking recorded with said Registry in Book 1782, Page 339 and Judgment in Tax Lien Case No. 16 TL 001416 dated July 3, 2018 and recorded with said Registry in Book 2481, Page 313.

The land conveyed herein shall be used by the said Trust for the purposes of developing, constructing or managing housing affordable to low and moderate income families and individuals.

For title, see Instrument of Taking and Final Judgment in Tax Lien Case recorded with the Southern Berkshire District Registry of Deeds in Book 1782, Page 339 and Book 2481, Page 313, respectively.

*No deed stamp taxes are due on this conveyance, pursuant to G.L .c.64D, §1.*

Witness our hands and seals this \_\_\_\_\_ day of March, 2021.

TOWN OF GREAT BARRINGTON,  
By its Selectboard

\_\_\_\_\_  
Stephen Bannon

\_\_\_\_\_  
Edward Abrahams

\_\_\_\_\_  
Kate F. Burke

\_\_\_\_\_  
William Cooke

\_\_\_\_\_  
Leigh S. Davis

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

On this \_\_\_\_\_ day of March, 2021, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Great Barrington Selectboard, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Great Barrington.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



ACCEPTANCE OF DEED

On this \_\_\_\_\_ day of March, 2021, We, William Cooke, Lara Yapple, John Katz, Garfield Reed, and Fred Clark, Trustees of the Great Barrington Affordable Housing Trust Fund, acting under the authority granted to the Trust under G.L. c. 44, §55C and Chapter 2 of the Code of Great Barrington, hereby accept the foregoing deed from the Town of Great Barrington.

GREAT BARRINGTON  
AFFORDABLE HOUSING TRUST FUND

\_\_\_\_\_  
William Cooke, Trustee

\_\_\_\_\_  
Lara Yapple, Trustee

\_\_\_\_\_  
John Katz, Trustee

\_\_\_\_\_  
Garfield Reed, Trustee

\_\_\_\_\_  
Fred Clark, Trustee

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

On this \_\_\_ day of March, 2021, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, Trustee of the Great Barrington Affordable Housing Trust Fund, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Trustee of the Great Barrington Affordable Housing Trust Fund.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

3/22/21

Item #  
6., c.



Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

February 1, 2021

Mr. Mark Pruhenski  
Town Manager  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

Dear Mr. Pruhenski:

On behalf of Governor Charles D. Baker and Lt. Governor Karyn E. Polito, I am pleased to inform you that the Town of Great Barrington will receive technical assistance from the Massachusetts Downtown Initiative's (MDI) Local Rapid Recovery Planning program. We recognize that the impacts of the COVID-19 health emergency have dramatically affected local businesses. Your efforts to explore solutions and projects to help revitalize businesses in your community are an effective way to plan for economic recovery. Congratulations and thank you for this effort.

The timing for the Rapid Recovery planning under the MDI program has shifted to allow the planning to extend beyond June 30, 2021. We expect the process will take place over an approximate 5-month period starting in late February. You will be matched with a consultant or regional planning agency that will facilitate the plan. You may also get one-on-one support from specific subject matter experts depending on the needs of your community. In addition to the one-on-one technical assistance you will receive, there will be a series of webinars to introduce you to the Rapid Recovery Planning process.

If you have any questions concerning this designation, please contact Emmy Hahn, MDI Coordinator at [Elizabeth.hahn@mass.gov](mailto:Elizabeth.hahn@mass.gov).

Once again, I congratulate you on Great Barrington's successful application for the Local Rapid Recovery Planning program to address the impacts of COVID-19 on your business community.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer D. Maddox".

Jennifer D. Maddox  
Undersecretary, DHCD



## Community Agreement: Rapid Recovery Plans

### Section 1: Study Area Definition

The study area has been clearly defined and is illustrated in a GIS shapefile (in adherence to GIS Fileshare standards).

### Section 2: Study Area Name

The study area name (to be used in the business survey tool) is as follows: Downtown Great Barrington Business District

### Section 3: Schedule & Program Milestones

This Community Agreement adheres to the schedule and program milestones outlined in the Plan Facilitators agreement with the Commonwealth of Massachusetts as follows:

Scope	Timeframe	Deliverables
Phase 1: Diagnostic	5-7 weeks	Kick off meeting, Community Agreement, define study area, Public Presentation; promote state-wide business owner survey, Baseline Data
Phase 2: Project Recommendations	5-7 weeks	Coordination with community, SME(s) if applicable, Public Presentation; Project List
Phase 3: Plans	4-6 weeks	Coordination with community and SME(s), Final Plan Draft and 1 revision

### Section 4: Rapid Recovery Plan Overview

#### Phase 1: Outreach & Diagnostic

- A. Community to provide:
- 1) Regular engagement with Plan Facilitator
  - 2) Support for outreach to key stakeholders via introductions via email or in person
  - 3) Provide a walking and/or driving tour of the district (with adherence to COVID protocols)
  - 4) Support for distribution of business surveys to all businesses/cultural institutions in the district.
- Discuss outreach strategy to non-english/non-spanish speaking businesses.
- 5) Provision of any/all background document available and deemed necessary by the Plan Facilitator
  - 6) Sponsor and help promote community engagement and presentation of findings at the conclusion of Phase 1

#### B. Plan Facilitators to provide:

- 1) Conduct 3 (no. of) site visit(s)
- 2) Lead stakeholder/community outreach
- 3) Collect baseline data for submission to Commonwealth

**Phase 2: Project Recommendations**

**Community to provide:**

- 1) Feedback and engagement on Project Recommendations

**Plan Facilitator to provide:**

- 2) Opportunities for community to provide feedback of Project Recommendations
- 3) Solicit input from Subject Matter Expert, if applicable
- 4) Final List of 5 - 10 Project Recommendations

**Phase 3: Rapid Recovery Plan**

**A. Community to provide:**

- 1) Feedback on Draft Rapid Recovery Plan in a timely manner (within 10-14 days)

**B. Plan Facilitator to provide:**

- 1) Draft Rapid Recovery Plan for review and one revision based on Community feedback

**Reviewed on Date:**

**Christopher Rembold**

3/16/21

Name

*Christopher Rembold*

Signature

Town of Great Barrington

Municipality or Organization

**Laura Brennan**

Name

*Laura Brennan*

Signature

3/16/21

BRPC

Municipality or Organization

**Chris Rembold**

**From:** GB Cultural District <culturalgb@gmail.com>  
**Sent:** Thursday, March 18, 2021 11:29 AM  
**To:** Chris Rembold  
**Subject:** Great Barrington is looking for your input

**\*\*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\*\*\***

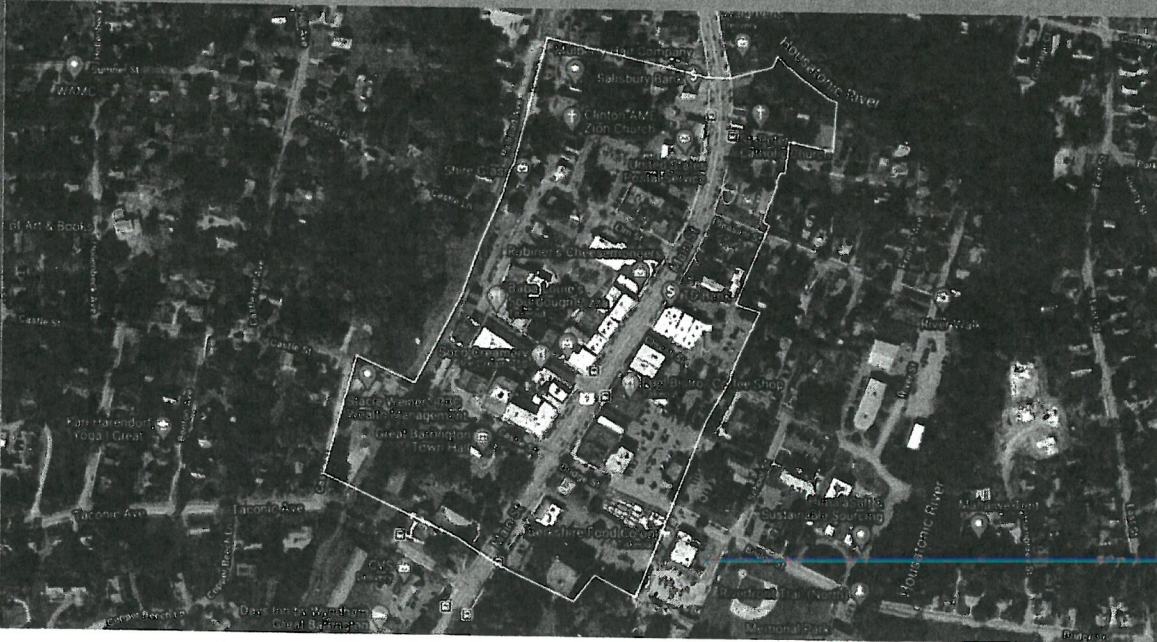
Special Announcement | March 2021

## Your Cultural District News

Scroll down for news selected for you as a stakeholder. Then, stay in touch:



### Local Rapid Recovery Planning - Business Survey



Downtown Great Barrington is participating in the **Massachusetts LRRP Program** to help develop Local Rapid Recovery Plans for downtowns and commercial districts.

An initial step of this program is a survey of owners or managers of establishments located in our defined study area (see map above). This includes all for-profits and non-

profits, even if the business is temporarily closed. We are looking for **only one response per establishment**, so please coordinate with your team.

Your input will help develop a plan for short, medium and long-term projects that will meet the needs of local businesses, with a focus on quick improvements to support increased visitation and spending downtown. Please take a few moments to tell us about your business and what would support your success.

**Enter the following web address in your browser  
or click the button below to take the survey:**

<https://www.surveymonkey.com/r/LRRPBiz>

Take the Survey

Downtown Great Barrington Cultural District | 334 Main Street, Great Barrington, MA 01230  
[www.facebook.com/CulturalGB/](http://www.facebook.com/CulturalGB/)

[Unsubscribe crembold@townofgb.org](mailto:Unsubscribe_crembold@townofgb.org)

[Update Profile](#) | [Customer Contact Data Notice](#)

Sent by [culturalgb@gmail.com](mailto:culturalgb@gmail.com) powered by



Try email marketing for free today!

# Elderly Tax Deferral Safety Net Pilot Program

*To enable longtime older residents to stay in the community while providing the Town with a secured community-based investment*

## 100+ Massachusetts Towns and 24 US States

Currently more than 100 towns and cities in Massachusetts offer an optional program to their longtime older residents allowing for annual postponement of real estate tax payments. Almost half of U.S. states offer similar programs at the local or state level.

## Secure Investment in Our Community without Raising Taxes

Such tax deferral programs have the advantage of helping the community, without requiring increases in expenditures or town tax rates. The deferred payments are:

- ♦ Accounted for as revenues (not expenses) and do not require any tax increases
- ♦ Secured with first liens on the property deed
- ♦ Paid in full later, plus accrued interest

In effect, elderly tax deferrals are interest-earning investments in our own community.

## State Statute Creates Framework that Towns Update

Massachusetts General Laws Chapter 59, Section 5, Clause 41A allows property tax payers (at least 65 years old and domiciled here for at least 10 consecutive years) to defer real estate tax payment until they can pay, or sell their home or pass away. Town policies are based on the state statute with town updates on:

- ♦ Qualifying Age
- ♦ Eligible Income Level
- ♦ Annual Interest Rate
- ♦ Deadline to Pay after Death

## Positive Impact on Elderly Residents and the Community

- ♦ Allowing older homeowners stay close to family, friends and neighbors.
- ♦ Providing reassurance of a flexible safety net available to seniors, if ever needed.
- ♦ Reducing competition with younger residents for scarce affordable housing.
- ♦ Reinforcing neighborhood stability and social diversity.
- ♦ Continuing trusted relationships and patronage of locally-owned businesses.

## Easy for Town Officials to Administer

- ♦ Paperwork and processing time can be minimized by tying local income eligibility to the qualifying income levels for the Massachusetts Senior Circuit Breaker.
- ♦ Annual interest adjustments can be tied to interest benchmarks such as the Federal Discount Rate or the 10-Year US Treasury Bond rate.

## Next Steps

- ♦ If the Selectboard and Finance Committee recommend, the Town Manager will engage staff to develop recommendations about a Great Barrington pilot program.
- ♦ The Selectboard then will decide on including on the Town Meeting Warrant.
- ♦ Town Meeting will decide whether or not to approve.

Jennifer L. Messina  
Town Clerk

E-mail: [jmessina@townofgb.org](mailto:jmessina@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2100  
Fax: (413) 528-1026

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN CLERK

### EXECUTIVE SUMMARY

**TITLE:**        **Update on 2021 Annual Town Election**

**BACKGROUND:** The Town is currently scheduled to have the Annual Town Election (ATE) on Tuesday, May 11, 2021 from 8:00 am to 8:00 pm.

On March 16, 2021 Chapter 5 of the Acts of 2021 was passed and approved by Governor Baker. This Act gives municipalities the authority to provide Early Voting by Mail for all qualified registered voters and to postpone 2021 municipal elections that were to be held by June 30, 2021 to a later date but on or before August 1, 2021 in response to the declaration of emergency to respond to COVID-19.

**Early Vote by Mail-** It specifies that “any person taking a precaution related to COVID-19 in response to a declared state of emergency or guidance from a medical professional, local or state health official or any civil authority” qualifies for an Early Vote ballot by Mail. This allows a registered voter to Vote by Mail should they choose not to vote on Election Day at the polls. If voters decide to Early Vote, they can complete and return their ballot by mail or deliver it in person to the Clerk’s office or drop it in the Clerk’s drop box outside the front of Town Hall.

This Act also allows for a local option for in-person voting for municipal elections. In order to have in-person early voting, the local election official must request and recommend in-person early voting. I feel that there is enough of an opportunity for the registered voters to Vote by Mail. Having in-person early voting would necessitate someone working a full week to assist the voters therefore in-person voting is not necessary.

**Postpone Municipal Election-** This Act also allows for Selectboard’s to postpone a municipal election but must consult with the local election official and the chief operating officer of the municipality as to logistics and feasibility before taking a vote on such matter.



**FISCAL IMPACT:** Keeping the election date for May 11, 2021 allows the Town to spend no funding on various levels:

\*It does not require the Clerk's staff to spend time on advertisement of the change of date & last day to register to vote via the newspaper ad.

\*No cost for a newspaper ad. Last year the ad cost almost \$300.

\*It will not require preparation of a Code Rode call to residents, notices on the Town website & social media and via a press release. Preparation of a press release would also require funding.

\*There would be no time spent to contact nominee's that are requesting to be on the ballot (15 as of 3/19/21) to advise them of the change.

By keeping the election date the same we will cause no confusion to the voters about a change of date and election information.

**RECOMMENDATION:** I recommend the Selectboard keep the Annual Town Election on Tuesday, May 11, 2021 from 8:00 am to 8:00 pm and I am recommending that we do not have in-person early voting.

**PREPARED AND REVIEWED BY:** \_\_\_\_\_

  
Jennifer L. Messina, Town Clerk

**APPROVED BY:** \_\_\_\_\_

Mark Pruhenski, Town Manager

**DATE:** March 19, 2021

**Chapter 45 of the Acts of 2020 (which was previously modified by chapter 92 of the Acts of 2020). Red indicates new date, strike through means it does not apply.**

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and **June 30, 2021**, may postpone such municipal caucus or municipal election in accordance with this act. The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before **August 1, 2021**. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a “reverse-911” call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official’s position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 1A. The select board, board of selectmen, town council or board of registrars may vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and **July 31, 2021**, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall be used to nominate candidates pursuant to sections 7 and 10 of chapter

53 of the General Laws; provided, however, that such nomination papers shall be signed by not fewer than 10 registered voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date of the election has passed, nomination papers shall be made available immediately, and shall be returned to the office of the board of registrars for certification no later than the date designated by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the date of the election; provided further, that candidates shall be notified if their names will be placed on the ballot on the next business day after the deadline for filing, and the time for filing withdrawals and objections shall expire at 5:00 p.m. on the following business day.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. ~~Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.~~

~~For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.~~

~~SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.~~

~~(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.~~

~~(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.~~

~~(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.~~

~~(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.~~

~~(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.~~

**Chapter 255 of the Acts of 2020 as amended. Red indicates new date, blue indicates new language.**

(a) For any annual or special municipal or state primary or election held on or before **June 30, 2021**, any person taking precautions related to COVID-19 in response to a declared state of emergency or guidance from a medical professional, local or state health official or any civil authority shall be deemed to be unable to cast their vote in person at a polling location by reason of physical disability.

(b) Notwithstanding any general or special law to the contrary, subsection (c) of section 91B of chapter 54 of the General Laws shall apply to voters who have been instructed by a medical professional or a local or state health official to self-quarantine in their home beginning after noon on the seventh day before any annual or special municipal or state primary or election held on or before **June 30, 2021** and such voters may designate their home address for delivery of the ballot.

(c) Notwithstanding section 25B of said chapter 54 or any other general or special law to the contrary, any eligible voter may vote early by mail or as prescribed herein for any annual or special municipal or state primary or election held on or before **June 30, 2021**.

(d) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before 5 P.M. on the fourth business day before the date on which the election is held.

(e) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in said section 25B of said chapter 54, shall be provided to each qualified voter who participates in early voting by mail.

(f) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(g) The counting of early voting ballots shall be consistent with said section 25B of said chapter 54 and related regulations to the extent practicable. All envelopes referred to in this act shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(h)(1) A voter in receipt of an early voting ballot for any election pursuant to this act may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

(2) All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk or returned to a secured municipal drop box as provided by this act shall be received by the city or town clerk before the hour fixed for closing the polls on the day of the election.

(i) Notwithstanding section 24 of said chapter 54 or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may, by recorded and public vote, change any polling place to be used at the election not less than 20 days prior to the date of the election if it is determined that the public convenience or public health would be better served. If the select board, board of selectmen or town council determines that the public convenience or public health would be better served, they may house all polling places in a single building within the municipality if such building is suitably equipped; provided, however, that alcoholic beverages shall not be served or consumed in that portion of a building used as a polling place, during voting hours or while ballots are being counted therein. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public convenience or public health would be better served. In making a decision to change a polling place, the select board, board of selectmen, town council or city council shall evaluate and report on whether such change would have a disparate, adverse impact on access to the polls on the basis of race, national origin, disability, income or age and, not later than 3 days prior to changing a polling place, shall make publicly available on its website and at the office of the town or city clerk a report on its evaluation. When the polling places have been designated pursuant to this act, the board of registrars shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 911 call.

(j) Notwithstanding section 29 of chapter 53 of the General Laws, sections 11, 11B, 12 and 13 of said chapter 54 or any other general or special law to the contrary, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers, then the appointing authority may appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54. If the position of the warden, clerk or inspector or the deputy of any such officer, if any, is vacant within the 3 weeks preceding the election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54.

(k) Notwithstanding sections 67 and 83 of said chapter 54 or any other general or special law to the contrary, the city or town clerk may eliminate the requirement that a voter provide their name or residence to an election officer at the ballot box and that the election officer mark the name off a voting list before the voter may deposit the ballot in the ballot box.

(l) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or municipal ordinance to the contrary, upon a recorded and public vote by the select board, board of selectmen, town council or city council authorizing early in-person voting, any eligible voter of such municipality may vote early in-person for any annual or special municipal election held on or before **June 30, 2021**. Such vote may only be taken after a request from the city or town clerk or authorized local election official recommending in-person early voting and provided that such vote occurs not less than 5 business days prior to the proposed beginning of early voting and that such early in-person voting complies with the following:

(i) A city or town, as part of the vote to allow early voting in-person, may set the early voting period to begin no sooner than 10 days before the election and end no later than the business day preceding the business day before the election.

(ii) Early voting shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote, including any weekend hours.

(iii) The city or town clerk shall establish an early voting site that is centrally located, suitable and in a convenient public building. Notice of the early voting location, dates and hours must be posted at least 48 weekday hours before the early voting period begins.

(iv) A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter. A qualified voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting and appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under section 26 of chapter 56 of the General Laws

(m) A voter who is blind or has vision impairments, mobility or dexterity disabilities, or other disabilities that make it difficult or impossible for them to effectively access a paper vote by mail ballot because they cannot independently read, write, hold, or physically manipulate standard print materials may request an accommodation from their local election official. The request shall be received by the local election official not later than the fourth business day before the election. Upon receiving such information from a registered voter by phone or electronically, the local election official shall make reasonable efforts to grant accommodations to the voter.