

Mark Pruhenski
Town Manager

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www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2900
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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Meeting via Zoom
Order of Agenda for Monday, November 8, 2021, at 5:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83272762435?pwd=SEk3RkRtZGVldDBXcVRJelQwMnEyUT09>

Webinar ID: 832 7276 2435

Passcode: 449955

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 June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See 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.

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

1. CALL TO ORDER SELECTBOARD AND PLANNING BOARD JOINT MEETING.
 - a. Proposed Short-Term Rental of Residential Properties
 - b. Citizen Speak Time
 - c. Media Time
2. ADJOURNMENT OF JOINT MEETING
3. CALL TO ORDER SELECTBOARD REGULAR MEETING
4. APPROVAL OF MINUTES
 - a. August 3, 2021
 - b. October 12, 2021
 - c. October 25, 2021
5. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
6. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Winter Parking Ban—Nov. 15th to March 31st
 - c. Division Street Bridge
 - d. Housatonic Community Center Meeting Rm. and WIFI/Hotspot

7. LICENSES AND PERMITS

- a. Thomas Kresse for permission to install a driveway at 30 High Street.
- b. Betsy Andrus, Southern Berkshire Chamber of Commerce for a one day temporary entertainment license for the Annual Holiday Stroll on Saturday, December 11, 2021 from 3:00 PM to 8:30 PM.
- c. Steven Hayward for National Grid, pole petition for Long Pond road to install one pole in the public right of way approximately 5250 feet north of the centerline of the intersection of Division Street and abut property at 265 Long Pond Road.
- d. Kat Hand, Berkshire Cider Project for a special Farmer Winery License to sell hard cider at the Grown Farmer's Market at the Housy Dome - 1064 Main Street, Housatonic starting on November 20, 2021 from 10:00 AM to 2:00 PM, every third Saturday of the month through April 2022.

8. NEW BUSINESS

- a. Cannabis Retailer Introductions
- b. License Agreement for 123 Main Street
- c. Civil Service--Great Barrington Police Department (discussion)
- d. 2022 Town Meeting/Election Calendar- Town Clerk
- e. Electioneering during Early Voting & Absentee Voting for All Elections
- f. Parking limits for holiday season November 26 through December 31st
- g. Approval of Bond Sale

9. CITIZEN SPEAK TIME

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

10. SELECTBOARD'S TIME

11. MEDIA TIME

12. ADJOURNMENT

NEXT SELECTBOARD MEETING

November 15, 2021

November 22, 2021

December 13, 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.

(under SECTION 7.0 SPECIAL REGULATIONS)

7.20 SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

7.20.1 Purposes.

Short-Term Rentals (STRs), as defined in this section, are allowed for residential properties in conformance with the following regulations. These regulations aim to:

1. Protect the long-term residential rental market and the entry-level homeownership market.
2. Support full-time residency in Great Barrington by enabling owners of primary residences to earn extra money from their primary residences to afford better to live here, maintain their properties, and contribute to the community.
3. Discourage real estate speculation.
4. Protect and maintain the residential character of existing neighborhoods.

7.20.2 Definitions.

For the purposes of this section:

Booking agent. Any person or entity that facilitates reservations or collects payment for a short-term rental on behalf of or for an operator.

Natural person. A human being as distinguished from a person (as a corporation or LLC) created by operation of law.

Operator. A natural person who is the legal owner of the residential unit/room they seek to offer as a short-term rental. Only one owner may be an operator for a residential unit/room. The operator must meet the qualifications of a primary resident to offer a residential unit/room for short-term rental.

Primary residence. The dwelling where the operator resides for at least six months out of a 12-month period, not merely for a special or limited purpose, but with a present intention of making it their true, fixed, permanent home and principal establishment. A person can only have one primary residence at any given time. Upon request from the Town, a primary residence is demonstrated by three of the following five documents: Motor vehicle registration; Federal income tax return; Driver's license; Voter registration; Other state-issued identification.

Primary resident. A natural person who is the legal owner of a primary residence that they seek to offer as a short-term rental and has resided in the primary residence for six of the past 12 months before promoting the property's availability containing a short-term rental unit/room. The natural person must meet the qualifications of primary resident as demonstrated by three of the following five documents:

Motor vehicle registration; Federal income tax return; Driver's license; Voter registration; Other state-issued identification.

Short-term rental(s): An occupied property that is not a hotel, motel, lodging house, or bed and breakfast establishment, where at least one room or unit is rented out by an operator through the use of reservations for a period of fewer than 30 consecutive calendar days for a fee. Only a primary residence or a unit/room in a primary residence or a secondary unit on the same tax parcel as the primary residence can be operated as a short-term rental. A short-term rental may or may not be facilitated through a booking agent.

Secondary unit: An additional, self-contained dwelling located on the same tax parcel as the operator's primary residence (Also known as an in-law unit, accessory dwelling unit, or ADU). The primary resident may rent a secondary unit as a short-term rental. However, only one structure per parcel is allowed to be used at a time for short-term rental use.

7.20.3 Short-term residential rentals in Great Barrington.

No residential unit/room shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that the health agent or building inspector may promulgate to carry out the provisions of this section.

7.20.4 Ineligible residential units/rooms.

1. The following residential units/rooms are not eligible to be offered as short-term rentals:
 - a. Residential units/rooms not located within the Operator's Primary Residence or on the same tax parcel as the Operator's Primary Residence.
 - b. Any residential property in violation of the Building Code, Fire Code, Sanitary Code, or Town General Bylaws.
 - c. Residential units/rooms designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

7.20.5 Requirements and limitations.

1. Operators may not rent simultaneously to more than one party under separate contracts. If multiple rooms are available, or if more than one dwelling unit exists on a single parcel, they must be rented together by the same party or be rented one at a time with no overlap between rentals.
2. Parking for Short-Term Rentals must be on-site.
3. Short-Term Rentals involving tents, amplified music, or typically requiring an entertainment license from the Town are not allowed.
4. Occupancy within a Short-Term Rental shall be limited to ten guests, or two guests per guest bedroom, whichever is fewer.
5. In multifamily homes, the Primary Resident of each unit may operate a Short Term Rental since each unit in a multifamily home is a separate Primary Residence. However, a person who resides

in one multifamily unit may not operate a Short Term Rental in another unit because that unit is not their Primary Residence.

6. Operators shall provide all Short-Term Renters with applicable trash, noise, parking, and other local regulations. When the Operator is not present, the Operator shall also provide Short-Term Renters with the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors, or municipal authorities.

7.20.6 Enforcement. *(Seeking legal opinion - this section will be flushed out more)*

1. Any person who offers a residential unit/room as a Short-Term Rental, or any Booking Agent who accepts a fee for booking a unit/room as a Short-Term Rental, where such unit/room is not eligible, shall be fined One Thousand Dollars (\$1,000) per violation. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
2. The provisions of this section may also be enforced, if applicable, by the Town seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental.
3. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

7.20.7 Severability.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Selectboard

Application for Access to a Public Way / Driveway Permit

Fee \$50.00 PD
CK #1733
Number _____

INSTRUCTIONS

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$50.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date 10/14/21
Name of Applicant / Property Owner THOMAS KRESSE
Mailing address 30 HIGH ST, GREAT BARRINGTON, MA 01230
Phone number 413-258-3664 MIKE@KRESSENYC.COM
Location of proposed driveway / highway entrance 30 HIGH ST, GREAT BARRINGTON
Contractor who will perform the work MICHAEL KRESSE / KRESSE DESIGN LLC
Address & phone number of contractor 30 HIGH ST, GREAT BARRINGTON MA 01230
Proposed construction date 11/15 - 11/30
Type of driveway (gravel, asphalt, etc.) GRAVEL

Print Form

Submit five (5) copies of completed form and plans.

Applicant hereby agrees to notify the Great Barrington DPW Superintendent of the date and time of driveway construction at least 24 hours before construction is begun. Applicant further agrees to conform to all requirements of the Town of Great Barrington regulations governing access to public ways and to all conditions that may be placed on this permit. See Chapter 153 of the Town Code for regulations and design requirements.

Applicant's Signature: Thomas J. Kresse

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:
 approved as submitted
 approved with conditions attached
 disapproved for reasons attached
 resubmitted with changes suggested per attached

Staff Reviews Received:

| | Received | Conditions Recommended | Other Permits Required |
|---------------|-------------------------------------|--------------------------|--------------------------|
| Conservation: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fire Chief: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Planning: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

Pursuant to its vote of _____ in favor and _____ opposed, at its meeting on _____, the Great Barrington Selectboard granted permission to construct or alter this access to a public way at the address and in the location indicated in this application, in accordance with the plans accompanying this application, and subject to any conditions attached.

For the Selectboard: _____, its _____
(signature) (title) (date)

John Malumphy
Highway-Facilities Superintendent

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



20 East Street
Great Barrington, MA 01230

Telephone: (413) 528-2500
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Emma fletcher & Mike Kresse
Location: 30 High Street
From: John Malumphy Highway Superintendent/Sean VanDeusen, Public Works Director
Date: November 1 2021

1. The applicant shall construct the proposed access to conform to the following applicable criteria listed under **Section 153-14, Design requirements** of the Town of Great Barrington Code:
 - B. Driveway location as shown on the attached plan is acceptable, with regards to alignments with the way, profile, sight distance conditions and not located at the extreme edge of the property.
 - C. No more than two (2) driveways shall normally be allowed for any property, unless there is a clear necessity for more.
 - D. Driveways shall not normally be approved at intersections, because of potential safety hazards.
 - E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15" (*A culvert is not required at this location*)
 - F. Entrance elevation at the point of entry into the public right-of-way shall be no more than the elevation of the shoulder of the road.
 - G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.
 - H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

- I. Driveway width. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
 - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
 - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
 - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
 - A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway.
 - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
 - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

The applicant agrees to notify the Highway Superintendent (528-2500) at least 48 hours prior to the installation of the paved apron.

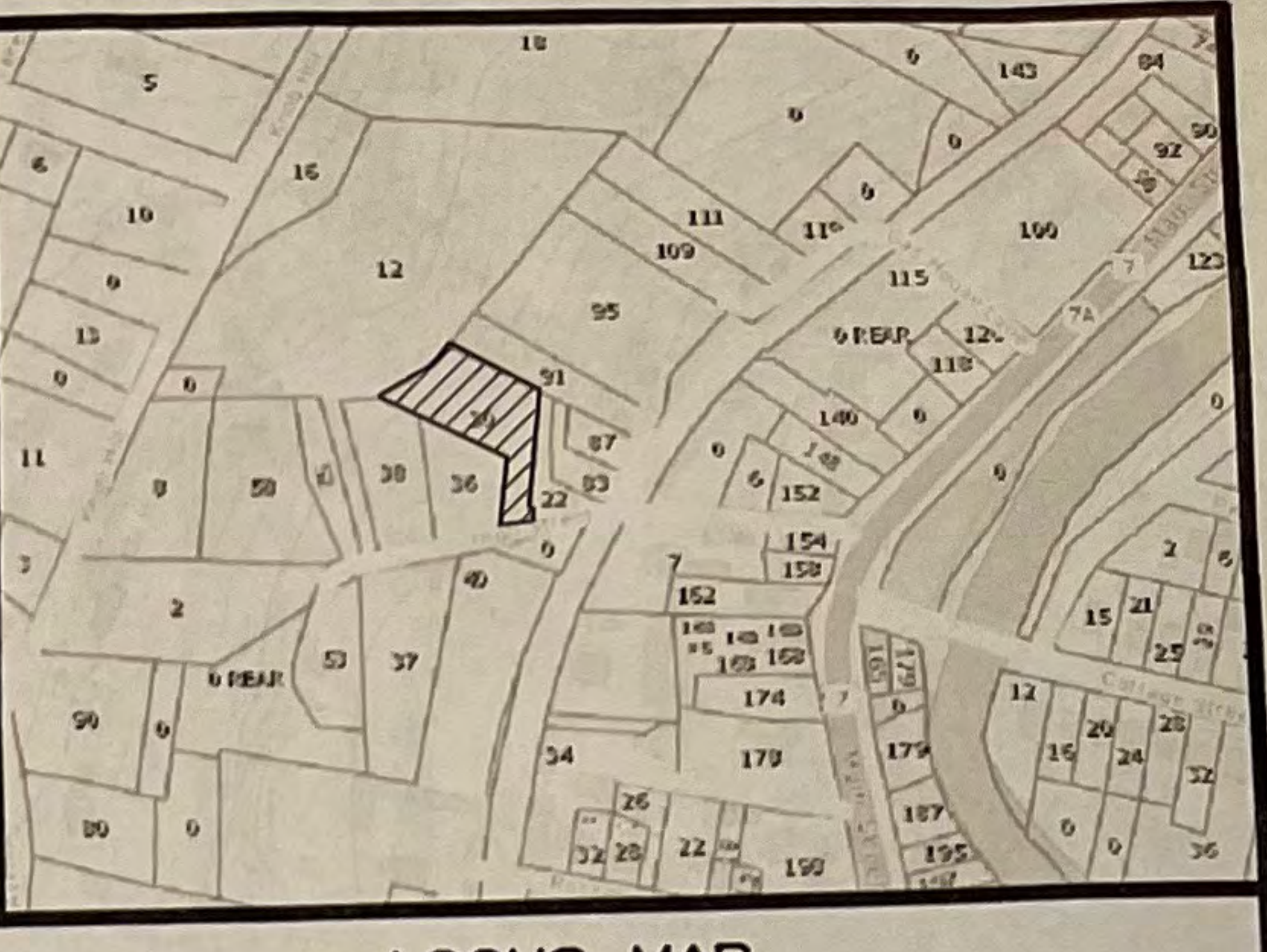
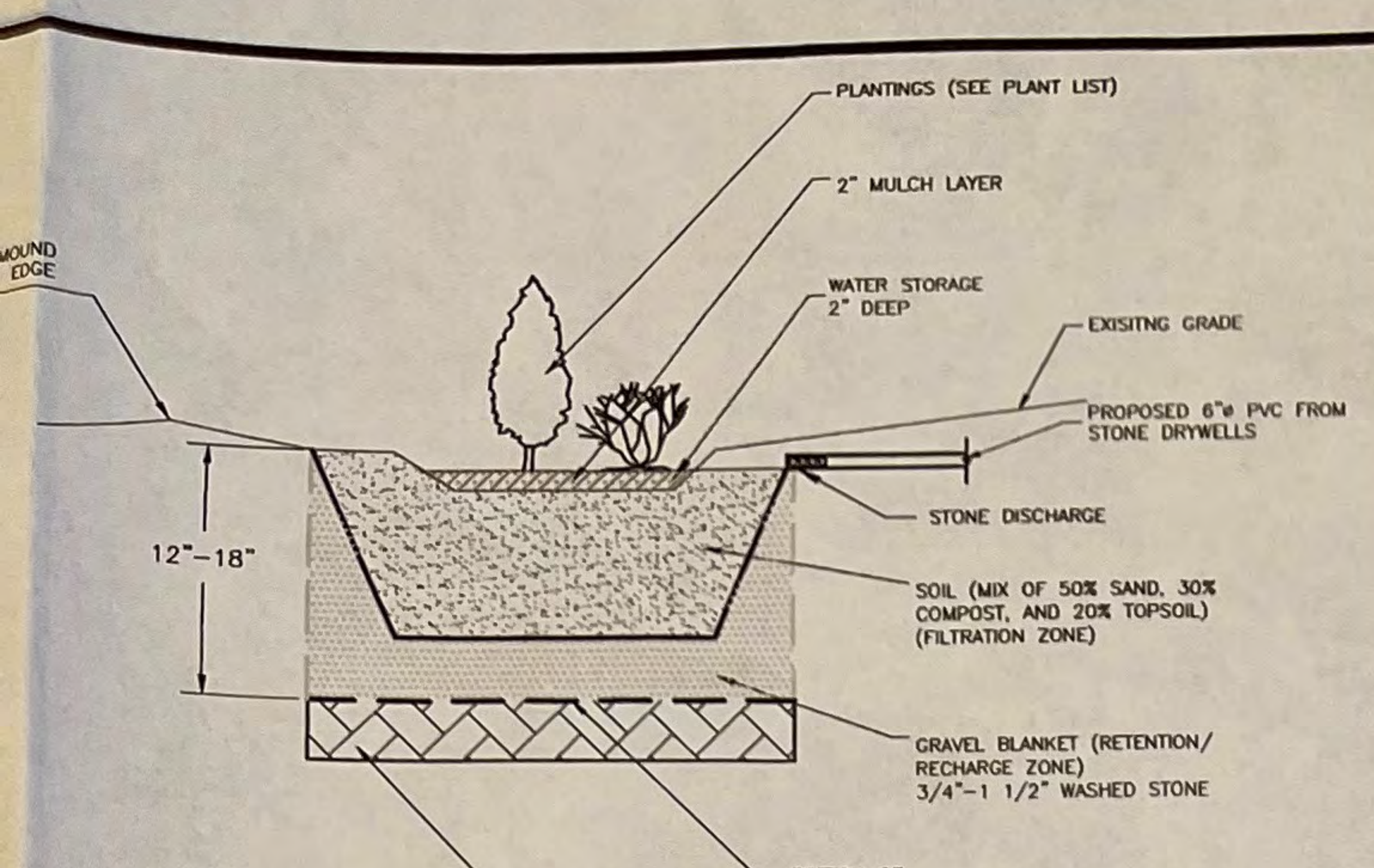
3. Should there be, after completion of the driveway, discharges of water, stones, or silt onto the public way or onto property of any abutters or neighbors, the property owner shall take whatever steps are necessary to eliminate such discharges.
4. The applicant shall maintain the proposed access to conform to the following applicable condition listed under **Section 153-17, Continuing responsibility of owners**, of the Town of Great Barrington Code:

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit.

Must tie into Town storm drain.

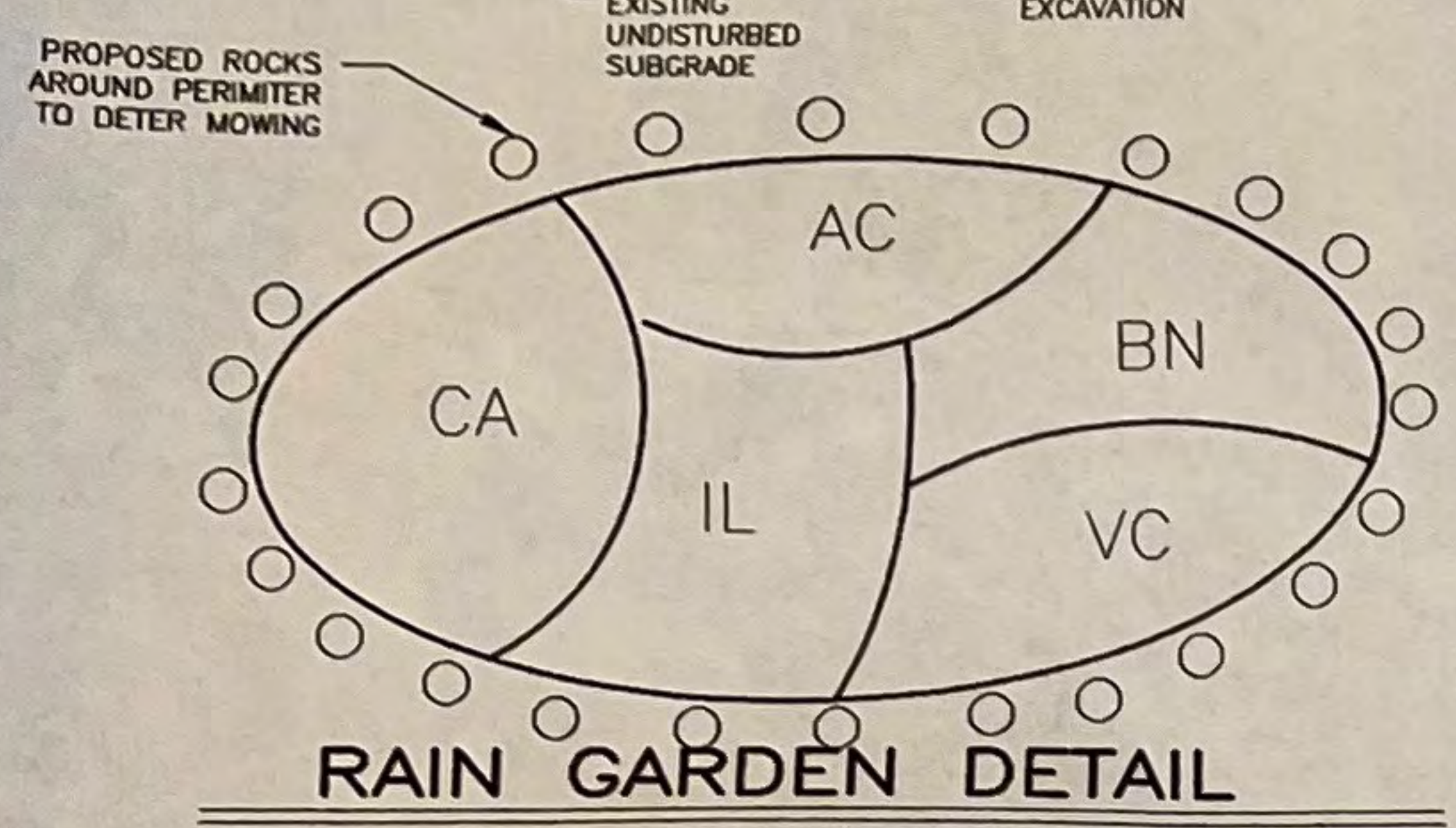






KEY MAP

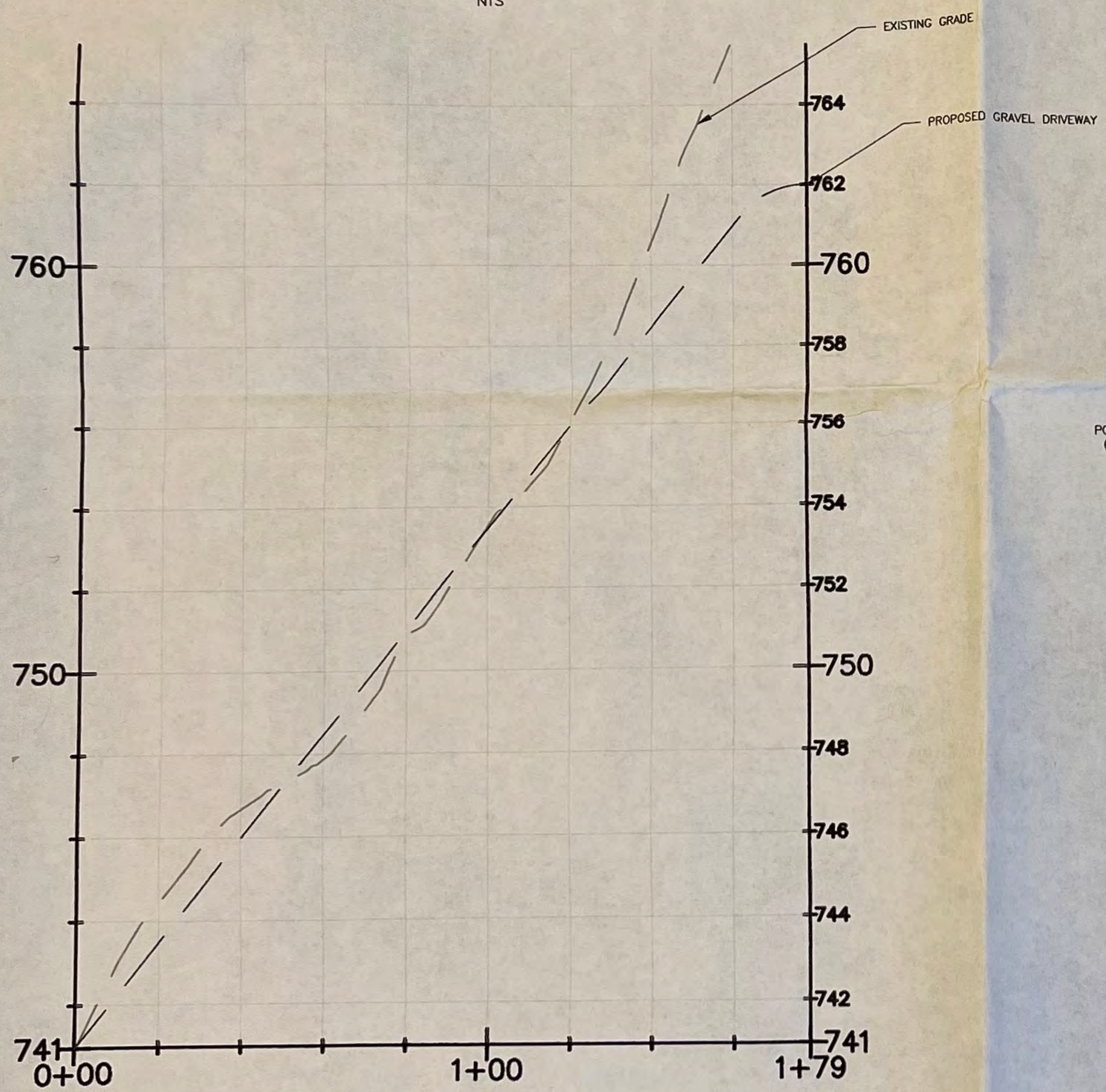
LOCUS MAP



- RAIN GARDEN PLANTING LIST**
- AC AMELANCHIER ARBOREA SERVICEBERRY
4 PLANTS 3-4 FT IN HEIGHT
 - CA CORNUS AMOMIUM SILKY DOGWOOD
4 PLANTS 3-4 FT IN HEIGHT
 - BN BETULA NIGRA RIVER BIRCH
2 CLUMPS 3 PLANTS EACH 3-4 FT IN HEIGHT
 - IL ILEX VERTICILLATA WINTERBERRY HOLLY
4 PLANTS 3-4 FT IN HEIGHT
 - VC VACCINIUM CORYMBOSUM HIGHBUSH BLUEBERRY
6 PLANTS 2-3 FT IN HEIGHT

RAIN GARDEN DETAIL

NTS



SYSTEM PROFILE

HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=3'

GENERAL NOTES:

CONTOUR INTERVAL IS 1' REFERENCED TO A LOCAL ARBITRARY DATUM.

CONTRACTOR IS TO NOTIFY ENGINEER BEFORE PROCEEDING IF SUBSURFACE CONDITIONS DIFFER FROM THOSE INDICATED ON THIS PLAN.

ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO COMMENCEMENT OF WORK.

THE PROPOSED WORK MAY FALL UNDER THE JURISDICTION OF THE WETLANDS PROTECTION ACT. CONTRACTOR AND/OR OWNER IS RESPONSIBLE TO OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION.

ALL PROPOSED WORK SHALL BE IN COMPLIANCE WITH MASSACHUSETTS PLUMBING, BUILDING, AND FIRE CODE REQUIREMENTS. LOW VOLUME PLUMBING FIXTURES ARE TO BE USED. NO GARBAGE DISPOSALS ARE ALLOWED. NO BACKWASH OF WATER PURIFICATION OR FILTRATION DEVICES SHALL DISCHARGED INTO THE PROPOSED SYSTEM.

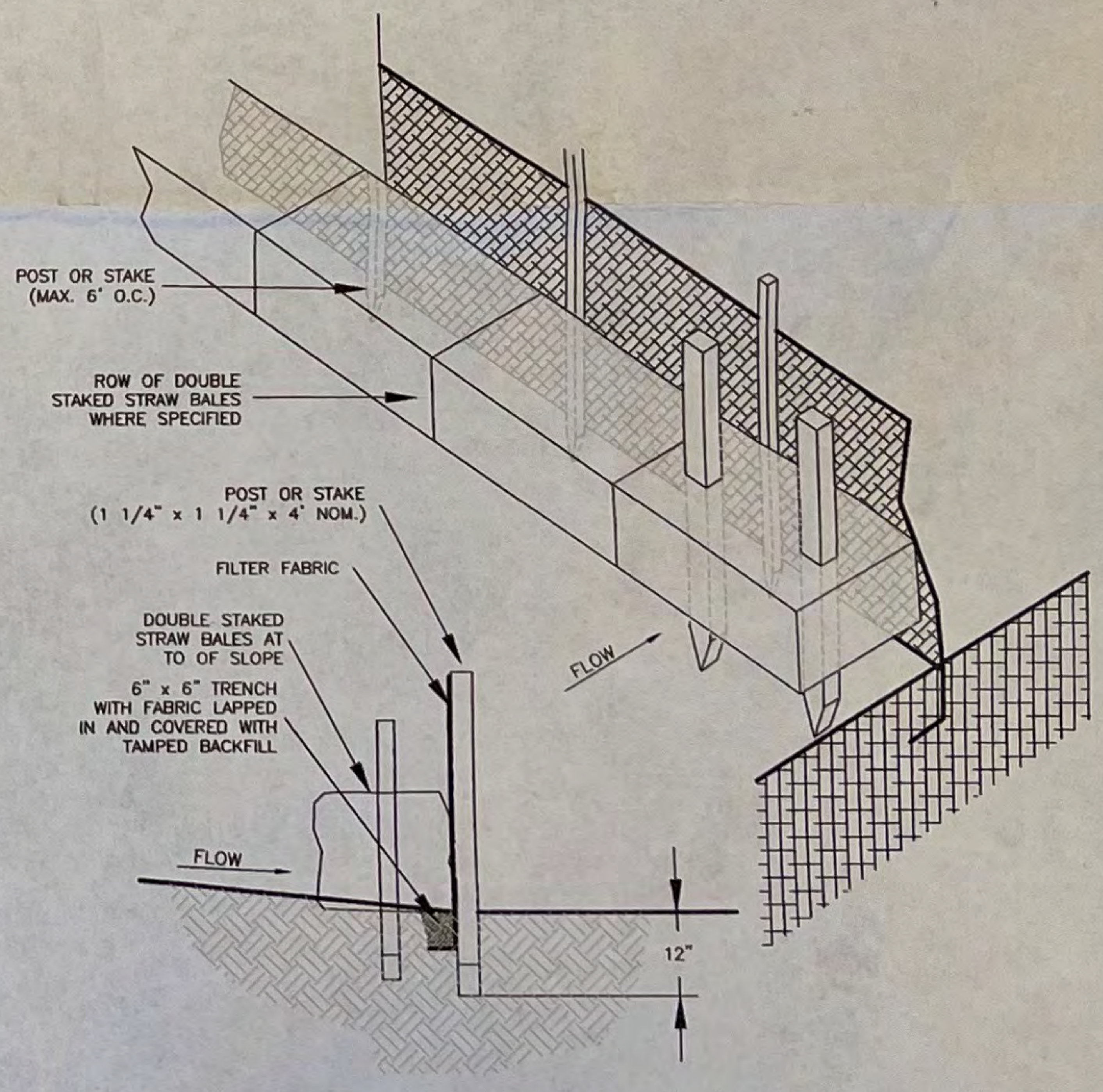
ALL DISTURBED AREAS ARE TO BE SEEDED AND MULCHED.

CONTRACTOR SHALL TRANSFER BENCHMARK TO A PERMANENT SUITABLE LOCATION AWAY FROM POSSIBLE DISTURBANCE UPON COMMENCEMENT OF CONSTRUCTION.

PROPERTY LINES AS SHOWN WERE ESTABLISHED BY BEK ASSOCIATES.

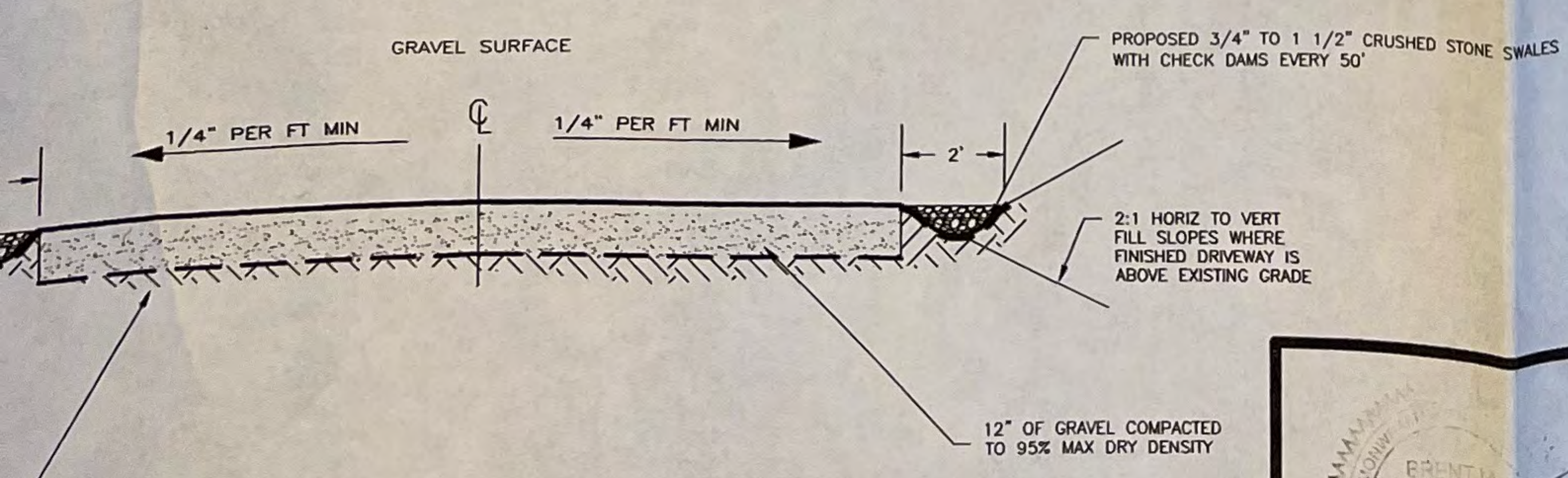
TOPOGRAPHIC SURVEY PERFORMED BY BEK ASSOCIATES, ON 9/19/2003

APPROVAL OF THIS PLAN AND APPLICATION BY A BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.



SILT FENCE INSTALLATION DETAIL

NTS



DRIVEWAY CROSS SECTION

N.T.S.

SITE DEVELOPMENT PLAN
for
EMMA FLETCHER & MIKE KRESSE

30 HIGH STREET TAX MAP #014.0 LOT #0072.A GREAT BARRINGTON, MA

| | | | |
|---|--|-----|------------|
| 3 | MODIFIED DRIVEWAY ALIGNMENT AND GRADING, RELOCATED PROPOSED BOULDER RETAINING WALLS | CJM | 09/15/2021 |
| 2 | PLAN REVISED TO MORE ACCURATELY DEPICT THE LIMITS OF THE SCENIC MOUNTAINS ACT. THE ORIGINAL SCENIC MOUNTAINS ACT BOUNDARY HAD BEEN TRACED FROM THE GREAT BARRINGTON MUNICIPAL MAPPER. AFTER FURTHER REVIEW AND DISCUSSION WITH THE CONSERVATION AGENT IT WAS DETERMINED THAT THE DEFINITION IN THE BYLAW OVERRIDES THE LESS ACCURATE DEPICTION OF THE MUNICIPAL MAPPER | CJM | 06/09/2021 |
| 1 | IDENTIFIED TREES TO BE REMOVED WITHIN SCENIC MOUNTAINS ACT BOUNDARY. PROVIDED LIST OF TREES TO BE PLANTED. | CJM | 05/26/2021 |

NO: _____ REVISION: _____ BY: _____ DATE: _____

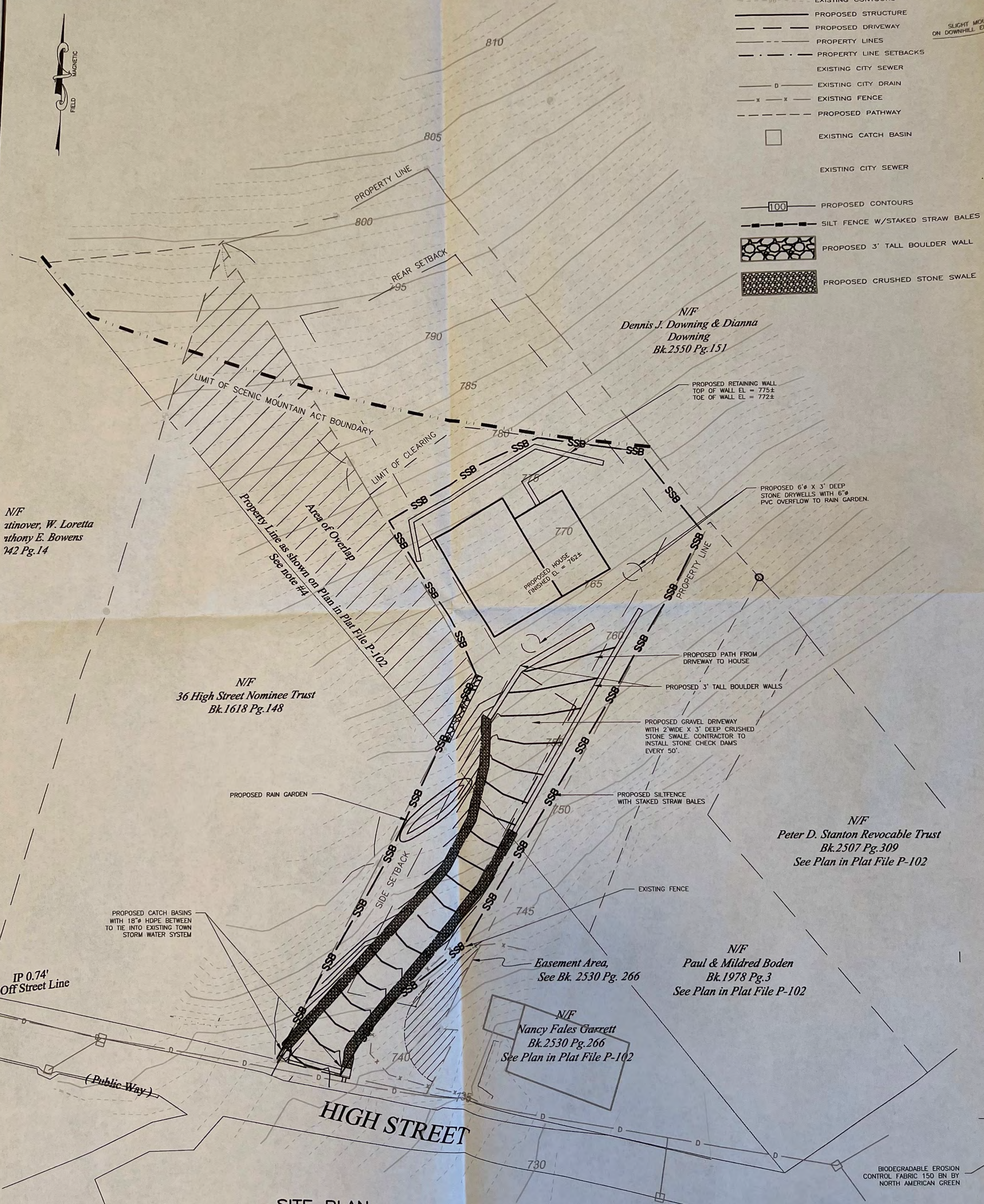
WHITE ENGINEERING INC.
CIVIL & ENVIRONMENTAL
55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
PHONE: (413) 443-8011 WEB: WHITEENG.COM FAX: (413) 443-8012
LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

DATE: MAY 4, 2021 DRN: RMJ APVD: BMW DWG NO: 21-03-10C
BY: BMW CKD: BMW/CJM SCALE: AS NOTED SHEET 1 OF 1

LEGEND

- EXISTING CONTOURS
- PROPOSED STRUCTURE
- PROPOSED DRIVEWAY
- PROPERTY LINES
- PROPERTY LINE SETBACKS
- EXISTING CITY SEWER
- EXISTING CITY DRAIN
- EXISTING FENCE
- PROPOSED PATHWAY
- EXISTING CATCH BASIN
- EXISTING CITY SEWER
- PROPOSED CONTOURS
- SILT FENCE W/STAKED STRAW BALES
- PROPOSED 3' TALL BOULDER WALL
- PROPOSED CRUSHED STONE SWALE

SLIGHT MOUND ON DOWNHILL EDGE



N/F
 tinover, W. Loretta
 thony E. Bowens
 242 Pg.14

N/F
 Dennis J. Downing & Dianna
 Downing
 Bk.2550 Pg.151

N/F
 36 High Street Nominee Trust
 Bk.1618 Pg.148

N/F
 Peter D. Stanton Revocable Trust
 Bk.2507 Pg.309
 See Plan in Plat File P-102

N/F
 Paul & Mildred Boden
 Bk.1978 Pg.3
 See Plan in Plat File P-102

N/F
 Nancy Fales Garrett
 Bk.2530 Pg.266
 See Plan in Plat File P-102

IP 0.74'
 Off Street Line

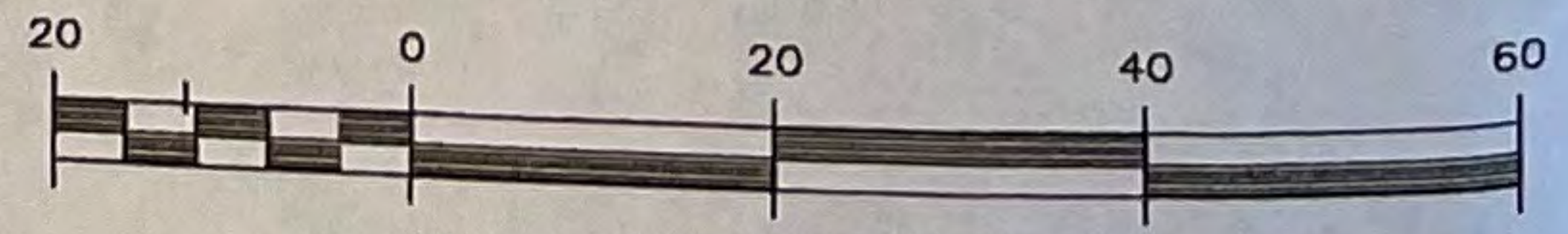
PROPOSED CATCH BASINS
 WITH 18" HDPE BETWEEN
 TO TIE INTO EXISTING TOWN
 STORM WATER SYSTEM

Easement Area,
 See Bk. 2530 Pg. 266

BIODEGRADABLE EROSION
 CONTROL FABRIC 150 BN BY
 NORTH AMERICAN GREEN

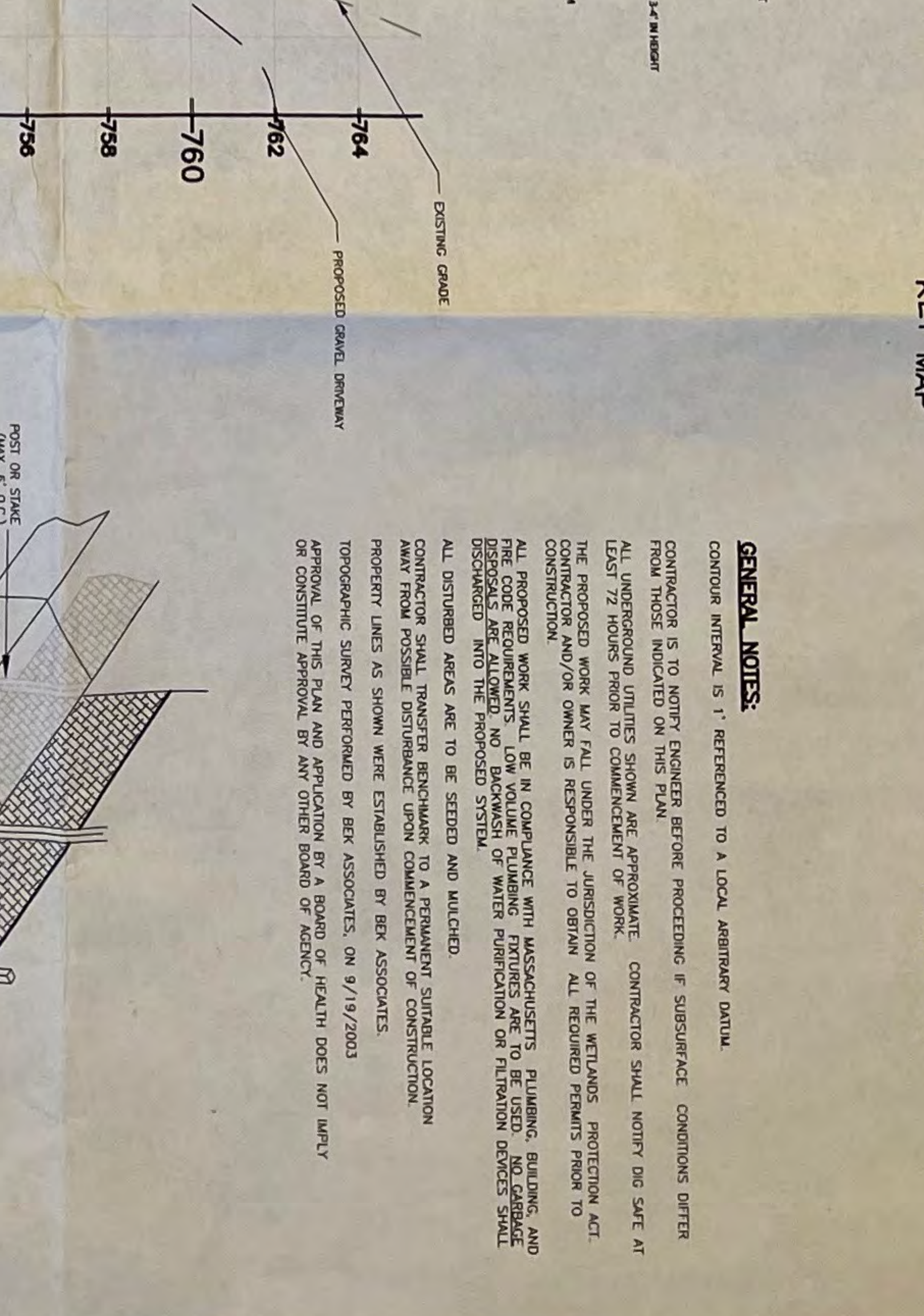
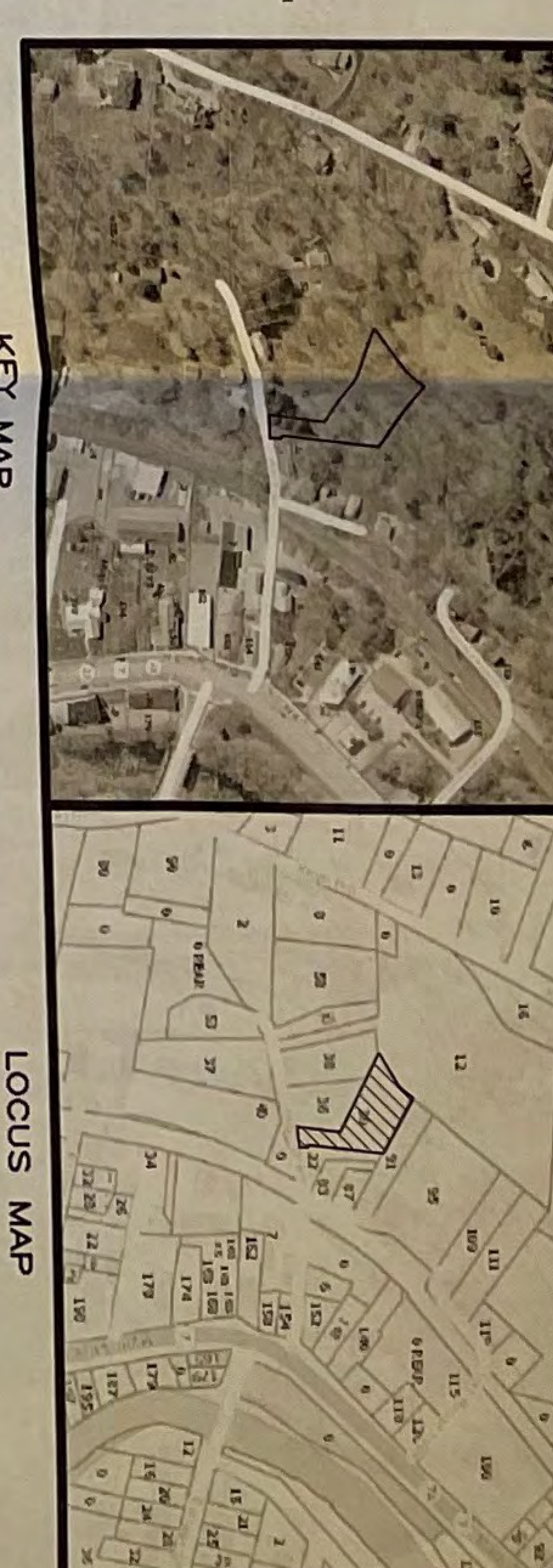
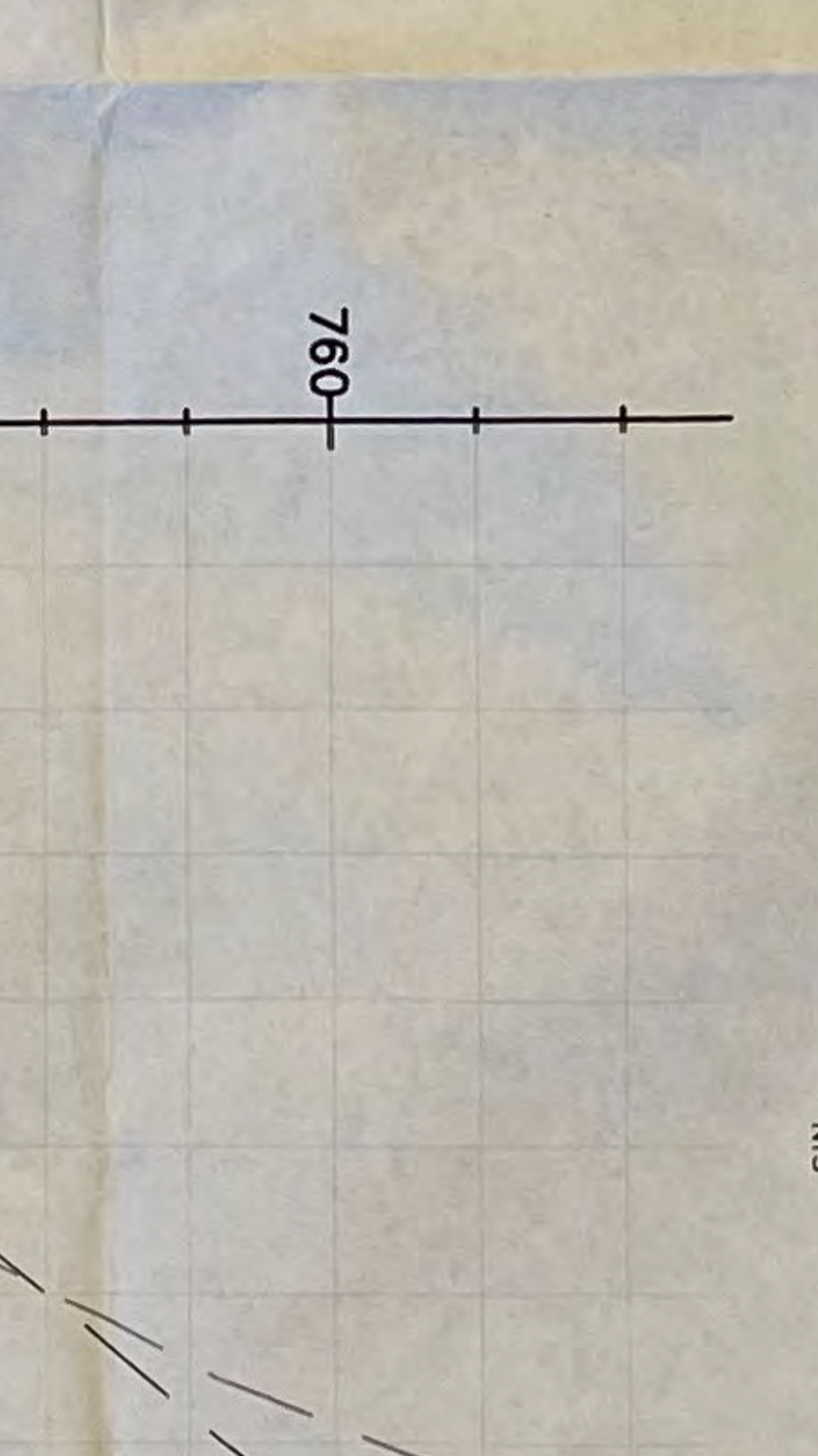
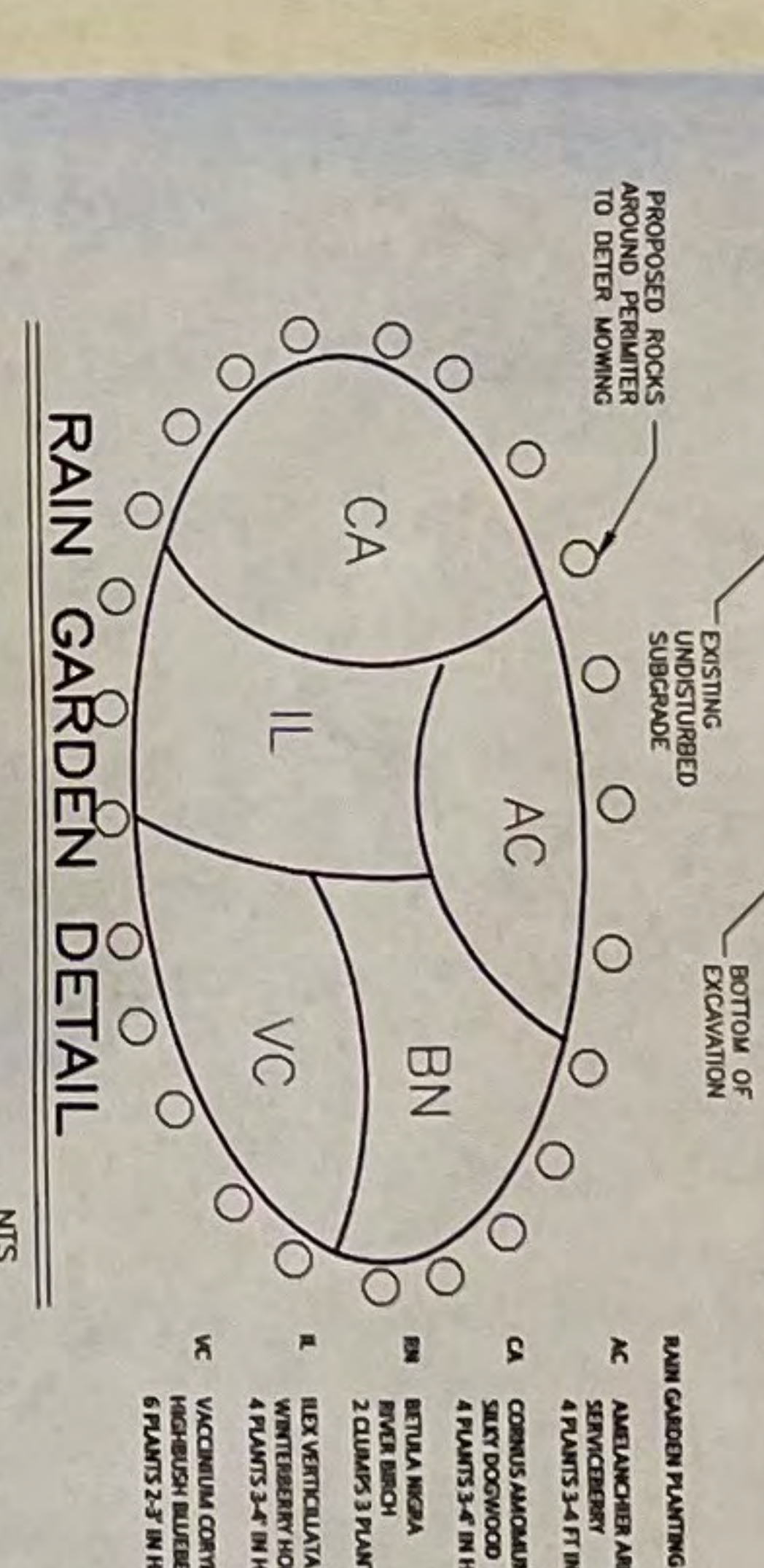
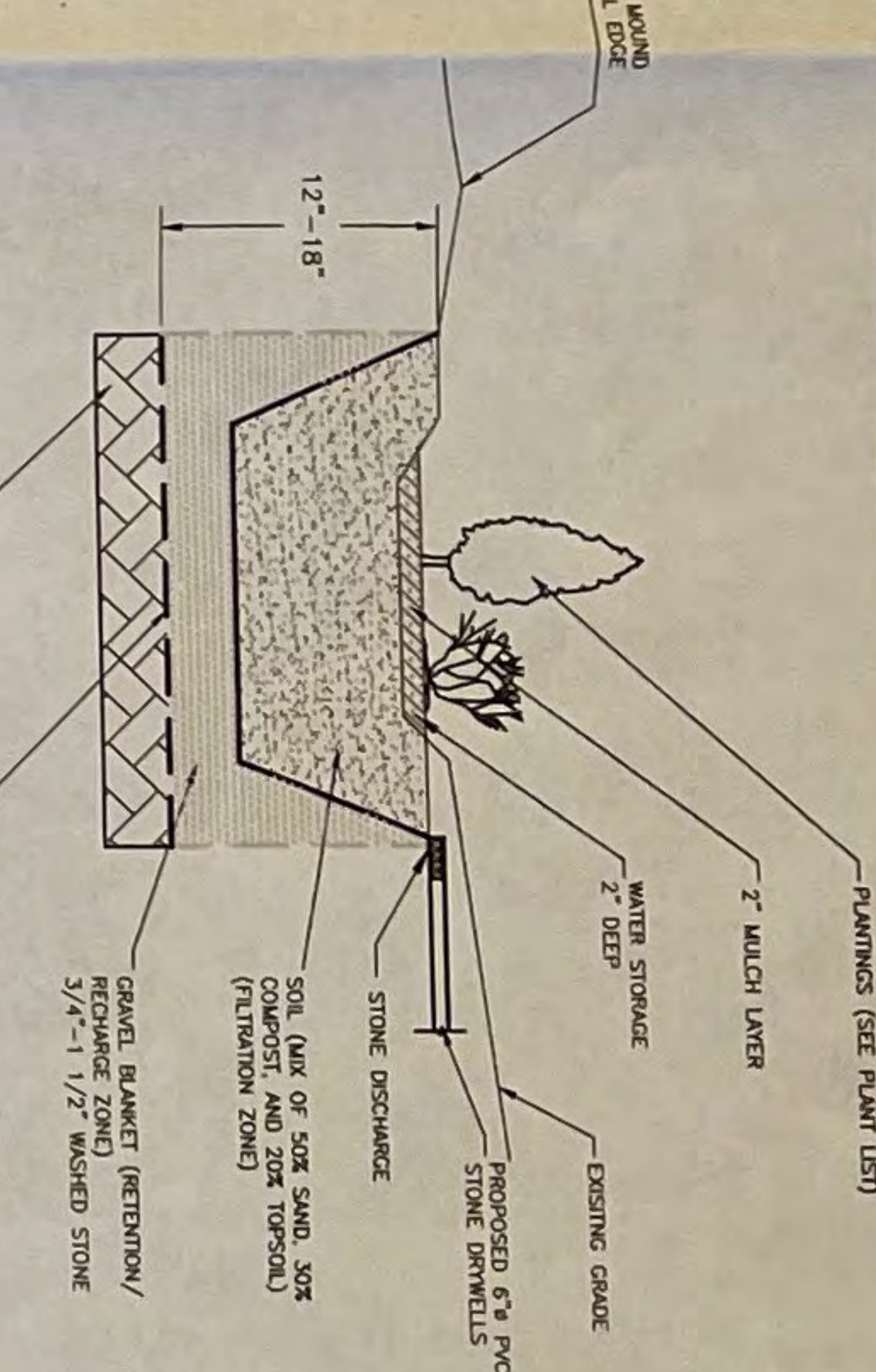
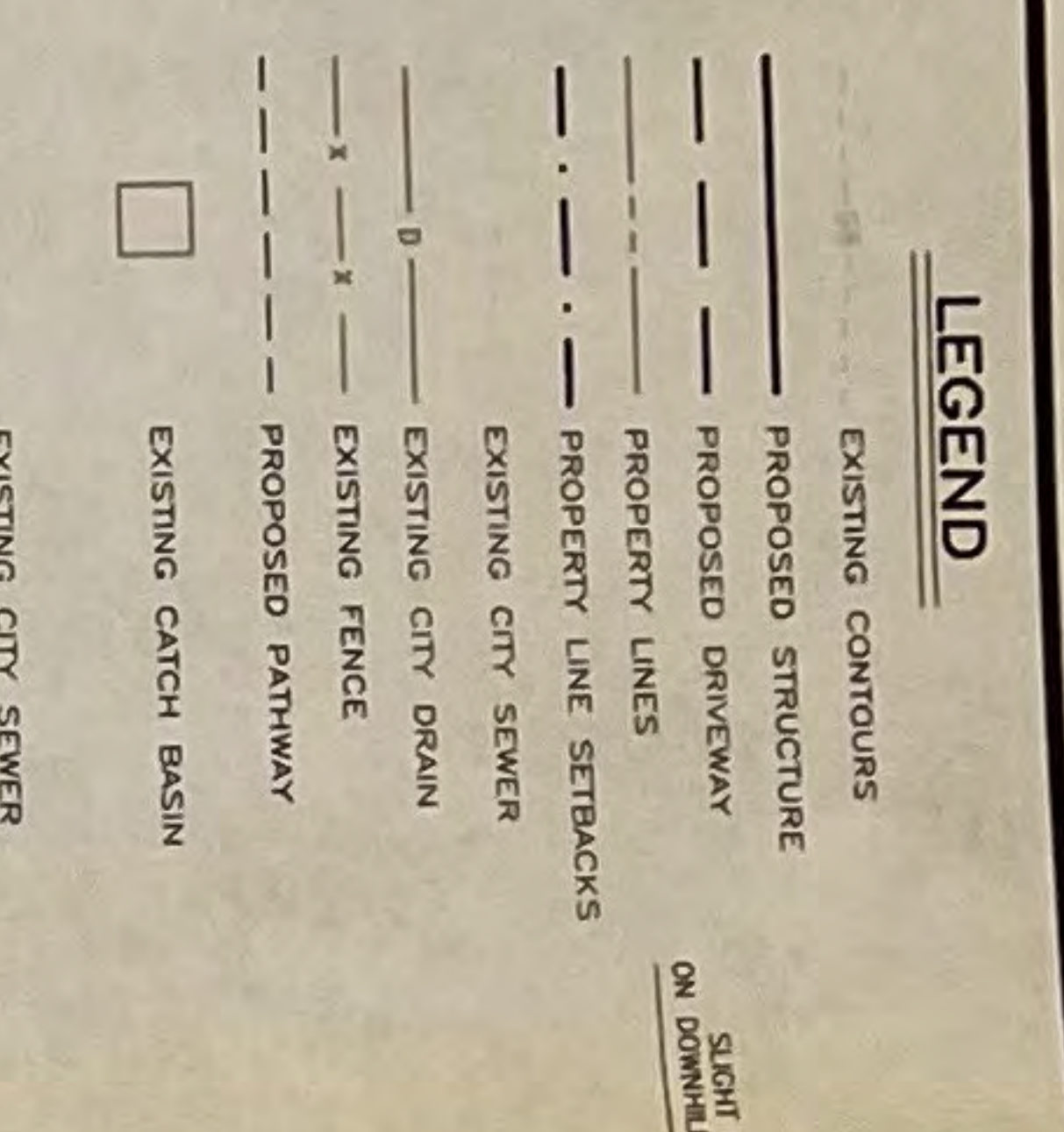
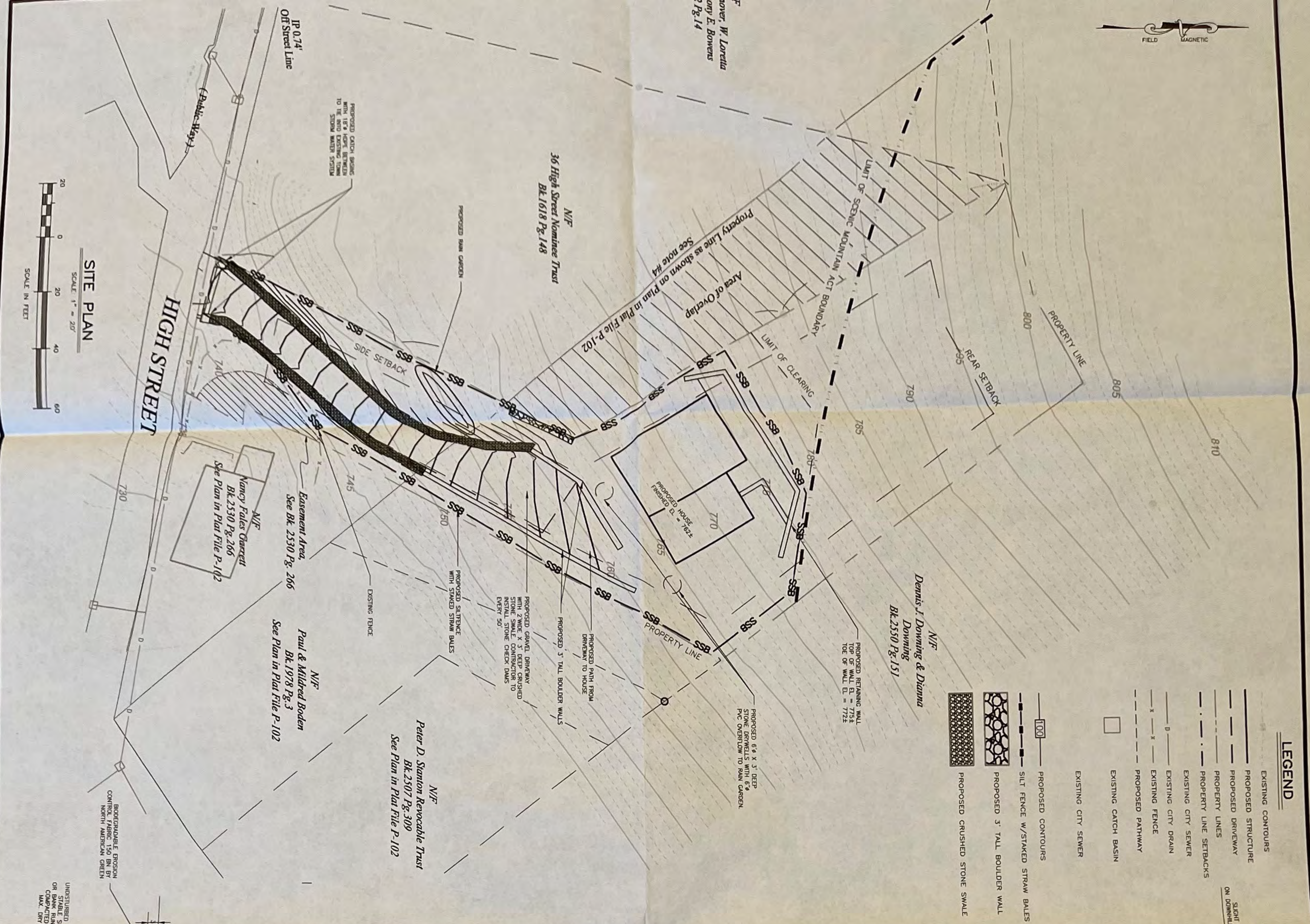
SITE PLAN

SCALE: 1" = 20'



SCALE IN FEET

UNDISTURBED
 STABILIZED
 OR BANK
 COMPACT
 MAX. 1



GENERAL NOTES:
 CONTOUR INTERVAL IS 1' REFERENCED TO A LOCAL ARBITRARY DATUM.
 CONTRACTOR IS TO NOTIFY ENGINEER BEFORE PROCEEDING IF SUBSURFACE CONDITIONS DIFFER FROM THOSE INDICATED ON THIS PLAN.
 ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL NOTIFY DUE CARE AT LEAST 72 HOURS PRIOR TO COMMENCEMENT OF WORK.
 THE PROPOSED WORK MAY FALL UNDER THE JURISDICTION OF THE WETLANDS PROTECTION ACT. CONTRACTOR AND/OR OWNER IS RESPONSIBLE TO OBTAIN ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 ALL PROPOSED WORK SHALL BE IN COMPLIANCE WITH MASSACHUSETTS PLUMBING, BUILDING, AND ELECTRICAL REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS REGULATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS REGULATIONS.
 TOPOGRAPHIC SURVEY PERFORMED BY BEK ASSOCIATES, ON 9/19/2003.
 APPROVAL OF THIS PLAN AND APPROXIMATE PERMITS BY THE BOARD OF HEALTH DOES NOT IMPLY OR CONSTITUTE APPROVAL BY ANY OTHER BOARD OF AGENCY.

WHITE ENGINEERING INC.
 CIVIL & ENVIRONMENTAL
 59 SOUTH MERRIMAN STREET, PITTSFIELD, MA 01201
 PHONE: (413) 443-8011 FAX: (413) 443-8012
 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

EMMA FLETCHER & MIKE KRESSE
 SITE DEVELOPMENT PLAN
 30 HIGH STREET
 TAX MAP 8014.0 LOT #0072.A
 CDM 09/15/2021
 CDM 09/09/2021
 CDM 09/20/2021

WHITE ENGINEERING INC.
 DATE: MAY 4, 2021
 DRAWN: BAW
 CHECKED: BAW
 SCALE: AS NOTED
 SHEET: 21-03-10C

Dec. 11



TOWN OF GREAT BARRINGTON
Annual Weekday Entertainment License Application
(INDOOR ONLY)
\$25.00

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: Betsy Andrus
Business/Organization: Southern Berkshire Chamber
D/B/A (if applicable): Saturday Dec. 11, 2021
Address: 40 Railroad Str suite 2
Mailing Address: PO Box 810 Gt Barr. Ma.
Phone Number: 413-528-4284
Email: betsy@southernberkshirechamber.com

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ
 Live band with up to 5 pieces, including singers Public Show

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox

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

Exact Location of Entertainment (include sketch): Downtown GB. from Mason library to Wheeler + Taylor

Days of Entertainment*: 1 day. Saturday. Dec 11, 2021
*Does not include SUNDAY

Start & End Times of Entertainment: 3-8:30pm - Set-up 6am.

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

clean-up 7:30 - 3pm Sunday

- 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.

In the event of a change in type of entertainment or hours/days different than indicated above, a new application will be required and a new license will be issued.

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

[Signature] _____ 10.19.21 _____
Signature of Individual or Date SS# or FID#
Corporate Officer

TOWN USE ONLY:

DRT Review with Conditions: Please see attached sheet. (CR)
Coordinate with Health Dept. ASAP.

APPROVAL DATE: _____ LICENSE # _____

Chris Rembold

Subject: Holiday Stroll - DRT review

DRT reviewed the proposal on 11/2/21 and through subsequent emails. DRT staff notes the following:

Permission from the Parks Commission is needed for using Memorial Field for fireworks. (we understand that permit is pending Parks Commission meeting of 11/15/21)

Applicant requested if the fireworks permit fee could be waiver. Fire Chief reports that the waiver could be entertained by the Selectboard but that he has no authority there. Should the Town wish to support the costs of this or the Police Officers through celebrations or donations accounts that would be the remit of the Town Manager.

Chamber must be in contact with the Health Department and the Food Vendors to ensure food vendors are properly trained on safe food handling and have the appropriate permits and use appropriate safety procedures. Deadlines are subject to Health Department requirements.

If parking requests are granted by Selectboard the Chamber shall coordinate with the Police and DPW.

Chamber shall coordinate with the Police an officer detail for crosswalk safety.

Chamber shall coordinate Tree & Menorah Lighting location with DPW, pending construction status of the front steps of Town Hall.



Christopher Rembold, AICP

Assistant Town Manager
Director of Planning and
Community Development
413-528-1619, x. 2401
crembold@townofgb.org

Town of Great Barrington
334 Main Street
Great Barrington MA 01230



The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.



Holiday Shop, Sip & Strall!

Saturday,
December 11, 2021

- 3:00-4:00 pm- Meet the Library Liama
- 4:00-7:00pm - *Fun & FREE activities!*
- 4:30pm - Santa Arrives
- 7:00pm - Menorah & Tree Lighting
- 7:20pm - Fireworks
- 7:45pm - Vocalis Youth Choir

Downtown Great Barrington

Event Sponsor



LEE BANK

SOUTHERN BERKSHIRE
CHAMBER OF COMMERCE



www.southernberkshirechamber.com

2021 Holiday Shop, Sip & Stroll

The Southern Berkshire Chamber is requesting permission to have this year's Holiday Stroll, scheduled for Saturday, December 11, 2021. We request the use of the four parking spaces on the left side, from the bottom of Railroad Street up to SoCo Creamery for our Hayride Loading and unloading. We request the use of the 4 parking spaces on Main Street in front of the Congregational Church parking lot and the five parking spaces in front of the Town Hall to the north side.



I have included the list of activities and the event map as it is at this moment.

Thank you.

Betsy Andrus

FRONT

Request to Reserve: 4
4
5
—
parking spaces.

Live Radio Broadcast- WSBS Radio



| 2021 Holiday Stroll Activities | 2021 sponsors | Location | Facilitator | Confirm | Paid |
|---------------------------------|--|----------------------------|----------------------------------|---------|------|
| Event Sponsor | lee Bank | Lee Bank | lee Bank | yes | paid |
| Face Painting | Lee Bank | Lee bank | lee Bank | yes | paid |
| Holiday Model Railroad | St James Place | St James Place | St James | yes | n/c |
| Character parade | | Base of Railroad | SBCC | | |
| Santa & Gifts | Berkshire Bank | Berkshire Bank | Berkshire Bank | yes | paid |
| Live Windows | Ellen thought they would be sponsoring again | Through out downtown | SBCC | | |
| Letters to Santa | Kwik Print | Depart Wine | Taft Farms | | |
| Holiday Hay Ride | Taft Farm | Downtown | SBCC/Hevorah/ Pittsfield Coop | yes | n/c |
| Menorah & Tree lighting | Pittsfield Coop Bank | Town Hall | Pittsfield Coop | yes | paid |
| Adult Wreath Making | Départ Wine | Départ Wine | EST | yes | |
| Rudolf's Way | Sheffield Kiwanis | In Front of Berkshire Bank | Sheffield Kiwanis | yes | n/c |
| Vocalis Youth Choir | Verizon Wireless Zone | St James Place | Volcalis | yes | |
| Kids Games | Kiwanis Club if Sheffield | Vendor Area/ 1st Congo | | yes | |
| Kids Crafts | CHP | 1st Congo Church | IS183 | yes | |
| Bon Fire & Music | Wheeler & Taylor | Wheeler & Taylor | w&t | YES | N/C |
| Holiday Photo Cutouts | Greylock Fed Credit Union | downtown | SBCC | yes | paid |
| Street Vendors & Bon Fire | Mod Pots & Plants | 1st Congo Church | SBCC/ Mod Pots/ Fitzpatrick | yes | |
| Gingerbread House Decorating | Salisbury Bank | twoflowers | Salisbury Bank | yes | |
| Holiday Selfie Booth | WP Sotheby's | WP Sotheby's | SBCC | yes | |
| Elf Passport | Berkshire Money Mgt | Downtown | SBCC | yes | |
| Smores by the Camp Fire | Muddy Brook PTA | 1st Congo lot | PTA | yes | |
| Berkshire Busk for the Holidays | Berkshire Busk | 1st Congo Lot | Berkshire Busk | yes | swap |



October 21, 2021

Town of Gt. Barrington, Massachusetts

To whom it may Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit, please contact:

Steven Hayward 413-428-7018

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy, including hearing date.

National Grid: Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Jim Kehrer/lla

Jim Kehrer
Supervisor, Distribution Design

Enclosures

NOTICE TO ABUTTERS

National Grid is requesting permission from the Great Barrington Selectboard to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Long Pond Road (30430783):

National Grid to install (1) SO poles on Long Pond Road beginning at a point approximately 5250 feet north of the centerline of the intersection of Division Street within public right of way in order to provide electric service. Pole will abut property of 265 Long Pond Road.

Location approximately as shown on attached plan.

Wherefore it prays that after due notice and hearings as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Long Pond Rd. – Great Barrington Massachusetts.

In accordance with the provisions of Section 22, Chapter 166, of the General Laws, you are hereby notified that a public meeting will be held via zoom (access information will be available at the town website: www.townofgb.org), at 6:00 P.M., on the 8th day of November, 2021 on the petition of National Grid to erect poles and wires upon, along, under, or across one or more public ways in the town of Great Barrington abutting upon property owned by you.

Ngrid

ORDER FOR POLE AND WIRE LOCATIONS

In the Town of Great Barrington, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 21st day of October 2021.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Long Pond Rd. - Great Barrington, Massachusetts.

30430783 Filed with this order:

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Long Pond Rd. - National Grid to install (1) SO pole on Long Pond Rd. beginning at a point approximately 5250 feet north of the centerline of the intersection of Division St.; within public right of way in order to provide electric service. Pole will abut property of 265 Long Pond Rd.

I hereby certify that the foregoing order was adopted at a meeting of the _____ of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts City/Town Clerk.
20 _____

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

Attest:

City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID for permission to erect the poles, wires,
and fixtures described in the order herewith recorded, and that we 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 erect Poles, wires, and fixtures under said order.
And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City/Town of
Massachusetts, on the _____ day of 20____ and recorded with the records of location orders
of the said City, Book _____, and Page _____. This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk

Questions contact – Steven Hayward 413-428-7018
PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Great Barrington, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Long Pond Rd. - National Grid to install (1) SO pole on Long Pond Rd. beginning at a point approximately 5250 feet north of the centerline of the intersection of Division St.; within public right of way in order to provide electric service. Pole will abut property of 265 Long Pond Rd.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Long Pond Rd. - Great Barrington, Massachusetts.

30430783

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Jim Kehrer/lla*

BY _____
Engineering Department

October 21, 2021

October 20, 2021

NATIONAL GRID – IMMEDIATE ABUTTERS TO WORK LOCATION AT 265 LONG POND ROAD

MAP LOT ABUTTER

| | | |
|----|---------|---|
| 33 | 3 | Susan G. Segall, 263 Long Pond Rd., Gt. Barrington, MA 01230-1169 |
| 33 | 4A | Jan B. Wojcik & Ruby Chang, 1 Roger Rd., Gt. Barrington, MA 01230-1472 |
| 33 | 6 | 250 Long Pond Inc., Kenneth Alpart, 15 Daisy Place, Tenafly, NJ 07670-1653 |
| 34 | 18A,19B | Melanie Suzanne Greenberg, 267 Long Pond Rd., Gt. Barrington, MA 01230-1169 |
| 34 | 18B,19C | Terri Ann Norden, 350 Central Park West, New York, NY 10025-6547 |

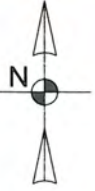



Exhibit A – Not to Scale

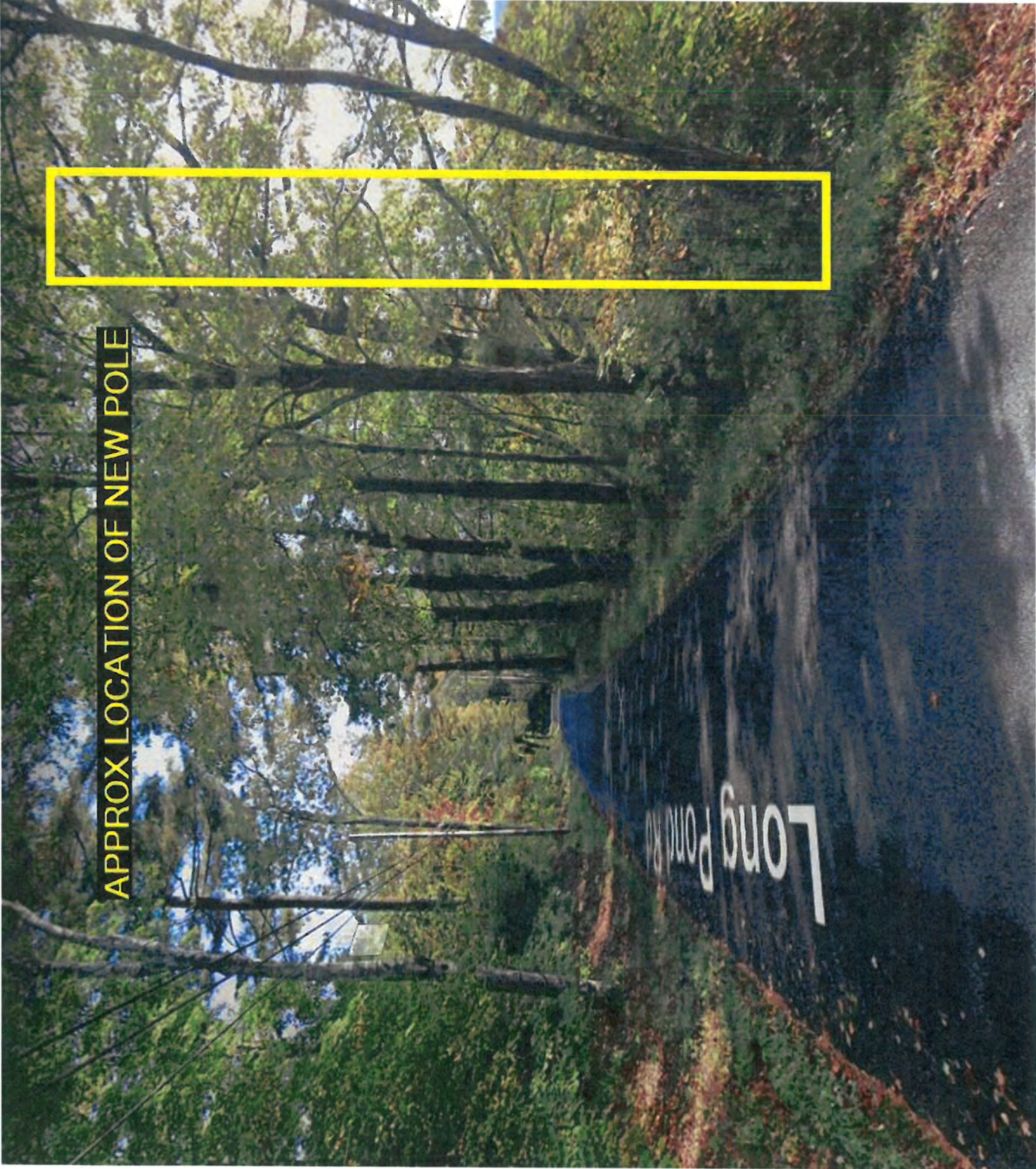
The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

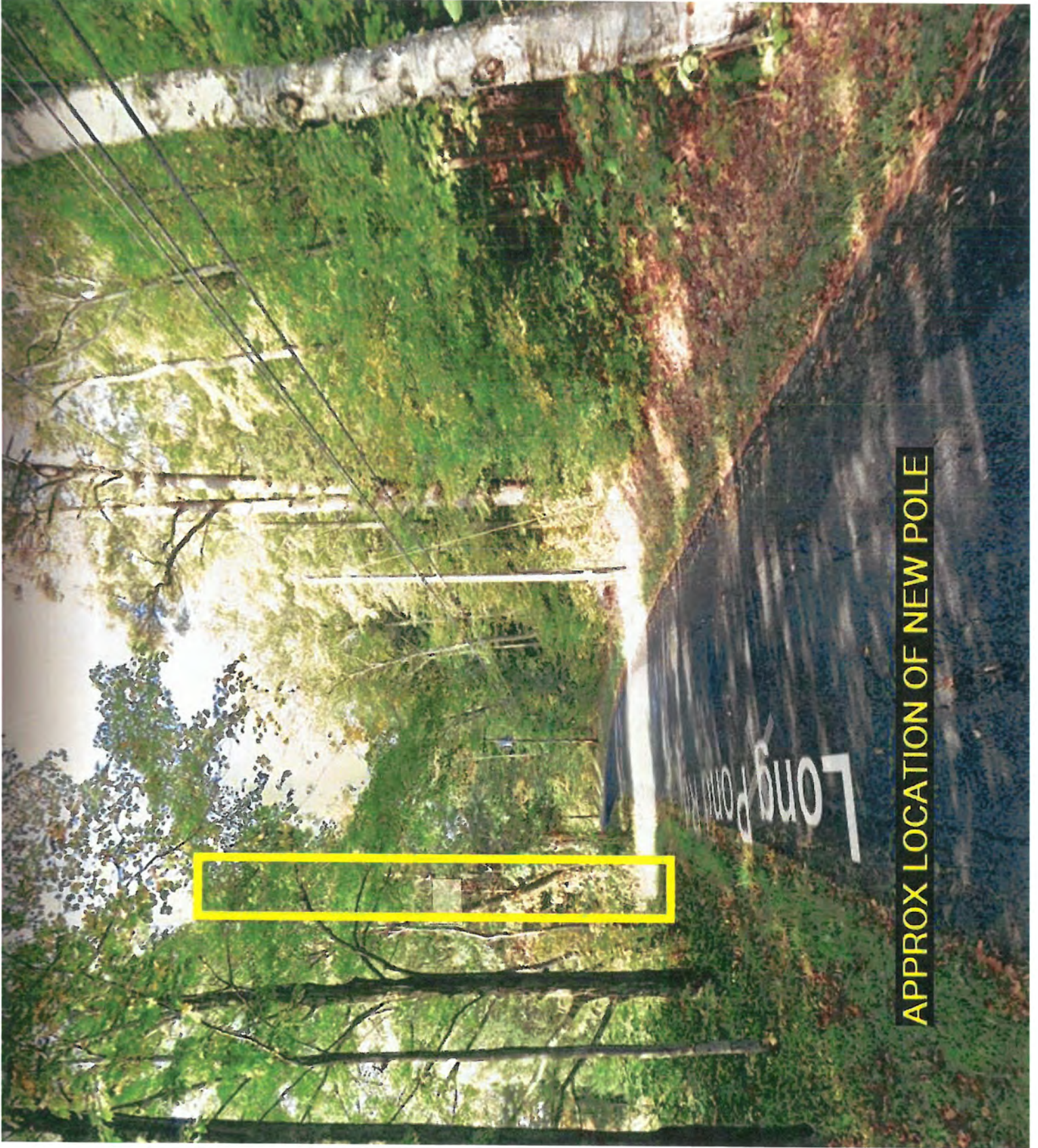
National Grid requesting to install 1 pole within public right of way in order to provide electric service.



| POLE PETITION | |  |
|---------------------------|--|---|
| ● | Proposed NGRID Pole Locations | |
| ○ | Existing NGRID Pole Locations | |
| Ⓜ | Proposed J.O. Pole Locations | Date: 06 OCT 2021 |
| Ⓜ | Existing J.O. Pole Locations | Plan Number: 30430783 |
| ⊕ | Existing J.O. Pole Locations To Be Replaced | To Accompany Petition Dated: |
| ⊗ | Existing NGRID Pole Location To Be Made J.O. | To The: TOWN Of GREAT BARRINGTON |
| ⊗ | Existing Pole Locations To Be Removed | For Proposed: SO Pole: 21-1 Location: SIDE OF ROAD |
| DISTANCES ARE APPROXIMATE | | Date Of Original Grant: |

APPROX LOCATION OF NEW POLE





APPROX LOCATION OF NEW POLE

APPLICATION BY A FARMER WINERY FOR LICENSE TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)

YEAR 20

21

1. Licensee Information:

Name of Applicant: Berkshire Cider Project ABCC License Number: FW-LIC-000170
(If Existing Licensee)

Mailing Address: 508 State Road Business Name (d/b/a if different): _____
City/Town: North Adams State: MA Zip: 02477
Manager of Record: Katherine Hand Phone Number of Premises: 413.409.6058
Other Phone: _____ Email: berkshireciderproject@gmail.com Website: berkshire-cider.com

Contact Person concerning this application (attorney if applicable):

Name: Katherine Hand City/Town: N. Adams State: MA Zip: 02477
Address: 508 State Rd Email: Kmachand@gmail.com
Contact Number: 914.456.1880 Fax Number: _____

2. Event Information:

A. Farmer's Market licenses are only permitted at events that the Department of Agriculture has certified as Agricultural Events.
Please attach document from Department of Agricultural Resources certifying that this is an agricultural event.

Date(s) of Event: 11/20, 12/18, 1/15, 2/19, 3/19, 4/16

B. Contact person for applicant during event:

Name: Jordan Arney
Phone number of contact: 413.528.0041

C. Description of the premises within the Farmer's Market:

Address of Premises for the Sale of Wine: Horsy Dome - 1064 Main St. Housatonic MA
City/Town: Housatonic State: MA Zip: 01236 Phone Number of Premises: 413.528.0041

Describe Area to be Licensed:

Single Stall - 6' table

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)**

3. Existing License(s) to Manufacture, Export and Sell at Retail:

List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers: (Attach a copy of each license)

| Name | License Type | License Address |
|-------------------------|---------------------|-----------------------------|
| Berkshire Cider Project | Farmer Winery | 508 State Road. N. Adams MA |
| " " | Direct wine shipper | " " |
| " " | TTB Permit | " " |

4. Are you providing, without charge, samples of wine to prospective customers? Yes No

Section 15F specifically requires that "all samples of wine shall be served by an agent, representative or solicitor of the licensee."

A. If yes, please provide names and addresses of all agents, representatives and solicitors:

| Name | Address | ABCC License Number |
|-----------------|---------------------------|---------------------|
| Katherine Havel | 508 State Road N Adams MA | FW-LIC-000170 |
| | | |
| | | |
| | | |
| | | |

B. Proof of Age for Sale to Consumers:

Please identify all methods by which you will obtain proof of age before providing samples or making any sales of wine to consumers :

Check IDs

5. Transportation and Delivery:

Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, §22 that will be making any delivery of wine on your behalf to the Farmer's Market in Massachusetts.

Wine will be transported by owners in company vehicle

**APPLICATION FOR LICENSE BY A FARMER WINERY TO SELL AT A
FARMER'S MARKET
(CH.138, §15F)**

6. Safety and Tax Registration:

Has the Farmer's Market registered with the Food and Drug Administration? Yes No Registration Date:

7. Disclosure of License Disciplinary Action:

Have any of the your licenses to sell alcoholic beverages ever been suspended, revoked or cancelled? Yes No

If yes, list said Interest below:

| Date | License | Reason why license was Suspended, Revoked or Cancelled |
|------|---------|--|
| | | |
| | | |
| | | |

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, I have filed all state tax returns and paid all state taxes required under law. I further understand that each representation in this application is material to the determination of the application and state under penalty of perjury that all statements and representations therein are true.

Signature

Title

Date



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

FARMER-WINERY LICENSE

M.G.L. c. 138, § 19B

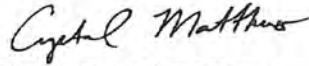
This Farmer-Winery License authorizes the following licensee to produce, rectify, blend, or fortify, keep and expose for sale and to sell wine containing not more than twenty-four percent alcohol by weight:

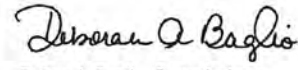
Berkshire Cider Project LLC

508 State Rd 403
North Adams, MA 01247

Approved by the Alcoholic Beverages Control Commission on December 21, 2020


Jean Lorizio, Chairman


Crystal Matthews, Commissioner


Deborah Baglio, Commissioner

License Number: **FW-LIC-000170**
Record Number: **2020-000099-FW-REN**
Capacity: **5K Gallons or Less**

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD
THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS PLACE WHERE IT CAN BE EASILY READ

DEPARTMENT OF THE TREASURY – ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

BASIC PERMIT

(Under Federal Alcohol Administration Act)

1. PERMIT NUMBER

MA-W-21079

2. DATE OF PERMIT

09/03/2019

5. NAME AND ADDRESS OF PERMITTEE (Number and street, city or town, State and Zip Code)

BERKSHIRE CIDER PROJECT LLC

508 STATE RD STE 403
NORTH ADAMS, MA 01247

3. REGISTRY NUMBER (if applicable)

BWN-MA-21079

4. DATE OF APPLICATION

07/10/2019



6. TRADE NAMES AUTHORIZED BY THIS PERMIT (Trade name approval does not constitute approval as a brand name for labeling purposes. If needed, list on reverse or use continuation sheet.)

7. PERMIT GRANTED FOR (ONE TYPE OF OPERATION ONLY)

Pursuant to the application of the date indicated in item 4, you are authorized and permitted to engage, at the above address, in the business of:

- a. Distilled Spirits - distiller rectifier (processor) warehouseman and/or warehouseman and bottler and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the distilled spirits so distilled or rectified, or warehoused and bottled, or the wines so rectified,
- b. Wine - producer and blender blender and while so engaged, to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the wine so produced or blended,
- c. Importer - importing into the United States the following alcoholic beverages: while so engaged, to sell, offer to deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so imported,
- d. Wholesaler – Purchasing for resale at wholesale the following alcoholic beverages: while so engaged, to receive or to sell, offer or deliver for sale, contract to sell or ship, in interstate or foreign commerce, the alcoholic beverages so Purchased.

This Permit is conditioned upon your compliance with the Federal Alcohol Administration Act; the Twenty-first Amendment and laws relating to its enforcement; all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect to them; the Federal Water Pollution Control Act; and, all applicable regulations made pursuant to law which are now, or may hereafter be, in force.

This basic permit is effective from the date shown above and will remain in force until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated.

THIS PERMIT WILL AUTOMATICALLY TERMINATE THIRTY DAYS AFTER ANY CHANGE IN PROPRIETORSHIP OR CONTROL OF THE BUSINESS, unless an application for a new basic permit is made by the transferee or permittee within the thirty day period. If an application for a new basic permit is timely filed, the outstanding basic permit will continue in effect until the application is acted on by the District Director, Alcohol and Tobacco Tax and Trade Bureau.

THIS PERMIT IS NOT TRANSFERABLE. ANY CHANGE IN THE TRADE NAME, CORPORATE NAME, MANAGEMENT OR ADDRESS OF THE BUSINESS COVERED BY THIS PERMIT, OR ANY CHANGE IN STOCK OWNERSHIP (MORE THAN 10%) MUST BE REPORTED TO THE NATIONAL REVENUE CENTER OR PUERTO RICO FIELD OFFICE WITHOUT DELAY.

| | |
|--|---|
| THIS IS AN <input checked="" type="checkbox"/> ORIGINAL PERMIT | <input type="checkbox"/> AMENDED PERMIT |
| REASON FOR AMENDMENT | DATE OF AMENDMENT |

SIGNATURE AND TITLE OF AUTHORIZED TTB OFFICIAL *Sandra Brown*

FOR JOHN J. MANFREDA, ADMINISTRATOR

AUTHORIZED TRADE NAMES

*Used for Contract Bottling or Packaging/Branding Purposes

PERMIT NUMBER: MA-W-21079

REGISTRY NUMBER: BWN-MA-21079

TYPE

TRADE NAME

REASON FOR AMENDMENT



Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

DIRECT WINE SHIPPER LICENSE

M.G.L. c. 138, § 19F

This License authorizes the following licensee to sell and ship wine produced by the winery directly to Massachusetts residents who are twenty-one years of age or older, for personal use and not for resale:

Berkshire Cider Project LLC

508 State Rd 403
North Adams, MA 01247

Approved by the Alcoholic Beverages Control Commission on December 21, 2020

Handwritten signature of Jean Lorizio in black ink.

Jean Lorizio, Chairman

Handwritten signature of Crystal Matthews in black ink.

Crystal Matthews, Commissioner

Handwritten signature of Deborah Baglio in black ink.

Deborah Baglio, Commissioner

License Number: **DS-LIC-001946**

Record Number: **2020-001151-DS-REN**

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD

LICENSE AGREEMENT

This License Agreement (the "Agreement") dated November ___, 2021 (the "Effective Date") between **The Town of Great Barrington**, a municipality of the Commonwealth of Massachusetts, with a usual business and mailing address of 334 Main Street, Great Barrington, Massachusetts 01230 (the "Town") and **Hummingbird House, LLC** a Massachusetts limited liability company with a usual business and mailing address of 118 Main Street, Great Barrington, Massachusetts, 01230 (the "Licensee").

Background

The Town owns in fee and/or has custody and control of so much of the street known as Main Street, situated in the Town of Great Barrington as is within the scope of this Agreement, including, without limitation, the portion thereof shown as the "License Area" on the annotated plan attached hereto as EXHIBIT A, entitled "Boundary Survey, Portion of Land Now or Formerly of Leemilt's Petroleum Inc. Prepared for Tyree Organization, LTD, 123 Main Street – Mass Route 7," by C.T. Male Associates, P.C., dated Jan. 3, 2008 (the "Plan"). The Licensee is leasing from East Coast Commercial Real Estate LLC of Biddeford, Maine (the "Landlord") that certain land and the building thereon located immediately adjacent to the License Area at 123 Main Street, Great Barrington, Massachusetts 01230 and shown in part on the Plan (the "Licensee Property").

The Licensee intends to operate, at the Licensee Property, a business office for the retail establishment known as Farnsworth Fine Cannabis and located at 126 Main Street, Great Barrington, as well as provide staff and customer parking therefor in accordance with a triple net lease agreement with Landlord. Licensee intends to improve the Licensee Property by paving portions thereof and securing and/or removing existing structures and fixtures, as well as reusing historic signage thereon.

To permit the Licensee to improve the Licensee Property as described above and to reuse historic signage within the License Area, the Licensee has requested of the Town, and the Town has agreed to provide to the Licensee, on the terms and conditions set forth herein, a license for the Licensee to improve, use and maintain the License Area.

Agreement

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

1. **License; License Area.** The Town hereby grants to the Licensee a license (the "License") to improve, use and thereafter maintain the License Area, specifically including the right to pave the portion thereof currently paved and to remove or restore such portions of the gasoline pump house (designated as "BLDG" on the Plan), the historic gas station lighting, signage and gasoline pump island located within the License

Area, and to install landscape features compatible with such improvements. The rights of the Licensee hereunder shall be exercised, to the maximum extent reasonably possible, subject to the rights of the Town, the inhabitants of the Town, and the general public to passage by foot and non-motorized vehicle, and to passage by motorized vehicle owned by the Town, over and through all portions of the License Area, in accordance with such terms and conditions more particularly set forth herein. The rights of the Licensee hereunder shall further be subject to the right of the Town, and other public agencies and public utilities, to install and maintain subsurface and surface improvements and utilities within the License Area.

2. **Term of License.** The term of the License shall commence simultaneously with the execution of this Agreement and shall continue to October 10, 2025 (the "Expiration Date") or sooner revocation of the License in writing upon seven (7) days' written notice by the Town to the Licensee. For avoidance of doubt, this Agreement is for a license and the License is revocable by the Town.

3. **Consideration.** The consideration for this Agreement shall be \$50.00, payable to the Town upon execution of this Agreement, and upon each anniversary of the Effective Date for so long as the License remains in effect.

4. **Effect of Termination, No Estate Created.** Upon the effective date of revocation or expiration of the License, the Licensee shall have no further rights in or access to the License Area. The Licensee acknowledges that the Licensee has no property or possessory rights in and to the License Area but only a revocable license for use of the License Area as described herein.

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

a. The License Area shall be provided to the Licensee in its "AS IS" condition and the Licensee acknowledges that the Town has made no representation or warranty regarding the condition of the License Area or its fitness for Licensee's intended purposes. The Licensee agrees that the Town shall not be liable to Licensee, its contractors, agents, employees, representatives, invitees and guests for any injury or death to persons entering the License Area, or any loss or damage to vehicles, equipment or other personal property of any nature whatsoever of the Licensee, or of Licensee's contractors, agents, employees, representatives, invitees and guests that is brought upon the License Area in connection with the License.

b. The License Area shall be surrendered to the Town on the date of revocation or expiration of the License in as good condition as on the Effective Date of this Agreement (reasonable wear and tear excepted). Except as expressly herein provided, the Licensee shall make no alterations or improvements to the License Area without the Town's consent. Before undertaking any of the improvements described in Section 1, the Licensee shall provide written notice to the Town, including a graphic description of the improvements. The Licensee shall permit the Town and its agents to enter and examine the License Area, and to use the License Area or perform work therein or thereon, at any time, as required by the Town, in the Town's sole and absolute discretion. The Licensee

shall cooperate with the Town and the Town's contractors with respect to any work to be performed by or for the Town within or adjacent to the License Area.

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

a. **Maintenance.** The Licensee shall maintain the full extent of the surface of the License Area for the entire term during which the License remains in effect. Without limitation, the Licensee shall properly maintain all the restored elements (as referenced in Section 1 or otherwise authorized by the Town) within the License Area, all at the sole cost and expense of the Licensee.

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

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

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

8. **Miscellaneous.** Any notice given under or in connection with this Agreement shall be effective only if given in writing and shall be deemed duly served if and when hand delivered, or upon receipt thereof if and when mailed postage prepaid by certified mail, to the address given above for the party to receive such notice. This Agreement contains all the agreements between the parties with respect to use of the License Area by the Licensee, and may be amended only in writing by an instrument signed by all of the parties hereto. No provision of this Agreement shall be deemed to have been waived by any party unless such waiver is in writing and is signed by the party to be charged with waiver.

THE TOWN OF GREAT BARRINGTON

By its Selectboard

By: _____

Stephen Bannon, Chair

As authorized by vote of the Selectboard on November 8, 2021

Licensee:

HUMMINGBIRD HOUSE, LLC

By: _____

Alexander Farnsworth, a Manager and Authorized Signatory



**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

POLICE DEPARTMENT

EXECUTIVE SUMMARY

TITLE: Proposal to remove the Great Barrington Police Department from Civil Service

BACKGROUND: Created in 1884, the Massachusetts civil service system was established primarily to assure that public sector jobs were awarded based on merit rather than political patronage. Today, the testing of job applicants, or of current employees seeking promotion, is managed by the Civil Service Unit of the commonwealth's Human Resources Division (HRD).

The Town of Great Barrington adopted the civil service system of police hiring at the Town Meeting of 1932. The civil service system places the town under state oversight in the hiring and promoting of police officers. The system places a lot of weight on the written exam, which restricts selection to a narrow pool, imposes on the town cumbersome procedures, and limits the town's ability to hire an officer who has the quality and characteristics the town expects from their officers.

An example of the limitations that civil service places on us currently is that on the new civil service list which was certified in the beginning of September 2021, there are only three candidates with valid resident preference that we can choose from. This means in order to fill our anticipated vacancies we would have to look at candidates from out of the area or wait until the next exam is given in two years. On the new list we were provided a list of sixteen applicants, none of the applicants from out of the area signed to be interviewed. We have hired candidates from outside the area in the past, but found that once they are trained they want to relocate back to the area they came from. They end up getting trained and paid on our tax dollars, with no return on our investment. If we wait for the next list in two years, we would have to work shorthanded until we can get the new list. This creates overtime, forced overtime, limits our community related programs, and over works our officers.

In my opinion, the Town of Great Barrington would benefit by withdrawing from civil service and creating its own system of hiring and promotion. We could do our own testing, award preference to people with deep roots in the community, and recruit candidates with language fluency, education, or other skills and abilities that would benefit the town.

FISCAL IMPACT: By removing the town from civil service, we would see an expedited hiring process. This would save the town a great deal in overtime costs that we currently incur when we use the civil service hiring process. Additionally, I expect that we would have a more robust pool of applicants, many who may already be trained. This would save the town the expense and time that is associated with training an applicant in the full time academy.

RECOMMENDATION:

PREPARED AND REVIEWED BY: Chief Paul Storti

APPROVED BY:

A handwritten signature in blue ink, consisting of several vertical strokes followed by a horizontal line extending to the right.

DATE:

10-27-21

PERSONNEL SELECTION – POLICE OFFICERS

| | |
|--|----------------------------|
| Great Barrington Police Hiring Procedure POLICY & PROCEDURE NO. 4.23 | ISSUE DATE: |
| | EFFECTIVE DATE: |
| MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 22.3.1, 31.3.3, 31.3.4, 32.1.1, 32.1.2, 32.1.3, 32.1.4, 32.1.5, 32.1.6, 32.1.7, 32.2.1, 32.2.2, 32.2.7, 32.2.8, 32.2.9 | REVISION DATE: |

BACKGROUND:

In 1932, Great Barrington Town Meeting placed the Great Barrington Police Department under the civil service system of the Commonwealth of Massachusetts. For almost 100 years, all police officers hired by the Town of Great Barrington were taken from certified lists provided by civil service. In XXX 2022, A Town Meeting removed the Police Department from civil service. Effective XXXXX the recruitment, testing, and selection of suitable candidates for appointment as police officers is the responsibility of the Chief of Police. The Town Manager of the Town of Great Barrington is the appointing authority for new police officers and makes appointments of candidates presented to them by the Chief of Police.

The civil service system was originally designed to protect the police hiring system from manipulation and undue influence while taking into account such factors as residential and veterans preferences. Without such a system in place, and in the interests of attracting and selecting only the best candidates as police officers, it becomes imperative that public officials and members of the department strictly adhere to a set of standard protocols.

APPLICABILITY:

This policy applies to all members of the Great Barrington Police Department who are police officers as defined in Massachusetts General Law Chapter 41 § 98.

This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

POLICY:

The primary goal of the Great Barrington Police Department is to select only the finest candidates so as to further the Department's standards of excellence. The Department will strive to attract candidates from diverse backgrounds and cultures, and will give priority to residency in the Town of Great Barrington, military service, education, character, and public service in the selection of new officers.

No candidate shall be recommended by the Chief of Police for appointment, or appointed by the Town Manager, unless the candidate has been processed according to this policy.

No candidate will be denied employment based upon any discriminatory criteria, including, but not limited to, their sex or sexual orientation, race, religion, nationality or union membership.

PROCEDURES:

The Great Barrington Police Department will select new police officers according to the procedures set out below. All members of the Department assigned to the recruitment, testing, investigation, and selection of new police officers shall commit themselves to hiring only the finest candidates, and to furthering the Department's standards of excellence. Town employees who are relatives of any candidate will be excluded for any aspect of the hiring process.

The Chief of Police is responsible for the selection of police officer candidates for recommendation to the Town Manager and will designate a police officer of command rank to serve as the Selection Coordinator, who will be responsible for overseeing the entire selection process.

The elements of the selection process are listed below and it will be the responsibility of the Selection Coordinator to ensure that they are administered, scored, evaluated, and interpreted in a uniform manner. **[32.1.1, 32.1.2, 32.1.3]**

1. The Great Barrington Police Department will conduct a recruiting campaign prior to administering a written entrance examination. Information about the exam, including its date, time, and location, along with information about how one would go about applying to take it, will be disseminated to the community via the media, social media and the News File maintained by the Massachusetts Department of Criminal Justice Information Services. The position description maintained by the Town of Great Barrington Police Department is the official description of the duties and responsibilities of the position.
2. The Chief of Police will select a vendor to administer the written entrance examination to qualified candidates. An exam will be held every two years or as needed. The results of the exam will be valid for two years from the date of exam. In order to take the examination, the candidates must meet the following minimum criteria:

- a. Not be a convicted felon;
 - b. Be at least 21 years of age at the time of examination;
 - c. Have a Massachusetts driver's license;
 - d. Have the ability to obtain a Massachusetts License to Carry a Firearm;
3. The passing grade of the examination will be 70.
4. Upon obtaining a passing score of 70, the following points will be added to the written score.
 - Military Veteran Status: 2 points
 - Established residency within the town of Great Barrington for the year preceding the exam date: 2 points
 - College degree: Masters 3 points/ Bachelor's 2 points/ Associate's 1 point
5. The results will be broken down into three tiers to move to the next step of the process. If no viable candidates are considered for employment from the top tier, then candidates from the next tier will proceed to the next step of the selection process. The tiers are as follows:
 - Tier 1: scores of 90-100
 - Tier 2: scores of 80-89
 - Tier 3: scores of 70-79
6. Candidates who pass the examination, or who fall in one of the excepted categories below, will be considered for further processing based on the criteria below (not necessarily in any order of importance):
 1. A former Great Barrington police officer, who separated from the department in good standing, may apply to rejoin the department as a reinstatement.
7. The top tier of desirable candidates shall be checked for Massachusetts and interstate criminal history, and a driver's history. If the checks do not reveal any issues candidates will move to the second step in the process and participate in a preliminary interview.
8. Preliminary interviews will be conducted to determine which candidates will move forward in the interview process. A preliminary interview panel consisting of the Chief, Command Staff member, a patrolman mutually agreed upon between the Chief and the Patrolman's Union, and any other persons as the Chief sees fit will conduct preliminary interviews.

9. When a candidate indicates they are willing to accept the position, they will be informed of the remaining elements of the selection process and the expected duration. **[32.1.4]**.
10. Candidates selected for further consideration must submit a completed background investigation packet, sign an Authorization for Release of Information Form, and produce any required documentation (e.g. Massachusetts driver's license, high school diploma, military record, etc.).
11. Omissions or deficiencies in the submission of information may be used to disqualify a candidate. However, minor omissions or deficiencies on the form may be corrected prior to the interview process so long as there is not a finding that there was an intent to withhold information. **[31.3.4]**
12. Candidates failing to complete the application or produce the required documentation within the required time frame will be disqualified from the selection process.
13. No applicant will continue to the next step in the process until they have successfully completed the previous step.
14. An applicant who fails to pass at any step will be notified in writing as soon as possible. **[31.3.3, 32.1.5]** Candidates who fail a step are welcome to reapply when the next exam is given. **[32.1.4]**
15. All candidates will be required to submit to a drug and alcohol screen during the application process.
16. A thorough investigation of each candidate will be conducted. The investigation will include, at a minimum, the verification of a candidate's qualifying credentials, a criminal history records check, Registry of Motor Vehicles checks, an employment history check, verification of at least five (5) personal references of the candidate, and interviews with previous employers, coworkers, and current and past neighbors. **[32.2.1a-c]**
17. The Chief of Police will select police officers to participate in the screening process as background investigators. These officers will be responsible for conducting background investigations and submitting written reports on all applicants. Once selected, the officers will receive training on the duties and responsibilities of a background investigator. **[32.2.2]**
18. Oral interviews will be conducted with the selected candidates who successfully pass the background investigation. The interview panel will consist of the Town Manager, the Chief of Police, and one command level police officers selected by the Chief of Police.
19. The same general questions will be asked of each candidate and their responses will be rated and recorded on a standardized form. **[32.1.3]**

PROMOTIONS

| | |
|--|----------------------------|
| Great Barrington Police Promotional process POLICY & PROCEDURE NO. 4.18 | ISSUE DATE: |
| | EFFECTIVE DATE: |
| MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 34.1.1, 34.1.2, 34.1.3, 34.1.5, 34.1.6, 34.1.7 | REVISION DATE: |

BACKGROUND:

This policy applies to promotions of sworn personnel to the rank of sergeant, Deputy Chief, and Chief.

The Great Barrington Police Department's commitment to developing employees to take on increasing levels of authority, responsibility, and leadership is embodied in promotions. Eligible candidates have an opportunity to apply and participate in the promotion process as set forth in this policy.

Promotions are based upon the merits of the individuals and their personal performance in the promotion process, and never on favoritism or seniority alone. A promotion is an investment in the future, not only for the department, but also for the employees who will be supervised and guided by the promoted officer.

POLICY:

It is the policy of this Department to recommend promotions based upon an employee's training, experience and merit. The Town Manager of the Town of Great Barrington is the Appointing Authority. No candidate shall be recommended by the Chief of Police for appointment, or appointed by the Town Manager, unless the candidate has been processed according to this policy.

No employees will be denied promotion based upon any discriminatory criteria, including, but not limited to, their sex or sexual orientation, race, religion, nationality or union membership.

PROCEDURES:

Promotions of sworn personnel to the rank of Sergeant or Deputy Chief are processed under the direction of the Chief of Police. The Chief's responsibilities shall include:

[34.1.1] [34.1.2]

1. Posting written announcements of any scheduled promotional opportunities; **[34.1.5]**
2. Coordinating with any companies or consultants contracted to participate in the promotion process;
3. Protecting the integrity of the promotional process by ensuring that all promotional materials, documents, scores, and completed evaluations remain confidential and kept in a secure location; and
4. Maintaining copies of active promotion lists.

Testing and scoring materials shall not be left unattended and materials not under the immediate and direct control of a person authorized to possess them shall be kept in a secure area approved by the Chief. **[34.1.3(h)]**

Promotional materials shall be retained for the officer's duration of employment. These include:

1. Interview questions and score sheets; and
2. Assessment center questions, exercises, evaluations and other related materials;

Notice of a Promotional Exam [34.1.5]

The Chief shall advise all eligible personnel of an upcoming promotional exam no fewer than 60 days in advance of the test date by:

1. Posting the notice in a prominent place; and
2. Forwarding the notice to officers via the town email.

Officers out sick or injured, on administrative or other leave, or on active military duty, or otherwise not likely to receive notice shall be mailed a copy of the examination notice.

All officer will be advised of the reading list of text books and material that will be needed for the preparation of the exam. The reading list will not be changed less than 30 days prior to an exam. Questions on case law and statute law will not take into account law changes occurring fewer than 90 days prior to the exam.

Eligibility [34.1.3(a)] [34.1.6(c)] [34.1.3(g)]

To be eligible for promotion to the rank of Sergeant the candidate must be a permanent member of this department with a minimum of three years of completed service as a full-time patrolman or detective. To be eligible for promotion to the rank of Deputy Chief the candidate must be a permanent

member of this department and should have a minimum of one year of service in the rank directly below Deputy Chief. If 3 members of the rank directly below are not available, the eligibility will be opened up to the next lower rank. The minimum qualification in the lowest rank of patrolman for consideration will be 10 years of service within the department.

Promotional Examination Process

All candidates shall undergo an examination process which shall be developed by a reputable testing organization with recognized experience in developing, implementing, and scoring promotional examinations for police officers in Massachusetts. Tests shall be designed to identify the most qualified candidates for the tested positions. The form of the examinations shall be determined by the testing organization, in conjunction with the Chief of Police. The examination shall include a written exam, interviews, assessment center exercises, or any other means which fairly and objectively assess the skills and abilities of candidates for the promotional position.

Whatever form of examination is used, the testing organization must certify that it is a valid measure of the skills and abilities to perform the duties of the promotional position.

Promotional Process for the Rank of Sergeant

An assessment center for sergeant will be given as necessary to maintain the required department staffing levels.

The town shall use an assessment center as the sole process for filling a Sergeants vacancy.

Association members who participate in the assessment center and complete the process will be required to pay not more than \$100.00 for the reading material to prepare for the assessment center and assessment center application fees.

To be eligible to participate in the assessment center you must have no less than three years' of full time experience working for the Great Barrington Police Department

The town will follow all guideline established in the memorandum agreement dated February 8, 2008, except for #1, 3, 4 (addressed above)

Promotional Process for the Rank of Deputy Chief

An exam for Deputy Chief will be given as necessary to maintain the required department staffing levels.

The town shall use an assessment center as the sole process for filling a Deputy Chief vacancy.

To be eligible to participate in the assessment center you must have no less than one years' experience in the rank directly below Deputy Chief. Or if 3 members of the rank directly below are not available the eligibility will be opened up to the next lower rank. The minimum qualification in the lowest rank of patrolman for consideration will be 10 years of service within the department.

Appeals Process [34.1.3(e)]

A candidate may appeal an exam question, or any other portion of the promotional process, in writing to the Chief of Police within five business days of the promotional process being appealed. The employee shall be advised of the results of the appeal in writing within ten business days of the receipt of the appeal.

If the written exam provider has an internal appeals process that process will be utilized first by a candidate, and if after the appeal review the candidate is still unsatisfied, a written request can be submitted, in writing, to the Chief of Police or their designee. All appeals will need to explain in detail reason for the appeal and any supporting documentation.

Appeals regarding the exam shall be limited to the fairness and impartiality of the written exam, whether the question asked are clear and as to whether the answers are correct.

Assessment Centers [34.1.3(c)]

Assessment centers as described above shall be used as part of the promotional process to rank each candidate.

Candidate Interviews

The interview panel will consist of the Town Manager, the Chief of Police or their representative, and one command level police officer selected by the Chief of Police. Interviews shall be conducted from a prepared list of questions and the members of the oral board will rate the responses. **[34.1.3(d)]**

Candidate Selection [34.1.6(e)]

The Chief of Police shall make a recommendation for promotion to the Town Manager from the list of eligible candidates based on the following criteria:

1. Job related experience;
2. Performance evaluation in his/her present position, including contributions to the Department;
3. Supervisory evaluation of the employee's promotion potential;
4. Score on promotional exam;
5. Performance in the candidate interview;

6. Sick leave record;
7. Formal education;
8. Training and education through career development;
9. Disciplinary record of the employee;
10. Attitude toward the Department and police work; and
11. Work ethic and initiative.

Final Selection

The Town Manager shall determine the final selection of a candidate for promotion.

There will be a probationary period of six months for all new promotions. **[34.1.7]**

2022 Town Meeting/Election Calendar

| | |
|--|---------------------------|
| Selectboard Open Citizen Petition Time | Monday, January 3, 2022 |
| Selectboard Close Citizen Petition Time | Tuesday, February 1, 2022 |
| Nomination Papers Available in Clerk's Office | Tuesday, February 1, 2022 |
| Last Date to obtain nomination papers (5:00 pm) | Friday, March 18, 2022 |
| Last Day to submit nomination papers (5:00 pm) | Tuesday, March 22, 2022 |
| Planning Board to have completed all Public Hearings by this date | Thursday, March 24, 2022 |
| Last Day to Object or Withdraw Nomination | Thursday, April 7, 2022 |
| Selectboard approves Final Warrant | Monday, April 11, 2022 |
| Last Day to register to vote (until 8:00 pm) | Tuesday, April 12, 2022 |
| Last Day to have warrants printed | Wednesday, April 20, 2022 |
| Last Date to post Warrant | Monday, April 25, 2022 |
| Town Meeting @ Monument Mountain 6:00 pm | Monday, May 2, 2022 |
| Town Meeting @ Monument Mountain 6:00 pm (Night 2 if needed) | Thursday, May 5, 2022 |
| Town Election 8:00 am- 8:00 pm | Tuesday, May 10, 2022 |

Jennifer L. Messina
Town Clerk

E-mail: jmessina@townofgb.org
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: Electioneering During Early & Absentee Voting For All Elections

BACKGROUND: General Law Chapter 54, Section 65 prohibits electioneering (the display or distribution of material intended to influence the action of voters) at or within 150 feet of the entrance of polling places at an election of federal, state or local offices. Chapter 54 only includes Election Day and does not include the period for in-person absentee voting or the Early Voting Period.

The attached proclamation prohibits electioneering on Town Hall property or within 150 feet of the Town Hall entrance where early voting occurs for Great Barrington voters. The closest areas that electioneering could occur per the 150 foot rule would be the corner of Castle Street & Main Street (the north side corner), across the street on the sidewalk in front of Wheeler & Taylor and the sidewalk on the south side of the Hellman Shearn & Arienti LLP building located at 342 Main Street.

FISCAL IMPACT: N/A

RECOMMENDATION: The Selectboard adopts the following regulation for the period designated for in-person absentee voting and the Early Voting Period: No poster, card, handbill, placard, picture or circular intended to influence the action of the voter, other than those expressly authorized by G.L. c. 54, §65, shall be posted, exhibited, circulated or distributed in the Town Clerk's office, in the building where the Town Clerk's office is located, on the walls thereof, on the premises on which the town offices at 334 Main Street stand, or within one hundred and fifty feet of the building entrance door to said Town offices.

PREPARED AND REVIEWED BY: _____

Jennifer L. Messina

Jennifer L. Messina, Town Clerk

APPROVED BY: _____

Mark Pruhenski

Mark Pruhenski, Town Manager

DATE: October 28, 2021

Stephen C. Bannon, Chair
Leigh Davis
Edward Abrahams
Eric Gabriel
Garfield Reed



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2900
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

ELECTIONEERING DURING EARLY & ABSENTEE VOTING FOR ALL ELECTIONS

WHEREAS, Chapter 54, Section 65 of the General Laws of Massachusetts prohibits “electioneering” (the display or distribution of material intended to influence the actions of voters) at or within 150 feet of the entrance of polling places at an election of federal, state, or local offices;

WHEREAS, an increasing percentage of Great Barrington voters are taking advantage of their right and opportunity to vote in-person by absentee ballot or during the Early Voting Period established by the Legislature, and come to the Town offices at 334 Main Street in order to obtain absentee ballots or cast early votes;

WHEREAS, such voters should be given the same right and opportunity to cast or obtain ballots free of electioneering activity as is enjoyed by voters who cast their vote on the day of the election;

WHEREAS, observance of the 150- foot rule established by Chapter 54, Section 65 at the Town offices during in-person absentee voting or the Early Voting Period would not unduly restrict the ability of a person to display or distribute campaign messages to prospective voters approaching the Town offices; and

WHEREAS, the Selectboard has the care, custody, and control of the Town offices at 334 Main Street and the surrounding sidewalks, and may regulate activity thereon;

NOW, THEREFORE, the Selectboard adopts the following regulation for the period designated for in-person absentee voting and the Early Voting Period: No poster, card, handbill, placard, picture or circular intended to influence the action of the voter, other than those expressly authorized by G.L. c. 54, §65, shall be posted, exhibited, circulated or distributed in the Town Clerk’s office, in the building where the Town Clerk’s office is located, on the walls thereof, on the premises on which the town offices at 334 Main Street stand, or within one hundred and fifty feet of the building entrance door to said Town offices. Given under our hands this 8th Day of November 2021.

Great Barrington Selectboard

EXECUTIVE SUMMARY

DATE: November 8, 2021

TITLE: Board confirmation and authorization of \$2,820,000. General Obligation Municipal Purpose Loan of 2021 Bonds.

BACKGROUND: Prior to the sale, S&P Global Ratings, a municipal bond credit rating agency, reaffirmed the Town's bond rating of 'AAA'. On Wednesday October 27, 2021 the Town accepted competitive bids for various capital and sewer projects authorized at Town Meetings to be funded by borrowing authorizations.

FISCAL IMPACT: The interest rate on the General Obligation Bond was determined by a competitive bid process. Piper Sandler & Co. was the winning bidder on the bonds with an average interest rate of 1.2558%. A total of four bids were received.


RECOMMENDATION: That the Board approve and confirm the sale of the \$2,820,000 General Obligation Municipal Purpose Loan of 2021 Bonds. Please see attached specific vote wording as provided and required by bond counsel.

PREPARED AND REVIEWED BY:



Alicia Dulin, Treasurer

APPROVED:


Mark A. Pruhenski, Town Manager

VOTE OF THE SELECTBOARD

I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts (the “Town”), certify that at a meeting of the board held November 8, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

| <u>Date Authorized</u> | <u>Article No.</u> | <u>Purpose</u> | <u>Borrowing Amount</u> | <u>Maximum Useful Life</u> |
|------------------------|--------------------|------------------------------------|-------------------------|----------------------------|
| May 6, 2019 | 7 | Transfer station motor and railing | \$50,000 | 11 years |
| June 22, 2020 | 8 | Wastewater service truck | \$76,600 | 7 years |

Further Voted: that the sale of the \$2,820,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated November 17, 2021 (the “Bonds”), to Piper Sandler & Co. at the price of \$3,114,616.91 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> | <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|-------------|---------------|----------------------|
| 2022 | \$310,000 | 5.00% | 2028 | \$205,000 | 2.00% |
| 2023 | 300,000 | 5.00 | 2029 | 175,000 | 2.00 |
| 2024 | 285,000 | 5.00 | 2030 | 160,000 | 3.00 |
| 2025 | 270,000 | 5.00 | 2037 | 605,000 | 2.00 |
| 2026 | 225,000 | 5.00 | 2041 | 60,000 | 2.00 |
| 2027 | 225,000 | 5.00 | | | |

Further Voted: that the Bonds maturing on November 15, 2037 and November 15, 2041 (each a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due November 15, 2037

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 2031 | \$125,000 |
| 2032 | 115,000 |
| 2033 | 115,000 |
| 2034 | 110,000 |
| 2035 | 110,000 |
| 2036 | 15,000 |
| 2037* | 15,000 |

* Maturity

Term Bond due November 15, 2041

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 2038 | \$15,000 |
| 2039 | 15,000 |
| 2040 | 15,000 |
| 2041* | 15,000 |

* Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 20, 2021, and a final Official Statement dated October 27, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Selectboard be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Selectboard, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting

(which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: November 8, 2021

Clerk of the Selectboard

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