

Mark Pruhenski
Town Manager

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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING AGENDA

MONDAY, OCTOBER 21, 2019

6:00 PM - REGULAR SESSION

917 MAIN STREET, CLAIRE TEAGUE SENIOR CENTER

ORDER OF AGENDA

6:00 PM - OPEN MEETING

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

October 7, 2019 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. General Comments by the Board.

4. TOWN MANAGER'S REPORT:

A. Department Updates

B. Project Updates

5. PUBLIC HEARINGS Continued:

B. Continuation to November 18, 2019 of September 9, 2019 and September 23, 2019 Special Permit application from Fulcrum Enterprises, LLC, for a Marijuana Cultivation and Marijuana Manufacturing Establishment in an Industrial zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Section 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)


6. LICENSES OR PERMITS:

A. Betsy Andrus/Southern Berkshire Chamber of Commerce for permission to host the 11th Annual Holiday Stroll on Saturday, December 14, 2019, as follows: (Discussion/Vote)

- for One Day Weekday Entertainment License for Saturday, December 14, 2019 from 12:00 Noon – 10:00 pm
- to Block the Main Street entrance of the TD Bank parking lot
- to Reserve 4 Parking Spots at the bottom left side of Railroad Street
- to have one Police Officer stationed at the Railroad and Main Street crosswalks

- to Rope and Cone off the parking spots on the right side of Town Hall and to Block the entrance
 - for permission to have the Fireworks Display at approximately 7:15 pm – 7:30 pm
 - to use the 10 new lampposts on Railroad Street for a student art contest and to hang 3 dimensional decorations on them.
- B. Robert F. Avery, Jr./Blessed Teresa of Calcutta Church/Diocese of Springfield for One Day Beer and Wine Liquor License for November 8, 2019 from 5:00 pm – 11:00 pm at St. Peter's Parish Center, East and Russell Streets for Church Bazaar. (Discussion/Vote)
- C. Michael Beuth/Mahaiwe Performing Arts – for Permission to Waive Parking Requirements in the Downtown area, as per list attached. (Discussion/Vote)
- D. Pedro Pachano/Clinton Church Restoration – for Permission to close Elm Court from the turn at Yoga studio to Elm Street for three (3) hours on October 23, 2019 from 11:00 am – 2:00 pm for a “roof raising” construction kick off event. (Discussion/Vote)
- 7. OLD BUSINESS:**
- A. **Continuation to November 18, 2019** of August 26, 2019; September 9, 2019 and September 23, 2019 Fulcrum Enterprises LLC Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing establishment in an Industrial Zone at 22 Van Deusenville Road. (Discussion/Vote)
- B. Update Selectboard's Policies. (Discussion/Vote)
- 8. NEW BUSINESS:**
- A. SB – Appointment of Higher Education member to the Economic Development Committee (EDC). (Discussion/Vote)
- B. SB – Approval of Revised 2020 Town Meeting/Election Calendar. (Discussion/Vote)
- C. SB – Approval of Revised 2020 Selectboard's Regular Meeting Schedule. (Discussion/Vote)
- 9. CITIZEN SPEAK TIME:**
- 10. SELECTBOARD'S TIME:**
- 11. MEDIA TIME:**
- 12. ADJOURNMENT:**

NEXT SELECTBOARD'S MEETINGS: November 4, 2019 Regular Meeting.



 Mark Kruhenski, Town Manager

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

Fulcrum Enterprises, LLC applications to be continued to November 18th Selectboard Meeting:

(October 17, 2019): The Great Barrington Selectboard will re-open and continue the public hearing scheduled for Monday October 21st for the special permit application submitted by Fulcrum Enterprises, LLC. at the request of the applicant. The Host Community Agreement (HCA) for the applicant will also be continued. It is expected that the date of these continuations will be **Monday November 18th** at a time and location to be determined. Questions can be directed to the office of the Selectboard and Town Manager at 413.528.1619 x. 2



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

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

Name: Betsy Andrus
Business/Organization: Southern Berkshire chamber
D/B/A (if applicable): _____
Address: 40 Railroad Str. GB.
Mailing Address: Po Box 810
Phone Number: 528-4284
Email: betsy@southernberkshirechamber

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

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) _____

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

___ YES

NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): Downtown GB
Mason Library - St James Place

Date(s) of Entertainment*: Sat. Dec. 14. 2019
*Does not include SUNDAY

Start & End Times of Entertainment: Set-up 12-3, Event 3-8:45
(12:00 Noon - 10:00 pm) clean-up 8:30 - 10 pm

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

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

+ Sunday
clean-up

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

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

Signature of Individual or Corporate Officer

10.11.19
Date

SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: DRT reviewed and has no issues. Chamber shall work with Board of Health re: food permits, DPW re: power, & Police re: officer at RR st. crosswalk. (CR)

APPROVAL DATE: _____

LICENSE # _____



SOUTHERN BERKSHIRE
CHAMBER OF COMMERCE

Town of Great Barrington Select Board
334 Main Street
Great Barrington, MA. 01230

Dear Select Board,

Once again, we'd like to get the towns permission to host our 11th annual Holiday Shop, Sip & Stroll, on Saturday December 14, 2019. The Stroll will extend from the Mason Library to Saint James Place. We do have a few changes this year. Here is what we would like permission for:

- We would like to hang our banner on the Mercer building at the base of Railroad Street, sometime during the week of Nov 26th. The banner will be removed the week after the event.
- Street vendors will begin setting up at 2pm, vendors open at 4pm. Most vendors will be in the 1st Congregational parking lot. We will be blocking the Main Street entrance of the TD Bank parking lot. A few sponsor booths will be throughout town.
- The hay wagon will drop Santa at the base of Railroad Street at 4:30pm. Then will take its route up around Railroad Street to Elm then onto Main Street. We will need 4 parking spots at the bottom left side of Railroad Street.
- Same as last year, we are extending the event down to the Mason Library and Berkshire Bank, the only place we seem to have issues with crossing is at the Railroad and Main Street crosswalk so one officer would be appropriate.
- We would like to have the wood carver in front of the town hall, roping off the parking spots on the right side. We will cone and rope off earlier in the day. We also will need to use the power from the town hall for flood lights and to light the Menorah and holiday trees. For safety, we will block that entrance.
- All activities will continue and lead up to the lighting of the menorah and holiday tree on the lawn of the town hall at 7:05pm.
- Our finale of fireworks at 7:15-7:30pm (Check Activities list attached)
- We would like help from the town DPW and town employees to check and fix the lighting on the town trees (front lawn of town hall) with lights and make sure they are ready to go for the evening of the stroll. Along with the tree that will go up for the evening in front of the Town Hall.
- We will be cleaning up all Stroll items on the following Sunday & Monday. We would ask for help from the town with garbage, holiday trees and wood chip clean-up at the Town Hall.
- Providing we can come up with appropriate guidelines we would like to use the 10 new lampposts on Railroad Street for a student art contest. Holiday 3 dimensional decorations that would hang on them.

Thank you

Betsy Andrus

DRT ok. (CR)

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Robert F. Avery, Jr

Organization Name: Blessed Teresa of Calcutta - Diocese of Springfield

Applicant's Address: 1 Pothol Drive,

Telephone Number: 413-528-4803

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

Event: Bazaar

Date: November 8, 2019 Start Time: 5 pm End Time: 11 pm

Event Address: St. Peter Parish Center, East St, GB

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

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

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

Robert F. Avery, Jr
Signature of Applicant

11/8/19
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Helen Kuziemko

From: Mark Pruhenski
Sent: Tuesday, October 8, 2019 3:39 PM
To: Helen Kuziemko
Subject: FW: Mahaiwe PAC - Daytime events happening at the Mahaiwe and parking issues...

Helen- this is the email for the packet of Oct. 21st.

From: Michael Beuth <michael@mahaiwe.org>
Sent: Tuesday, October 8, 2019 3:35 PM
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Cc: William Walsh <WWalsh@Townofgb.org>; Beryl Jolly <beryl@mahaiwe.org>; Michael Beuth <michael@mahaiwe.org>
Subject: Mahaiwe PAC - Daytime events happening at the Mahaiwe and parking issues...

Thanks for meeting with Beryl and myself today.

Below is a list of the day time events happening at the Mahaiwe that will require our audience to park in the downtown area for an extended amount of time.

I'd say that most (if not all) of these events will run over 2 hours from start to finish....so attendees will max out on the 2 hour parking spaces for sure.

The events that are listed as "MET Opera" will most likely surpass the max 4 hour parking limit spaces as well. (A good number of our loyal returning audience members arrive early to find parking close to the theater and to eat lunch in town prior our shows.)

I believe this is all you said you needed from us at the Mahaiwe.
If you need any other info from me please let me know.

Also FYI,... I sent a final warning to Mahaiwe staff about not parking in front of the old fire station for you.
We appreciate your warning letters!!! 😊

ThX
-Mike

Dino Light (School-Time Field Trip)	Wednesday, October 16 at 10am
Scott Eyerly's Pre-Broadcast Opera Lecture: Puccini's Turandot	Saturday, October 19 at 11:30am
Met Opera Live in HD: Puccini's Turandot	Saturday, October 19 at 1pm
Jim Bouton, 1939 - 2019	Sunday, October 20 at 2pm
Met Opera Live in HD: Puccini's Turandot (Encore)	Wednesday, October 23 at 1pm
Scott Eyerly's Pre-Broadcast Opera Lecture: Massenet's Manon	Saturday, October 26 at 11:30am
Met Opera Live in HD: Massenet's Manon	Saturday, October 26 at 1pm
Met Opera Live in HD: Massenet's Manon (Encore)	Wednesday, October 30 at 1pm
TechStars	Sunday, November 3 at 3pm

London's National Theatre in HD: A Midsummer Night's Dream	Saturday, November 2 at 2pm
Scott Eylerly's Pre-Broadcast Opera Lecture: Puccini's Madama Butterfly	Saturday, November 9 at 11:30am
Met Opera Live in HD: Puccini's Madama Butterfly	Saturday, November 9 at 1pm
Bolshoi Ballet in HD: Raymonda	Sunday, November 10 at 1pm
Met Opera Live in HD: Puccini's Madama Butterfly (Encore)	Wednesday, November 13 at 1pm
Bolshoi Ballet in HD: Le Corsaire	Sunday, November 17 at 1pm
Scott Eylerly's Pre-Broadcast Opera Lecture: Glass's Akhnaten	Sunday, November 24 at 11:30am
Met Opera Live in HD: Glass's Akhnaten	Sunday, November 24 at 1pm
Met Opera Live in HD: Glass's Akhnaten (Encore)	Wednesday, December 4 at 1pm
Met Opera Live in HD: Mozart's The Magic Flute	Sunday, December 8 at 1pm
Selected Shorts for the Holidays	Sunday, December 15 at 2pm
Bolshoi Ballet in HD: The Nutcracker	Sunday, December 22 at 1pm

Helen Kuziemko

From: Mark Pruhenski
Sent: Thursday, October 10, 2019 10:01 AM
To: Pachano Gmail
Cc: Chris Rembold; Eugenie Sills; Helen Kuziemko
Subject: RE: Elm Court Closing

Hi Pedro,

I'm copying Helen so this can be added to the agenda for the 21st. That meeting will be held at the Senior Center starting at 6PM.

Best, Mark



Mark A. Pruhenski- Town Manager
334 Main Street
Great Barrington MA 01230
413.528.1619 x2
www.townofgb.org

From: Pachano Gmail <pedro.pachano@gmail.com>
Sent: Thursday, October 10, 2019 9:23 AM
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Cc: Chris Rembold <crembold@Townofgb.org>; Eugenie Sills <esills@clintonchurchrestoration.org>
Subject: Elm Court Closing

Mark,

I am writing as co-chair of the building committee of the Clinton Church Restoration.

After a few years of diligent fundraising, the restoration is set to begin in the coming weeks. We at CCR would like to request to close Elm Court from the turn at the Yoga studio to Elm Street for three hours, starting at 11am, on the 23 October for a "roof raising" construction kick off event. There is a good chance that the road will be free and open to vehicles by 1pm but request permission until 2pm.

To this end we would like to be included in the Selectboard agenda for the meeting of the 21st to formally make a request to the Town.

Please let me know if you need any further information.

Regards,

Selectboard Policies and Procedures

I. Selectboard Roles

Leadership, governance and oversight responsibilities: promote the town, serve as advisor to town manager, oversight of town operations, management and strategic plan, set outcomes, evaluate impacts, measure performance, review agenda.

A. Legal responsibilities:

1. chief executive branch of town government
2. coordinates with other town elected committees, "government by committee"
3. appointments on boards, committees, assignments
4. local licensing authority
5. local permitting authority
6. a special permit granting authority
7. set policy and propose bylaws for town meeting warrant
8. oversee preparation of budget with finance committee and town manager
9. call for town meeting and approve all warrant articles for agenda
10. sets fees
11. create general rules and regulations for town operations
12. appoint town counsel and approve legal strategy
13. sign warrants to pay all town bills
14. serve as road commissioners
15. serve as sewer commissions
16. appoint town manager
17. conduct annual review of town manager
18. communications to public on issues and respond to citizen concerns

B. Annual Tasks

1. annual board organization: establish roles, responsibilities, and reassign liaisons as necessary
2. Selectboard appointments to boards and committees
3. Tax classification hearing – August
4. annual financial policy and budget plan
5. issue annual report
6. set policy and strategic direction
7. hold public "Goal Setting" meetings at least twice annually
8. coordinate the activities of other boards
9. resolve problems that have not been settled at lower levels.
10. participate in the budget process
11. provide leadership in the development of the capital improvement program
12. identify town projects for CPA funding
13. set risk management policy
14. monitor financial performance of the town
15. sign payment of warrants / invoices
16. review budget policy establishing free cash and holding tax classification hearings

1. Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure. Robert's Rules of Order is used as a guide in matters requiring clarification of definition. Motions to reconsider must be made no later than the next regularly scheduled business meeting following the meeting at which the original vote was taken.
2. A quorum shall consist of the majority (3) members of the board. At times when only three members are present, all three members must vote similarly for a majority vote. Approvals of Special Permits shall require a majority vote of four (4) members of the Board.
3. Any rules or procedures as to functioning of the Board may be amended, repealed or otherwise acted upon by a majority vote, at a duly posted meeting of the Selectboard, provided a quorum of members is in attendance.
4. In accordance with the Town bylaws, the Chair is encouraged to take public comment when appropriate. The press and the public have the right to be present at any open meeting, however they have no right to participate except during public hearings, citizen speak, or media time unless and until they are recognized by the Chair. All public inquiries shall be addressed to the Chair.
5. Meeting participants shall conduct themselves in a professional manner. No demonstrations or signs will be allowed in the meeting room. Individual shall refrain from verbal outbursts. Cell phones and pagers shall be silenced prior to the meeting.
6. Anyone addressing the Board during the meeting, including citizen speak time, shall proceed to the lectern after being recognized by the Chair, and adhere to the Citizen Speak Procedure. Before speaking, they shall state their name and address. There shall be a time limit of 3 minute per speaker unless extended by the Chair.

V. Preparing the Agenda

- A. The responsibility for preparing the agenda for the Selectboard meetings shall be the Chair, Vice Chair, and the Town Manager. Finalized agendas along with supporting background information shall normally be available no later than the close of business on the Friday of the week prior to the next scheduled meeting. The deadline for having requested items on the agenda is 12:00 P.M. the Wednesday of the week prior to the next scheduled meeting. All information relevant to the agenda topic shall also be provided by this time. All information shall be provided to the office of the Town Manager to be included in the agenda packets.
- B. Any items requested **by at least three (3) board members**, shall be placed on the agenda, however, the Chair, Vice Chair, and Town Manager will use discretion and may need to defer a topic to the next available meeting. Agenda items will be deferred to the next meeting if supporting documentation is received after the 12:00 PM deadline.
- C. Agenda items should include background information with the agenda packets so that Board members can review and prepare for discussion prior to the meeting. This procedure does not limit an individual member of the Selectboard from raising a concern about an issue under "Selectboard Time". However, no formal action shall be taken by the Board until a future meeting.
- D. Before raising issues publicly at a meeting, Board members should first advise the Town Manager prior to the meeting of issues, concerns, or complaints so that an appropriate response or update can be provided.

VI. Public Hearing Procedures

State law and various Town bylaws require the Selectboard to hold public hearings on certain issues before any action can be taken.

- A. The Board will schedule the dates for the hearings.

- B. The Chair will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing. The Chair will ask for a motion to open the public hearing to be voted on by members of the Board.
- C. The Selectboard has the authority to subpoena a person or relevant information.
- D. The basic format of the hearing will be:
 1. Chair shall open the public hearing
 2. Explanation of project
 3. Speak in Favor/Opposition- Note if there are any letters submitted and if they were in favor or opposition
 4. Motion to close public hearing
 5. Motion re: findings of fact
 6. Motion re: approval/denial/table

VII. Approval of Licenses

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

VIII. Board and Committee Speak Procedures

All boards and committees have the right to request agenda time to address the Board members on matters related to the board or committee. Prior to the meeting, the chair of the board or committee shall provide background material on the matter(s) to be discussed along with the results of any board or committee voting on the matter(s) being presented. All members of the board or committee shall be informed by its chair of said board or committee of the matter(s) that will be presented to the Selectboard and shall be the responsibility of the chair. When a board or committee addresses the Selectboard, the chair of said board or committee should be in attendance. If the chair cannot attend, the chair shall include with the background material a statement as to who will be speaking on behalf of the board or committee.

IX. Citizen Speak Procedures

- A. All citizens shall have the right to speak for a period not to exceed five (3) minutes after being recognized by the Chair unless a longer period of time is granted by the Chair.
- B. Citizens who choose to speak during Citizen Speak time shall have the opportunity to address the Selectboard once during each meeting.
- C. The speaker shall not engage in personal attacks against citizens or public officials and shall remain courteous and respectful at all times.
- D. Citizens shall speak for themselves and not speak on behalf of others who are not present unless specific permission is granted by the Chair. Generalized accusations and innuendoes will not be permitted.
- E. The Chair may rule the citizen out of order and the citizen will lose the right to speak, if the speaker fails to remain courteous and respectful.
- F. The Chair may respond to a citizen and put an item on a future agenda, but the Selectboard and chair are unable to problem solve or enter debate during Citizen Speak.

X. Minutes

- A. Regular Meeting: Minutes will be available to the public after review and approval by the Board.
 - 1. Draft meeting minutes are available in agenda packets, but are not considered public record until approved by the Board.
 - 2. Meeting minutes should be on the agenda of the next regular scheduled meeting or by 30 days post meeting at the latest.
- B. Executive Session Meeting Minutes: Minutes of executive sessions should be reviewed at reasonable intervals to determine if the Open Meeting Law warrants continued non-disclosure.
 - 1. Minutes shall be released, once they have been approved in executive session by the Board.
 - 2. Upon request for minutes of an executive session, the law requires a two-stage review of minutes. First, to determine whether executive session purpose continues to warrant confidentiality and second, to determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure. After review, the Selectboard must respond to the requester and either make the minutes available or provide an explanation of what is being withheld and why. Please refer to MA M.L. c. 30A, § 22(f), (g)(2).
- C. All approved minutes are considered public record and will be available immediately. They will also be posted on the Town's website within 48 hrs.

XI: Town Manager Evaluations

The Selectboard is responsible for an annual evaluation of the Town Manager.

- A. The evaluation shall begin around April 1st and be completed no later than May 1st.
- B. Bi-annually (every other year) in lieu of a Selectboard evaluation, a comprehensive community evaluation will be conducted by a third party. Staff, press, elected officials, business owners, and residents will be selected at random to participate in the community evaluation.
- C. Copies of all Town Manager evaluations are public record.

XII. Selectboard Response on Received Communication

The Selectboard welcomes communication through whatever vehicle is chosen by its constituents, i.e. email, written letters, phone calls, personal contact. It is the intent to handle inquiries on a timely basis (within 24 business hours) when possible. Communication sent to the Town Hall shall be considered public documents. When communication is addressed to the ENTIRE Selectboard, the Town Manager will within 1 business day confirm receipt of inquiry to the individual and inform (CC) the rest of the Board when a response has been sent. The Chair and Town Manager shall review the matter as follows:

- A. Routine Matters: If the matter can be routinely handled by staff, the Town Manager shall, within 1 business day from receipt of the email, contact the individual providing adequate information on said matter. Appropriate staff should always be included in communication from Town Manager, where applicable.
- B. Non-Routine Matters: Should the matter be a non-routine administrative matter, the Chair and Town Manager shall arrange for the matter to be included on the agenda of the earliest/most convenient Selectboard meeting. The Town Manager shall notify the individual when the item will be on the Selectboard agenda. The Selectboard shall discuss the matter publicly and may refer the matter to the Town Manager and/or an appropriate board/commission/committee for further investigation. Should the matter be acted upon by the Selectboard, the Town Manager shall so inform the individual. Alternatively a meeting may be scheduled between the Chair, Town Manager and appropriate staff when appropriate.

- C. Should the matter be referred, a report from the referral entity shall be submitted at a regular meeting of the Selectboard as soon as possible.

This procedure is not intended in any way to inhibit an individual Selectboard member from discussing any matter with his/her constituents. Individual members of the Selectboard may establish independent mechanisms for responding to inquiries including, but not limited to, forwarding the matter to the Town Manager for investigation and may forward to the Selectboard Chair also. However, those actions are the sole responsibility of the individual Selectboard member and should not be construed or conveyed to be the official policy of the Selectboard or Town of Great Barrington. Routine matters should always be sent to appropriate staff and include (CC) the Chair and Town Manager.

XIII. Executive Sessions

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

XIV. Confidential Information

Information provided to the Board on confidential matters, including but not limited to personnel and public safety information, will not be shared with the public and to the extent permitted by law.

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

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

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

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

XVI. Special Permit Regulations

- A. Authority and Jurisdiction: These rules and regulations are established and promulgated by the Great Barrington Selectboard pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9 as amended; Chapter 593 of the Acts of 1989, and Section 10.4 of the Great Barrington Zoning Bylaw, and are intended to augment and complement said statutes and the Great Barrington Code.
- B. Effective Date: These rules and regulations shall take effect upon a majority vote of the Selectboard after a public hearing in a newspaper of general circulation in Great Barrington, said advertisement to be published not less than seven (7) days before the public hearing. They shall apply with the force of law to all special permit applications filed on or after the date of said vote.
- C. Applications: Applications for special permits shall be filed with the Town Clerk on either Form SP-1 (short form) or SP-2 (long form) according to the primary use as determined by the Town's Inspector of Buildings. At least one complete copy, including all maps, plans and other documentation, shall be on sheets no larger than 11 inches x 14 inches.
 - 1. The long form (SP-2) shall be used for any special permit application under the following subsections of Section 3.1.4 of the Great Barrington Zoning Bylaw.
 - a. Subsection A (4) Assisted living residence A (8) Open space residential development A (9) Planned unit residential development (PURD) A (10) Publicly financed nonprofit age restricted housing
 - b. Subsection B (1) Camping facilities B (5) Commercial amusements B (8) Educational use, nonexempt B (9) Golf or country clubs B (10) Hospitals, sanitariums, nursing homes, convalescent homes or philanthropic institutions B (13) Riding stables B (14) Ski tows B (15) Summer camps
 - c. Subsection C (2) Fast food eating establishments C (3) Fuels storage and sales, excluding motor vehicle fuel stations C (4) Garages, public C (8) Hotels C (9) Institutional administrative offices or planned professional office developments or research centers C (10) Large scale commercial development C (11) Lumberyards C (12) Motels or overnight cabins C (13) Motor vehicle fuel stations
 - d. Subsection E (1) Aviation fields, public or private E(3)Freight terminals, truck or rail E (6) Personal wireless tower or structure
 - e. Subsection F (2) Gravel, loam, sand and stone removal for commercial purposes F (3) Light Manufacturing F (4) Sawmills and Manufacturing of Forest Products (Special

provisions)

2. All other special permit applications may be filed on Form SP-1 (short form) unless the Inspector of Buildings or the Special Permit Granting Authority (SPGA) by majority vote requires the filing of Form SP-2 (long form). Applications may be submitted to the Inspector of Buildings or a representative of the SPGA for review before filing with the Town Clerk.
 3. Elevation contours on plans submitted with any application filed under subsection F (2) of Section 3.1.4 shall be at intervals of no more than two (2) feet. Elevation contours on plans submitted with all other special permit applications may be at intervals of ten (10) feet, unless the SPGA shall require otherwise.
 4. All plans submitted with special permit applications shall be drawn to scale and signed, sealed and dated by an engineer registered in Massachusetts. Specific scales on drawings and plans shall be as follows:
 - a. Site plan, parking plan, landscaping plan and drainage plan: one (1) inch shall equal forty (40) feet.
 - b. Separate plan showing general characteristics of land: one (1) inch shall equal a maximum of one hundred (100) feet.
 - c. Separate scaled drawing of the fully constructed building or change to the existing building shall be submitted. Any photos that are submitted shall be legible if reproduced.
 5. Every application for a special permit shall be accompanied by a drainage plan demonstrating that all drainage is either accommodated on the property or directed to a drainage system approved by the SPGA. If post-development flows off the property will differ in any way from pre-development flows, the drainage system shall be designed by a civil engineer registered in Massachusetts and shall be reviewed and approved by the town's consulting engineer at the applicant's expense as provided by Section D of these Rules and Regulations.
 6. Every application for a special permit shall be accompanied by a parking plan showing the specific locations of an adequate number of off street parking and loading places to comply with the provisions of Section 6.1 of the Great Barrington Zoning Bylaw and any additional requirements of the SPGA. Each parking space on the plan shall be numbered. Designated loading areas, employee parking and handicapped parking shall be labeled as such.
- D. If requested by the Planning Board, an application for special permit shall be accompanied by a landscaping plan satisfactory to that Board, and the Planning Board shall certify in writing to the SPGA its approval of the plan before the SPGA acts on the application. Shall a continuance of the hearing be necessary to complete and certify such plan, it may be granted by the SPGA upon request of the Planning Board.
- E. In the event of a continuance of the special permit hearing or decision beyond the statutory time limit set forth by MGL Ch. 40A, Sec. 9 is required for the purpose of completing any plan to the satisfaction of the SPGA, the Planning Board or any other Town Board or official, the applicant and the SPGA may agree in writing to such continuance.
- F. Failure of the applicant to agree to such continuance shall be prima facie evidence that the applicant is not in compliance with all provisions and requirements of Section 10.4 the Great Barrington Zoning Bylaw and these Regulations, and shall be grounds for rejection of the special permit application.

G. Schedule of Fees

1. The minimum filing fee for a special permit shall be \$150. No special permit application shall be accepted without payment in full of the required filing fee. Notwithstanding the foregoing, the SPGA shall be empowered to waive all or part of any fee for applications submitted by municipal or charitable organizations.
2. All reasonable costs approved by the majority vote of the SPGA as necessary for the employment of experts or consultants by any board, agency or official of the Town for the purpose of analyzing or evaluating any project that is the subject of a special permit application shall be assessed to the applicant and shall constitute part of the filing fee. Such costs shall be determined to the satisfaction of the SPGA on the basis of estimates from professionals such as civil engineers, traffic engineers, hydrologists, botanists, and the like, as well as the experience of Town boards, departments, agencies and officials derived from similar projects.
3. Upon determination by the SPGA of the monies required for evaluation or analysis, the SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or the consultants chosen to evaluate the project and the fees required for such evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage-prepaid, of the nature of the evaluation and the choice of consultant.
4. All required fees shall be paid by the applicant to the Town within ten (10) business days of receipt of such notification. Payment shall be by check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant, or the postmark thereon, if such postmark is a later date.
5. In the event additional evaluation of the project is requested by any board, agency or official of the Town after the initial deposit of funds, and if such additional evaluation is approved by a majority vote of the SPGA, the SPGA shall determine the additional monies required and shall require those amounts to be paid to the Town.
6. The SPGA shall notify the applicant in writing, by first-class mail, postage prepaid, of the consultant or consultants chosen and the fees required for such additional evaluation. The SPGA shall notify all other parties in interest by first-class mail, postage prepaid of the nature of the additional evaluation and the choice of consultant.
7. Such additional fees shall be paid with ten (10) business days of receipt of notification by the application. Payment shall be by a check certified by a bank doing business in Massachusetts or issued by such a bank. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification to the applicant or the postmark thereon, if such postmark is a later date.
8. All fees paid under the provisions of Section D (2) shall be deposited in a special account established by the Town Treasurer in the Town Treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the SPGA without further appropriation; provided, however, that such funds shall be expended only in connection with carrying out the responsibilities of such SPGA under law.
9. Any excess amount in the account attributable to a specific project, including any accrued interest at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest, and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. For the purposes of this regulation, a project shall be deemed complete upon issuance of a final Certificate of Occupancy by the Inspector of Buildings, or if no Certificate of Occupancy is required, by written certification by the Inspector of Buildings that the project has been completed to his satisfaction.
10. The Town Accountant shall submit annually to the Selectboard a report of such special account for their review. Said report shall be published in the annual town report, and the Town Accountant shall submit a copy of same annually to the director of the bureau of accounts.

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

G. Administrative Appeal:

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

1. Any such appeal shall be accompanied by a filing fee of fifty dollars (\$50) and shall be filed within ten (10) business days of the appellant's receipt of notification of the selection of the consultant. For the purpose of this section, receipt of notification shall be construed to be two (2) business days after the date of written notification or the postmark thereon if said postmark is a later date.
2. Any appeal filed under this section shall be administrative in nature and shall be limited in its grounds to claims that the consultant selected has a conflict of interest or does not possess minimum qualifications consisting of an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field.
3. The required time limits for action by the SPGA on the special permit application that is the subject of any such appeal shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Selectboard within the one month following the filing of the appeal, the selection of the consultant shall stand.
4. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

I. Severability:

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

J. Filing of Record of Proceedings and Order of Conditions:

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

Revised 9/5/95

Revised 8/25/05

Revised 2/12/07

Revised 7/23/07

Revised 1/24/11

Revised 4/25/11

Revised 9/12/11

Revised 10/11/11

Revised 3/26/12

Revised 10/24/16

Revised 8/25/18

Revised 1/14/19

Revised 7/22/19

Revised 10/21/19

EXECUTIVE SUMMARY

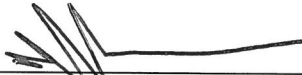
TITLE: Appointment to the Economic Development Committee (EDC)

BACKGROUND: The EDC member representing a higher education institution, Ian Bickford from Simon's Rock, has resigned his position on the EDC. He has recommended a different official, Philip Morrison, from Simon's Rock to take his place. Mr. Morrison is interested in serving on the EDC in this role.

FISCAL IMPACT: None

RECOMMENDATION: The Selectboard appoint Philip Morrison as the Higher Education Institution member for the remainder of Mr. Bickford's term (through June 11, 2021).

PREPARED AND APPROVED BY:



Town Manager

10-17-19
Date

From: "Philip Morrison" <pmorrison@simons-rock.edu>

Date: September 3, 2019 at 11:50:15 AM EDT

To: "Steve P" <stevegbma@gmail.com>, "Ian Bickford" <ibickford@simons-rock.edu>

Cc: "Leigh Davis" <leighdavis99@gmail.com>

Subject: RE: Reminder-Great Barrington Economic Development Committee

Hi Steve,

As a way of introduction my "pre-Simon's Rock" resume is attached. I came to Simon's Rock in January 2017.

At Simon's Rock I serve as the Director of Finance and Administration. In the "finance" part of my job I serve as the person responsible for the business aspects of the college. As for "administration," the departments that fall into that are Dining Services, Physical Plant, Information Technology, the Kilpatrick Athletic Center, and Human Resources.

With the exception of a 6-year period in which we were primarily in the Boston area, I have lived and worked in the southern Berkshires since 1988. We returned full-time to the Berkshires in 2001 when we bought, lived in, and fixed up a 3-family home in Great Barrington which we still own.

My wife Julia and I live in Tyringham where we have a hobby farm. Julia works at Muddy Brook. We have an 18 year old daughter and a 14 year old son.

I participate in Chamber of Commerce events and serve on the Board of Gould Farm as Treasurer.

Phil

Philip B. Morrison
Director of Finance & Administration
Bard Academy & Bard College at Simon's Rock

Town Meeting/Election Calendar 2020

Town Meeting on May 4th/7th and Election on May 12th

Selectboard Open Citizen Petition Time	Thursday, January 2, 2020
Selectboard Close Citizen petition Time	Friday, January 31, 2020
Nomination Papers Available in Clerk's Office	Monday, February 3, 2020
Planning Board to have completed all Public Hearings by this date	Friday, March 13, 2020
Last Date to obtain nomination papers	Friday, March 20, 2020
Selectboard approve Final Warrant	Monday, March 23, 2020
Last Date to submit nomination papers	Tuesday, March 24, 2020
Last Date to Object or Withdraw Nomination	Thursday, April 9, 2020
Last Day to send warrant to printers	Friday, April 10, 2020
Last Date to register to vote	Tuesday, April 14, 2020
Last date to mail out Warrant Postcards	Monday, April 20, 2020
Last Date to post Warrant	Monday, April 27, 2020
Town Meeting @ Monument Mountain 6:00 pm-8:00 pm Night 1 – Financial & Other Articles	Monday, May 4, 2020
Town Meeting @ Monument Mountain 6:00 pm-8:00 pm Night 2 – Zoning Articles	Thursday, May 7, 2020
Town Election 8:00 am- 8:00 pm	Tuesday, May 12, 2020

Selectboard's 2020 Regular Meeting Schedule

January 13	Second Monday
January 27	Fourth Monday
February 10	Second Monday
February 24	Fourth Monday
March 9	Second Monday
March 23	Fourth Monday
April 6	First Monday
April 13	Second Monday
April 20	Third Monday
April 27	Fourth Monday
May 4	Annual Town Meeting
May 13	Second Wednesday
May 18	Third Monday
June 8	Second Monday
June 22	Fourth Monday
July 13	Second Monday
July 27	Fourth Monday
August 10	Second Monday
August 24	Fourth Monday
September 14	Second Monday
September 21	Third Monday
October 5	First Monday
October 26	Fourth Monday
November 9	Second Monday
November 23	Fourth Monday
December 7	First Monday
December 21	Third Monday