

STEPHEN BANNON
EDWARD ABRAHAMS
WILLIAM COOKE
KATE BURKE
LEIGH DAVIS



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619, x2
Fax: (413) 528-2290
website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

September 21, 2020

Governor Charles D. Baker
Office of the Governor
State House, Room 280
Boston, MA 02133

RE: Housatonic Water Works Inc./Water Quality Concerns

Dear Governor Baker,

For several years now, residents in the Village of Housatonic that are served by a privately owned water company (Housatonic Water Works Inc.) have been experiencing issues and expressing concerns about the quality of water provided to them. In 2018 complaints began to escalate when water became visibly discolored or "roily". This summer, similar water quality complaints were received and residents are looking to us for answers and a solution to this long-standing problem.

Representatives from the Massachusetts Department of Environmental Protection (MA DEP) Drinking Water Program recently joined us for a public meeting, but it seems the problem is outside of their jurisdiction for the most part. Several attempts to reach representatives at the Massachusetts Department of Public Utilities for additional assistance have gone un-answered.

On behalf of our Housatonic residents, we ask for some assistance from your office to help us ensure that water quality and infrastructure improvements can be expedited. Representative Pignatelli has been incredibly helpful in sourcing out funding for studies, and this will take a coordinated effort to be successful.

We look forward to hearing from you very soon.

Sincerely,

Stephen Bannon/Chair
Great Barrington Selectboard

cc: Representative Pignatelli
MA DEP
MA DPU
Housatonic Water Works Inc.

EXECUTIVE SUMMARY

TITLE: Housatonic Water Works Inc. - water quality concerns for residents

TOWN WATER SYSTEM FACTS:

1. The town has two primary water systems serving our residents. The Great Barrington Fire District serving portions of Great Barrington, and Housatonic Water Works Inc. serving portions of the Village of Housatonic.
2. Housatonic Water Works Inc. is a privately owned utility with approximately 17 miles of water mains, 55 hydrants, and serves roughly 1,400 residents and businesses through 865 connections.
3. The Great Barrington Fire District is a quasi-municipal entity with taxing authority that is managed by a Prudential Committee and a professional staff. It consists of roughly 40 miles of water mains, 300+ hydrants, and serves about 4,000 residents and businesses through 1,643 connections.
4. Water rates are regulated by the Department of Public Utilities (DPU) and water quality is regulated by the Department of Environmental Protection (DEP).

BACKGROUND: In the summer of 2018, the town began receiving complaints of “brown” or “roily” water experienced by some customers of Housatonic Water Works Inc. (HWW). The town hired DPC Engineering to conduct a preliminary survey of the water systems in town. That draft report was submitted to the town in October of 2018.

Since that time, the town has continued to work with our local legislators, the Department of Environmental Protection (DEP), the Department of Public Utilities (DPU), representatives from both water companies and our engineers to find a long-term solution to the issue noted above. The Selectboard in 2019 included a comprehensive “Water Systems Study” on their list of goals and ranked it as a top priority.

Since 2018 the Selectboard has been working to advocate for system upgrades in Housatonic, seek state funding, and commit local funding for exploring next steps.

During the budget process for the current fiscal year, engineering funds were included to conduct a phase 2 study, as well as an independent appraisal of HWW Inc.

As recently as last week, a meeting of our legislators (Rep. Smitty Pignatelli and Senator Hinds), the town, and representatives from both water companies was convened to continue discussing the immediate concerns of Housatonic Village residents and to re-evaluate long term options.

Those options are as follows:

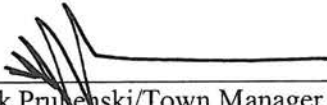
1. The town (through a HWW charter provision), could purchase HWW, establish it as a town department, and operate the utility as an enterprise fund.
2. The town could encourage the independent merger of both water systems or coordinate a merger that results in a combined town utility operated as a town department and enterprise fund.
3. The town could enter into some form of public/private partnership with one or both water systems.
4. Status Quo. Both systems continue to operate independent of the town.

FISCAL IMPACT: Staff expects that the Phase 2 Study and appraisal will cost roughly \$50,000 and FY21 engineering funds were approved for use by the Department of Revenue as of July 15, 2020.

RECOMMENDATION: Staff recommends the Selectboard proceed with the Phase 2 Study and appraisal while continuing to work with HWW and DEP to resolve the more immediate concerns of our residents and their customers through safe and acceptable corrosion control methods, scheduled flushing, and better outreach.

PREPARED AND APPROVED BY:

DATE:



Mark Prunicki/Town Manager

07/24/2020

EXECUTIVE SUMMARY

TITLE: Next Steps for Elderly and Disabled Population Transportation

BACKGROUND: Due to the closure of Southern Berkshire Elderly Transportation the Town of Great Barrington will be managing the elderly and disabled transportation program.

INTERIM TRANSPORTATION: We anticipate a hybrid transportation program to be in place by October 1, 2020. BRTA and staff are working diligently together to have a van on site and drivers available in early October. Until we have fully trained drivers and a van in place we will be offering transportation, information and application assistance for other transportation options.

- R.S.V.P. Retired Senior Volunteer Program- matches driver with rider
- BRTA fixed Route
- BRTA Para Transit ADA door to door service
- Soldier On Veteran Medical Transport
- Mass Health Transportation
- Fallon Navi-Care
- Neighbor to Neighbor grant funding through Elder Services of Berkshire County
- Press Releases will go out to town website, senior center website, Grapevine newsletter and a mail in survey for contact information and transportation needs. Application assistance for ADA door to door and information and referral for all other transportation options.

LONG TERM GOAL: The long term goal for elderly and disabled transportation will be to provide rides for medical, personal, social and shopping purposes. Town managed transportation will also allow for more flexibility and enhanced services such as weekend group trips to the Farmers Market, Church, Berkshire South evening meals, later pick up times and town events that are offered after hours that many seniors are unable to attend at this time.

INTERIM STAFFING: There will be a pool of R.S.V.P. volunteer drivers, a part time paid driver, senior work off dispatchers and COA staff.

PREPARED AND APPROVED BY:

DATE: 09/18/2020

Polly Mann Salenovich

Polly Mann Salenovich

09/18/2020

EXECUTIVE SUMMARY

TITLE: Halloween/Trick or Treat 2020

BACKGROUND: Each year in early October, the Selectboard reminds residents of the date and hours for Halloween Trick or Treating in town (October 31st from 5:30 PM to 7:30 PM), and shares that information on the town's website, through our social media accounts, and with our media contacts.


This year of course is an unusual year for all events due to the COVID-19 pandemic, and the Massachusetts Department of Public Health has yet to issue any formal guidance to local boards of health in the Commonwealth.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends the Selectboard discuss 2020 Halloween procedures during the meeting of October 5th/6:00 PM in hopes of having some statewide guidance by that time. The Health Department will provide an updated executive summary and recommendation as soon more information is available.

PREPARED AND APPROVED BY:

DATE:

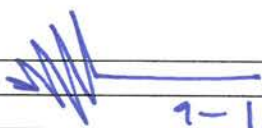


Mark Pruhenski/Town Manager

09/17/2020

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	MARK PRUHENSKI
Title or Position:	TOWN MANAGER
Municipal Agency:	TOWN OF GREAT BARRINGTON
Agency Address:	334 MAIN STREET Great Barrington, MA 01230
Office Phone:	413-528-1619 X4
Office E-mail:	MPRUHENSKI@TOWNOFGB.ORG
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. I AM A VOTING MEMBER OF THE BOARD OF DIRECTORS OF THE BERKSHIRE HEALTH GROUP. WE VOTE ON INSURANCE PREMIUMS, AND THE GENERAL OPERATION OF THE BERKSHIRE HEALTH GROUP
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. I AM ASKED TO SET HEALTH AND DENTAL INSURANCE PREMIUMS AND VOTE ON THE OPERATING PROCEDURES OF THE BERKSHIRE HEALTH GROUP, INCLUDING BUDGETS AND POLICIES
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I OBTAIN MY HEALTH AND DENTAL INSURANCE THROUGH THE BERKSHIRE HEALTH GROUP
Employee signature:	
Date:	1-18-20

DETERMINATION BY APPOINTING OFFICIAL

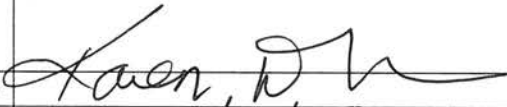
	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail:	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	KAREN D FINK
Title or Position:	TREASURER/COLLECTOR
Municipal Agency:	TOWN OF GREAT BARRINGTON
Agency Address:	334 MAIN STREET Great Barrington, MA 01230
Office Phone:	413-528-1619 X4
Office E-mail:	KFINK@TOWNOFGB.ORG
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. I AM AN ALTERNATE VOTING MEMBER OF THE BOARD OF DIRECTORS OF THE BERKSHIRE HEALTH GROUP. WE VOTE ON INSURANCE PREMIUMS, AND THE GENERAL OPERATION OF THE BERKSHIRE HEALTH GROUP
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. I AM ASKED TO SET HEALTH AND DENTAL INSURANCE PREMIUMS AND VOTE ON THE OPERATING PROCEDURES OF THE BERKSHIRE HEALTH GROUP, INCLUDING BUDGETS AND POLICIES
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I OBTAIN MY HEALTH INSURANCE THROUGH THE BERKSHIRE HEALTH GROUP
Employee signature:	
Date:	9/15/20

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

STEPHEN C. BANNON
CHAIR

EDWARD ABRAHAMAS
WILLIAM COOKE
KATE BURKE
LEIGH DAVIS



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TOWN OF GREAT BARRINGTON
MASSACHUSETTS
SELECTBOARD

September 21, 2020

Claudia Shapiro
78 Egremont Plain Road
Great Barrington, MA 01230

RE: Open Meeting Law Complaint dated September 13, 2020

Dear Ms. Shapiro:

The Town is in receipt of your Open Meeting Law (OML) complaint. In summary, your complaint alleges the following:

1. "BOS Chair Mr. Bannon + Consolidated effort by Gt. Barr. Town Officials, have been attempting for 17 yrs. to accomplish something the law does not allow."

In response to these claims, we submit the following information:

1. All public hearings held for the special permit application by Berkshire Aviation Enterprises were properly advertised and posted in accordance with Great Barrington bylaws and the Open Meeting Law. Abutters were also noticed in accordance with the law.
2. This meeting was held virtually via our "Zoom" platform, with links posted on the agenda at least 48 hours in advance. As always, the meeting was open to the public with options for participation by video or phone.
3. All participants were given an opportunity to speak and be heard at the appropriate time.

In conclusion, we do not believe that the alleged OML violation has merit.

The Selectboard continues to obey and respect the Open Meeting Law and we hope this response clears up any concerns you may have.

Sincerely,

Stephen Bannon, Chairman
cc: Office of the Massachusetts Attorney General



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Claudia Last Name: Shapiro

Address: 28 Egremont Plain Road

City: Ft Barr State: Ma Zip Code: 01230

Phone Number: 413-528-6053 Ext. _____

Email: P.O. Box 112 50. EGREMONT MA. 01258

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Ft. Barr

Specific person(s), if any, you allege committed the violation: BOB Chair Mr. Bannon + Consolidated effort by Ft Barr Town Officials, have been attempting for 17 yrs. to accomplish something the law does not allow.

Date of alleged violation: Aug 24th 2020

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 9000 characters.

[Empty text box for description of alleged violation]

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

[Empty text box for desired action]

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Cherene Dupuis*

Date: *Sept 13th 2020*

For Use By Public Body Date Received by Public Body For Use By AGO Date Received by AGO

I believe the alleged violation is intentional for the following reasons,

On Aug.10th the Gt. Barr Select Board held a Zoom Public Hearing, where you could see the participants for a "Special Permit Application for the Town of Gt. Barr.", the notice says "Town of Gt. Barr. Notice to abutters of a Public Hearing" and is requesting to establish a KGBR, Koladza Gt. Barr. Regional Airport. The Town is not being transparent to the community and abutting communities that in fact they are establishing a Municipal Regional Airport.

I filed a response to the Application asking the Select Board not to exceed their authority by granting a special permit for a Municipal Regional Airport under Section 7.2 of the zoning bylaw and point out it states "In accordance with Ch. 90 of Mass.General. Law Section 35B, building height. I pointed out Ch. 90 s. 39 - 39 G Aeronautics Commission, powers, rules, and regulations. 39B states "no one may establish, alter, or activate an airport, without first obtaining a certificate of approval by the Mass. DOT Aeronautics Commission pursuant to 702 Commonwealth Mass. Regulations Aeronautics Commission 5.02-5.06 and,

702 CMR 5.03 Applicants proposing an airport that is partially on land not owned or controlled by the applicant and owned or controlled by others must obtain authorization from the the owner or person in control of the property to use the property. The signature of that person must be notarized and such written notarization must expressly authorize the applicant to apply for the activities set forth in the application. This applies directly to me, my piece of an airport the town refuse to acknowledge or accept, and I have not given my permission.

5.03 (8) Pursuant to M.G.L. C.90 s.39B before issuing a certificate of approval for an airport the division shall hold a public hearing in the city or town where the airport is to be located.

I believe because I brought this to the Towns attention on Aug. 24th the Selectmen held a second Public Hearing this time you could not see the participants because,

They are holding that Public Hearing with Mass. DOT, DOT Aeronautics Division, and who ever else is required behind closed doors, the reason why the Town is using a "different system", hiding participants and,

Because I exposed the true intent of this application as a Recycling Plant with a Combustion Facility under the jurisdiction of the Mass. DEP Hazardous Waste Facility Siting Act, that also requires my property,

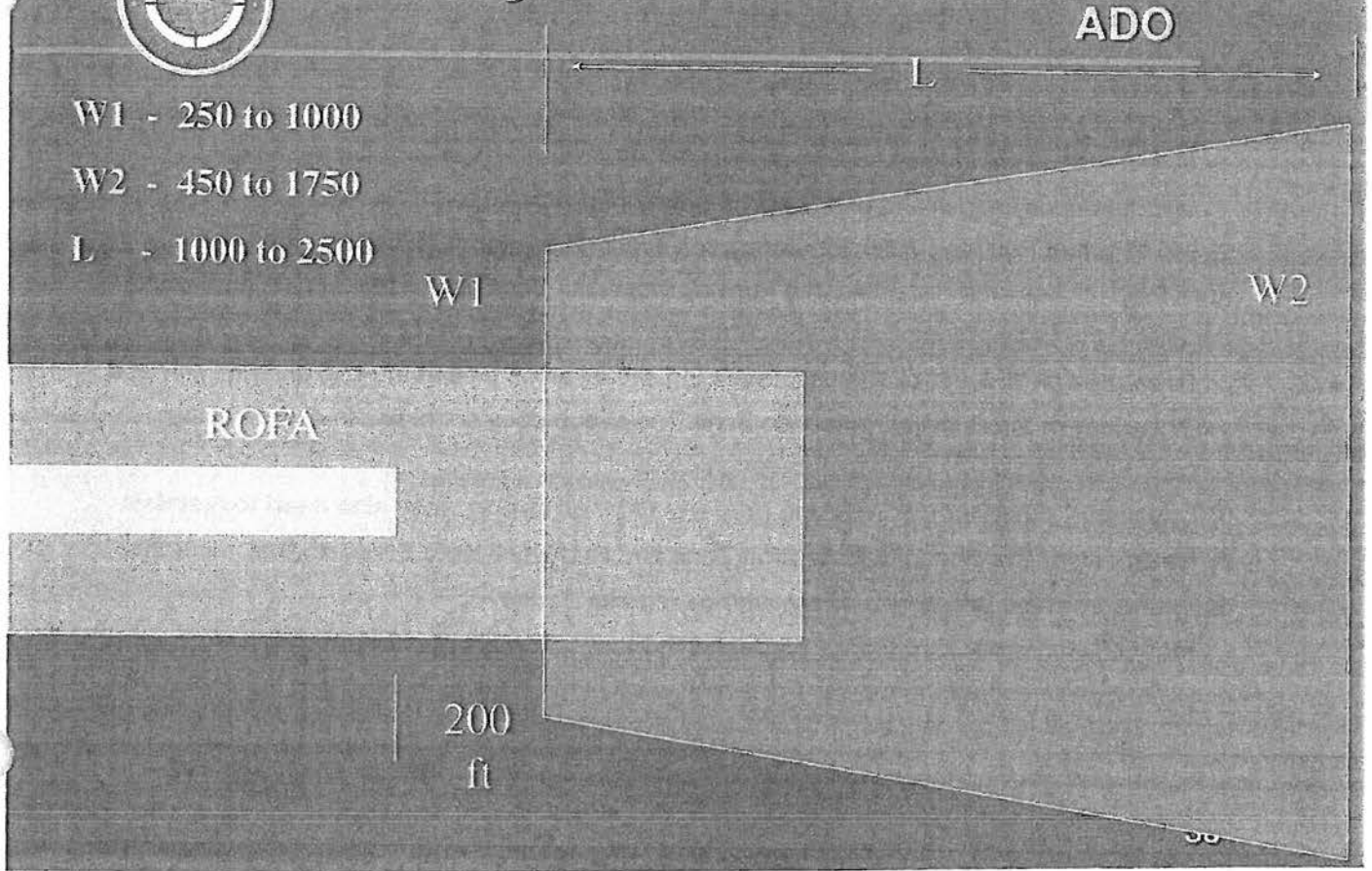
They are holding that Public Hearing with the DEP, developer, and whoever else is required also behind closed doors.

The reason for this lack of transparency that pertains and relies directly on my property is due to the fact the Town is establishing, developing, expanding, and creating a Regional Municipal Airport that involves two properties in conjunction with the appropriate Government Agencies required behind the backs of the county that would not fly if open and transparent.

The action I want is transparency, for this to be an Open Public Hearing before the entire Town, and all abutting communities as required by law exposing the true intent of this permit for what it is, a Municipal Regional Industrial Airpark, runway expansion, security fence, Combustion Facility, Recycling Plant, eminent domain, with the Mass DOTAD, FAA, and DEP in violation of the Water Quality Protection Overlay District Public Recharge Protection Area Zone 11 and the Green River Moratorium.



Runway Protection Zone



OAR 660-013-0080 Runway Protection Zone

Exhibit #6 - Runway Protection Zone and Dimension Requirements



Runway Protection Zone Dimension Requirements

Approach Visibility Minimums	Facilities Exposed to Glide	Dimensions (feet)			
		Length (L)	Inner Width (W1)	Outer Width (W2)	RPZ (ROFA)
Standard and High Obstacle Clearance	Visual Approach Equipment Standard Visual Approach Equipment	1,000	250	450	250
High Obstacle Clearance Only	Visual Approach Equipment	1,000	250	450	250
High Obstacle Clearance Only	Visual Approach Equipment	1,000	250	450	250

1. The RPZ is the area of the runway and its approach that is protected from aircraft accidents by the presence of the RPZ. The RPZ is the area of the runway and its approach that is protected from aircraft accidents by the presence of the RPZ. The RPZ is the area of the runway and its approach that is protected from aircraft accidents by the presence of the RPZ.

Airport Boundaries

- 1) See the attached image showing the end 200 (60m) feet from the end of the runway. There are numerous images and explanations on the internet.
- 2) See attached Runway Protection Zone configuration/Location "Other than with a special application of declared distances, the Runway Protection Zone begins 200 feet (60m) beyond the end of the usable landing and take off area".

I own the first 200 feet off the usable landing and taken off area at the end of runway 11 **and** the first piece of the Runway Protection Zone. The airport does not maintain or control my piece of an airport or my Runway Protection Zone.

3) The airport does not own enough property to be an airport, they also need to maintain or control all of the Runway Protection Zone and Runway Safety Zone, do they have this in writing from the property owners who own these Zones?

See (U.S.Supreme Court Griggs v. Allegheny County, 369 U.S.84 (1962) stating if and airport does not own or control the runway Protection Zone or the Runway Safety Area too bad for the airport, they didn't acquire enough property to be an airport.

4) Please stop ignoring me, my extensive documentation and this political struggle placed upon me.

Claudia Shapiro Aug. 23rd 2020

I am resending and stating again in layman's terms, the "airport" is a piece of a three part airport, I am one of those pieces. In other words I am an airport too. In other words the airport is illegal. I also put in writing to all of you Commonwealth of Mass. Regulations (CMR) 702 5.02-5.06 stating a piece of an airport **proposing "an airport that is partially on land not owned or controlled by others must obtain authorization from the owner to use the property"**. **The signature of that person must be notarized and such written notarization must expressly authorize the applicant to apply for the activities set forth in the application. I have not given permission to use my piece of an airport.** I was never even asked. You all need my property to accomplish your goal, but you **legally can't take it so what are your intentions for me at this point?**

I also cited **Supreme Case law that the airport cannot take property from the many other people** who own the Runway Protection Zone and Runway Safety Area, in layman's terms, "the piece" of the airport needs to maintain or control their property. Does "the piece" of an airport own or maintain **all those other peoples properties?** Do those property owners know even what their properties are?

Claudia Shapiro Sept. 13th 2020

Claudia Shapiro Sept. 13th 2020

EXECUTIVE SUMMARY

TITLE: Leash Law Enforcement

BACKGROUND: Great Barrington's bylaws (Chapter 81, Section 2) require that dogs be leashed at all times, unless securely confined within the property of the dog owner. The bylaw further states that dogs must be restrained by a leash that does not exceed 6 feet in length.

On August 20, 2020, in response to complaints, the town issued a press release titled "Leash Up, Pick Up: Town Stepping up Enforcement of Leash Laws and Dog Waste Violations." This press release not only reminded residents and visitors that a leash law exists, but advised the public of potential fines for violations. The press release was shared on our website, on our Facebook page, and shared with our media list. The news was again announced at the Selectboard's August 24th meeting.

The Animal Control Officer (ACO) and Police Department were given instructions to begin enforcement immediately at the McAllister Wildlife Refuge and all other town owned parks and cemeteries in the Village of Housatonic and the Town of Great Barrington.

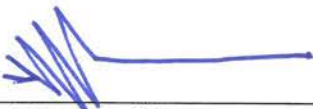
On September 14th, a complaint was emailed to the Selectboard and Town Manager regarding enforcement at the McAllister Wildlife Refuge and the Lake Mansfield Park. It was suggested by the complainant, that the Selectboard reconsider this approach and "...at least offer times during the day when dogs can be off leash so they have some ability to exercise and socialize at at least one public park...".

FISCAL IMPACT: None. Enforcement is handled by our Police Department's on-duty patrol officers and the ACO during regular working hours.

RECOMMENDATION: Staff recommends the SB meet jointly with, or forward this request on to the Conservation Commission, the Parks Commission, and the Cemetery Commission if town owned properties will be considered for use as "dog parks" at any time. The McAllister property (94 acres) was deeded to the town in 1974 under the management of the Conservation Commission. The Conservation Commission regulations (Sec 217-28.4/Dog Walking) require dogs to be "kept on leashes at all times" at this property. All other town parks are managed by the Parks Commission, and Cemeteries by the Cemetery Commission.

PREPARED AND APPROVED BY:

DATE:



Mark Pruhenski/Town Manager

09/17/2020

Mark Pruhenski

From: Laurie Gilden Lindner <samburl@aol.com>
Sent: Monday, September 14, 2020 11:02 AM
To: Steve Bannon; Bill Cooke; Kate Burke; Leigh Davis; Ed Abrahams; Mark Pruhenski
Subject: Complaint regarding strict reinforcement of leash laws

Dear Town Select People and Town Manager:

At the suggestion of Mark Pruhenski, I am writing to you to complain about the recent enforcement of the town's leash laws at all parks, open lands, etc. within the town of Great Barrington. I have lived here for almost 6 years and have had a 55 pound dog who is very gentle, well trained to come on command, and needs a lot of exercise being part Golden Retriever, Irish Setter and Poodle. Many of us full time residents, have enjoyed the ability to run our dogs off leash but under our command specifically at the Haley Road preserve and at the little park across the street from Lake Mansfield up until the last few months. Now we are being patrolled by police officers, issued citations and being treated rudely.

It is outrageous that the Town Planners have not been able to either develop a suitable "Dog Park", like the one in Egremont, given the size of our Town, or at least to offer times during the day when dogs can be "off leash" so they have some ability to exercise and socialize at at least one public park within the town perimeter. Even New York City allows dog "off leash" from 9 PM until 9 AM in Central Park every day for about the last 10 years. This has been very successful.

I do know there has been an influx of people from large cities in the last 6 months due to our Covid-19 pandemic and many of them do not like or fear dogs. However, it is unfair to your full time residents who have lived here for several years to be so restricted at this time. Animals, like people, need exercise and I believe it is actual Animal Cruelty to not allow non abusive animals to run free at, at least one designated place within our community. People who do not like dogs or are fearful of them have many choices as to where they can walk or hike. Specifically, at the Haley Road Preserve, there are horses (who can easily get spooked and out of control), bear, bobcat and deer. What will these frightened people do when they see these "unleashed" animals???

On behalf of many of your full-time residents who have dogs and are used to walking/hiking with them, specifically at the Haley Road Preserve, we wish to protest this new enforcement policy. In this age of divisiveness, it would be really fine if our local officials could find Common Ground for opposing sides and offer a solution to please all residents.

Thank you for taking the time to read this missive and I do hope you will take it under consideration.

Respectfully submitted,

Laurie Gilden Lindner, Ph.D.
19 Burning Tree Road,
Great Barrington, MA 01230

(413) 717-4266

(617) 851-8778

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chapter 217. Conservation Commission

Article IV. McAllister Wildlife Refuge

Sec. 217-28. Description.

The McAllister Wildlife Refuge is comprised of 94 acres of open fields and wooded areas adjacent to Haley Road and extending southwesterly to the Green River. The property is identified on the 2017 Assessors Map as Map 31, Lot 34, and was deeded to the Town in 1974 under the management of the Conservation Commission.

Sec. 217-28.1 **Approved uses.**

The property is for the use and enjoyment of the public. Passive recreational activities are encouraged while maintaining these areas in a natural condition now and for future generations.

Sec. 217-28.2 **Collection of plant material.**

Collection of berries and mushrooms or other plant material is prohibited.

Sec. 217-28.3 **Horse riding.**

Horse riding is allowed on the property with written permission from the Commission.

Sec. 217-28.4 **Dog walking.**

Dogs shall be kept on leashes at all times. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his or her dog at the McAllister Wildlife Refuge.

Sec. 217-28.5 **Overnight Camping.**

Overnight camping is prohibited.

Sec. 217-28.6 **Fires.**

Fires are prohibited.

Sec. 217-28.7 Hunting.

Hunting is prohibited.

Sec. 217-28.8 Alteration of natural growth and building of structures.

No wood cutting. Cutting and planting are prohibited, except with written permission of the Commission. Trails shall not be marked or cut except with written permission of the Commission. No structures such as dams, lean-tos, cabins or towers shall be constructed without written permission from the Commission.

Sec. 217-28.9 Vehicle restrictions.

Motor vehicles (including but not limited to motorcycles, minibikes, snowmobiles, and all-terrain vehicles) are prohibited, except as specifically authorized in writing by the Commission.

Sec. 217-28.10 Littering and vandalism.

No person shall cut, break, remove, deface, defile, or ill-use any building, structure, fence or sign. Depositing or leaving rubbish, litter, demolition or yard debris, garbage, excavated fill or any hazardous waste is prohibited.

Sec. 217-28.11 Alcoholic beverages and smoking.

Possessing or consuming any alcoholic beverage, illegal substances, or smoking are all prohibited.

Sec. 217-28.12 Violations and penalties.

Unless a higher fine has been established for a specific offense by the Town of Great Barrington or the State of Massachusetts, violation of these regulations is punishable by a fine of not more than \$300 for each offense. Each day the violation occurs shall constitute a separate offense.

Important Town Bylaws for Dog Owners

Leash Requirements

Chapter 81, Section 2- Dogs required to be leashed; exceptions

- A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run at large within the Town of Great Barrington, including Housatonic. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is physically restrained by a leash, which shall not exceed six feet in length.
- B. No person shall permit a dog owned or kept by him to run freely within the confines of the property of the owner or keeper unless leashed so as to restrain the dog in such manner that the dog will not go beyond the property of the owner or keeper, or unless the dog is securely confined to the premises of the owner or keeper by fencing or appropriate barriers.

Cleaning Up After Dogs

Chapter 81, Section 10- Enforcement; violations and penalties

- C. Any owner or keeper who:
 - (2) Is the owner/keeper of any animal who shall be found by an Animal Control Officer to have defecated on private property other than that of its owner/keeper or on a public sidewalk or public lands.

Fines

Chapter 81, Section 11- Alternate procedure under MGL c. 140. § 173 A

- A. Notwithstanding any provisions of the General Laws to the contrary, any Animal Control Officer who takes cognizance of a violation of:
 - (1) This bylaw; or
 - (2) Failure to license animals pursuant to MGL Chapter 140 and this by-law; or
 - (3) Failure to obtain multiple pet permit or commercial kennel license; or
 - (4) Failure to vaccinate against rabies pursuant to MGL Chapter 140 Section 145 B; or
 - (5) Intentionally allowing a dog to cause a nuisance by barking, howling or otherwise may issue or mail a Notice of Complaint of Violation of Municipal Animal Control bylaw to the owner or keeper of such animal.
- B. Any owner/keeper found in violation of the above-mentioned procedure shall be subject to a fine of not more than \$50 per offense. Where applicable, each day a violation exists shall constitute a separate offense.

For a complete set of the Town's Animal Control Bylaws, please visit www.townofgb.org.



August 21, 2020

The Board of Selectmen of Great Barrington, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

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

Steven Hayward 413-528-7018

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

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

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

Questions contact - Steven Hayward 413-528-7018
PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Great Barrington, Massachusetts

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

Park St - National Grid to install (1) JO pole on Park St. (Route 183) beginning at a point approximately 1400 feet north of the centerline of the intersection of Mountain St., within public right of way in order to properly support existing infrastructure. Current guy wire is anchored into tree across the street and is failing.

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 – Park St. - Great Barrington, Massachusetts.

29657236

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

VERIZON NEW ENGLAND, INC
BY *Albert C. Bessette*

Manager / Right of Way

Dated: July 21, 2020

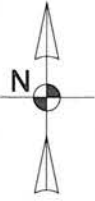



Exhibit A – Not to Scale

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 properly support existing infrastructure. Current guy wire is anchored into a tree across the street and is failing.

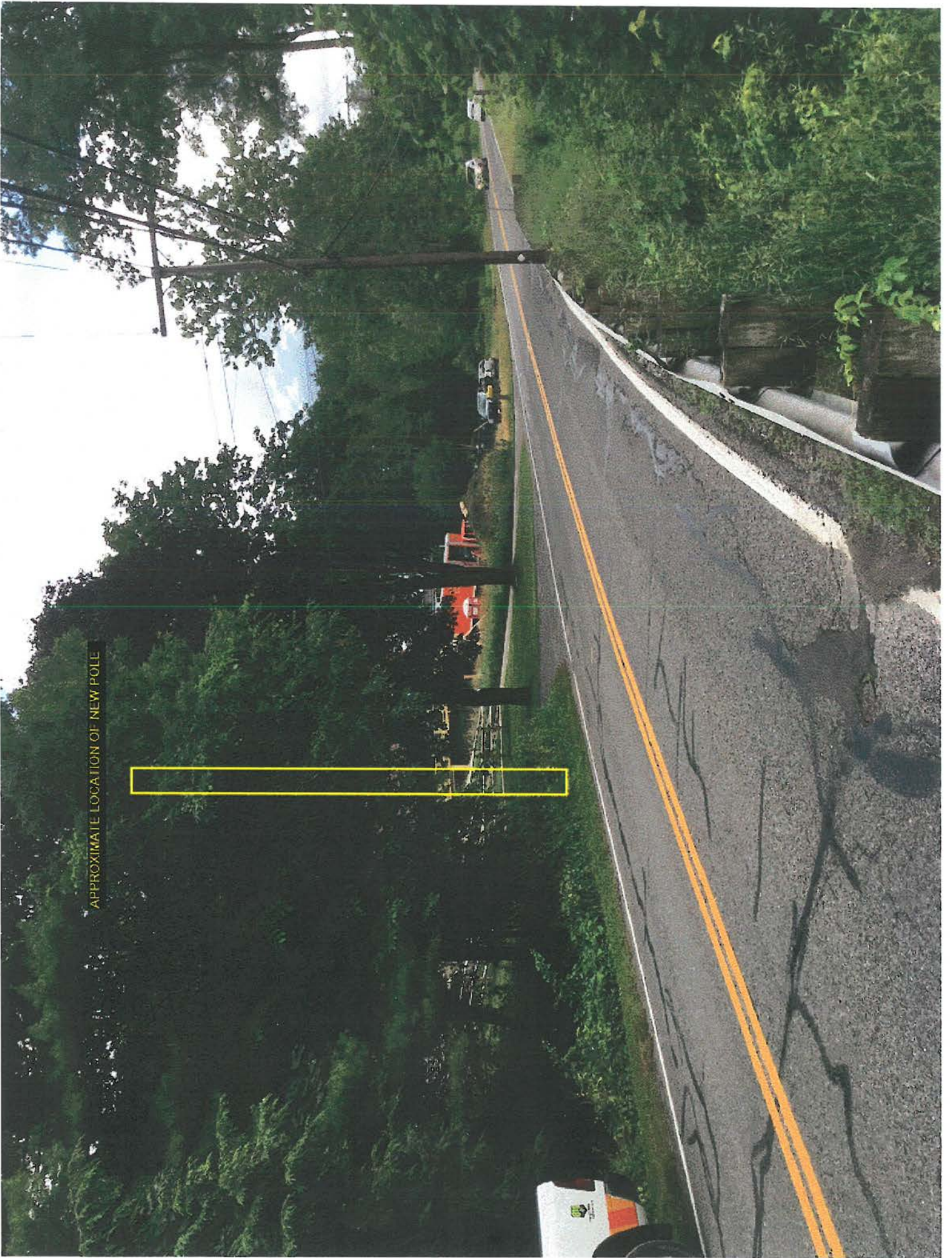


JOINT OWNED POLE PETITION		 And Verizon New England, Inc.	
<input checked="" type="radio"/> Proposed NGRID Pole Locations		Date: 17 JUL 2020	
<input type="radio"/> Existing NGRID Pole Locations		Plan Number: 29657236	
<input checked="" type="radio"/> Proposed J.O. Pole Locations		To Accompany Petition Dated:	
<input type="radio"/> Existing J.O. Pole Locations		To The: TOWN Of GREAT BARRINGTON	
<input checked="" type="radio"/> Existing J.O. Pole Locations To Be Replaced		For Proposed: Pole: 53-84 Location: SIDE OF ROAD	
<input type="radio"/> Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant:	
<input checked="" type="radio"/> Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			



APPROXIMATE LOCATION OF NEW POLE

APPROXIMATE LOCATION OF NEW POLE



Questions contact – Steven Hayward 413-528-7018

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - 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 VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 21st day of July 2020.

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 – Park St. - Great Barrington, Massachusetts.

29657236 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. 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:

Park St - National Grid to install (1) JO pole on Park St. (Route 183) beginning at a point approximately 1400 feet north of the centerline of the intersection of Mountain St., within public right of way in order to properly support existing infrastructure. Current guy wire is anchored into tree across the street and is failing.

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.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the ~~City~~/Town of 21st, 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 and VERIZON NEW ENGLAND,
INC. 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 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

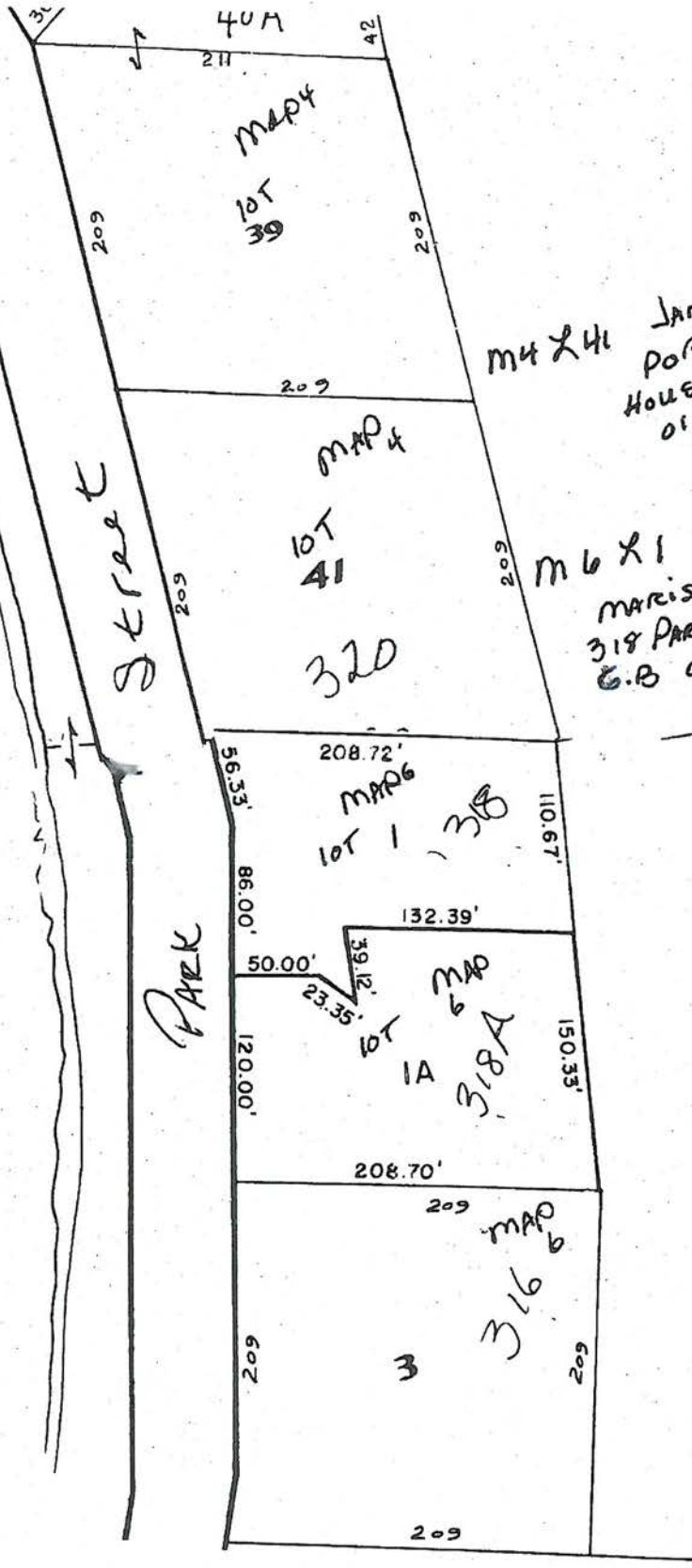
Hous. River

M4 X38

GENERAL ELECTRIC Co.
THOMSON REUTERS
PROP. TAX SERVICES
POB 4900 DEPT 201
SCOTTSDALE, AZ 85261-4900

Hous. River

LOT 38
MAP 4



M4 X41 JANE WRIGHT
PO BOX 336
HOUSATONIC, MA
01236-0336

M6 X1 MARISA BUENTITUS
318 PARK ST NORTH
G.B 01230-1143

Chris Rembold

From: Dennis Egan <DEgan@cohenkinne.com>
Sent: Friday, September 18, 2020 1:12 PM
To: Chris Rembold
Subject: Answers to Select Board Questions Re: Berkshire Aviation Enterprises, Inc. Application for Special Permit - 70 Egremont Plain Road
Attachments: BAE Response to GB Select Board Questions.pdf

Mr. Rembold:

Attached please find a letter that addresses the questions raised by members of the Great Barrington Select Board (the "Select Board") at its hearing on September 14, 2020 in connection with the Application for Special Permit submitted by Berkshire Aviation Enterprises, Inc.

Please contact me with any questions or comments.

Thanks,

Dennis

Dennis G. Egan Jr.

Cohen Kinne Valicenti & Cook LLP
28 North Street, 3rd Floor
Pittsfield, MA 01201

Direct: (413) 553-0411
Mobile: (413) 446-1126
Fax: (413) 553-0334
Email: degan@cohenkinne.com

COHEN | KINNE | VALICENTI | COOK

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COHEN | KINNE | VALICENTI | COOK

Dennis G. Egan, Jr.
Admitted in MA, CT and NY

degan@cohenkinne.com
Direct phone 413 553 0411
Cell phone 413 446 1126
Direct fax 413 553 0334

VIA FIRST CLASS MAIL AND EMAIL (crembold@townofgb.org)

September 18, 2020

Mr. Stephen Bannon, Chair
Town of Great Barrington Select Board
334 Main Street
Great Barrington, MA 01230

Re: Response to Questions Raised at September 14, 2020 Great Barrington Select Board
Hearing – Application for Special Permit – Berkshire Aviation Enterprises, Inc. –
70 Egremont Plain Road

Dear Mr. Bannon:

I am submitting this letter as a follow up to questions presented by members of the Great Barrington Select Board (the “Select Board”) at its hearing that took place on September 14, 2020 (the “Hearing”) with respect to the application (the “Application”) for special permit filed by Berkshire Aviation Enterprises, Inc. (“BAE”) with respect to the property located at 70 Egremont Plain Road (the “Property”).

1. **Mark Fasteau’s Comment with respect to 9,000 gallons of unleaded avgas purchased by BAE.**

With respect to Mr. Fasteau’s comments regarding gallonage of unleaded aviation fuel, the relevant point is that very few airports offer it – Great Barrington Airport (“GBR”) is an exception. GBR cannot control how many pilots use unleaded aviation fuel.

2. **Applicability of Section 9.2.12 (Uses and Activities Requiring a Special Permit) of Town of Great Barrington Zoning Bylaw to the Application**

With respect to Mr. Abrahams’ question regarding the applicability of Section 9.2.12.2 of the Town of Great Barrington Zoning Bylaw (the “Bylaw”) to the Application, although the Property is located in the Water Quality Protection Overlay District (WQPOD), a special permit is not required pursuant to Section 9.2.12 of the Bylaw because the Application does not contemplate (a) an “...enlargement or alteration of existing uses that do not conform to the WQPOD;” – the current airfield uses is not being enlarged or altered, (b) “...activities that involve the handling of toxic or hazardous materials...” – hazardous materials will not be stored in the proposed hangars, or (c) a “use that will

COHEN | KINNE | VALICENTI | COOK LLP *Attorneys*
tel 413-443-9399 | fax 413-442-9399 | cohenkinne.com

RESPOND TO MAIN OFFICE
28 North Street, 3rd Floor
Pittsfield, MA 01201

244 Main Street
Great Barrington, MA

render impervious more than 15% of any lot or parcel or 2,500 square feet, whichever is greater.” Moreover, the Property is classified as a very small generator pursuant to 310 CMR 30.00 and, therefore, the use is not prohibited within the WQPOD. Section 9.2.8 of the Bylaw provides, in pertinent part, as follows: “The following uses are prohibited within the WQPOD...4. Facilities that generate treat, store, or dispose of hazardous waste that are subject to G.L. c. 21C and 310 CMR 30.00, *except for*: a. Very small generators as defined under 310 CMR 30.000...” (*emphasis added*).

3. **Daily takeoffs and landings.**

Based on records provided by BAE, GBR averages 10-15 takeoffs and landings per day on weekdays, and 30-35 takeoffs and landings per day on weekends. Naturally, these numbers vary depending on factors such as weather and very few takeoffs and landings occur after dark.

4. **Runway Safety Areas.**

14 CFR 139.309(a) provides, in pertinent part, as follows: “...each certificate holder must provide and maintain, for each runway and taxiway that is available for air carrier use, a safety area...” Air Carrier Aircraft is defined as “an aircraft that is being operated by an air carrier and is categorized, as determined by the aircraft type issued by competent civil aviation authority, as either a. large air carrier aircraft – if designed for at least 31 passenger seats or b. small air carrier aircraft – if designed for more than 9 passenger seats but less than 31 passenger seats.” Because GBR cannot accommodate large air carrier aircraft or small air carrier aircraft, runway safety areas are not applicable to GBR. Moreover, because GBR does not accept state or federal funding, runway safety areas are not applicable to GBR. However, GBR complies with all FAA advisories with respect to airport safety.

5. **Additional FTEs**

With respect to Mr. Abrahams’ question regarding additional FTEs as a result of the proposed hangar project (the “Project”), the number of additional FTEs has not yet been established; however, GBR is contemplating hiring additional employees for grounds maintenance if the Application is approved, in addition to GBR’s existing 8 full time and 7 part time employees.

6. **Economic Impact of Project**

With respect to Mr. Abraham’s question regarding the Project’s economic impact, the best source of information with respect to increased real estate tax revenue is the Great Barrington Assessor’s office. However, based on our calculations, increased real estate tax assessment attributable to the proposed aircraft hangars will result in approximately

\$45,000 additional tax dollars. While some have suggested that this number is insignificant, it represents an approximately \$2,500,000 investment in the town of Great Barrington, which is a very significant investment. Comparing the economic impact of the Project to the potential impact of a cannabis business (as was suggested at the Hearing) is an unfair comparison to an outlier industry's potential economic impact.

7. **Blackhawk Helicopters**

The Army National Guard's (the "National Guard") Blackhawk helicopters have been using GBR for training purposes since before the current owners owned GBR – there is no written agreement governing the use of GBR by the National Guard. GBR does not receive compensation from the National Guard, which uses GBR for night operations because the pilots control the lighting and can choose to keep the runway unlit, which simulates the hazardous conditions for which the National Guard would mostly likely use GBR during times of crisis.

8. **Scope of Application**

For clarification, the Application requests that the Select Board issue a special permit to make the current pre-existing, non-conforming use – airfield – a conforming use with respect to GBR. BAE has chosen to seek a special permit from the Select Board, as opposed to seeking a special permit from the Zoning Board of Appeals (the "ZBA"), for two reasons: 1. Historically, neighbors of GBR have held the position that if BAE is allowed to make improvements to the airport, BAE would be allowed to expand GBR to an unreasonable extent. In fact, issuance of a special permit by the Select Board would allow the Select Board to place reasonable restrictions on GBR –this is exactly what neighbors have been requesting for years. 2. Because GBR is current a pre-existing, non-conforming use, almost any improvement to GBR proposed by BAE, including, without limitation, redesign of interior spaces, would require a special permit from the Zoning Board of Appeals.

Historically, special permits granted by the ZBA with respect to minor projects, including construction of a deck and handicapped accessible ramp, have been appealed in court, which has led to significant delays and significant legal fees for the Town of Great Barrington. The issuance of a special permit by the Select Board would provide for a more comprehensive zoning approach to GBR, as opposed to the piece mail approach required under the pre-existing, non-conforming use regime. It is important to note that as a pre-existing, non-conforming use, GBR is an allowed use in the R4 without any further permits or approvals from the Town of Great Barrington. As such, objections raised by neighbors with respect to additional restrictions actually further BAE's position that the Select Board should approve the special permit sought by BAE with reasonable restrictions as issuance of the requested special permit with reasonable restrictions would not allow for uncontrolled expansion of GBR – it would, in fact, have the opposite effect.

Mr. Stephen Bannon, Chair
September 18, 2020
Page 4

In any event, the Application is pending before the Select Board and must be acted upon by the Select Board on the merits of the Application without consideration given by the Select Board to other potential avenues available to BAE.

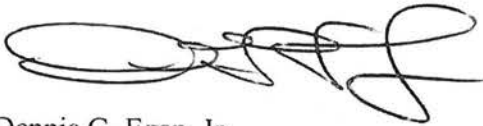
BAE is willing to work with the Select Board and Great Barrington Planning Department staff toward drafting reasonable conditions with respect to the proposed special permit.

While I did my best to take comprehensive notes with respect to the Hearing, there may be issues raised by the Select Board at the Hearing which are not addressed in this letter. In that case James Scalise, representatives of BAE and I will be happy to address these issues at the Select Board's next hearing scheduled for September 21, 2020.

Should you have any questions or require an additional information, please do not hesitate to contact me.

Sincerely,

COHEN KINNE VALICENTI & COOK LLP

A handwritten signature in black ink, appearing to read "Dennis G. Egan, Jr.", with a stylized flourish at the end.

Dennis G. Egan, Jr.

DGE/
Encl.

225019_2

From: Michael Mah <michaelm704@gmail.com>

Date: September 14, 2020 at 3:19:43 PM EDT

To: Steve Bannon <sbannon@Townofgb.org>, "bcook@townofgb.org" <bcook@townofgb.org>, Leigh Davis <LDavis@Townofgb.org>, Kate Burke <kburke@Townofgb.org>, Mark Pruhenski <MPruhenski@Townofgb.org>, Ed Abrahams <eabrahams@Townofgb.org>

Subject: Support Letter Yes Airport Hangar Project

[Please add the following to the meeting packet containing letters of support for the Great Barrington Airport hangar project prior to tonight's hearing. Thank you.]

Dear Members of the GB SelectBoard,

My name is Michael Mah, and I am an abutter to the Pittsfield Municipal Airport. I am also a local businessman, the Managing Partner of QSM Associates, Inc. (www.qsma.com), a software technology firm based in the Berkshires since 1988. Our offices are also in Amsterdam The Netherlands, Zurich Switzerland, and McLean VA. I am also a member of the Pittsfield Airport Planning Committee, which most recently engaged Stantec Inc. to create the Pittsfield Airport Master Plan. Currently I am also a principal partner of an education technology startup, Distance Learning Delivery Inc. soon to be based in the Berkshires.

I am writing to express support for the hangar project at the Walter J. Koladza Airport, and I encourage a YES vote.

If this project is approved, I plan to move my single engine 4-seater Piper aircraft currently based at Pittsfield Airport (PSF) to the Gt. Barrington Airport (GBR), where my maintenance work has been done since 2010, and for another 25 years by a previous owner. I have been unable to secure a hangar at Pittsfield and plan to lease one at Gt. Barrington if available. My home that I built in Pittsfield abutting the airport will also be for sale, as I intend to move my residence and my business (formerly located for 18 years at the Eagle ClockTower Business Park) to the town of Gt Barrington.

As part of the Pittsfield Airport Planning Committee, we reviewed economic benefit analysis for General Aviation airports from the Massachusetts Department of Transportation, MassDOT. The 2019 Report outlined economic impact benefits to local communities of over \$45 million annually to the Berkshires, based upon various factors explained in the analysis. About \$5.2 million of that was attributed to GBR, with an additional \$40 million+ for PSF. This does not surprise me. At Pittsfield Airport where both jets and propeller aircraft fly right over my house (noise isn't an issue), I've seen various personalities such as James Taylor, actor Mark Wahlberg, and Amazon founder Jeff Bezos among the many who fly to/from the Berkshires. A recent movie starring Mark Wahlberg filmed in Gt. Barrington 3 years ago, drove \$millions into the local GB economy, just from that one project alone. Pre-COVID, scores of Tanglewood, Canyon Ranch, Kripalu, and Berkshires visitors came in and out of both airports. (Hopefully when the pandemic passes, that will resume.)

I moved next to PSF and the Berkshires over 30 years ago for quality of life and the economic benefits that aviation provides. While in the early days I relied mostly on the proximity of Albany and Bradley airports to run my business, today it's PSF and GBR that are of primary importance to me. As a small business owner I acquired my pilot's license at Gt. Barrington's flight school. This changed my life and re-affirmed my decision to stay and keep my businesses in the Berkshires where my children were born and raised.

(When my son was 15, he also trained to be a pilot at GBR like his dad. That experience changed his life too and as a single parent, I proudly witnessed an amazing transformation in him that comes from being able to fly and land a plane, before even having a learner's permit for a car. I highly recommend it to any parent; you'll see what I mean.)

These and stories of aviators who trained at GBR's flight school are what I hope you consider as you decide your vote. If you'd like to learn more on how aviation is such a positive force in our community, just look at the Facebook page for the GBR Airport. You'll see people young and old, women and men, whose lives and careers were changed because of this historical and shall I say, sacred asset to the Gt. Barrington community. The spirit of founder Walter J Koladza lives on there, and you see it in the faces of young people who earn their pilot's licenses and aircraft owners (most of whom are not rich) who call the GBR airport home. People like Jessica Phinney, a former BMC ICU Trauma/Registered Nurse who as a young girl was inspired to fly by her late father. She trained first in Northampton and then finished at GBR under Peggy Loeffler, a flight instructor and FAA Examiner whose own father (like the late Walt Koladza) served his country as a pilot during and after WWII. (Jessica has just moved on to study for a PhD in nurse anesthesiology. One of her aspirations is to potentially become a MedEvac pilot.)

The Walter J Koladza Airport isn't just an airfield where a small cabal of abutters now complain after buying their adjacent homes, fully knowing at the time that it was an airport, for nearly 90 years now. It is a shame that they engage in hyperbolic fear-mongering which obscures the true economic, people-oriented, and multi-generational benefits of this cultural landmark. Gt. Barrington Koladza Airport is a Berkshires national historic aviation treasure that should be appreciated and preserved. The hangars are important to its economic viability, and a No vote would be a dagger to the heart of this special community. Legally, you are fully aware that the entire project is sound. Please end the divisive pattern of continuance after continuance that has dragged on and plagued the town for 3+ years; please get on with it and like the GB Town Planning Board, vote Yes.

Sincerely,

Michael C. Mah
Managing Partner, QSM Associates Inc.
Partner, Distance Learning Delivery Inc.

From: Contact form at Great Barrington MA <cmsmailer@civicplus.com>
Date: September 18, 2020 at 10:27:12 AM EDT
To: Steve Bannon <sbannon@townofgb.org>
Subject: [Great Barrington MA] Airport expansion (Sent by Marcia F Stamell, marcia.stamell@gmail.com)
Reply-To: marcia.stamell@gmail.com

Hello sbannon,

Marcia F Stamell (marcia.stamell@gmail.com) has sent you a message via your contact form (<https://www.townofgb.org/user/76/contact>) at Great Barrington MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofgb.org/user/76/edit>.

Message:

Dear Steve,

Berkshire Aviation Enterprises have long known the steps it needs to take to bring operations into harmony with its residential surroundings. Airport owners have been told repeatedly about the grinding noise, toxic fumes, and invasion of privacy the planes spew out. They heard this publicly, during the 2017 special hearing and other permitting forums. And privately, through years of phone calls and emails from residents and visits from local police, MassDot, and the FAA.

BAE has done nothing. Rather, the noise and intrusive low-flying planes have gotten worse.

To his credit, out-of-state owner Rick Solon recently told a newspaper that he has tried his best to control the antics of his largely out-of-state clientele. He says he's helpless. Let's take him seriously.

This means that BAE has no control over its flight patterns, the nature of its planes, or the behavior of its pilots. This means BAE won't be able to implement changes the Town may seek through special conditions. This means that airport operations will only become more noxious, if BAE gains legitimacy under a special permit. The corporation will have no incentives to operate appropriately. The planes will get bigger; the low-altitude flights louder and more frequent.

I helped draft New York City's first noise ordinance, which came about because of growing awareness of the damage noise can inflict. Noise endangers individual health and well-being, public safety, and the very future of a neighborhood, a municipality, or a town. Noise is bad stuff.

The potential for damage remains. What has changed is technology. Many of the planes that fly out of small airports are bigger, more powerful, and louder.

This trend will continue.

Conditions placed on a special permit will do nothing to control the noise. A

conditioned permit will get BAE off the hook by transferring responsibility for community-appropriate operations from a profit-seeking corporation to the Town.

Great Barrington hasn't the money, the personnel, or the legal authority to regulate Berkshire Aviation's flight patterns, pollution, and grinding aeronautic noise. By granting a special permit, the Town will lose its only leverage to keep the airport in check for the good of the people.

Current plans tell the story of BAE's intentions. Here's a just one telling detail: That sixth hangar. The big one that is deliberately larger to make the airport more attractive to the large, loud, charter-ready. planes that are already showing up. Once granted a special permit, who know what comes next. Except worse for us ordinary folks.

If BAE was capable of operating in harmony with its residential surroundings, it would be. It isn't. If BAE intended to do better in the future, those intentions would show up in its current application. They don't.

Instead airport representatives have asked the Town to develop plans for responsible operations that airport owners can't be bothered to think about and are incapable of implementing.

For the well-being of our town, please reject BAE's application for a special permit.

Thank you,

Marcia Stamell