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TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Meeting via Zoom

Order of Agenda for Monday, September 27, 2021, at 6:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83164698002?pwd=VUhXOGJGSjdjWDJUcnFuU1NjSHU5UT09>

Webinar ID: 831 6469 8002

Passcode: 308308

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

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

1. CALL TO ORDER
2. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
3. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Public Works Updates
 - c. Downtown WIFI Project Update
4. NEW BUSINESS
 - a. Maximum Useful Life Certification
 - b. Selectboard 2022 Meeting Schedule
 - c. EV Charging Stations/Taconic Lot and Town Hall
5. CITIZEN SPEAK TIME

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

8. EXECUTIVE SESSION *not to return to open session*

- a. Executive Session pursuant to Massachusetts General Laws Chapter 30A Section 21(a)(1) for the following purpose: to discuss complaints brought against a public officer, employee, staff member or individual (OML Complaint-E. Mooney).

9. ADJOURNMENT

UPCOMING SELECTBOARD MEETINGS

October 4, 2021

October 25, 2021

November 8, 2021



Mark Pruhenski, Town Manager

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

VOTE OF THE SELECTBOARD

I, the Clerk of the Selectboard of the Town of Great Barrington, Massachusetts, certify that at a meeting of the board held September 27, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below being financed with the proceeds of the borrowing authorized by the vote of the Town passed June 7, 2021 (Article 7) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Backhoe/Loader	\$145,450	15 Years
Sidewalk Plow and Sander	\$124,300	10 Years
Truck Lift	\$79,500	20 Years
Transfer Station Ticket Kiosk	\$53,000	15 Years

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

Dated: _____, 20__

Clerk of the Selectboard

Role of Bond Counsel

Introduction. Municipal finance is in a period of accelerating change, increasing complexity and expanding disclosure. In the face of these developments we think it is useful to describe the role of bond counsel so as to avoid any misunderstanding as to what the bond counsel has and has not undertaken to do. We have written this memorandum to set forth what we do when we act as bond counsel for counties, cities, towns and other political subdivisions on general obligation bonds and notes. Our role may be changed from that set forth in this memorandum by special agreement between the client and Locke Lord LLP (“Locke Lord”).

Bond counsel services. The services offered by Locke Lord as bond counsel include such of the following as may be needed, upon request by the issuer or by a financial advisor on behalf of the issuer:

1. Preliminary advice with respect to the legal feasibility of proposed financings and the permitted maturities and applicable procedures.
2. Drafting or review of legislation authorizing the issuance of bonds or notes. Drafting or review of corrective or validating legislation where required.
3. Preparation of a request for an advisory court opinion, or pleadings for a test case, where required. Research and preparation of briefs.
4. Where a new entity is needed for the issue, such as a regional or special purpose entity, advice and assistance in its organization, including the drafting of a charter or governing agreement and by-laws.
5. Advice and assistance, including drafting, with respect to charter, ordinance, by-law or other amendments relating to the issue of bonds or notes.
6. Drafting of proceedings authorizing the issuance of bonds or notes.
7. Review and advice with respect to the tax-exempt status of the bonds or notes under federal and state law.
8. Preparation of requests for tax rulings where required and attendance at conferences with Internal Revenue Service representatives.
9. Preparation of a requirements letter setting forth the documents required to evidence the lawful issue of the bonds or notes.

10. Drafting of the required certifications and other documents (including the no arbitrage and tax exemption certificates and reporting forms under the Internal Revenue Code of 1986 and U.S. Treasury regulations).

11. Consult with the parties to each transaction prior to the issuance of the bonds or notes.

12. Review of the certified proceedings and other executed documents to determine the validity and tax-exemption of the bonds or notes.

13. Review of the notice of sale or purchase contract and other non-disclosure related materials and proceedings providing for the sale of the bonds or notes to determine compliance with applicable legal requirements.

14. Undertake such additional duties as we deem necessary to render an approving opinion of the bonds or notes.

15. Subject to the completion of proceedings to our satisfaction, rendering an opinion as to the validity of the bonds or notes and their exemption from federal and state income taxes and local property taxes.

If special arrangements are made, we also undertake to perform the additional services described under Disclosure below.

Fees. In the absence of special circumstances, the fee for a particular issue of bonds or notes depends on the type and size of issue. If an issue is not completed, Locke Lord reserves the right to bill for the work actually done but does not ordinarily do so in the case of a continuing client if the work has not been substantial. For work not relating to a particular bond or note issue, the fee would be based on the time involved, at our hourly rates as in effect from time to time, and the novelty of the issues presented. Again, in the case of a continuing client, if this work is not substantial, Locke Lord ordinarily sends no bill.

For transactions involving special tax complications, IRS audits of outstanding bonds and the like, we would be prepared to provide a not to exceed fee quote as a particular transaction presents itself.

Our fees for the issuance of bonds and notes are currently as follows and are subject to revision from time to time. For the issuance of bond anticipation notes of \$1,000,000 or less our fee is \$3,100, which would also be charged upon each renewal of the bond anticipation note prior to its issuance as a long term bond. For bond anticipation note issues in excess of \$1,000,000, our fee is \$3,100, plus \$0.50 per thousand issued. For each issue of long term bonds, our fees would be as follows: for issues up to \$7,000,000 our fee is \$3.50 per thousand issued, for issues between \$7,000,000 and \$20,000,000 our fee is \$25,000, plus \$1.00 per thousand issued in excess of \$7,000,000, for issues in excess of \$20,000,000, our fee is \$38,000, plus \$0.75 per thousand issued in excess of \$20,000,000. Each fee is subject to additional charges for advance refundings, special tax benefitted obligations, and to cover time allotted to the matter. If you can advise us of the level of anticipated reimbursement and the anticipated plan of finance (*i.e.*, the

numbers and sizes of each note and bond issue), we would be pleased to provide you with a more specific estimate of issuance fees based on the foregoing schedule. For the provision of a “green light letter” to the Department of Revenue’s Division of Local Services to permit the issuance of state house notes, our fee would not exceed \$3,500. If, at any time, we believe that circumstances require an adjustment of our fees, we will notify you. Our fee is usually paid at the closing of a bond or note issue, and we customarily do not submit any statement until such closing unless there is a substantial delay in completing the financing.

Disclosure. Under federal and state securities laws primary responsibility for disclosure rests with the issuer and its officials who participate in the sale of the obligations or in providing information for inclusion in the Official Statement or other offering literature. Unless special arrangements are made, and except as described below, the scope of Locke Lord’s engagement as bond counsel does not extend to passing upon or assuming any responsibility for the accuracy or adequacy of the Preliminary Official Statement, the Official Statement or any other offering literature (other than statements of legal matters specifically attributed to Locke Lord with the consent of Locke Lord) and any review undertaken by Locke Lord is undertaken solely for its own protection from potential liability under federal and state securities laws. To this end, an appropriate legend as to the scope of Locke Lord’s engagement will need to be included in the Preliminary Official Statement, the Official Statement, or any other offering literature.

If special arrangements are made, Locke Lord is prepared to offer the following additional services:

16. Review and assistance in the preparation of the Preliminary Official Statement and the Official Statement used by the issuer in the sale of the bonds or notes, including examination of the historical and projected financial experience of the issuer (in reliance upon financial and statistical data furnished by the issuer), together with research with respect to, and drafting of portions of the Official Statement relating to, the legal and fiscal structure of the issuer, its debt management, budgeting and accounting procedures, and material economic and demographic data.

17. Participation in conferences with officers of the issuer and others where appropriate and preparation and review of certificates or letters of such persons verifying representations made in the Preliminary Official Statement and the Official Statement.

18. Rendering a supplemental opinion to the underwriters and the issuer to the effect that we have assisted in the preparation of the Preliminary Official Statement and the Official Statement (other than the financial and statistical data mentioned above and other customary exceptions) and that, although we have not undertaken to verify the same, no material misstatement or omission has come to our attention.

In order to perform the services referred to in items 17 and 18 in a timely and effective fashion we should also be engaged to participate actively in the preparation of the Preliminary Official Statement and the Official Statement as outlined in item 16 subject to appropriate variation in individual cases.

The additional services described in items 16 to 18 require substantial time and involve substantial responsibility. Arrangements should be made for these services well in advance. These additional services will necessitate significant additional fees, for which estimates will be given upon request.

State Securities Laws. Where offering literature should be filed by the issuer with a state agency pursuant to a State securities law (e.g., Mass. G.L. c.110A, s.403), the normal practice is for the financial advisor to make the filing on behalf of the issuer.

Opinions and Certifications. In performing our services as bond counsel, our client will be the municipality issuing the bonds or notes and we will represent its interests. We assume that other parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in the transaction. Our representation of the municipality issuing the bonds or notes does not alter our responsibility to render an objective opinion as bond counsel.

In rendering our opinions, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation. Responsibility for the accuracy of certificates relating to an issue of bonds or notes rests with the signing officer or officers, who should carefully read all such certificates which they have not themselves prepared. The drafting by Locke Lord of forms for certification (such as but not limited to a general certificate, tax certificate, certificate as to official statement and continuing disclosure certificate) does not constitute a representation by Locke Lord to the signing officer or officers or others as to the accuracy of any factual matters or estimates set forth in the forms.

Our opinions will be executed and delivered in written form on the closing date when the related bonds or notes are exchanged for their purchase price and will be based on facts and law existing at that time. Following the delivery of our opinions, we will not undertake (unless separately engaged) to provide continuing advice to the client or any other party concerning (a) any actions necessary to assure that interest paid on the bonds or notes will continue to be excluded from gross income for federal income tax purposes or (b) any actions necessary to assure compliance with continuing disclosure obligations to SEC Rule 15c2-12. We would be happy to provide such advice from time to time upon request and we expect that an acceptable fee arrangement would be determined at that time.

Conclusion. We would be pleased to discuss any matter raised in this memorandum with any of our clients and to work out any variation which may be considered necessary or desirable for any particular financing.

Selectboard's 2022 Regular Meeting Schedule

As of 9/22/2021

January 10	Second Monday
January 24	Fourth Monday
February 14	Second Monday
February 28	Fourth Monday
March 14	Second Monday
March 28	Fourth Monday
April 11	Second Monday
April 25	Fourth Monday
May 2	Annual Town Meeting
May 5	Possible Continuation of Town Meeting
May 11	Second Wednesday <i>(Reorganization)</i>
May 23	Fourth Monday
June 13	Second Monday
June 27	Fourth Monday
July 11	Second Monday
July 25	Fourth Monday
August 8	Second Monday
August 22	Fourth Monday
September 12	Second Monday
September 19	Third Monday
October 3	First Monday
October 24	Fourth Monday
November 7	First Monday
November 21	Third Monday
December 5	First Monday
December 19	Third Monday

EXECUTIVE SUMMARY

TITLE: Electric Vehicle (EV) Charging Stations

BACKGROUND: An electric vehicle (EV) charging station will be installed in the Taconic parking lot as part of the current reconstruction project. It will be located in the portion of the parking lot immediately to the left of the entrance driveway that comes downhill from upper Railroad Street. The station will be a “Level 2” station. It is specified to be a Charge Point model CT4025 or equivalent, equipped to charge two electric vehicles at one time. A similar dual EV station will be installed at Town Hall when that parking lot is reconstructed (location and schedule to be determined).

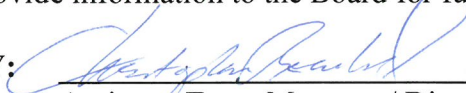
An EV station of this type delivers about 7.2 kilowatts of power and can charge any EV currently on the market, and this station could provide an operating range of approximately 20 to 25 miles per hour of charge. Depending on the size of the EV’s battery and other factors, a full charge could be achieved in approximately eight hours. At our current electric rate of \$0.15 per kWh (only \$0.10 per kWh with our aggregation discount), the cost of one hour of charging time at our station would be \$0.75 to \$1.10

Some public EV stations allow customers to charge for free. This sometimes reflects a commitment, and a marketing effort, to promote environmentally friendly practices and be a more green community. (This would be particularly true in Great Barrington, because under our aggregation agreement, 100% of the electricity is supplied by renewable wind power.) A municipality or a business also might install a free-to-the-customer EV station in order to draw potential customers to the business/area, hoping that the EV owners will support local businesses while the EV charges.

At other EV stations the customer must pay to charge the EV. The fees might be basic, simply covering the cost of the electricity, or, the fees might reflect the fact that the EV charging spaces are “premium” parking spaces that are centrally/conveniently located and are reserved only for EV users. Costs can be billed per hour, or even at 15 minute increments, depending on the software. Also, an EV station could charge a premium at busy times/on busy days, or could be free at certain times of day or days of the week. Our EV stations will be equipped so customers can pay with a credit card, if the Town decides to charge.

RECOMMENDATION: A specific recommendation from staff is not made at this time; the purpose of this summary is to provide information to the Board for further discussion.

WRITTEN & APPROVED BY:



Assistant Town Manager / Director of
Planning & Community Development

DATE:

9/24/21