

**Town of Great Barrington
2020 Annual Town Meeting**

WARRANT

with Recommendations
by the Finance Committee
and the Selectboard

Monday, June 22, 2020



SELECTBOARD

Stephen C. Bannon, Chair
Edward D. Abrahams
William F. Cooke
Kate F. Burke
Leigh S. Davis

FINANCE COMMITTEE

Anne O'Dwyer, Chair
Eugene W. Curletti
Thomas A. Blauvelt
Michelle M. Loubert
Meredith O'Connor

www.townofgb.org

TOWN OF GREAT BARRINGTON
2020 ANNUAL TOWN MEETING, JUNE 22, 2020

INDEX OF WARRANT ARTICLES

1. Authorize Revolving Fund Limits
2. Elected Officials' Salaries
3. MassDOT Chapter 90 Funds
4. FY21 Operating Budget
5. FY21 Wastewater Treatment Plant Budget
6. Borrowing Authorization for Capital Items
7. FY21 Regional School Assessment
8. Borrowing Authorization for Wastewater Capital Items
9. Authorize use of Free Cash to Reduce the Tax Levy
10. Authorize funding of Community Programs
11. Authorize funding to Southern Berkshire Ambulance
12. Out of District Vocational Tuition – Fiscal Year 2020
13. Out of District Vocational Tuition – Fiscal Year 2021
14. Authorization to pay Prior Fiscal Year Invoices
15. Repurposing of Fiber Optics Borrowing Authorization
16. Permit the Application of Sale Premium to pay Project Costs
17. Revise Prior Capital Authorization for Housatonic School
18. Community Preservation Fund Reserves/Appropriations
19. Community Preservation Projects
20. Revise Prior Appropriation of Community Preservation Funds to the Housing Trust Fund
21. Easements and/or Land Takings for Wastewater Pump Station Upgrades

***Despite best efforts to restrict Annual Town Meeting articles to essential business in response to the COVID-19 pandemic this year, the Selectboard has a statutory obligation to include articles submitted by petition. The Selectboard will ask voters to pass over, or refer to the Planning Board, articles 22-30 on the warrant, and will place any of those articles which are passed over or referred to the Planning Board on the next Special Town Meeting warrant without any further action required of the petitioners.*

22. Zoning, by citizen petition: Amend Section 8.4, Mixed Use regulations
23. Zoning, by citizen petition: Amend Section 9.11, Mixed Use Transitional Zone (MXD) and the Zoning Map
24. Zoning, by citizen petition: Amend Section 3.1.4, to Allow Marijuana Establishment by Special Permit in the I-2 Districts
25. Zoning, by citizen petition: Amend Section 7.18, Marijuana Establishment regulations
26. Modify Town Code Chapter 241-1, Citizen speaking time (by citizen petition)
27. Modify Town Code Chapter 189-1, Selectmen's Policies and Procedures (by citizen petition)
28. To Prohibit hazardous and toxic waste storage, disposal, and dumping in Great Barrington (by citizen petition)

29. To mandate Lake Mansfield Road be maintained as a two-way vehicular road (by citizen petition)
30. To close down and outlaw privately owned prisons for profit in Massachusetts (by citizen petition)

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2020

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To William Walsh, Chief of Police of the Town of Great Barrington, in said Berkshire County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, June 30th, 2020 at 11:00 A.M. until 6:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR
SELECTBOARD, ONE FOR THREE YEARS
BOARD OF HEALTH, ONE FOR THREE YEARS
FINANCE COMMITTEE, ONE FOR THREE YEARS
HOUSING AUTHORITY, ONE FOR FIVE YEARS
LIBRARY TRUSTEES, TWO FOR THREE YEARS
PLANNING BOARD, TWO FOR THREE YEARS
ZONING BOARD OF APPEALS, TWO FOR THREE YEARS

BALLOT QUESTION:

Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bond issued in order to pay the cost of building improvements to Town Hall and the Mason and Ramsdell Libraries, and for the payment of all other costs incidental and related thereto.

The above named officers and ballot question will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain High School in Great Barrington on Monday, June 22nd, 2020 at 6:00 P.M., then and there to act on the following:

ARTICLE 1:

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2021 beginning on July 1, 2020 for the revolving funds as established in the Town’s by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½ as follows; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2021 Spending Limit
Plumbing Inspections	Building Department	\$15,000
Wiring Inspections	Building Department	\$55,000
Gas Inspections	Building Department	\$12,000
Cemetery	Public Works Department	\$ 5,000

Recommended by the Finance Committee and Selectboard

ARTICLE 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2020 to June 30, 2021 as indicated below:

Elected Officials Salaries:
Selectboard: \$18,750 (\$3,750 per Selectboard member)

Recommended by the Finance Committee and Selectboard

ARTICLE 3:

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Department of Transportation (MassDOT), under the provisions of Chapter 90 of the Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of town ways and bridges; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 4:

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

General Government

Town Manager/Selectboard	\$ 414,427
Finance Committee/Reserve Fund	253,300
Finance Director/Town Accountant	146,550
Technology	215,150
Assessors’ Office	154,575
Treasurer/Collector	208,437
Town Clerk/Elections	130,698
Conservation Commission	30,685
Various Boards/Commission	19,970

Planning Board	5,250
Zoning Board of Appeals	1,300
Office of Planning/Community Development	134,850

Public Safety

Police Department	1,723,347
Fire Department	624,496
Communications/Emergency Management	21,103
Building Inspector	167,013
Animal Control	12,520

Department of Public Works 2,308,258

Public Health

Health Department	117,775
-------------------	---------

Community Services

Council on Aging	147,161
Veterans' Affairs	143,700
Human Services	25,000

Cultural/Recreation

Libraries	559,958
Parks/Recreation	115,000

Miscellaneous

Insurance	1,765,452
Debt Service	1,803,116
Retirement	965,411
Celebrations/Seasonal/Events/Band Programs	9,000
Total General Fund	\$ 12,223,502

Recommended by the Finance Committee and Selectboard

ARTICLE 5:

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

Wastewater Treatment Plant

Salaries	\$ 473,967
Expenses	690,800
Insurance/Benefits	306,974
Miscellaneous/Transfers	180,000
Debt Service	<u>671,232</u>
Total Wastewater Treatment Plant	\$2,322,973

Recommended by the Finance Committee and Selectboard

ARTICLE 6:

To see if the Town will vote to appropriate \$3,628,500, or any other sum of money, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise; or to take any other action relative thereto.

Street and Bridge Improvements	\$2,315,000
Building Improvements	500,000
Police Cruisers (2)	127,500
Highway Dump Truck w/Plow & Sander	230,000
EMS/Service Vehicle	60,000
Police Portable Radios (6)	46,500
Roadside Mower	180,000
Mowers (2)	32,000
1-ton Roller	30,000
Fire Equipment	35,500
Speed Trailer	12,000
Parks Equipment	60,000
Total	\$3,628,500

Recommended by the Finance Committee and Selectboard

ARTICLE 7:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seventeen Million, Sixty-Four Thousand, One Hundred and Eighty-Four Dollars (\$17,064,184) for the operating assessment, and Five Hundred Three Thousand, One Hundred and Sixty Dollars (\$503,160) for the capital assessment, for a total assessment of Seventeen Million, Five Hundred Sixty-Seven Thousand, Three Hundred and Forty-Four Dollars (\$17,567,344) of the Berkshire Hills Regional School District; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 8:

To see if the Town will vote to appropriate \$690,000, or any other sum of money, for Wastewater capital improvements, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise; or to take any other action relative thereto.

Inflow & Infiltration Study	\$200,000
Maple/Main St Sewer Replacement	400,000
F350 Service Truck w/Plow & Sander	90,000
Total	\$690,000

Recommended by the Finance Committee and Selectboard

ARTICLE 9:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2021; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 10:

To see if the Town will vote to appropriate from Free Cash a sum of money representing amounts received under host community agreements with marijuana establishments to fund various community programs, under an application and approval process to be administered by the Town Manager; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 11:

To see if the Town will vote to raise and appropriate \$42,000 to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.); or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 12:

To see if the Town will vote to appropriate from Free Cash \$100,315 to fund the Fiscal Year 2020 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of Massachusetts General Laws; or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 13:

To see if the Town will vote to raise and appropriate \$123,000 to fund the Fiscal Year 2021 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of Massachusetts General Laws; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 14:

To see if the Town will vote to authorize the payment of prior fiscal year invoices from the FY20 operating budgets of the Selectboard/Town Manager, Treasurer and Technology Departments; or take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 15:

To see if the Town will vote to amend the vote taken under Article 4 of the Warrant for the Annual Town Meeting held on May 1, 2017, which, among other things, approved the borrowing of \$70,000 to pay costs of public safety communication improvements, so as to permit the expenditure of \$20,000

authorized for that purpose, but which is not necessary for the completion of that project, to pay costs of engineering and planning related to installing a broadband cable in the Housatonic area of the Town; or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 16:

To see if the Town will vote to amend prior votes of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes pursuant to such votes, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied: or to take any other action relative thereto.

Recommended by the Selectboard

ARTICLE 17:

To see if the Town will vote to amend the vote under Article 8 of the 2019 Annual Town Meeting, which appropriated \$650,000 for capital improvements to the Housatonic School including the costs of a new roof, windows and masonry work, by revising the amounts authorized to be transferred for such appropriation as follows: increase the amount to be transferred from the Sale of Real Estate Fund (Bryant and Searles Schools) from \$300,000 to \$350,000 and decrease the amount to be transferred from the Community Preservation Fund from \$350,000 to \$300,000; or to take any other action relative thereto.

ARTICLE 18:

Community Preservation Fund Reserves & Appropriations

To see if the Town will vote to appropriate or reserve for future appropriation, from the Community Preservation Fund, the following amounts recommended by the Community Preservation Committee for FY21, with each item considered a separate appropriation; or to take any other action relative thereto.

Reserves:

From FY21 revenues for historic resources reserve	\$ 50,000
From FY21 revenues for community housing reserve	\$ 50,000
From FY21 revenues for open space reserve	\$ 50,000

Appropriations:

From FY21 revenues for administrative expenses	\$ 20,000
Balance of FY21 revenues for FY21 budgeted reserve	\$ 345,000

Recommended by the Community Preservation Committee

ARTICLE 19:
Community Preservation Projects

To see if the Town will vote to appropriate from the Community Preservation Fund for FY21 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation; or to take any other action relative thereto.

Project	Total Appropriation	Source of Appropriation	
		FY21 Revenues	Fund Balance
<i>Affordable Housing</i>			
1 CDC of South Berkshire, to create new housing at 910 Main Street	\$250,000	\$250,000	
2 Town Affordable Housing Trust Fund, to acquire land for housing	\$185,000		\$185,000
Subtotal, Affordable Housing	\$435,000		
<i>HISTORIC RESOURCES</i>			
3 Town Historical Commission, for historic properties research in Housatonic Village	\$15,000		\$15,000
4 Town Historical Commission, to preserve the historic trolley shelter	\$50,000		\$50,000
5 Historical Society, to restore and preserve Wheeler museum buildings and artifacts	\$145,000	\$145,000	
Subtotal, Historic Resources	\$210,000		
<i>OPEN SPACE & RECREATION</i>			
6 Berkshire Natural Resources Council, to create public access/trailhead improvements	\$30,000	\$30,000	
7 Conservation Commission for the McAllister Wildlife Refuge preservation project	\$33,500	\$33,500	
8 Lake Mansfield Road design to preserve open space / create recreational land	\$120,000		\$120,000
Subtotal, Open Space & Recreation	\$183,500		
TOTAL	\$828,500	\$458,500	\$370,000

Recommended by the Community Preservation Committee

ARTICLE 20:

To see if the Town will vote to amend the vote taken under Article 13 of the Warrant for the Annual Town Meeting held on May 6, 2019, which approved the appropriation of \$100,000 from FY20 Community Preservation Act revenues to the Great Barrington Affordable Housing Trust Fund for the purpose of downpayment assistance, so as to permit the expenditure of said appropriation for either downpayment assistance or for rental assistance; or to take any other action relative thereto.

Recommended by the Community Preservation Committee

ARTICLE 21:

Easements and/or Land Takings for Wastewater Pump Station Upgrades

To see if the Town will vote to authorize the Selectboard to acquire certain easements and/or property through all legal means including donation, purchase, or eminent domain, in order to implement a wastewater pump station upgrades project, including construction of four new pump stations at the following locations:

1. Cone Ave area
2. Rising Mill area
3. Fairgrounds
4. Senior Center

as shown on plans entitled “Wastewater Pump Station Upgrades Project,” prepared by DPC Engineering, LLC, Longmeadow, MA, October 2019, and which are on file with the Town Clerk, or to take any other action relative thereto.

***Despite best efforts to restrict Annual Town Meeting articles to essential business in response to the COVID-19 pandemic this year, the Selectboard has a statutory obligation to include articles submitted by petition. The Selectboard will ask voters to pass over, or refer to the Planning Board, articles 22-30 on the warrant, and will place any of those articles which are passed over or referred to the Planning Board on the next Special Town Meeting warrant without any further action required of the petitioners.*

ARTICLE 22: (Zoning by Citizen Petition)

We the undersigned voters of Great Barrington hereby request the following modifications to Section 8.4 of the Zoning Bylaw, to be added to the Warrant at the 2020 Annual Town Meeting. These same modifications regarding Mixed Use Development (MXD) were put forth by the GB Planning Board at the 2019 Annual Town Meeting and approved by an overwhelming majority of voters. The Town vote was subsequently overturned by the Massachusetts Attorney General due to a procedural error, based on the Town’s failure to present the required publication of the Amendment prior to the vote.

We are hereby submitting and requesting for the 2020 Warrant that the language contained in the 2019 Warrant Amendment be voted on again. To note, this is the *identical* language that was endorsed by Select Board and Planning Board in 2019, and approved by the Town of Great Barrington voters at the 2019 Annual Town Meeting:

Article 21, Amendment 6, Section 8.4 of the Zoning Bylaw:

6. Amend portions of Section 8.4, mixed use development, as follows

8.4.1 General. For mixed uses in the B, B2, I, and I2 zones, all of the following requirements shall apply. For mixed uses in the B3 zone, see Section 9.4. For mixed uses in the HVC and HVOID zones, see Sections 9.9 and 9.10 respectively. For mixed uses in MXD zones, see Section 9.11. The requirements of this section shall apply to mixed use development. Where zoning districts have requirements that conflict with this section, the requirements of the applicable zoning district shall prevail.

8.4.2 Requirements.

1. When residential use is combined with other nonresidential permitted uses, the controlling

dimensional requirements shall be the less restrictive. For the multifamily component of a mixed use development there shall be at least 2,500 square feet of lot area per dwelling unit. The Selectboard may, by special permit, reduce the lot area per unit requirement.

2. A portion of the street level floor space shall be reserved for nonresidential use. Inside the Village Center Overlay District, this portion shall be a minimum of 75%. Inside the Village Center Overlay District, a minimum of 75% of street-level floor space shall be reserved for nonresidential use. Outside the Village Center Overlay District, a minimum of 25% of street-level floor space shall be reserved for nonresidential use. The Selectboard may, by special permit, reduce the nonresidential space requirement.

ARTICLE 23: (Zoning by Citizen Petition)

To ask Town residents to vote to amend Zoning Bylaw §9.11 as set forth below, and to amend the Zoning Map accordingly:

1. Amend a portion of Section 9.11, Mixed Use Traditional Zone (MXD) as follows:

9.11.2 Location. The MXD shall consist of the land shown on the ~~2015~~ 2016 Town of Great Barrington Assessors’ Map 22 as Parcels 2, 3A, ~~4-13~~ 4-6, ~~18-63~~ 63, ~~66-88~~ 66-72, 81-88, 88A and on Map 25 as Parcels 1-4.

2. Amend the Zoning Map by placing the following parcels in a R3 zone, as follows: the land shown on the 2016 Town of Great Barrington Assessors’ Map 22 as Parcels 7-13, 18-62, 73-80.

Purpose of the Amendment: At the 2016 Annual Town Meeting the Town Planning Board put through a proposal that created the MXD zone. The stated purpose of the 2016 proposal cites “the recommendations of the 2013 Master Plan to update the zoning in certain commercial areas within walking distance of a village center, to preserve and enhance the mix of residential and retail uses, and to reflect the context of the built fabric.” This MXD zone does not accomplish its stated purposes. It joins together two drastically different neighborhoods: the Mahaiwe Triangle (mostly residential parcels on Pope, Mahaiwe and Manville Streets, and 14 residential parcels along nearby Main Street) with commercial parcels west of Maple Avenue and south of Manville Street. The Mahaiwe Triangle is not a commercial area; it consists of one-family residences 60-120years old with a smattering of houses legally converted into two-family and professional space.

As two separate pending lawsuits are demonstrating, this MXD zone has created a loophole by which land developers are acting without any effective zoning regulations. By examining the Table of Use Regulations in Zoning Bylaw §4.1.2, it is appropriate to place the Mahaiwe Triangle in a R3 Zone.

	Min lot	Width	Front	Side	Rear	Bldg %	Story	Height
R3	5000	50	25	10	30	25	2.5	35
B2	43,560	50	50	20	30	25-40	2.5	35
MXD	5000	50	15	10	10	75	3.5	40

ARTICLE 24: (Zoning by Citizen Petition)

We the undersigned, seek a zoning change to the i2 zoning district.

Under use regulations 3.0c section 13(marijuana establishment and Manufacturing) in the i2 Zone. The current zoning is listed as a no. We would ask the planning board to change this to a SB zone.

ARTICLE 25: (Zoning by Citizen Petition)

We the undersigned submit this citizen's petition to the voters of the Town of Great Barrington:
To see if the Town will vote to amend sections 7.18.4 and 7.18.5 of the Great Barrington Zoning bylaw 7.18 Marijuana Establishments and Medical Marijuana Treatment Centers and modify section 3.1.4 Table of Uses accordingly or to take any other action relative thereto.

Purpose of the Amendment: The undersigned propose this amendment in response to the concerns expressed by some residents in numerous public meetings and forums as to the negative impacts of marijuana businesses in our community, particularly those located or proposed to be located in or near our residential neighborhoods. Our Master Plan states, "Great Barrington's vision includes protecting and enhancing our compact village centers, historic treasures, natural resources, farms, and open spaces, all of which contribute to Great Barrington's distinctive character. Our goals include directing development and growth into village centers, supporting existing residential neighborhoods, and ensuring that new developments in resource areas are sited and build it in a way that sustains our rural countryside and agricultural areas."

The Master Plan further states, "Residents expect and deserve quiet neighborhoods free from odor, glare, noise and other impacts of commercial activity. Proper buffering and design standards can help ensure business remains healthy and residential property values remain stable, while still encouraging concentration of development in the core areas." The undersigned bring forward the below changes to Zoning by law 7.18 in an effort to better align this bylaw and the Table of Uses with the goals and objectives of the Master Plan.

Proposed deletions of existing text are ~~struck through~~.

Proposed insertions are underlined.

Amend Portions of Section 7.18.4 as follows:

7.18.4. Locational requirements. Marijuana establishments may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:

1. No marijuana establishment or medical marijuana treatment center may be located closer than ~~200~~ 500 feet from a preexisting public or private school providing education in Kindergarten or any of Grades 1 through 12 child care facility, including preschools and daycare centers, or any facility in which children commonly congregate, including, but not limited to, a public library, a playground or park, and athletic field or recreational facility, a place of worship, or a town-owned beach.

2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed marijuana establishment or medical marijuana treatment center and the nearest point of the property line of the protected uses stated above in paragraph 1.

3. The Selectboard may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds the marijuana establishment or medical marijuana treatment center will not be detrimental to a protected use.

4. No Marijuana Establishment of Medical Establishment of Medical Marijuana Treatment Center will be allowed in any Residential District as described in Section 2.0 of the Zoning Bylaws.

~~4.~~ 5. Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.

2. Amend portions of Section 7.18.5 as follows:

7.18.5. Physical Requirements. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission. Marijuana establishments and medical marijuana treatment centers shall comply with the following:

1. All aspects of a marijuana establishment or medical marijuana treatment center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.
2. No unprotected storage of marijuana, related supplies, or educational materials is permitted.
3. No use shall be allowed by a Marijuana Establishment of Medical Marijuana Treatment Center which creates a nuisance to abutters of the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
4. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of a Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use of property.
5. No noise from the establishment of its operations, including but not limited to ventilation, can be detected by a person with unimpaired and otherwise normal hearing at the exterior of a Marijuana Establishment of Medical Marijuana Treatment Center or at any adjoining use or property.”
6. Marijuana Establishments or Medical Marijuana Treatment Centers with grow operations in a translucent building shall not illuminate grow operations between dusk and dawn.
3. 7. Marijuana not grown inside a securable structure shall be enclosed within a six-foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.
- 4 8. No outdoor cultivation of marijuana shall be allowed within ~~fifty (50)~~ two hundred (200) feet of any property line.

ARTICLE 26: (by petition)

To see if the residents of this Town will vote to amend Chapter 241 of the Town Code, Division 3 Miscellaneous Rules and Regulations, as set forth below:

1. *Amend Section 241-1 **Placement on Agenda**, as follows:*

Every Great Barrington committee or board, whether appointed or elected, shall place on their agenda of public meetings an item for citizen speak time. Except for procedural and housekeeping matters, Town residents shall have the right to address a Board on any item that requires a vote at a time before a Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of the evening’s meeting or when recognized by the Chair of a Board. There are often items on the agenda of a public meeting for which a Board will have a discussion and vote. Each Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, a Board may ask questions of the proponent. Rarely does a Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. There are often meetings where a Board member may commend a resident on their comment and how the comment was relevant to the proposal. Unfortunately, the vote had already been taken. This amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before a Board has voted. In this way, a Board will have the benefit of hearing more than one side of an

issue, not just the proponent but also those affected by such proposal. A Board must listen to more than just the proponent of a proposal.

ARTICLE 27: (by petition)

To see if the residents of this Town will vote to amend Chapter 189 of the Town Code, Division 2 Selectmen's Regulations, as set forth below:

Amend Section 189-1 Meetings, subdivision C, paragraph (4), as follows

(4) Although the press and the public have the right to be present at any open meeting, they have no right to participate unless they are recognized by the Chairman. Except for procedural and housekeeping matters, Town residents shall have the right to address the Board on any item that requires a vote at a time before the Select Board votes on that item. Such residents will be allowed as much time as the proponent of an item is permitted to have.

Purpose of the Amendment: Under current law and procedure, residents have the right to speak at a public hearing or on a special permit or during Citizen Speak at the end of an evening's meeting or when recognized by the Chair of the Select Board. There are often items on the agenda of a public meeting for which the Select Board will have a discussion and vote. The Select Board allows the proponent of an item to present its proposal and to present evidence and testimony relative to such proposal. During and after such presentation, the Select Board may ask questions of the proponent. Rarely does the Select Board allow residents the right to speak at that time, before a vote on the item. Residents may speak as of right during the Citizen Speak portion at the end of a meeting. But this may be of little consequence to the merits of a proposal as a vote has already been taken. As an example there was a recent meeting where a Board member commended the resident on their commitment and how the comment was relevant to the proposal. Unfortunately, the vote has already been taken.

This Amendment will give residents the right to speak on a particular item at a time when the discussion of an item is still a viable matter. That is, the right to speak and offer comment on matters that affect them, before the Board has voted. In this way, the Board will have the benefit of hearing more than one side of an issue, not just the proponent but also those affected by such proposal. The Board must listen to more than just the proponent of a proposal.

ARTICLE 28: (by petition)

Resolution to Prohibit Hazardous and Toxic Waste Storage, Disposal, or Dumping in Great Barrington MA

To see if the Town of Great Barrington will vote to approve the following resolution:

Whereas the storage and disposal of hazardous and toxic waste, including PCB's from a variety of sources to include the "Rest of River" cleanup by GE is deleterious to the health of all life;

Whereas the storage and disposal of such waste is antithetical to the Food Sovereignty and Pollinator Friendly resolutions as adopted by the Town of Great Barrington;

Whereas we have sovereign rights as promulgated and protected under the Constitution of the United States of America, among them Life, Liberty and the Pursuit of Happiness. Without our health, healthy water, land and air, we are denied those inalienable rights;

Therefore, we, the citizens of the Town of Great Barrington, do here by adopt this resolution that prohibits the disposal, dumping or storage of hazardous and toxic waste from any source on the land or in the water in the Town of Great Barrington (including Housatonic) under any circumstances to ensure our rights and the rights of future generations to a healthy life.

ARTICLE 29: (by petition)

We the undersigned voters of Great Barrington request to have the following Article included in the warrant for 2020 Annual Town Meeting:

Article:

We the people of Great Barrington hereby mandate that the Town maintain Lake Mansfield Road as a two-way vehicular road from end to end in perpetuity, effective immediately.

ARTICLE 30: (by petition)

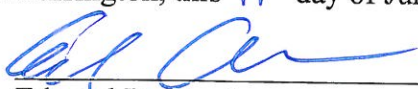
We sign this petition to close down and outlaw all privately owned “prisons-for-profit” state-wide in MA. These institutions are literally ruining the lives of countless inmates (and their loved ones), whereas properly run and supported State correctional facilities do help rehabilitate people giving them hop in the present, and futures they can look forward to, namely, the chance to contribute to society and live more and more meaningful lives for themselves and others.

HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 11th day of June, 2020.



Stephen C. Bannon, Chair



Edward D. Abrahams



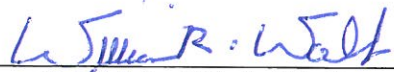
William F. Cooke

Kate F. Burke

Leigh S. Davis

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:



William R. Walsh, Chief of Police
Town of Great Barrington

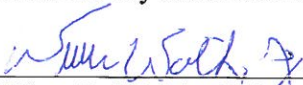
COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, Seven days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 11th day of June, 2020.



William R. Walsh, Chief of Police
Town of Great Barrington