

**Town of Great Barrington
2012 Annual Town Meeting**

WARRANT

with Recommendations
by the Finance Committee
and Board of Selectmen

Monday, May 7, 2012



BOARD OF SELECTMEN

Sean Stanton, Chairman
Deborah Phillips
Andrew Blechman
Stephen C. Bannon
Alana Chernila

FINANCE COMMITTEE

Thomas Blauvelt, Chairman
Mark Lefenfeld
Andy Moro
Louis J. Stark
Walter F. Atwood, III

(www.townofgb.org)

TOWN OF GREAT BARRINGTON
2012 ANNUAL TOWN MEETING, MAY 7, 2012

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TOWN OF GREAT BARRINGTON

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2012

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 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 Monday, May 14, 2012 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR
BOARD OF SELECTMEN, TWO FOR THREE YEARS
CONSTABLE, TWO FOR THREE YEARS
BOARD OF HEALTH, ONE FOR THREE YEARS
FINANCE COMMITTEE, TWO FOR THREE YEARS
FINANCE COMMITTEE, ONE FOR ONE YEAR
LIBRARY TRUSTEES, TWO FOR THREE YEARS
PLANNING BOARD, ONE FOR THREE YEARS
ZONING BOARD OF APPEALS, TWO FOR THREE YEARS
HOUSING AUTHORITY, ONE FOR FIVE 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 costs of purchasing and equipping a new fire truck, 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 Regional High School in the Kathleen E. McDermott Auditorium on Monday, May 7TH, 2012, at 6:00 P.M., then and there to act on the following:

Article 1:

To see if the Town will vote to authorize the use of revolving funds for the following programs and purposes:

- a. Plumbing Inspector (\$15,000.)
- b. Wire Inspector (\$20,000.)
- c. Gas Inspector (\$15,000.)
- d. Town Code Printing (\$10,000.)
- e. Parks Commission (\$5,000.)
- f. Recycling/Green Product Sales (\$5,000.)
- g. Cemetery (\$5,000.)
- h. Fire Inspectors (\$5,000)

which revolving funds together shall not exceed the sum of Eighty Thousand Dollars (\$80,000.00), which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, §53 E 1/2 of the General Laws, provided however that said expenditures for all revolving funds shall not exceed the receipts for such funds; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2012 to June 30, 2013 as indicated below:

Elected Officials Salaries:

Selectmen: \$7,500.00

Recommended by the Finance Committee and Board of Selectmen

Article 3:

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (Mass DOT), under the provisions of Chapter 90 of the 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 Board of Selectmen

Article 4:

To see if the Town will vote to appropriate \$722,000, or any other sum of money, in the following approximate amounts and for the following purposes:

Road Improvements/Sidewalks/Drainage	\$ 500,000
Police Cruisers (1)	32,000
Engineering-Bridge Repairs/Rehabilitation	50,000
Dump Trucks (2)	<u>140,000</u>
Total	\$ 722,000

And for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 5:

To see if the Town will vote to appropriate \$345,000, or any other sum, for the following General Fund Capital Items and to determine whether this amount should be raised by taxation, transferred from available funds or otherwise and appropriate \$40,000, or any other sum, from the Sewer Enterprise Fund Free Cash for the following Sewer Fund Capital Items:

Police Department	
Surveillance cameras/equipment	30,000.00
	30,000.00
Public Works	
Town Building Repair/Improvement Projects	165,000.00
Total	165,000.00
Senior Center	
Building repairs-bathrooms	25,000.00
Total	25,000.00
Town Hall	
Replace/upgrade computer systems	80,000.00
Total	80,000.00
Parks	
Improvements	45,000.00
Total	45,000.00
Total Capital-General Fund	345,000.00
Waste Water Enterprise Fund Capital	
Pickup with plow	40,000.00
Total	40,000.00

Recommended by the Finance Committee and Board of Selectmen

Article 6:

To see if the Town will vote to appropriate \$700,000, or any other sum of money, to pay costs of purchasing and equipping a new fire truck, and for 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.

**Recommended by the Board of Selectmen
Not Recommended by the Finance Committee**

Article 7:

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 as detailed in the FY13 Annual Budget for the General Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 8:

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 as detailed in the FY13 Annual Budget for the Sewer Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 9:

To see if the Town will vote to appropriate \$4,500,000, or any other sum of money, to pay costs of making sewer system improvements, and for 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.

Recommended by the Finance Committee and Board of Selectmen

Article 10:

To see if the Town will vote to appropriate from available funds the sum of \$8,809.50 for library books and supplies; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 11:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Ten Million, Nine Hundred Sixty One Thousand, One Hundred Fifty Three Dollars (\$10,961,153.00) for the operating assessment, and Six Hundred Thirty Seven Thousand

Five Hundred Sixty Six Dollars (\$637,566.00) for the capital assessment, for a total assessment of Eleven Million, Five Hundred Ninety Eight Thousand, Seven Hundred Nineteen Dollars (\$11,598,719.00) of the Berkshire Hills Regional School District, or take any other action relative thereto.

Recommended by the Board of Selectmen

Not Recommended by the Finance Committee

Article 12:

To see if the Town will vote to authorize the use of the Pension Reserve Fund to reduce the FY13 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 13:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for the current year, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 14:

To see if the Town will vote to authorize the use of Stabilization Funds to reduce the tax levy for the current year, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 15:

To see if the Town will vote that, for each written demand provided for by law that is issued by the Tax Collector, a fee of \$ 10.00 be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective July 1, 2012, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

Article 16:

To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of Castle Street LLC or its Nominee, located at 20 Castle Street, Great Barrington, as described in an Economic Opportunity Area Application, as an Economic Opportunity Area, pursuant to the provisions of M.G.L. Chapter 23A, or take any other action relative thereto.

Recommended by the Board of Selectmen

Article 17:

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement and Tax Increment Financing Plan, and/or a Special Tax Assessment Agreement and related agreements, with Castle Street LLC or its Nominee, pursuant to the provisions of M.G.L. Chapter 40, Section 59, or any other enabling authority, in connection with the development of the property located at 20 Castle Street, Great Barrington, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 18:

To see if the Town will vote to authorize the Board of Selectmen to revoke the Tax Increment Financing Plan and Tax Increment Financing Agreement between the Town and Big Y Foods, Inc. and Pinewood Realty Trust of the Berkshires, LLC for the property located at 700 Main Street, Great Barrington, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 19:

To see if the Town will approve the establishment of a Stabilization Fund by the Berkshire Hills Regional School District, beginning July 1, 2012, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 20:

To see if the Town will vote to amend Section 4.2.4 of the Zoning Bylaw, Contextual Setbacks, by adding a new paragraph 4, as shown below, in order to allow homes to be built closer to the front lot line than normally allowed, if adjacent structures also were built closer to the front lot line, or to take any other action relative thereto.

Recommended by the Board of Selectmen and Planning Board

PROPOSED LANGUAGE IS UNDERLINED BELOW:

4.2.4 Contextual Setbacks.

1. *Averaging.* Where at least 50% of the frontage on lots occupied by structures along both sides of a street between two intersecting streets, or, 50% of the frontage on lots occupied by structures for a distance of 300 feet on the same side of a street, contains front yards of greater uniform depth than is specified in the Schedule of Dimensional Requirements for the district within which such frontage is located, the average depth of such greater front yards shall be and shall remain the front yard requirement for such street or portion of street.

2. *Other.* Where, in a similar space, there is a variety in depth, all being above the minimum specified in the Schedule of Dimensional Requirements for the district, the smallest front yard depth existing within such frontage shall be the required minimum depth for all such front yards.
3. *Adjacent to Vacant Land.* For averaging purposes, if a vacant lot exists on one side of a lot, the minimum front yard set forth in the Schedule of Dimensional Requirements shall be considered the front yard setback for the vacant lot.
4. A building need not be set back more than the average of the setbacks of the buildings on the abutting lots on either side. If a vacant lot exists on one side, then the minimum front yard as set forth in §4.1.2 shall be considered the depth of setback for the vacant lot.

Article 21:

To see if the Town will vote to amend Section 9.3.11 of the Zoning Bylaw, Application Requirements for the Wireless Telecommunications Overlay District, by changing the 15 day comment period for the Board of Selectmen and Planning Board in connection with building permit applications to a 30 day comment period, as shown below, or to take any other action relative thereto.

Recommended by the Board of Selectmen and Planning Board

PROPOSED LANGUAGE IS UNDERLINED BELOW:

9.3.11 Application Requirements for Facilities on Previously Permitted Tower or Structure. Where a personal wireless tower or structure has received a special permit under this Bylaw and at least one personal wireless service provider (which has obtained a special permit under this section) is providing personal wireless services from the personal wireless tower or structure, and the facility remains in full compliance with the terms and conditions of this Bylaw and the special permit, then any other provider of personal wireless services may place a personal wireless service facility at that personal wireless tower or structure without obtaining a special permit. The provider shall provide the following information to the Board of Selectmen, Planning Board and Building Inspector in order to obtain a building permit to allow the mounting of its equipment at the site, and must agree in writing to comply with the conditions set forth in this Section. The Board of Selectmen and the Planning Board have 30 45 days to review that information and provide comments and concerns to the Building Inspector. The Town may require the provider to pay for the Town to hire an independent consultant as set forth herein.

Article 22: (by petition)

To the town of Great Barrington Town Planner:

Pursuant to Massachusetts General Law Chapter 40A section 5, we as individuals owning land to be effected by a zoning change request the following rezoning to be considered at the May 7, 2012 Annual Town Meeting. The properties to be effected are identified on the 2011 Town of Great Barrington Assessors Map 27 as Lot 2.7, owner Kathleen Kotleski; Lot 2.3, owner Nicholas A. Mongiardo, Inc.; Lot 2.1, owner David Lanoue, Inc.; Lot 2.5, owner Nolan Realty Trust; Lot 2.2, owner Majestic Oak Estates, LLC; Lot 2.6, owner Nolan Realty Trust; and Lot 2.4, owner Nolan Realty Trust also further described on the map attached as Exhibit A.

We would like the above noted parcels rezoned from R-2 (Acreage Residential) to I (Light Industry). The reason for the request is the businesses that are already in existence on these parcels are considered light industries and are non-conforming in an R-2 zone. Also the parcels on the east and west of these three parcels are currently zoned I.

We are also requesting the Zoning Map be amended accordingly.

Recommended by the Board of Selectmen and Planning Board

Article 23

To see if the Town will vote to amend the Sign Bylaw, Chapter 146 of the Code of Great Barrington, by adding a new section, §146-21, Temporary Signs in Construction Zones, as follows, in order to provide that temporary signs, including but not limited to sandwich boards, “V” signs, and portable signs, may be exempt from the regulations of Chapter 146 within designated Construction Zones as determined by the Board of Selectmen, or to take any other action relative thereto.

1. *Designation:* Applications to designate a Construction Zone shall be made to the Selectmen and shall contain a description and map of the proposed zone(s) and the proposed time period(s) or duration of the designation. Construction Zones may be designated by the Selectmen for a period not to exceed one year. The Selectmen may renew the designation annually in accordance with these procedures.
2. *Waiver of Regulations:* Within a designated Construction Zone the Town Manager or his designee may authorize a waiver from the regulations of this Chapter, including applicable permits and fees, for Temporary Signs, as defined in this Chapter, and including but not limited to sandwich boards, “V” signs, and portable signs, provided however that all Temporary Signs shall comply with the standards set forth below.

3. *Standards:*

- a. No temporary sign shall be allowed to be to obstruct traffic sight lines or otherwise impair pedestrian or vehicular safety.
- b. No temporary sign shall be allowed to reduce sidewalk width to less than four feet.
- c. No temporary sign shall be erected on property not owned, leased, or rented by the business unless the property owner grants written permission for said sign.
- d. Temporary signs shall be properly secured to prevent them from becoming a hazard to traffic, pedestrians, or property.

Recommended by the Board of Selectmen

Article 24:

To see if the Town will vote to authorize the Board of Selectmen to acquire the parcels of land described in Exhibit B to this warrant and/or rights in, over and through said parcels for the purpose of maintaining a secure and public right of way in Main Street in order to allow for the construction and roadway safety improvements for the Main Street Reconstruction Project, and further, to authorize the Selectmen to acquire such parcels or rights therein through all legal means, including donation, purchase or eminent domain. Said parcels being shown on plans entitled “Massachusetts Department of Transportation Highway Division plan of Main Street in the Town of Great Barrington Berkshire County: project file no. 602182”, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 25: Alford-Great Barrington – Bridge Replacement, Alford Road over Alford Brook (see Map attached as Exhibit C)

To see if the Town will vote to authorize the Board of Selectmen to acquire the following parcel of land and/or rights in, over and through said parcel for the purpose of maintaining a secure and public right of way in order to allow for the construction and roadway safety improvements for the Alford-Great Barrington Bridge Replacement A-06-003, Alford Road Over Alford Brook, Project File No. 602859, said parcel being shown on the Assessors’ Maps as Map 33, Parcel 37, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 26: Municipal Energy Aggregation

To see if the Town will vote to initiate the process to aggregate electrical load, pursuant to M.G.L. c. 164, § 134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Great Barrington have a substantial economic and social interest at stake, and;

Whereas the Town of Great Barrington hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Great Barrington hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Intends to negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or take any other action relative thereto.

Recommended by the Board of Selectmen

Article 27:

To see if the Town will vote to accept Massachusetts General Laws Chapter 54, Section 16A, which provides that if the warden, clerk or inspector, or deputy of any such officer, if any, is not present at the opening of the polls, the city or town clerk may appoint a person to fill such vacancy who shall be an enrolled voter of the same political party as the absent officer, if any competent person enrolled in such party is present and willing to serve, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 28:

To see if the Town will vote to officially designate Great Barrington, A Compassionate City. The purpose of the designation is to create a culture of compassion in our community, acknowledge our local and global interdependence by making a deliberate and committed effort to uphold the Charter for Compassion, to inspire and support each other in all facets of our community life. It sends the message to all our citizens that challenges are not just the responsibility of government, but of all of us and that we can work together to meet those challenges. It encourages better community relationships, inspires hope and cooperation, a can-do attitude and teaches our children these ideals.

The Charter for Compassion was written by Karen Armstrong, an educator, peacemaker

and international activist. It is an expanded version of The Golden Rule which is being internationally implemented by cities across the globe. The designation would make GB the 9th Compassionate City with 75 cities internationally in the process of designation - 24 of which are US cities - including Hudson Valley NY, Washington, DC, Philadelphia PA, Chicago, IL, Houston, TX, Springfield, IL, Berkeley, CA, Sarasota, FL and others. For a full list go to: <http://www.compassionatecities.org/en/cities/cities.html> The Charter is written for an international audience, addressing all crimes against humanity worldwide but applicable to all in its intent to create a peaceful global community. The Compassionate Action Network (CAN), based in Seattle, provides support for these endeavors.

And to: create an ad hoc committee dedicated to creating compassionate initiatives for a period of 10 years which will address: Where is the need in Great Barrington? How do we respond to the need? Who should we involve in the process? What are the assets we have for creating a more compassionate town and what are the one's we're missing? How do we publicize what we are doing?

And to: have those voting for this designation sign the Charter online adding our names to the 85,000+ already listed there. (www.charterforcompassion.org)

And to: have our Selectmen and Town Manager sign a proclamation designating our town A Compassionate City and to make this designation public by publishing it in our local papers. That ends the official role of the town government, except to encourage and support. This is a citizen based endeavor.

THE CHARTER FOR COMPASSION

The principle of compassion lies at the heart of all religious, ethical and spiritual traditions, calling us always to treat all others as we wish to be treated ourselves. Compassion impels us to work tirelessly to alleviate the suffering of our fellow creatures, to dethrone ourselves from the centre of our world and put another there, and to honor the inviolable sanctity of every single human being, treating everybody, without exception, with absolute justice, equity and respect.

It is also necessary in both public and private life to refrain consistently and empathically from inflicting pain. To act or speak violently out of spite, chauvinism, or self-interest, to impoverish, exploit or deny basic rights to anybody, and to incite hatred by denigrating others—even our enemies—is a denial of our common humanity. We acknowledge that we have failed to live compassionately and that some have even increased the sum of human misery in the name of religion.

We therefore call upon all men and women ~ to restore compassion to the centre of morality and religion ~ to return to the ancient principle that any interpretation of scripture that breeds violence, hatred or disdain is illegitimate ~ to ensure that youth are given accurate and respectful information about other traditions, religions and cultures ~ to encourage a positive appreciation of cultural and religious diversity ~ to cultivate an

informed empathy with the suffering of all human beings—even those regarded as enemies.

We urgently need to make compassion a clear, luminous and dynamic force in our polarized world. Rooted in a principled determination to transcend selfishness, compassion can break down political, dogmatic, ideological and religious boundaries. Born of our deep interdependence, compassion is essential to human relationships and to a fulfilled humanity. It is the path to enlightenment, and indispensable to the creation of a just economy and a peaceful global community.

Recommended by the Board of Selectmen

Article 29:

To see if the Town will vote to adopt an amended bylaw providing for the licensing of suitable persons to carry on the business of pawnbrokers, to be incorporated into the Code of the Town of Great Barrington as Chapter 120, as follows, or to take any other action relative thereto.

Chapter 120, PAWNBROKERS, SECONDHAND, PRECIOUS METALS DEALERS, PRECIOUS GEMS AND SECOND HAND ELECTRONICS DEALERS

Sec. 120-1. Definitions

- (a) Person as used in this chapter shall mean and include one or more natural persons, corporations, partnerships, associations, joint stock companies and all other entities of any kind.
- (b) Town as used in this chapter shall mean the Town of Great Barrington.
- (c) Licensing Authority as used in this chapter shall mean the Board of Selectmen of the Town of Great Barrington.
- (d) Secondhand, precious metals, precious gems dealer, as used in this chapter, shall mean and include any person dealing in the purchase and/or sale of second hand manufactured articles made from any precious metal such as gold, silver, platinum or palladium and precious gems or pearls.
- (e) Secondhand electronics dealer, as used in this chapter, shall mean any person dealing in used manufactured electronic devices, wholly or in part, that are purchased and or sold.
- (f) Pawnbroker as used in this chapter shall mean a person who takes articles or things in pawn in exchange for money subject to a right of redemption, in the purchase or sale

of pawnbroker's tickets or other evidence of pledged articles, or, not being a pawnbroker, a person who deals in the redemption or sale of pledged articles.

- (g) Public Sale, as used in this chapter, shall mean an event where items are sold to the general public such as at an auction or antique show venue to which the public is invited to buy, through public advertised notices, in the open buying and selling of items which the public is able to inspect before purchase.
- (h) State law as used in this chapter shall mean Massachusetts General Laws, chapter 140, sections 70 to 85 and sections 202 to 205.

Sec. 120-2. License required

No person, either as principal, agent or employee shall within the limits of the Town, establish, engage in, or carry on the business of secondhand dealer or pawnbroker or both, either separately or in connection with some other business, without first having obtained and paid for and having in full force and effect a license as herein provided.

State law reference--Law of the commonwealth authorizing the Town to license pawnbrokers, G.L., C. 140, § 70.

Sec. 120-3. Application for license

Every person desiring to procure a license, as herein provided shall file with the Town Clerk, a written application upon a blank form prepared and furnished by the Town. Such application shall contain the names and residences of the applicant, if an individual, partnership or firm, or the names and residences of the principal officers if the applicant is an association or corporation. Such applicant shall also describe in detail the character of the business in which he, they, or it desire to engage. The application shall also state the following:

- (1) The length of time such applicant or applicants, if an individual, or the manager or person in charge if the applicant is a firm, partnership, corporation or association, has or have resided in the town, his or their place of previous employment, whether he or they or any of them have been convicted of a felony or misdemeanor, and if so, what offense, when and what court.
- (2) The premises where such business is to be located or carried on, giving street and number.
- (3) Whether the applicant or applicants have either alone or with someone else previously been a secondhand dealer or pawnbroker.

Such application shall be signed and acknowledged before a notary public or other official authorized to administer oaths in the Town.

When an application is filed, it shall be accompanied by a one- time application fee of \$150 paid to the Town of Great Barrington.

Sec. 120-4. Investigation.

When an application is filed, the Town Clerk shall cause an investigation to be made by the police to ascertain whether the applicant or applicants is or are of good character and repute, and the police shall furnish to the Town Clerk the information derived from their investigation accompanied by a recommendation as to whether a license should be granted or refused.

Sec. 120-5. License

At the conclusion of a police investigation of the applicant. the police shall forward or make a report to the Town Clerk who shall submit the police report with the application for license to the Board of Selectmen which shall hold a public hearing on the application, and after which it shall approve or reject said application. If the Town Clerk, after approval of an application by the Board of Selectmen, fails to issue a license, providing such application has met all requirements under this chapter, the license shall be deemed approved. If, after 90 days of the proper completion of an application, the Board of Selectmen fails to reach a determination, through no fault of the license applicant, the license shall be deemed to have been approved.

Sec. 120-6. License fees.

Every secondhand dealer and pawnbroker shall pay an annual license fee of \$35.00 for each established place of business. All licenses shall be issued as of May 1 and shall continue in force until April 30, next succeeding the date of issuance thereof, unless sooner revoked by the Licensing Authority. No license shall be used by any person other than the original licensee, and any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this chapter.

Sec. 120-7. Revocation of license

The Licensing Authority may, at any time for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this chapter. Whenever any license shall be so revoked, no refund of any unearned portion thereof shall be made, and no license shall be granted to any person whose license has been revoked within a period of two years from the date of such revocation. Notice of such revocation shall be served by the Town Clerk upon the person named in the application by mailing the same to the address given in the application.

Sec. 120-8. Changing place of business

In case any licensee shall move his place of business from the place designated in the license, he shall immediately thereupon give notice to the Town Clerk and have the same endorsed on the license.

Sec. 120-9. Record of purchases and sales

Every business licensed under this chapter shall keep a record book in which shall be legibly written in ink and in English at the time of every purchase, sale or transaction a description of every article so purchased, sold, or received, the number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article, a description of the articles or pieces comprising precious metals, precious gem stones, pearls and electronic components, and any monograms, inscriptions or marks of identification thereon, and the name, age, address, signature and driver's license number of the seller or other photo I.D. number, and general description of the person from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale, and the amount for which such purchase was made, including articles or things purchased or received for the purpose of refining or smelting by persons principally engaged in such business. In the case of the purchase or sale of a pawnbroker ticket or other evidence of a pledged article, or a redemption or sale of a pledged article, there shall be written in a bound book at the time of such purchases, sale or redemption:

- (1) The name and address of the person who issued such ticket or other evidence;
- (2) The pledge number of such pawn ticket or other evidence
- (3) The name and address of the pledger as it appears on such pawn ticket or other evidence
- (4) The amount loaned or advanced as it appears on such pawn ticket or other evidence
- (5) The day and hour of such purchase, sale or redemption as the case may be;
- (6) The name, residence and general description of the person from whom or to whom the redeemed article is purchased or sold, as the case may be;
- (7) The sum paid or received from such pawn ticket or other evidence, or the sum paid or received for the redeemed article or pledge;
- (8) Such description of a pledged article as appears on such pawn ticket or other evidence and an accurate description of every redeemed pledged article and a picture or photocopy of the article.

Such book shall at all reasonable times be open to the inspection of any Police Officer, of the Town of Great Barrington, to the Town Clerk, the Police Chief, or to any person duly authorized in writing for such purpose by the Town Clerk. No entry in a book or records kept under this chapter shall be altered, defaced, obliterated or destroyed for a period of 10 years from the time of a purchase or sale.

Sec. 120-10. Report to police

It shall be the duty of every licensed business under this chapter to make or cause to be made to the Chief of Police or his representative every day, except Sunday, before the hour of 5 PM, a copy of the records required to be kept in the preceding section, of all goods, articles or things or any part thereof, purchased, received or sold in the course of the business of the dealer on the preceding day, or, if that day be Sunday, on the two next preceding days. All reports required in this section shall be made on a blank form prepared and furnished by the Chief of Police and shall contain such information as the Chief of Police may require.

Each report shall be signed by the licensee or his representative and by the person from whom the purchase was made. The Chief of Police shall cause a record to be kept of all such reports, showing the date and time of receipt of each report, the name of the licensee making the report and his address. The contents of such report shall not be communicated to any person for the purpose of publication, but shall be used by the Chief of Police and the Licensing Authority to protect the public interest and detect crimes.

Sec. 120-11. Restrictions

- (a) No licensee shall carry on business at any other place than the one(s) designated in his license unless it is customary to travel to another location for the purpose of buying.
- (b) No licensee shall cause any item regulated by this chapter to be transported from his designated business location to any other location for sale until the expiration of 15 days after such purchase or redemption.
- (c) No secondhand dealer or pawnbroker shall continue to carry on business after his license is revoked or shall have expired
- (d) No secondhand dealer or pawnbroker shall purchase any secondhand goods, articles or things whatsoever from, or make any loans to, any person under the age of 18 years, or any person who is intoxicated, knowing or having reason to believe the person to be such. No such dealer shall purchase from or sell to any person whatsoever, any items regulated under this chapter between the hours of nine o'clock in the evening and eight o'clock in the morning, except Saturdays when such sales and/or purchases, except as herein provided, may be made between the hours of 8:00 a.m. and 10:00 p.m.

- (e) No article or thing, except articles or things that have been received at public sale, from persons known to be jewelers, dealers, banking institutions, executors or administrators, shall be sold or disposed of by any dealer in secondhand articles until the expiration of fifteen days after such purchase or redemption, and no secondhand articles or things purchased for the purpose of melting or refining by persons principally engaged in such business from persons not jewelers or dealers, shall be sold, refined, melted or disposed of until the expiration of fifteen business days after such purchase; and no such dealer shall receive any article by way of pledge or pawn; or employ any subterfuge for receiving goods as security for the advancement of money.
- (f) A licensee shall allow his place of business and all secondhand articles therein to be at all reasonable times examined by any member of the Police Department.
- (g) Every secondhand dealer or pawnbroker shall at the time of making any purchase or transaction attach a properly numbered tag to or otherwise legibly number each article bought, and shall make entry of such number in a book, on a bill of purchase or sale or a form from the Police provided for in section 120-10.
- (h) No licensee shall buy any secondhand article of any kind, which is distinctly and plainly marked as being the property of any firm or corporation other than the person offering to sell the same unless the person offering to sell the same shall show satisfactory evidence or declare in writing that they are the legal owner or legal representative of the person or business which owns the item(s). This written declaration shall be kept with the required records of the transaction.

Sec. 120-12. Offer to sell by suspicious characters to be reported

In case any suspicious or known dishonest person shall offer for sale to any secondhand dealer or pawnbroker, his employee, agent or servant, any articles of value, and he has reason to believe from any circumstances that the same has been stolen or acquired by dishonest means, it shall be his duty to report the same at once to the Police.

Sec. 120-13. Lost or stolen property

It shall be the duty of the Police Department to furnish from time to time to every licensee under this chapter a report of lost or stolen items which shall include as much known description as available, within 48 hours of a reported loss or theft.

Sec. 120-14. Fines

Any person who violates any provision of this chapter shall pay the fines as stated below:

First and each subsequent offense: \$300.00

Each day in which any violation exists shall be deemed to constitute a separate offense. The provisions of this chapter shall be enforced by the Police Department.

Sec. 120-15 Exclusions

This Chapter shall not apply to the following:

1. Any item regulated under this chapter purchased at a location outside of the Town limits of Great Barrington at a distance greater than 25 miles.
2. Any item purchased or sold at a public sale as defined in this chapter.
3. Any item which is inlaid or woven or made with a precious metal as long as the percentage of the precious metal is less than 5% by weight of the total object. This exception not to include items that are made of metal, electroplated, mechanically plated, or covered with a thin layer of a precious metal over a majority of the item.
4. Any item purchased from a licensed business commonly engaged or licensed in the selling and buying of items regulated under this chapter.
5. Any gem not classified as a "Precious Gem Stone" by a recognized authority or professional industry grading agency.
6. Any business with a current in force business permit at the time of the adoption of this chapter and already engaged partly or in whole in the type of business actively regulated herein shall not be required to obtain the one time license required by this chapter but shall be bound by all other requirements set forth.

Article 30: (by petition)

We the undersigned registered voters of the town of Great Barrington, Mass. hereby petition that the following Article be placed on the Town Warrant scheduled for the annual Town meeting in May of 2012.

To see if the Town of Great Barrington will vote to repeal The Second Hand Dealer/ Pawn Broker Precious Metals ByLaw enacted at the Annual Town Meeting of May 3, 2010 as described in the Warrant as Article 16 and incorporated into the Code Of The Town Of Great Barrington, Section 120.

Article 31:

To see if the Town will vote to impose a temporary prohibition against any large-scale ground-mounted solar photovoltaic installation with a rated nameplate capacity greater than 250 kW on any single or contiguous parcel(s) until such time as the Town determines whether and under which circumstances such installations shall be permitted or June 1, 2013, whichever end date comes first, or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 32: (by petition)

THE UNDERSIGNED REGISTERED VOTERS OF THE TOWN OF GREAT BARRINGTON HEREBY PETITION THE BOARD OF SELECTMEN TO INSERT AN ARTICLE IN THE WARRANT FOR THE ANNUAL TOWN MEETING OF MAY 7, 2012.

To ask the Town to vote to impose a temporary prohibition against any large-scale ground-mounted solar photovoltaic installation with a rated nameplate capacity greater than 250 kW on any single or contiguous parcel(s) until the Town determines whether and under which circumstances such installations shall be permitted.

Article 33: (by petition)

To the Great Barrington Town Clerk and Board of Selectmen:

We the undersigned citizens of Great Barrington request the following article to be placed on the Warrant for the Annual Town Meeting on May 7, 2012:

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise know as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposed permitted by said Act, including the acquisition, creation, and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property commencing in fiscal year 2014; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, and \$100,000 of the value of each taxable parcel of residential real property; or to take any other action relative thereto.

Recommended by the Board of Selectmen

Article 34: (by petition)

The undersigned, residents and registered voters of Great Barrington MA, hereby request that the proposition set forth below be placed on the town of Great Barrington warrant for the May 2012 Annual Meeting.

To See If The Town Will Adopt The Following Resolution:

Resolved: All Town of Great Barrington property tax payers have the same right to speak at the Town's Annual Meeting and all other town Meetings as those who are registered to vote in the town of Great Barrington, subject to the right of the Great Barrington Town Moderator to maintain order at the town meeting."

Recommended by the Board of Selectmen

Article 35: (by petition)

Petition of Legal Voters of Great Barrington to the Selectboard

We, the undersigned registered voters of the Town of Great Barrington, hereby propose a motion to be placed on the Warrant for the May 7, 2012 Town Meeting:

In recognition of Great Barrington's traditional agricultural heritage, we declare the right of the people of Great Barrington to produce, process, sell, and purchase affordable, nutritious, and sustainably grown local foods.

By empowering a responsible local food system, we can provide our community with accessible healthy food, support local producers and the local economy, create jobs and opportunities for the diverse members of our town, and protect our environment.

However, we are concerned that there are significant barriers that must be addressed in order to ensure the security of a sustainable local food system.

Accordingly, we move that the Board of Selectmen, Planning Board, Board of Health, and Agricultural Commission facilitate dialogue with local farmers, consumers, retailers, public health officials, schools, healthcare providers and other interested citizens by holding public hearings to direct and formulate town policies to increase economic opportunities for small local producers, increase access to healthy produce for the entire community, and facilitate small producers' sales.

Recommended by the Board of Selectmen

Article 36: (by petition)

We, the undersigned registered voters of Great Barrington (which includes Housatonic), do hereby petition and instruct the Board of Selectman to call a Special Town Meeting to consider the following amendments to the Charter of Great Barrington in the Town Code. We hereby instruct the Town Clerk to insert it in the most appropriate chapter and section upon passage.

Seeing that it is in the public interest to increase access to the Annual Town Election and the State and Federal Elections held in Great Barrington, the hours that the poll shall be

open shall be 5:00 AM until midnight for the Annual Town Election and 12:01 AM until midnight for the State and Federal Elections.

Not Recommended by the Board of Selectmen

Article 37: (by petition)

We the undersigned do hereby affix our signatures to the following petition for the following article and do hereby petition the Town of Great Barrington to include this article as written below, in the warrant of the Annual Town Meeting of Great Barrington of 2012:

To see if the Annual Town Meeting of Great Barrington of May 2012 will approve the following article or take any other action related thereto:

ELECTION OF THE MODERATOR OF THE TOWN MEETING

The Moderator of the Great Barrington Town Meeting shall be elected in April on the date that is four weeks prior to the date of the Annual Town Meeting, each and every year for a term of one year, ending in the following April. A special election shall be held each year as designated above, four weeks prior to the date of the Annual Town Meeting, to determine by such election, the candidate for moderator who will be elected in such election, to preside at the Annual Town Meeting and all Special Town Meetings after being elected in April until the Saturday preceding next year's Moderator election in April.

Not Recommended by the Board of Selectmen

Article 38: (by petition)

To see if the Great Barrington Annual Town Meeting will approve or take any other action regarding the following proposed bylaw:

Articles for the Great Barrington Town Meeting shall be opened for submission to the Town Clerk by the Board of Selectmen starting on or before the date of August 16th preceding the Annual Town Meeting if it falls on a weekday. If August 16th falls on a Saturday or Sunday the following will apply to the Monday following the August 16th preceding the Annual Town Meeting. If the Board of Selectmen fail to open the warrant for citizen petitions on or before the August 16th preceding the Annual Town Meeting, the warrant will open automatically on August 16th, the anniversary of the First Open Resistance to the British in the American Colonies in Great Barrington in 1774, or the Monday following the date of August 16th in accord with the above stated provisions. The Board of Selectmen shall also establish a closing date for articles by citizen petition, that shall not be earlier than the third Friday preceding Patriots Day. If no date is set by the Board of Selectmen for closing the time for citizen petition, the closing date shall be the second Tuesday following the third Friday prior to Patriots Day.

Not Recommended by the Board of Selectmen

Article 39: (by petition)

We the undersigned do hereby petition for the following article to be placed on the Annual Town Meeting Warrant.

To see if the Great Barrington Annual Town Meeting will authorize the formation of a committee to study, and take public comment on the following subjects with regard to the Annual Town Meeting and Special Town Meetings:

1. Increasing understanding of the town meeting's history and purpose
2. Educate the citizen's of Great Barrington with regard to how to place articles on the warrant by petition.
3. Study all the impediments that prevent participation in town meetings
4. Make recommendations for implementation of policies and procedures to facilitate the participation of all citizens who wish to vote on the issues that are to be presented to any Annual Town Meeting or Special Town Meeting.
5. Study and make recommendations to increase the knowledge of the rules of procedures used in town meetings, and the rules regarding citizen participation in the discussion of issues that are considered at any Annual Town meeting or Special Town Meeting.
6. Study the use of electronic voting, or some similar method, for those who wish to participate but cannot attend.
7. To make a report and establish recommendations and instructions for actions to be implemented by the appropriate officials in accord with the actions recommended to be taken in the report, to be considered by the voters at a Special Town Meeting or no less than eight months from the approval of this article, nor more than twenty months from the approval of this article, the purpose of which is to increase the understanding of the town meeting and town meeting procedures, thereby making the participation by the voters, in all dynamics of a town meeting easier.

Not Recommended by the Board of Selectmen

Article 40: (by petition)

We the undersigned do hereby petition the Town of Great Barrington to place the following article on the warrant of the Annual Town Meeting of Great Barrington of May 2012.

To see if the Annual Town Meeting of Great Barrington will adopt the following:

NEW RULE REGARDING THE SECONDING OF ARTICLES SPONSORED BY THE TOWN OF GREAT BARRINGTON

All seconding of the articles sponsored by the Town of Great Barrington shall be done by a registered voter that is not a member of a Town board, a Town Committee, a Town subcommittee, a Town commission, a Town subcommission, or is an employee of the Town of Great Barrington.

Not Recommended by the Board of Selectmen

Article 41: (by petition)

We the undersigned do hereby affix our signature to the petition for the following article to be submitted to, the Town Clerk and the Great Barrington Board of Selectmen place on the warrant of the Great Barrington Annual Town Meeting of 2012, the following article:

The purpose of this bylaw is to establish the right of pet ownership in the town of Great Barrington. Under this bylaw, a pet shall be defined as a cat, dog, bird, or fish or any other creature sold in a pet store in Massachusetts. Any pets that do not qualify under the foregoing definition, that have moved with their household members from another state where such pets are allowed shall be permitted in Great Barrington. The pets allowed under the foregoing definitions shall be restricted to dogs, cats and other small animals. A small animal shall be defined as a dog or a cat and any small pet animal equal to and smaller than any breed of dog.

All tenants in Great Barrington, Massachusetts, shall have the right to keep pets.

The landlord may require the prospective tenant to sign the following statement with regard to pets before taking tenancy, and in addition to the following, any other pet related conditions that are in accord with the purpose of this bylaw.

I hereby agree that I will be responsible for any pet I have now, and any pet I shall obtain in the future while a tenant of: [landlord's name(s) here]

I further state that my pet is not violent and will not be violent in the future. Should this statement prove to be false at anytime in the future I agree to assume any liability incurred by my landlord as a result of violent behavior by my pet.

This statement must be signed before taking tenancy regardless of whether or not the tenant has pet. Failure of the landlord to require the signing of this statement by the tenant at the beginning of tenancy, will release the tenant from any obligation incurred because of the violent behavior of a pet.

Not Recommended by the Board of Selectmen

Article 42: (by petition)

MEMBERSHIP ON A TOWN COMMITTEE OR A TOWN SUBCOMMITTEE

To see if the Town Meeting of May 2012 will vote to adopt the following requirement for membership on a town committee or a town subcommittee:

All members of Town committees and Town subcommittees shall be verified as qualified as a registered voter in Great Barrington, and registered to vote in Great Barrington before assuming the duties of the members of the Town committee or Town subcommittee. The term committee as used here shall also include the term commission, and the term subcommittee shall include the term subcommission.

Not Recommended by the Board of Selectmen

Article 43: (by petition)

To see if the Annual Town Meeting of Great Barrington will vote to appropriate from available funds the amount of \$2952 to purchase a set of the Massachusetts General Laws Annotated along with a set of the United States Constitution Annotated, and a set of the Constitution of Massachusetts Annotated, to be displayed in the reference section of the Mason Library in Great Barrington for use by the people of Great Barrington and shall also authorize that an additional funds be spent for updates thereto, and appropriated on an annual basis therefore, for a period of 10 years by The Board of Trustees of the Great Barrington Libraries as instructed by the Annual Town Meeting of 2012, so that the people of Great Barrington will be informed thereby of the rights and freedoms that they have and are enabled to exercise these rights under the Laws of The Commonwealth of Massachusetts.

Not Recommended by the Board of Selectmen

Article 44: (by petition)

We the undersigned do hereby petition the Town of Great Barrington to place the following article on the warrant of the Great Barrington Annual Town Meeting of 2012:

To see if the registered voters of this town meeting will approve the following bylaw:

The Board of Selectmen shall have the authority to declare a condition of severe weather conditions of such that would imperil the health life and safety of persons without housing accommodations whether they be residents, transients, travelers or strangers. Wherefore the Board of Selectmen shall be empowered by the authority of this town meeting, and instructed thereby to add the following condition to all permits and licenses for hotels and motels effective immediately:

In the event of severe weather conditions and emergency weather conditions the holders of motel and hotel licenses and permits in the Town of Great Barrington shall make vacant rooms available to such persons thereby endangered free of charge as a condition of retaining the license and permits to operate a motel or hotel in Great Barrington.

Not Recommended by the Board of Selectmen

Article 45: (by petition)

We hereby petition that the following article be put on the warrant of the Annual Town Meeting of May 2012:

To see if the Great Barrington Annual Town Meeting of May 2012 will adopt and approve the following resolution and instruct the Town of Great Barrington to submit a request for special legislation to the General Court to bring into effect the policy affirmed in the following resolution, and that furthermore the special legislation shall contain the exact same text as follows:

We the Annual Town Meeting of Great Barrington of 2012 do hereby affirm and state the following:

That the Office of the Town Clerk is essential to the people of Great Barrington, and can best serve the people of Great Barrington as a free and independent office. The Town Manager shall have no authority over the Office of the Town Clerk. The Town Clerk shall have complete authority to supervise the Office of the Town Clerk. Any and all contractual agreements with the Town of Great Barrington, that the Office of the Town Clerk has, may be reviewed by the Annual Town Meeting of Great Barrington upon request of the Office of the Town Clerk, in order to ferret out any unfairness, inequity or attempt at subjugation of the Office of the Town Clerk.

Not Recommended by the Board of Selectmen

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 27th day of April, 2012.

Sean Stanton, Chairman

Alana Chernila

Andrew Blechman

Deborah Phillips

Stephen C. Bannon

Board of Selectmen 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 27th day of April, 2012.

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