

**TOWN OF GREAT BARRINGTON  
ANNUAL TOWN MEETING  
AT MONUMENT MOUMENT HIGH SCHOOL  
KATHLEEN MCDERMOTT AUDITORIUM  
MAY 7, 2012 AT 6:00 PM  
MINUTES**

In pursuance of the foregoing warrant the inhabitants of the Town of Great Barrington qualified to vote in Town Meetings proceeded to vote at the above named meeting place with the following results. The meeting was duly called to order at 6:00 P.M. by Moderator Edward McCormick who welcomed everyone to the 252<sup>nd</sup> Great Barrington Annual Town Meeting. He noted that he hoped to conclude all business this evening but will make a determination later in the meeting if this is not possible and the meeting will be adjourned to a later date. Mr. McCormick stated that there was a quorum present and noted the return and service of the warrant. He announced that the meeting is being taped for broadcast at a later date. Mr. McCormick requested that everyone stand and join him in the Pledge of Allegiance with members of the Housatonic VFW Post carrying the flags. A moment of silence was requested for the following town officials who passed away from July 1, 2010 through June 30, 2011; Judy Stavisky, Edwin Farrington, Francis VanDeusen, Robert Barry, Emma Gray, William Webber and Terry Koldys. Mr. McCormick introduced the Town Officials seated on the stage; Town Clerk Marie Ryan, Town Accountant Lauren Sartori, Town Council David Doneski, Town Manager Kevin O'Donnell, Selectman Chair Sean Stanton, Selectmen: Deborah Phillips, Stephen Bannon, Alana Chernila, and Andrew Blechman. Finance Committee Members: Chair Thomas Blauvelt, Mark Lefenfeld, Walter Atwood, III, Andrew Moro and Louis J. Stark.

Mr. McCormick stated that the rules of the meeting were printed on bright yellow paper which was an insert in the warrant for the meeting. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. He noted that the budget was printed on page 30 of the warrant. Mr. McCormick stated that he will excuse himself as moderator for articles 6, 16 and 17 and that he would like to make a motion that Mr. Raymond Murray be the temporary moderator for those articles. Lauren Sartori seconded. There was no discussion.

**VOTED AT 6:05 P.M.**

A motion was made by Lauren Sartori, seconded by Kevin O'Donnell to dispense with the reading of the warrant.

**VOTED AT 6:05 P.M.**

Town Manager, Kevin O'Donnell proceeded to give a slide presentation on the Fiscal Year 2013 Budget to be voted upon for this Annual Town Meeting.

**ARTICLE 1:** On a motion by Thomas Blauvelt, seconded by Lauren Sartori voted that the Town 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 (\$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.

**VOTED AT 6:18 PM**

**ARTICLE 2:** On a motion by Thomas Blauvelt, seconded by Lauren Sartori voted that the Town fix the salaries of all elected officials for the period of July 1, 2012 to June 30, 2013 as indicated below:

<u>Elected Officials Salaries:</u>	
Selectmen:	\$7,500.00

**VOTED AT 6:19 PM**

**ARTICLE 3:** On a motion by Mark Lefenfeld seconded by Lauren Sartori voted that the Town accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (MassDOT), 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.

**VOTED AT 6:19 PM**

**ARTICLE 4:** On a motion by Mark Lefenfeld seconded by Kevin O'Donnell voted that the sum of \$722,000 is appropriated to (i) pay the costs of various roadway and drainage improvements at a cost of approximately \$500,000, including the payment of all costs incidental and related thereto, (ii) pay the costs of purchasing and equipping one new police cruiser at a cost of approximately \$32,000, including the payment of all costs incidental and related thereto, (iii) pay the cost of engineering services related to the repair of bridges within the Town at an approximate cost of \$50,000, including the payment of all costs incidental and related thereto, and (iv) acquire two new dump trucks for the use of the Department of Public Works (\$140,000), including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Mr. McCormick informed the audience that this article had to be a 2/3rds majority vote and also by secret ballot. There was no discussion on this article. Mr. McCormick then asked the Police Officer to check the ballot boxes and make sure they were empty. The audience was then instructed to proceed to the ballot boxes using their white yes/no slips to place their vote in the ballot boxes and return to their seats.

**VOTED 2/3rds MAJORITY AT 6:48 PM**  
**YES – 179      NO – 80**

**ARTICLE 5:** On a motion by Walter Atwood, III, seconded by Kevin O'Donnell voted that the Town raise and appropriate the sum of \$345,000 , excepting the following sums which are to be transferred: the sum of \$45,000 which is an unspent portion of the amount that was appropriated under Article 6 of the May 4, 2009 Annual Town Meeting and the sum of \$20,000 which is an unspent portion of the amount that was appropriated under Article 4 of the May 14, 2007 Annual Town Meeting; and appropriate \$40,000 from the Sewer Enterprise Fund Free Cash for the following Sewer Fund Capital Items:

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

Mr. McCormick read the list of items in this article and asked that if any one had any questions or concerns to yell out hold on that particular line item. There were holds placed on the Police Department (surveillance cameras/equipment), Public Works (Town Building Repair/Improvement Projects), and Town Hall (Replace/upgrade computer systems). The moderator then asked for a vote on all other items not held.

#### **VOTED AT 6:28 PM**

Mr. McCormick then asked for discussion on the following items one at a time:

#### **Police Department** (surveillance cameras/equipment)

Phil Timpane and Kevin O'Donnell spoke on this item.

#### **VOTED AT 6:29 PM**

#### **Public Works** (Town Building Repair/Improvement Projects)

Linda Ulmer spoke on this article. The moderator then asked for a vote and proceeded to ask the tellers to do a hand count.

#### **VOTED AT 6:48 PM**

**Yes- 149 No- 102**

**Town Hall** (Replace/upgrade computer systems)  
There was no discussion.

**VOTED AT 6:34 PM**

Mr. McCormick then turned over the Town Meeting to Mr. Raymond Murray to moderate article 6 due to a conflict of interest.

**ARTICLE 6:** On a motion by Sean Stanton, seconded by Lauren Sartori voted that the sum of \$700,000, is appropriated to pay costs of purchasing and equipping a new fire truck, and for payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$700,000 under and pursuant to Chapter 44, section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that no sums shall be borrowed or expended hereunder until the Town shall have voted to exclude the amounts required to repay any borrowing authorized by this vote from the limitations on the levy of local property taxes contained in Chapter 59, Section 21C of the General Laws (Prop. 2 ½).

Mr. Murray stated that this article had to be a 2/3rds majority vote and also by secret ballot. The following people spoke on this article:

Paul Kleinwald	Harry Jennings
Walter Atwood, III	Lawrence Premierlani
Andrew Blechman	Nancy Shaw
June Johnson	

Mr. Murray then asked the Police Officer to check the ballot boxes and make sure they were empty. The audience was then instructed to proceed to the ballot boxes using their yellow yes/no slips to place their vote in the ballot boxes and return to their seats.

**MOTION FAILED AT 6:57 PM**  
**YES – 88      NO – 220**

**ARTICLE 7:** On a motion by Walter Atwood, III seconded by Kevin O'Donnell voted that the Town raise and appropriate such sums of money necessary for the operation of the several departments in the Town for the ensuing year as detailed in the FY 13 Annual Budget of the General Fund, excepting the sum of \$40,000 which is to be appropriated from overlay surplus.

Mr. McCormick asked the audience to turn to page 30 of the warrant to view the budget items. He read each total line item that the Finance Committee recommended. He asked if any one had any issues on any line item to please put a hold on that item. The following items had holds placed on them: Technology, Council on Aging and Libraries. The moderator then asked for a vote on all other line items without holds place on them.

**VOTED AT 6:55 PM**

Mr. McCormick then asked for discussion on the following items one at a time:

**Technology:** Craig Okerstrom Lang and Lauren Sartori spoke on this item.

**VOTED AT 6:57 PM**

**Council on Aging:** Deborah Phillips made a motion for an amendment to this item. She asked for the voters to vote for the amount that the Selectmen recommended on line 193 to increase the salary of the assistant, change line item 193 to \$14,820 for a total of \$130,729.00. This was seconded by someone in the audience. The following people spoke on this item:

Sean Stanton	Michelle Gilligan
Andrew Moro	Craig Okerstrom Lang
Veronica Cunningham	Rebecca Tillinghast

**AMENDMENT VOTED AT 7:13 PM**

Mr. McCormick asked for a vote on the article with the amendment.

**VOTED AT 7:14 PM**

**ARTICLE 8:** On a motion by Walter Atwood, III seconded by Kevin O'Donnell voted that the Town 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.

Mr. McCormick informed the audience the information for this article is on page 41.

**VOTED AT 7:15 PM**

**ARTICLE 9:** On a motion by Andrew Moro seconded by Kevin O'Donnell voted that the sum of \$4,500,000 is hereby appropriated to pay costs of making sewer system improvements, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1), and Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and in the event that all or any portion of this borrowing is to be accomplished through the Massachusetts Water Pollution Abatement Trust (the "Trust"), the Treasurer, Selectmen and any other appropriate officials of the Town are authorized to execute such documents as the Trust shall require in conjunction with the making of any such loan to the Town, including, but not limited to, a Loan Agreement and a Project Regulatory Agreement.

Mr. McCormick informed the audience that this article had to be a 2/3rds majority vote and also by secret ballot. The following people spoke on this article:

Craig Okerstrom Lang  
Kevin O'Donnell  
Dave Jaicks

Carol Purcell  
Tim Drumm  
Kristie Lord

Mr. McCormick then asked the Police Officer to check the ballot boxes and make sure they were empty. The audience was then instructed to proceed to the ballot boxes using their pink yes/no slips to place their vote in the ballot boxes and return to their seats.

**VOTED 2/3rds MAJORITY AT 7:51 PM**  
**YES – 199      NO – 85**

**ARTICLE 10:** On a motion by Andrew Moro seconded by Lauren Sartori voted that the Town appropriate from Library Depository Funds the sum of \$8,809.50 for library purposes.

The following people spoke on this article:

Charles Williamson  
Holly Hamer

Kevin O'Donnell  
Kate Deviny, Library Dir.

**VOTED AT 7:30 PM**

**ARTICLE 11:** On a motion by Deborah Phillips seconded by Kevin O'Donnell voted that the Town raise and appropriate 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.

Mr. Peter Dillon, Berkshire Hills Regional School District Superintendent presented a short slide show on the school district. The following people spoke on this article:

Veronica Cunningham  
June Johnson  
Arnold Miller

Andrew Moro  
Michelle Gilligan  
Walter Atwood, III

Mr. McCormick asked for a vote for a secret ballot. There were indeed 20+ people that requested a secret ballot. Mr. McCormick then instructed the police officer to check the ballot boxes to make sure they were empty and then had the voters use their green yes/no slips to proceed to the ballot boxes and vote.

**VOTED AT 7:59 PM**

**YES- 200 NO- 120**

**ARTICLE 12:** On a motion by Andrew Moro seconded by Lauren Sartori voted that the Town authorize the use of \$100,000 from the Pension Reserve Fund to reduce the FY13 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System.

**VOTED AT 7:51 PM**

**ARTICLE 13:** On a motion by Louis J. Stark seconded by Lauren Sartori voted that the Town authorize the use of \$2,150,000 in Free Cash to reduce the tax levy for Fiscal Year 2013.

**VOTED AT 7:52 PM**

**ARTICLE 14:** On a motion by Louis J. Stark seconded by Kevin O'Donnell voted that the Town authorize the use of \$80,000 from the Stabilization Fund to reduce the tax levy for Fiscal Year 2013.

Mr. McCormick stated this article had to be a 2/3rds majority.

**DECLARED 2/3<sup>rd</sup> MAJORITY AT 7:52 PM**

**ARTICLE 15:** On a motion by Louis J. Stark seconded by Kevin O'Donnell voted that the Town increase the fee that is charged for each written demand provided for by law that is issued by the Tax Collector from \$ 5.00 to \$10.00, which fee is to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective July 1, 2012.

Craig Okerstrom Lang spoke on this article.

**VOTED AT 7:54 PM**

At this point, Mr. McCormick excused himself and had Mr. Murray proceed to fill in as moderator for the next two articles.

**ARTICLE 16:** On a motion by Stephen Bannon seconded by Kevin O'Donnell voted that the Town 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.

**VOTED AT 7:55 PM**



**ARTICLE 17:** On a motion by Stephen Bannon seconded by Kevin O'Donnell voted that the Town 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.

The following people spoke on this article:

Mary Beth Merritt  
Gary Happ

Kevin O'Donnell  
Sean Stanton

**VOTED AT 7:59 PM**

**ARTICLE 18:** On a motion by Stephen Bannon seconded by Kevin O'Donnell voted that the Town 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.

**VOTED AT 8:00 PM**

**ARTICLE 19:** On a motion by Deborah Phillips seconded by Kevin O'Donnell voted that the Town approve the establishment of a Stabilization Fund by the Berkshire Hills Regional School District, beginning July 1, 2012, pursuant to Section 16G 1/2 of Chapter 71 of the Massachusetts General Laws.

The moderator explained that this article needs to pass in two of the three member towns in the Berkshire Hills Regional School District to get approval.

The following people spoke on this article:

Peter Dillon  
Andrew Moro

Walter Atwood, III  
Andrew Blechman

Mr. McCormick asked the tellers to do a hand count on the vote.

**MOTION FAILED AT 8:13 PM**  
**YES – 115 NO – 151**

**ARTICLE 20:** On a motion by Jonathan Hankin seconded by Jack Musgrove voted that

the Town amend Section 4.2.4 of the Zoning Bylaw, Contextual Setbacks, by adding a new paragraph 4, as shown in Article 20 of the warrant for the Annual Town Meeting of May 7, 2012, 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.

Jonathan Hankin, Planning Board Chair, gave a short report from the Planning Board on this article. Jack Musgrove also spoke on this article.

Mr. McCormick stated this article needs a 2/3<sup>rd</sup> majority to be approved.

**DECLARED 2/3<sup>RD</sup> MAJORITY AT 8:09 PM**

**ARTICLE 21:** On a motion by Jonathan Hankin seconded by Jack Musgrove voted that the Town 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 in Article 21 of the Warrant for the Annual Town Meeting of May 7, 2012.

Jonathan Hankin, Planning Board Chair, gave a short report from the Planning Board on this article. Jack Musgrove and Kathleen Favaloro also spoke on this article.

Mr. McCormick stated this article needs a 2/3<sup>rd</sup> majority to be approved.

**DECLARED 2/3<sup>RD</sup> MAJORITY AT 8:12 PM**

**ARTICLE 22:** (by petition) On a motion by Taj Monjiardo seconded by Jack Musgrove voted that the Town rezone the parcels identified on the Great Barrington Assessors Map 21, parcels 2.1 through 2.7, from R2, Residential, to I, Industrial, and to amend the Zoning Map accordingly.

Mr. McCormick noted that the map this article refers to is in the warrant on page 28 and that this need to be a 2/3<sup>rd</sup> majority vote for approval. Mr. Jonathan Hankin, Planning Board Chair proceeded to give a short Planning Board report.

**DECLARED 2/3<sup>RD</sup> MAJORITY AT 8:14 PM**

**ARTICLE 23:** On a motion by Deborah Phillips seconded by Kevin O'Donnell voted that the Town 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 shown in Article 23 of the warrant for the Annual Town Meeting of May 7, 2012, 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.

**VOTED AT 8:16 PM**

**ARTICLE 24:** On a motion by Sean Stanton seconded by Kevin O'Donnell voted that the Town authorize the Board of Selectmen to acquire the parcels of land described in Exhibit B to the warrant for the May 7, 2012 Annual Town Meeting, and 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, 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.

Mr. McCormick stated that there was an insert in the warrant that listed all the parcels involved in this article. There was no discussion.

**VOTED AT 8:17 PM**

**ARTICLE 25:** On a motion by Sean Stanton seconded by Kevin O'Donnell voted that the Town authorize the Board of Selectmen to acquire the parcel of land shown on the Assessors' Maps as Map 33, Parcel 37, 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.

Michael Ury spoke on this article.

**VOTED AT 8:19 PM**

**ARTICLE 26:** On a motion by Alana Chernila seconded by Kevin O'Donnell voted that the Town 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 or in joint action with other municipalities. If such a contract is effected, individual consumers would retain the option not to participate and to choose any alternatives they desire.

Kevin O'Donnell, Kathleen Favaloro and Michael Maguire spoke on this article.

**VOTED AT 8:23 PM**

**ARTICLE 27:** On a motion by Alana Chernila seconded by Kevin O'Donnell voted that the Town 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.

**VOTED AT 8:24 PM**

**ARTICLE 28:** On a motion by Alana Chernila seconded by Kevin O'Donnell voted that the Town officially designate Great Barrington a Compassionate City, as printed in article 28 of the warrant for the Annual Town Meeting of May 7, 2012.

The following people spoke on this article:

Shawn Baker	Richard Needelman
Andrew Moro	Veronica Cunningham
Paul Kleinwald	June Johnson
David Jaicks	Alana Chernila

**MOTION FAILED AT 8:34 PM**

**ARTICLE 29:** On a motion by Andrew Blechman seconded by Kevin O'Donnell voted that the Town adopt an amended bylaw as described in article 29 of the warrant for the Annual Town Meeting May 7, 2012, 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.

Paul Kleinwald and Sean Stanton spoke on this article.

**VOTED AT 8:37 PM**

**ARTICLE 30: (by petition)** On a motion by Sean Stanton seconded by Thomas Blauvelt this article is to be passed over. There was no discussion.

**VOTED TO BE PASSED OVER AT 8:38 PM**

**ARTICLE 31:** On a motion by Andrew Blechman seconded by Sean Stanton voted that the Town 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.

The following people spoke on this article:

Stephen Bannon	Nancy Shaw
David Doneski	Sean Stanton
Philip Pechukas	Jonathan Hankin
Jack Musgrove	Barbara Zheutlin
Andrea Panaritis	Vivian Orlowski

Mr. McCormick asked the tellers for a hand count.

**MOTION FAILED AT 9:18 PM**  
**YES – 120 NO – 125**

**ARTICLE 32:** (by petition) On a motion by Sean Stanton seconded by Lauren Sartori this article is to be passed over. There was no discussion.

**VOTED TO BE PASSED OVER AT 9:06 PM**

**ARTICLE 33:** (by petition) On a motion by Andrew Blechman seconded by someone in the audience 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.

Dale Abrams did a short power point presentation on behalf of the Friends of the Great Barrington Community Preservation Act. The following people spoke on this article:

Paul Kleinwald	Patrick Fennell
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Bill Nappo  
Shep Evans  
Cara Davis  
Patricia Ryan  
Andrew Moro  
John Hull  
David Dudek

Carol Noble  
Paul Ivory  
June Williamson  
Christine Ward  
Andrew Blechman  
Charles Williamson

Mr. McCormick stated he wanted this article to be by secret ballot. He then asked the Police Officer to check to make sure the ballot boxes were empty. Then he asked the voters to proceed to the nearest ballot box using their tan yes/no slips and place their vote in the boxes and return to their seats.

**VOTED AT 9:45 PM**  
**YES- 151 NO- 99**

**ARTICLE 34: (by petition)** On a motion by Deborah Phillips seconded by someone in the audience vote that all Town of Great Barrington Property tax payers have the same right to speak at the Town's Annual Town 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.

Judith Lieberman, business owner in Great Barrington spoke on this article.

**VOTED AT 9:43 PM**

**ARTICLE 35: (by petition)** On a motion by Alex Freedman seconded by someone in the audience vote to 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.

Alex Freedman, Mary Beth Merritt, and Paul Kleinwald spoke on this article.

**VOTED AT 9:48 PM**

**ARTICLE 36: (by petition)** On a motion by David Magadini seconded by someone in the audience voted to substitute the preamble of Article 36 which petitioned for a Special Town Meeting to consider the following amendments to the Charter of Great Barrington in the Town Code and furthermore to instruct the Town Clerk to insert the amendments in the most appropriate section; with a brand new preamble authorizing the consideration of the amendments by the Annual Town Meeting of May 2012 while maintaining the exact same text as the proposed amendments to the Charter of Great Barrington which follows the brand new preamble. The text to be voted on shall be as follows:

To see if the Annual Town Meeting of 2012 will adopt the following amendments to the Charter of Great Barrington, in the Town Code, and instruct the Town Clerk to insert these amendments 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 polls shall be opened shall be: 5:00 AM until midnight for the Annual Town Election and 12:01 AM until midnight for the State and Federal Elections.

**MOTION FAILED AT 9:51 PM**

**ARTICLE 37:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the Annual Town Meeting of Great Barrington of May 2012 will approve or take any other action related thereto regarding the proposed amendment to the Town Code of Great Barrington proposed in article 37 entitled Election of The Moderator of the Town Meeting.

**MOTION FAILED AT 9:52 PM**

**ARTICLE 38:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the Great Barrington Annual Town Meeting will approve or take any other action thereto regarding the extension of time limits for submission of articles by citizen petition for inclusion in the next Annual Town Meeting as defined by article 38 of the Town of Great Barrington 2012 Annual Town Meeting Warrant.

**MOTION FAILED AT 9:54 PM**

**ARTICLE 39:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the Great Barrington Annual Town Meeting of 2012 will authorize the formation of a committee to study and take public comment on the 7 objectives enumerated in article 39, regarding the participation of understanding of the Town Meeting; and how citizens of Great Barrington can participate in the town meeting process; and to make a report to a future special town meeting as defined by article 39.

**MOTION FAILED AT 9:55 PM**

**ARTICLE 40:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to substitute the language that is Article 40 starting with all seconding with:

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, nor is an employee of the Town

of Great Barrington.

**MOTION FAILED AT 9:57 PM**

**ARTICLE 41:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the Annual Town Meeting will adopt or take any actions thereto regarding the proposed article, article 41, establishing the right of pet ownership in the Town of Great Barrington.

**MOTION FAILED AT 9:59 PM**

**ARTICLE 42:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the Annual Town Meeting of 2012 will adopt the new rule as proposed in article 42 entitled: Membership on Town Committee or a Town Subcommittee.

**MOTION FAILED AT 9:59 PM**

**ARTICLE 43:** (by petition) On a motion by David Magadini seconded by someone in the audience voted 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 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 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.

Mary Beth Merritt, David Magadini, and Raymond Murray spoke on this article.

**MOTION FAILED AT 10:05 PM**

**ARTICLE 44:** (by petition) On a motion by David Magadini seconded by someone in the audience voted to see if the registered voters of this town meeting will approve the proposed bylaw as stated in article 44 of the warrant of the Great Barrington Town Meeting of 2012, to bring into effect the availability of hotel and motel rooms free of charge during severe and emergency weather conditions.

**MOTION FAILED AT 10:06 PM**



**ARTICLE 45:** (by petition) On a motion by David Magadini seconded by someone in the audience voted 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 following resolution as stated in article 45, establishing the Office of the Town Clerk as a free and independent office, and that furthermore the special legislation shall contain the exact same text.

**MOTION FAILED AT 10:07 PM**

A motion was made by Sean Stanton to adjourn and seconded by Kevin O'Donnell.

Mr. McCormick stated meeting adjourned at 10:07 PM.

A total of 351 voters attended this meeting out of 4305 registered voters (12%).

Respectfully submitted;

Marie Y. Ryan, CMMC  
Town Clerk