

**TOWN OF GREAT BARRINGTON  
ANNUAL TOWN MEETING  
AT MONUMENT MOUMENT HIGH SCHOOL  
KATHLEEN MCDERMOTT AUDITORIUM  
MAY 3, 2010 AT 6:00 PM**

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 250<sup>th</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 the next night. 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 as the Adams-Budz VFW Post present the flags while Morgan Hammer sings the national anthem. A moment of silence was requested for the following town officials who passed away from July 1, 2008 through June 30, 2009; David McCandless, Evelyn Larkin, Robert J. Gray, Sr., Norman Boyer, Charles F. Plungis, Carmela Delmolino, Stephen E. Tarnawa, Christine Korte, and Martin Graham. 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 Walter Atwood, III, Selectmen: Alan Inglis, Deborah Phillips, Sean Stanton, Finance Committee Members: Thomas Blauvelt, Chair, Norma Siegel, Mark Lefenfeld, Patrick Long and Louis J. Stark.

The rules of the meeting were explained by Mr. McCormick. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. More specifically, Mr. McCormick reminded everyone of the fire/safety regulations and requested that there be no standing or sitting in the aisles. Only registered voters of the town may participate in the meeting unless permission is granted by the moderator. Before anyone addresses the Town Meeting, he/she must proceed to the microphone and when recognized by the moderator state their name and address. Mr. McCormick requested that voters speak only once per motion and limit their comments to three minutes. Comments should be limited to the merits of the motion and should not be repeated. All motions and amendments must be made in writing and any motion to reconsider must be made within 15 minutes of the announced vote. All questions are to be addressed to the moderator who will ask the appropriate person to respond. All votes to raise and appropriate by borrowing shall be done by secret ballot. Any funds in excess of the Finance Committee recommendation will be by secret ballot if twenty or more voters request it. If a sufficient number of voters request a secret ballot on any issue, the moderator will determine if one is necessary. Each voter has received a warrant, a green card and a packet of yes/no slips. Mr. McCormick will instruct voters when these are to be used and what color to use. He noted that a counter has been assigned to each section of the auditorium and will report their numbers to the Town Clerk.

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

Mr. McCormick requested that any preliminary motions be made at this time.

A motion was made by Lauren Sartori, seconded by Walter Atwood, III to dispense with the reading of the warrant.

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

**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. Composting Bin Sales (\$5,000.)
- g. Cemetery (\$5,000.)

which revolving funds together shall not exceed the sum of Seventy Five Thousand Dollars (\$75,000.00), 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, Section 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.

David Magadini, 1 Stanley Park, presented an amendment to this article for section d. to substitute the Town Code Printing from \$10,000 to \$50,000. Mr. McCormick asked for a 2<sup>nd</sup> but seeing there were no 2nds, Mr. McCormick stated the amendment failed.

The following people spoke on this article:

Patricia Ryan  
Lauren Sartori

**VOTED AT 6:13 P.M.**

**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, 2010 to June 30, 2011 as indicated below:

Elected Officials Salaries:  
Selectmen: \$7,500.00

**VOTED AT 6:14 PM**

**ARTICLE 3:** On a motion by Norma Siegel, seconded by Lauren Sartori voted that the Town accept funds being provided by the Commonwealth of Massachusetts 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 6:14 PM**

At this time, Town Manager Kevin O'Donnell presented a power point presentation on the entire Fiscal 2011 Town Budget. He was then followed by a presentation and slide show on the highway trucks from Joseph Sokul, Town Highway Engineer and a slideshow presentation by Harry Jennings, Fire Chief in regards to the capital improvement plan for a new fire truck.

**ARTICLE 4:** On a motion by Norma Siegel, seconded by Lauren Sartori voted that the sum of \$650,000 is hereby appropriated to pay costs of (i) making various roadway, sidewalk and drainage improvements (\$500,000) and (ii) acquiring a new dump truck for the use of the Department of Public Works (\$150,000), 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, 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.

The following people spoke on this article:

Mari Lonano	
Diane Paul	Winona Harding
Susie Fowle Schroeder	Charles Williamson
Joseph Sokul	

Mr. McCormick explained that this article needed to be approved by a 2/3<sup>rd</sup> majority vote and by secret ballot. Mr. McCormick asked the police officers to check the ballot boxes. He then proceeded to ask for the voters to use their white yes/no cards and proceed to the ballot boxes to place their votes.

**VOTED BY 2/3<sup>RD</sup> MAJORITY**  
**YES- 248    NO- 118**  
**AT 7:19 PM**

**ARTICLE 5:** On a motion by Patrick Long, seconded by Lauren Sartori voted that the Town raise and appropriate the sum of \$538,000 , excepting the following sums: the unspent sum of \$75,000 which was appropriated under Article 4 of the May 12, 2008 Annual Town Meeting for a public works storage facility, the unspent park sum of \$15,000 which was appropriated under Article 6 of the May 12, 2008 Annual Town Meeting and the unspent department of public works school buildings sum of \$200,000 which was appropriated under Article 5 of the May 14, 2007 Annual Town Meeting , for the following General Fund Capital Items and appropriate \$168,000 , from the Sewer Enterprise Fund Free Cash for the following Sewer Fund Capital Items:

<b>Police Department</b>	
Cruisers (1)	<b>\$33,000</b>
<b>Public Works-Highway</b>	
Highway Truck- F350 (9,900 GVW)	\$40,000
Dewey School Upgrades	200,000
Engineering-Main Street and Side Streets	230,000
Total	<b>\$470,000</b>
<b>Parks Department</b>	
Playground Equipment	<b>\$ 15,000</b>
<b>Fire Department</b>	
Repairs to Engine 6	<b>\$ 20,000</b>
<b>Total General Fund Capital</b>	<b>\$538,000</b>
<b>Waste Water Enterprise Fund Capital</b>	
Utility Truck with Plow	43,000
Ferric Chloride Tanks and Pumps	15,000
Main Street CCTV and Upgrade Sewer Mains	60,000

Collection System Improvements	50,000
<b>Total Capital- Waste Water Enterprise Fund</b>	
<b>Capital</b>	<b>\$168,000</b>

Mr.. McCormick read each line item and asked for voters to speak up on whatever item they wanted to place a hold on. Holds were placed on the following items; Highway Truck F-350 (9,900 GVW), Dewey School Upgrades, and engineering – Main Street and Side Streets. He then called for a vote on all other line items.

**VOTED AT 6:52 PM**

**Highway Truck – F350 (9,900 GVW) –**

The following people spoke on this article: Louis J. Stark and Joseph Sokul. Mr. McCormick requested a vote at this time.

**VOTED AT 6:54 PM**

**Dewey School Upgrades –**

The following people spoke on this article: Louis J. Stark, Kevin O’Donnell, Town Manager, Walter Atwood, III, Lauren Sartori, and Douglas Stephenson. Mr. McCormick requested a vote at this time.

**VOTED AT 6:58 PM**

**Engineering – Main Street and Side Streets –**

The following people spoke on this article:

Elizabeth Merritt	Walter Atwood, III
Kevin O’Donnell	Alan Inglis
William Mooney	Paul Kleinwald
Patricia Ryan	John Grogan
David Magadini	

At this time, David Magadini presented an amendment to include heated sidewalks on the Main Street Improvement Project. Mr. McCormick asked for a 2<sup>nd</sup>, seeing there wasn’t a 2<sup>nd</sup>, he declared the amendment failed at 7:15 PM.

Mr. McCormick then requested a vote and asked the counters to count the show of hands in each section.

**VOTED AT 7:20 PM**  
**YES-245 NO-102**

**ARTICLE 6:** On a motion by Patrick Long, seconded by Lauren Sartori voted that the sum of \$375,000 be appropriated to pay costs of purchasing and equipping a new fire truck, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, \$100,000 of funds borrowed to design, construct and originally equip the new Fire Station approved under Article 1 of the warrant at the Special Town Meeting held on April 9, 2007, but which is no longer needed for the purpose for which it was borrowed, is transferred to pay costs of this project in accordance with the provisions of Chapter 44, Section 20 of the General Laws, and to meet the balance of this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$275,000 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 therefore; and further, that the \$340,000 authorized to be borrowed under Article 1 of the warrant at the Special Town Meeting held on April 9, 2007 to pay costs of designing, constructing and originally equipping the new Fire Station, but which has not yet been borrowed or expended as of the date of this vote, is hereby rescinded.

The following people spoke on this article; Karen Smith.

Mr. McCormick explained that this article needed to be approved by a 2/3<sup>rd</sup> majority vote and by secret ballot. Mr. McCormick asked the police officers to check the ballot boxes. He then proceeded to ask for the voters to use their pink yes/no cards and proceed to the ballot boxes to place their votes.

**MOTION FAILED BY 2/3<sup>RD</sup> MAJORITY  
YES- 241 NO- 179  
AT 7:37 PM**

**ARTICLE 7:** On a motion by Patrick Long, seconded by Lauren Sartori 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 FY11 Annual Budget for the General Fund.

Mr. McCormick announced that this budget is on pages 13 through 22 of the warrant. He reviewed the list and requested that voters place a hold on any item that they have a question on.

There were holds placed on the following items:

Town Manager/Selectmen	Town Accountant/Financial Coordinator
Assessors	Treasurer/Collector
Town Clerk/Elections	Office of Planning/Com. Development
Police Department	Fire Department
Building Inspector	Dept. of Public works
Board of Health	Council on Aging
Libraries	Insurance

Mr. McCormick requested a vote on the remaining items that do not have a hold on them.

**VOTED AT 7:33 PM**

**Town Manager/Selectmen** - Louis J. Stark presented an amendment on this item. He requests that the salary raise be reduced from 3% to 1.5% which would make the salary of the Town Manager go from \$97, 603 to \$96,181. Mr. McCormick asked for a 2<sup>nd</sup>, and someone in the audience seconded the motion for the amendment.

The following people spoke on this item:

William Mooney	Nick Ring
Douglas Stephenson	Karen Smith
Dave Jaicks	Town Council, David Doneski
Lauren Sartori	
Margaret Whitfield	

Mr. McCormick requested a vote on the amendment.

**AMENDEMENT DEFEATED AT 7:49 PM**

The following people spoke on this line item: John Breasted. Mr. McCormick then requested a vote on this item.

**VOTED AT 7:54 PM**

**Town Accountant/Financial Coordinator** - Louis J. Stark presented an amendment on this item. He requests that the salary raise be reduced from 3% to 1.5% which would make the salary of the Town Accountant/Financial Coordinator go from \$77 to \$75,879. Mr. McCormick asked for a 2<sup>nd</sup>, and someone in the audience seconded the motion for the amendment.

The following people spoke on this item: Louis J. Stark.

Mr. McCormick requested a vote on the amendment.

**AMENDEMENT DEFEATED AT 7:57 PM**

Mr. McCormick then requested a vote on this item.

**VOTED AT 7:57 PM**

**Assessor** - Louis J. Stark presented an amendment on this item. He requests that the salary raise be reduced from 3% to 1.5% which would make the salary of the Town Assessor go from \$70,336 to \$69,311. Mr. McCormick asked for a 2<sup>nd</sup>, and someone in the audience seconded the motion for the amendment.

The following people spoke on this item: Louis J. Stark and George Beebe. Mr. Stark then asked that his amendment and all his holds be withdrawn seeing that he did not have support for them. The person from the audience also withdrew their 2<sup>nd</sup>. Mr. McCormick then requested a vote on this item.

**VOTED AT 8:03 PM**

Mr. McCormick then requested a vote on the following items:

<b>Treasurer/Collector</b>	<b>VOTED AT 8:04 PM</b>
<b>Town Clerk/Elections</b>	<b>VOTED AT 8:04 PM</b>
<b>Office of Planning/Com. Development</b>	<b>VOTED AT 8:04 PM</b>
<b>Police Dept.</b>	<b>VOTED AT 8:05 PM</b>
<b>Fire Dept.</b>	<b>VOTED AT 8:05 PM</b>
<b>Building Inspector</b>	<b>VOTED AT 8:05 PM</b>
<b>Public Works</b>	<b>VOTED AT 8:06 PM</b>
<b>Board of Health</b>	<b>VOTED AT 8:06 PM</b>
<b>Council on Aging</b>	<b>VOTED AT 8:06 PM</b>
<b>Libraries</b>	<b>VOTED AT 8:07 PM</b>
<b>Insurance</b>	<b>VOTED AT 8:11 PM</b>

**ARTICLE 8:** On a motion by Mark Lefenfeld, seconded by Lauren Sartori 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 FY11 Annual Budget for the Sewer Fund.

**VOTED AT 8:18 PM**

**ARTICLE 9:** On a motion by Mark Lefenfeld, seconded by Lauren Sartori voted that the Town raise and appropriate the sum of Ten Million, Three Hundred Thirty Eight Thousand, Seven Hundred Sixteen Dollars (\$10,338,716.00) for the operating assessment, and Six Hundred Eight Thousand Seven Hundred Fifty- Seven Dollars (\$608,757.00) for the capital assessment, for a total assessment of Ten Million, Nine Hundred Forty Seven Thousand,

Four Hundred Seventy- Three Dollars (\$10,947,473.00) of the Berkshire Hills Regional School District.

Peter Dillon, School Superintendent spoke on this article. Mr. McCormick requested a vote.

**VOTED AT 8:20 PM**

**ARTICLE 10:** On a motion by Louis J. Stark, seconded by Walter Atwood, III voted that the Town authorize the use of \$100,000 from the Pension Reserve Fund to reduce the FY11 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System.

**VOTED AT 8:21 PM**

**ARTICLE 11:** On a motion by Louis J. Stark, seconded by Walter Atwood, III voted that the Town authorize the use of \$2,055,300 of Free Cash to reduce the tax levy for the current year.

**VOTED AT 8:21 PM**

**ARTICLE 12:** On a motion by Louis J. Stark, seconded by Lauren Sartori voted that the Town appropriate \$73,000 from Stabilization funds to reduce the tax levy for the current year.  
Mr. McCormick stated that this article must pass by a 2/3<sup>rd</sup> Majority. He then requested a vote.

**VOTED BY A 2/3<sup>RD</sup> MAJORITY AT 8:22 PM**

**ARTICLE 13:** On a motion by Sean Stanton, seconded by Lauren Sartori voted that the Town accept G.L. Chapter 64L, Section 2(a) to impose a local meals tax to take effect July 1, 2010.

The following people spoke on this article:

Shea Potoski	Judy Liberman
Nick Ring	Charles Williamson
David Jaicks	Lauren Sartori
Kevin O'Donnell	George Beebe
Douglas Stephenson	Marvin Liberman
Mari Lonano	

Mr. McCormick then requested a vote and asked the counters to count the show of hands.

**VOTED AT 8:51 PM**

**YES – 241 NO - 126**

**ARTICLE 14:** On a motion by Norma Siegel, seconded by Lauren Sartori voted that the Town amend its local room occupancy excise tax under G.L. Chapter 64G, Section 3A to the rate of six percent (6%) effective July 1, 2010.

Mr. McCormick requested a vote.

**VOTED AT 8:40 PM**

**ARTICLE 15:** On a motion by Alan Inglis, seconded by Lauren Sartori voted that the Town, pursuant to MGL Chapter 40, Section 21E, adopt a bylaw establishing due dates for the payment of municipal charges and bills, and setting a rate at which interest shall accrue if such charges remain unpaid after such due dates, as printed in Article 15 of the

warrant for the Annual Town Meeting of May 3, 2010.

The following people spoke on this article: Kevin O'Donnell and Sandra Larkin. Mr. McCormick then requested a vote.

**VOTED AT 8:43 PM**

**ARTICLE 16:** On a motion by Walter Atwood, III, seconded by Lauren Sartori voted that the Town adopt a 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 printed in Article 16 of the warrant for the Annual Town Meeting of May 3, 2010.

The following people spoke on this article: Paul Kleinwald and William Walsh. Mr. McCormick then requested a vote.

**VOTED AT 8:49 PM**

**ARTICLE 17:** On a motion by Sean Stanton, seconded by someone in the audience voted that the Town amend the Town Bylaws, Chapter 85, Section 85-6, Agricultural Commission, to increase the membership of the Commission from three to five persons, by deleting the word "three" in the second sentence of said section and replacing it with the word "five".

**VOTED AT 8:50 PM**

**ARTICLE 18:** On a motion by Deborah Phillips, seconded by Walter Atwood, III voted that the Town enter into immediate discussions with other Western Massachusetts municipalities with the intent of entering an inter-municipal agreement, by and through the Select Board, pursuant to Chapter 40, Section 4A of the Massachusetts General Laws, for the purpose of establishing a universal, open access, financially self-sustaining communication system for the provision of broadband service, including high-speed Internet access, telephone and cable television to the residents, businesses and institutions of these municipalities.

**VOTED AT 8:50 PM**

**ARTICLE 19:** On a motion by Donald Goranson, seconded by someone in the audience voted that the Town amend the Great Barrington Zoning Bylaw, excluding the Zoning Map, by replacing the text of the bylaw in its entirety, Articles I through XX, with new text consisting of Sections 1.0 through 11.0 as found in the document labeled "2010 Annual Town Meeting Zoning Bylaw Revision," a copy of which is on file in the Office of the Town Clerk.

Donald Goranson, chairman of the Planning Board read a report on this article by the Planning Board. Chris Rembold, Town Planner also gave a brief overview of the changes to the Zoning Bylaws. Attorney Mark Bobrowski from Concord, MA also was allowed to make a brief statement in regards to the major changes in the Zoning Bylaw Amendments.

Mr. McCormick stated that this article needed to pass by a 2/3<sup>rd</sup> majority and he then proceeded to request a vote.

**VOTED BY A 2/3<sup>RD</sup> MAJORITY AT 9:00 PM**

**ARTICLE 20:** On a motion by Walter Atwood, III, seconded by someone in the audience voted that the Town add a new Chapter 146, Signs, to the Code of the Town of Great Barrington, being the same text, with different section numbers, as is currently contained in Article XIX of the Zoning Bylaw (sections 171-90 to 171-98), as shown in a copy on file in the Office of the Town Clerk.

The following people spoke on this article: Patricia Ryan. Mr. McCormick then requested a



vote.

**VOTED AT 9:01 PM**

**ARTICLE 21:** On a motion by Daniel Bartoni, seconded by someone in the audience voted that the town voters to consider closing and discontinue operations at the end of the fiscal year 2010 and no tax dollars to be allocated to operate the Ramsdell as a public library in future budgets.

Douglas Stephenson made a motion for this article to be passed over and someone in the crowd seconded. Mr. McCormick asked for a vote on the motion.

**MOTION DEFEATED AT 9:02 PM**

The following people spoke on this article:

Debra Guhl	Douglas Stephenson
Joey Chernilla	Hilda Banks Shapiro
Veronica Cunningham	David Wade Smith
Richard Ruth	Kevin O'Donnell
David Magadini	Sarah Formel
Daniel Bartoni	John Breasted
Patrick Long	

Mr. McCormick then requested a vote.

**MOTION FAILED AT 9:24 PM**

**ARTICLE 22:** On a motion by William Mooney, seconded by Louis J. Stark voted that the town adopt a bylaw prohibiting anyone under the age of 18 years from purchasing, possessing or using any tobacco product to be incorporated into the Code of the Town of Great Barrington as printed in Article 22 of the Warrant for the Annual Town Meeting of May 3, 2010.

William Mooney requested an amendment on this article to change wording on the punishment of the non-criminal disposition. This was seconded by Douglas Stephenson. Mr. McCormick asked for a vote on the amendment.

**AMENDMENT VOTED AT 9:27 PM**

Robert Bertram then spoke on behalf of his petition.

On a motion by Douglas Stephenson asked to reconsider Article 21 on the Ramsdell Library. Mr. McCormick asked if he had voted in the positive for this Article and Mr. Stephenson stated yes. Mr. McCormick asked for a second, someone in the audience seconded the motion. Mr. McCormick then requested a vote to reconsider Article 21.

**MOTION TO RECONSIDER ARTICLE 21  
DEFEATED AT 9:31**

The following people spoke on article 22:

Robert Bertram	William Mooney
Janet Bouteiller	Nick Ring
Patricia Ryan	Daniel Seitz

Mr. McCormick requested a vote on this article.

**MOTION FAILED AT 9:39 PM**

**ARTICLE 23:** Walter Atwood requested that this article be passed over and this was seconded by someone in the audience. Mr. McCormick requested a vote.

**VOTED AT 9:39 PM**

Mr. McCormick requested a motion to dissolve the 2010 Annual Town Meeting. This was seconded by Lauren Sartori. All were in favor.

Meeting adjourned at 9:40 pm.

**There were 4,460 registered voters in Town and 479 attended the meeting.**

**Respectfully Submitted;**

**Marie Y. Ryan  
Town Clerk**