

**TOWN OF GREAT BARRINGTON
TOWN MEETING
AT MONUMENT MOUNTAIN REGIONAL HIGH SCHOOL
PARKING LOT (OUTSIDE MEETING)
600 STOCKBRIDGE ROAD
JUNE 22, 2020 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 6:04 P.M. by Moderator Michael Wise who welcomed everyone to the Town Meeting. He noted that he hoped to conclude all business this evening. Mr. Wise 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 and any use of social media during the meeting is prohibited. He also asked that cell phones be shut off as well. Mr. Wise requested that everyone stand and join him in the Pledge of Allegiance.

Mr. Wise introduced the Town Officials seated on the stage; Town Clerk Jennifer Messina, Town Counsel David Doneski, Town Manager Mark Pruhenski and Finance Director Susan Carmel. He also announced the Selectboard and Finance Committee members were also seated on each side of the stage.

The rules of the meeting were explained by Mr. Wise. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. 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. Wise 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. Each voter has received a warrant, a green card and a packet of yes/no cards. Mr. Wise will instruct voters when these are to be used and what color to use if needed. He noted that a counter has been assigned to each section of the parking lot and they will report their numbers at the microphone when ready.

A motion was made by Mr. Wise, seconded by Stephen Bannon to dispense with the reading of the warrant.

VOTED AT 6:12 PM

Steve Farina made a motion to reconvene the Annual Town Meeting to July 20, 2020 and Mr. Wise ruled him out of order.

Mr. Wise introduced Town Manager Mark Pruhenski who went through a handout of an overview of the budget.

ARTICLE 1: (majority)

On a motion by Anne O'Dwyer and seconded by someone in the audience, that the Town set the FY2021 spending limits for Town revolving funds as set forth in the Warrant, namely, Plumbing Inspections \$15,000, Wiring Inspections \$55,000, Gas Inspections \$12,000, and Cemetery \$5,000.

VOTED AT 6:21 PM

ARTICLE 2: (majority)

On a motion by Anne O’Dwyer and seconded by someone in the audience, that the Town fix the salaries of all elected officials for the period of July 1, 2020 to June 30, 2021 as indicated below:

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

The following people spoke on this article:
Douglas Stephenson Steve Farina

VOTED AT 6:25 PM

ARTICLE 3: (majority)

On a motion by Anne O’Dwyer and seconded by Stephen Bannon, 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 Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of town ways and bridges.

VOTED AT 6:26 PM

ARTICLE 4: (2/3 majority)

On a motion by Anne O’Dwyer and seconded by Stephen Bannon, that the Town raise and appropriate such sums of money necessary for the operation of departments in the Town for the ensuing fiscal year for the purposes outlined below:

| | |
|--|------------------|
| <u>General Government</u> | |
| Town Manager/Selectboard | \$ 414,427 |
| Finance Committee/Reserve Fund | 253,300 |
| Finance Director/Town Accountant | 146,550 |
| Technology | 215,150 |
| Assessors’ Office | 154,575 |
| Treasurer/Collector | 208,437 |
| Town Clerk/Elections | 130,698 |
| Conservation Commission | 30,685 |
| Various Boards/Commission | 19,970 |
| Planning Board | 5,250 |
| Zoning Board of Appeals | 1,300 |
| Office of Planning/Community Development | 134,850 |
| <u>Public Safety</u> | |
| Police Department | 1,723,347 |
| Fire Department | 624,496 |
| Communications/Emergency Management | 21,103 |
| Building Inspector | 167,013 |
| Animal Control | 12,520 |
| <u>Department of Public Works</u> | 2,308,258 |
| <u>Public Health</u> | |
| Health Department | 117,775 |
| <u>Community Services</u> | |
| Council on Aging | 147,161 |
| Veterans’ Affairs | 143,700 |
| Human Services | 25,000 |

Cultural/Recreation

| | |
|------------------|---------|
| Libraries | 559,958 |
| Parks/Recreation | 115,000 |

Miscellaneous

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

The Moderator then stated he would go line by line and if there were any holds for the voters to call out and then we would vote on all non-held items, after which we would have discussions on the held items.

The held items were:

General Government: No discussion on this item.

Public Safety:

Police Department- Sharon Gregory spoke about union negotiations. Town Manager Mark Pruhenski spoke regarding this matter and explained the current status of them.

The following people also spoke regarding the Police Department budget: Mae Whaley, Steve Farina, Eugene Warford, Peter Franck, Christopher Ryan, Finance Director Susan Carmel, Stephen Bannon, Arielle Woolis-Pink, Leigh Davis, Abby Schroeder and Mikaela Mintz spoke on this item.

Ms. Mintz made a motion to reduce the police department budget by \$200,000 in fiscal year 2021. Someone in the audience seconded the motion.

The Moderator asked for a vote on the amendment.

AMENDMENT FAILED AT 7:15 PM

The following people also spoke on the Police Department budget: Jeffrey Lowenstein, Jimmy Brown, Steve Farina, Police Chief William Walsh and Sergeant Adam Carlotto.

Mr. Lowenstein made a motion to amend Article 4 of the warrant to reduce the police department line item by \$36,000 by reducing line item 94 by \$30,000 and line item 104 by \$6,000 and to increase the human services budget by \$36,000 to fund organizations including but not limited to the Berkshire County branch of NAACP, The Brien Center, Berkshire South Community Center, Community Health Programs, Railroad Street Youth Project, Berkshire Community Action Council, Berkshire Taconic Community Foundation, Elizabeth Freeman Center, Multicultural BRIDGE and Literacy Network of Southern Berkshire. Someone in the audience seconded the motion.

The Moderator asked for a vote on this amendment.

AMENDMENT FAILED AT 7:28 PM

Fire Department- Mary Beth Merritt, Daniel Bailly, Jennifer Clark, James Stark, Charles Williamson and Fire Chief Charles Burger spoke on this item.

Department of Public Works: No discussion on this item.

Public Health: No discussion on this item.

Community Services: No discussion on this item.

Cultural/Recreation: No discussion on this item.

Miscellaneous: No discussion on this item.

(ii) making various building improvements at an approximate cost of \$500,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(iii) purchasing and equipping two new police cruisers at a cost of approximately \$127,500, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(iv) acquiring (6) new portable radios for the Police Department at an approximate cost of \$46,500, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(v) acquiring a new police speed trailer at an approximate cost of \$12,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(vi) acquiring a new EMS/Service vehicle for the Fire Department at an approximate cost of \$60,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(vii) acquiring a new 'Jaws of Life' apparatus for the Fire Department at an approximate cost of \$25,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(viii) acquiring a new thermal camera for the Fire Department at an approximate cost of \$10,500, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(ix) acquiring (1) new dump truck with plow and sander at a cost of approximately \$230,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(x) acquiring a new roadside mower at an approximate cost of \$180,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(xi) acquiring (2) new mowers at an approximate cost of \$32,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(xii) acquiring a new one-ton roller at an approximate cost of \$30,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

(xiii) acquiring new parks equipment at an approximate cost of \$60,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

The amounts authorized to be borrowed by this vote are necessarily estimates, and as such, the Selectboard is authorized to borrow more for any project and less for another, so long as, in its judgment, each project to be funded in whole or in part by a borrowing can be completed within the total amount authorized to be expended by this vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

The Moderator then read each item within the article and asked that voters yell out if there were any holds for discussion.

The following items had holds:

Streets & Bridges: Steve Farina, Assistant Town Manager Christopher Rembold, Finance Director Susan Carmel, Mary Beth Merritt, Stephen Bannon and Jeremy Higa spoke on this item.
Police Cruisers: Dimitrios Koufis made a motion to remove the 2 police cruisers at \$127,500 from Article 6 (iii) and it was seconded from someone in the audience.

Sergeant Adam Carlotto and Police Chief William Walsh spoke on this article.

The Moderator asked for a vote on the amendment.

AMENDMENT FAILED AT 8:13 PM

Police Portable Radios: Samuel Banks, Sergeant Adam Carlotto and Police Chief William Walsh.

Police Speed Trailer: Charles Williamson and Sergeant Adam Carlotto spoke on this article.

EMS/Service Vehicle: Charles Williamson and Fire Chief Charles Burger spoke on this article.

Dump Truck: Steve Farina spoke on this article.

One-Ton Roller: Charles Williamson and DPW Superintendent Sean VanDeusen spoke on this article.

The Moderator then stated this article had to be by secret ballot and a 2/3rds majority, he then asked for voters to go to the ballot boxes using their pink yes/no cards.

VOTED by 2/3rds SECRET BALLOT AT 8:35 PM

YES – 144 NO – 61

ARTICLE 7: (majority)

On a motion by Anne O'Dwyer and seconded by Stephen Bannon, that the Town raise and appropriate the sum of Seventeen Million, Sixty-Four Thousand, One Hundred and Eighty-Four Dollars (\$17,064,184) for the operating assessment, and Five Hundred Three Thousand, One Hundred and Sixty Dollars (\$503,160) for the capital assessment, for a total assessment of Seventeen Million, Five Hundred Sixty-Seven Thousand, Three Hundred and Forty-Four Dollars (\$17,567,344) of the Berkshire Hills Regional School District.

School Superintendent, Peter Dillon then went through the handout that was given to the voters on the school budget.

The following people spoke on this article:

Charles Williamson

Peter Dillon

VOTED AT 8:30 PM

Seeing the count for Article 6 was still being done, the Moderator made a motion to move to Article 9. This was seconded by someone in the audience.

VOTED to move to Article 9 AT 8:30 PM

ARTICLE 8: (2/3 majority secret ballot)

On a motion by Anne O'Dwyer and seconded by someone in the audience, That the sum of \$690,000 is appropriated to pay costs of undertaking various capital projects and acquiring capital equipment in the Wastewater Department, as follows:

(i) conducting an inflow and infiltration study at an approximate cost of \$200,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(7), or any other authority, and to issue bonds or notes of the Town therefor.

(ii) replacing the sewer line at Main and Maple Streets at an approximate cost of \$400,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §8(14), or any other authority, and to issue bonds or notes of the Town therefor.

(iii) acquiring a new service truck with plow and sander and crane for the Wastewater Department at an approximate cost of \$90,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectboard, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or any other authority, and to issue bonds or notes of the Town therefor.

The amounts authorized to be borrowed by this vote are necessarily estimates, and as such, the Selectboard is authorized to borrow more for any project and less for another, so long as, in its judgment, each project to be funded in whole or in part by a borrowing can be completed within the total amount authorized to be expended by this vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Charles Williamson spoke on this article.

Michael Wise then stated this article had to be by secret ballot and a 2/3rds majority, he then asked for voters to go to the ballot boxes using their beige yes/no cards.

VOTED by 2/3rds SECRET BALLOT AT 8:39 PM

YES – 148 NO – 29

ARTICLE 9: (majority)

On a motion by Anne O'Dwyer and seconded by Karen Smith, that the Town authorize the use of \$2,344,000 in Free Cash to reduce the tax levy for Fiscal Year 2021.

Steve Farina made a motion to reduce the Free Cash amount to \$2 million dollars and it was seconded by Mark Dufault.

The following people spoke on this amendment:

Stephen Bannon Susan Carmel

The Moderator asked for a vote on the amendment.

AMENDMENT FAILED AT 8:34 PM

The Moderator then asked for a vote on the article as originally presented.

VOTED AT 8:34 PM

ARTICLE 10: (majority)

On a motion by Anne O'Dwyer and seconded by someone in the audience, that the Town appropriate and authorize the use of \$185,000 in Free Cash, representing amounts received under host community agreements with marijuana establishments, to fund various community programs under an application and approval process to be administered by the Town Manager.

The following people spoke on this article:

Mark Pruhenski
David Doneski
Stephen Bannon

Douglas Stephenson
Peter Franck

Susan Carmel
Charles Williamson

VOTED AT 8:47 PM

ARTICLE 11 : (majority)

On a motion by Anne O'Dwyer and seconded by someone in the audience, that the Town raise and appropriate \$42,000 to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.).

Gregory Ward spoke on this article.

VOTED AT 8:49 PM

ARTICLE 12: (majority)

On a motion by Anne O'Dwyer and seconded by Stephen Bannon, that the Town appropriate and authorize the use of \$100,315 from Free Cash to fund the Fiscal Year 2020 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of Massachusetts General Laws.

Peter Dillon spoke on this article.

VOTED AT 8:52 PM

ARTICLE 13: (majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town raise and appropriate \$123,000 to fund the Fiscal Year 2021 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of Massachusetts General Laws.

The following people spoke on this article:

| | | |
|-------------------|-----------------|-----------------|
| Mary Beth Merritt | Peter Dillon | Anne O’Dwyer |
| Stephen Bannon | Gabrielle Senza | Frederick Clark |
| Peter Franck | Leigh Davis | |

VOTED AT 9:05 PM

ARTICLE 14: (4/5 majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town authorize the payment of prior fiscal year invoices from the FY20 operating budgets of various departments, as follows:

| | | | |
|------------|------------|-------------|--------------------------------------|
| KP Law | \$3,410.28 | 01122-53020 | Selectboard/Town Manager: Legal Fees |
| Staples | \$ 168.37 | 01146-54200 | Treasurer: Supplies |
| Technology | \$ 712.80 | 01136-52470 | Technology: Repair/Maintenance |

**VOTED AT 9:06 PM
UNANIMOUS**

ARTICLE 15: (2/3 majority secret ballot)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town amend the vote under Article 4 of the Warrant for the Annual Town Meeting held on May 1, 2017, which action, among other things, approved the borrowing of \$70,000 to pay costs of public safety communication improvements, so as to permit the expenditure of \$20,000 authorized for that purpose, but which is not necessary for the completion of that project, to pay costs of engineering and planning related to installing a broadband cable in the Housatonic area of Town.

The Moderator stated this article had to be by secret ballot and a 2/3rds majority, he then asked for voters to go to the ballot boxes using their yellow yes/no cards.

**VOTED by 2/3rds SECRET BALLOT AT 9:48 PM
YES – 120 NO – 7**

ARTICLE 16: (majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town amend each prior vote of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes pursuant to such votes, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs, and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Finance Director Susan Carmel spoke on this article.

VOTED AT 9:09 PM

ARTICLE 17: (majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town amend the vote under Article 8 of the 2019 Annual Town Meeting, which appropriated \$650,000 for capital improvements to the Housatonic School including the costs of a new roof, windows and masonry work, by revising the amounts authorized to be transferred for such appropriation as follows: increase the amount to be transferred from the Sale of Real Estate Fund (Bryant and Searles Schools) from \$300,000 to \$350,000 and decrease the amount to be transferred from the Community Preservation Fund from \$350,000 to \$300,000.

VOTED AT 9:10 PM

ARTICLE 18: (majority)

On a motion by Stephen Bannon and seconded by Karen Smith, That the Town appropriate from the Community Preservation Fund annual revenues the following amounts recommended by the Community Preservation Committee for committee administrative expenses in FY21, and reserve for future appropriation for community preservation projects the following reserve amounts, with each item to be considered a separate appropriation:

Reserves:

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

Appropriations:

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

Assistant Town Manager Christopher Rembold spoke on this article.

VOTED AT 9:13 PM

ARTICLE 19: (majority)

On a motion by Stephen Bannon and seconded by Karen Smith, That the Town appropriate from the Community Preservation Fund for FY21 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation:

| | | Source of Appropriation | | |
|---|--|-------------------------|---------------|--------------|
| | Project | Total Appropriation | FY21 Revenues | Fund Balance |
| 1 | <i>Affordable Housing</i> | | | |
| | CDC of South Berkshire, to create new housing at 910 Main Street | \$250,000 | \$250,000 | |
| 2 | Town Affordable Housing Trust Fund, to acquire land for housing | \$185,000 | | \$185,000 |
| | Subtotal, Affordable Housing | \$435,000 | | |
| | <i>HISTORIC RESOURCES</i> | | | |
| 3 | Town Historical Commission, for historic | \$15,000 | | \$15,000 |

| | | | | |
|---|--|-----------|-----------|-----------|
| 4 | properties research in Housatonic Village Town Historical Commission, to preserve the historic trolley shelter | \$50,000 | | \$50,000 |
| 5 | Historical Society, to restore and preserve Wheeler museum buildings and artifacts | \$145,000 | \$145,000 | |
| | Subtotal, Historic Resources | \$210,000 | | |
| | <i>OPEN SPACE & RECREATION</i> | | | |
| 6 | Berkshire Natural Resources Council, to create public access/trailhead improvements | \$30,000 | \$30,000 | |
| 7 | Conservation Commission for the McAllister Wildlife Refuge preservation project | \$33,500 | \$33,500 | |
| 8 | Lake Mansfield Road design to preserve open space / create recreational land | \$120,000 | | \$120,000 |
| | Subtotal, Open Space & Recreation | \$183,500 | | |
| | TOTAL | \$828,500 | \$458,500 | \$370,000 |

The Moderator read each line item and asked for voters to yell out if they want a hold for discussion on any item.

The following item had a hold:

#2 Town Affordable Housing Trust Fund- Daniel Bailly spoke on this item. Mr. Bailly made a motion to divide this one out of the article and table it. Someone in the audience seconded it.

The following people spoke on this amendment:

| | | |
|----------------|---------------|------------------|
| Eugene Warford | William Cooke | Frederick Clark |
| Edward Szwyd | Leigh Davis | Deborah Phillips |
| Garfield Reed | | |

The Moderator then asked for a vote on the amendment.

AMENDMENT FAILED AT 9:38 PM
YES- 58 NO-73

The Moderator then asked for a vote on the article as originally presented.

VOTED AT 9:44 PM

ARTICLE 20: (majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town amend the vote taken under Article 13 of the Warrant for the Annual Town Meeting held on May 6, 2019, which approved the appropriation of \$100,000 from FY20 Community Preservation Act revenues to the Great Barrington Affordable Housing Trust Fund for the purpose of down payment assistance, so as to permit the expenditure of said appropriation for either down payment assistance or for rental assistance.

Assistant Town Manager Christopher Rembold spoke on this article.

VOTED AT 9:47 PM

ARTICLE 21: (majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town authorize the Selectboard to acquire certain easements and/or property through all legal means

including donation, purchase, or eminent domain, in order to implement a wastewater pump station upgrades project, including construction of four new pump stations, with such areas being at the following locations: Cone Avenue; Rising Mill area; the Fairgrounds; the Senior Center, as more particularly shown on plans entitled “Wastewater Pump Station Upgrades Project,” prepared by DPC Engineering, LLC, Longmeadow, MA, October 2019, and which are on file with the Town Clerk.

Assistant Town Manager Christopher Rembold spoke on this article.

VOTED AT 9:51 PM

Michelle Loubert addressed the Moderator with concerns that there was no longer a quorum and after counting he agreed.

On a motion by Steve Farina and seconded by Michelle Loubert, that the Town Meeting adjourn and continue to June 25th, 2020 at 6:00 PM at the same location.

VOTED AT 9:53 PM

Meeting adjourned at 9:53 PM.

**TOWN OF GREAT BARRINGTON
TOWN MEETING
AT MONUMENT MOUNTAIN REGIONAL HIGH SCHOOL
PARKING LOT (OUTSIDE MEETING)
600 STOCKBRIDGE ROAD
JUNE 25, 2020 AT 6:00 PM
MINUTES – Night Two**

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 6:02 P.M. by Moderator Michael Wise who welcomed everyone to the Town Meeting. He noted that he hoped to conclude all business this evening. Mr. Wise 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 and any use of social media during the meeting is prohibited.

The rules of the meeting were explained by Mr. Wise. The meeting will be governed by the Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time. 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. Wise 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. Each voter has received a warrant, a yellow card and a packet of yes/no cards. Mr. Wise will instruct voters when these are to be used and what color to use if needed but he doubted they would be needed. He noted that a counter has been assigned to each section of the parking lot and they will report their numbers at the microphone when ready.

A motion was made by Mr. Wise, seconded by someone in the audience to dispense with the continuing of the warrant beginning with article 22.

VOTED AT 6:06 PM

ARTICLE 22: (2/3 majority, Zoning by Citizen Petition)

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

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

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

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

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

8.4.2 Requirements.

1. When residential use is combined with other nonresidential permitted uses, the controlling dimensional requirements shall be the less restrictive. For the multifamily component of a mixed use development there shall be at least 2,500 square feet of lot area per dwelling unit. The Selectboard may, by special permit, reduce the lot area per unit requirement.

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

On a motion by Barbara Matz and seconded by Michael Kernan, that the modifications above be added to Section 8.4 of the Zoning Bylaw.

Barbara Matz spoke on this article. The following people also spoke on this article:

Pedro Pachano
Jonathan Hankin

Brandee Nelson
Steve Farina

Michael Kernan

The Moderator asked if the Planning Board had a hearing on this matter and Brandee Nelson, Planning Board Chair, said yes. She said they wanted to put it back on the warrant for the Special Town Meeting that was going to be held later on this year.

The Moderator for asked for a vote on this article. He asked the tellers to count the slips when he asked for the yes or no vote. There was an issue the first time with the counting by the tellers as a whole row of voters was missed so it had to be counted a second time.

**FAILED AT 6:31 PM
YES- 45 NO-82**

ARTICLE 23: (Zoning by Citizen Petition)

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

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

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

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

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

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

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

Brandee Nelson and Steve Farina spoke on this article.

On a motion by Michael Kernan and seconded by someone in the audience, that the Town refer this article to the Planning Board and that the Selectboard place this article for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:38 PM

ARTICLE 24: (Zoning by Citizen Petition)

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

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

On a motion by Stephen Bannon and seconded by Karen Smith, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:38 PM

ARTICLE 25: (Zoning by Citizen Petition)

We the undersigned submit this citizen's petition to the voters of the Town of Great Barrington:

To see if the Town will vote to amend sections 7.18.4 and 7.18.5 of the Great Barrington Zoning bylaw 7.18 Marijuana Establishments and Medical Marijuana Treatment Centers and modify section 3.1.4 Table of Uses accordingly or to take any other action relative thereto.

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

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

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

Proposed insertions are underlined.

Amend Portions of Section 7.18.4 as follows:

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

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

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

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

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

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

2. Amend portions of Section 7.18.5 as follows:

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

1. All aspects of a marijuana establishment or medical marijuana treatment center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.

2. No unprotected storage of marijuana, related supplies, or educational materials is permitted.

3. No use shall be allowed by a Marijuana Establishment of Medical Marijuana Treatment Center which creates a nuisance to abutters of the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

4. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of a Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use of property.

5.No noise from the establishment of its operations, including but not limited to ventilation, can be detected by a person with unimpaired and otherwise normal hearing at the exterior of a Marijuana Establishment of Medical Marijuana Treatment Center or at any adjoining use or property."

6. Marijuana Establishments or Medical Marijuana Treatment Centers with grow operations in a translucent building shall not illuminate grow operations between dusk and dawn.

3. 7. Marijuana not grown inside a securable structure shall be enclosed within a six-foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.

4 8. No outdoor cultivation of marijuana shall be allowed within ~~fifty (50)~~ two hundred (200) feet of any property line.

On a motion by Stephen Bannon and seconded by Karen Smith, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:40 PM

ARTICLE 26: (Citizen Petition)

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

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

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

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

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

On a motion by Michael Kernan and seconded by someone in the audience, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:42 PM

ARTICLE 27: (Citizen Petition)

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

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

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

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

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

On a motion by Michael Kernan and seconded by Karen Smith, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:44 PM

ARTICLE 28: (Citizen Petition)

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

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

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

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

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

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

Mark Dufault spoke on this article.

On a motion by Stephen Bannon and seconded by Michelle Loubert, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:46 PM

ARTICLE 29: (Citizen Petition)

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

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

On a motion by Steve Farina and seconded by someone in the audience, he asked that Article 30 be discussed before Article 29 so they could have more time to discuss this article.

The Moderator asked for a vote on this motion.

MOTION TO VOTE ON ARTICLE 30 FIRST, PASSED AT 6:46 PM

After the vote on Article 30, Steve Farina spoke on this article.

The following people also spoke on this article:

| | | | |
|------------------|----------------|----------------|----------------|
| Christine Ward | Sally Michael | Brandee Nelson | Dale Abrams |
| Peter Franck | Jennifer Clark | Eliza Abrams | Dave Ryel |
| Margery Kirchner | Kathy Kotleski | Jimmy Brown | Sharon Coleman |
| Karen Smith | Gary Happ | Stephen Bannon | Suzanne Fowle |
| William Cooke | | | |

The Moderator asked for a vote on this article. He asked the tellers to count the yes/no slips.

FAILED AT 7:32 PM
YES- 20 NO- 130

ARTICLE 30: (Citizen Petition)

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

On a motion by Stephen Bannon and seconded by Karen Smith, that the Town refer this article to the Planning Board and that the Selectboard place this article on the warrant for the next Special Town Meeting, without any further action required of the petitioners.

The Moderator asked for a vote on this article.

VOTED TO REFER TO NEXT SPECIAL TOWN MEETING AT 6:48 PM

Motion to adjourn by Michael Wise and seconded by someone in the audience.

MEETING ADJOURNED AT 7:32 PM

Respectfully submitted,

Jennifer L. Messina
Jennifer L. Messina
Town Clerk

| | |
|--|--------------------|
| Total Registered Voters: | 4,910 |
| Total Voters attended June 22nd: | 257 (5.2 %) |
| Total Voters attended June 25th: | 159 (3.2%) |