

TOWN OF GREAT BARRINGTON
ANNUAL TOWN MEETING
MONUMENT MOUNTAIN REGIONAL HIGH SCHOOL
AUDITORIUM
600 STOCKBRIDGE ROAD
MAY 6, 2024 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 Michael Wise who welcomed everyone to the Town Meeting. Mr. Wise stated that there was a quorum present and noted the return and service of the warrant. Mr. Wise requested that everyone stand and join him in the Pledge of Allegiance.

Selectboard member Leigh Davis read the following Official Land Acknowledgement: "As we gather this evening for our annual town meeting, where we will decide upon the future direction of our community, it is important that we also look to, and learn from, the lessons of the past. We want to acknowledge that we gathered on the traditional lands of the Mohican People, and honor with gratitude the land itself and the people who have stewarded it throughout the generations. We commit to continuing to learn how to become better caretakers of the land we inhabit, to understand the history and traditions of those who cared for it before us, and to learn from the successes and failures of preceding generations, in the pursuit of a more just, equal, Great Barrington."

The Moderator introduced himself. Mr. Wise reviewed the emergency exit procedures and explained that the meeting was being taped by CTSB for viewing at a later date. The Moderator also asked the cell phones be silenced. He introduced the Town Officials seated on the stage; Town Clerk Jennifer Messina, Town Accountant Allison Crespo, Town Manager Mark Pruhenski and Town Counsel David Doneski. He also announced the Selectboard members on stage which were Stephen Bannon, Leigh Davis, Eric Gabriel, Garfield Reed and Benjamin Elliott and the Finance Committee members which were Philip Orenstein, Anne O'Dwyer, Richard Geiler and Madonna Meagher.

The rules of the meeting were explained by Mr. Wise. The meeting will be governed by the Constitution, Massachusetts General Laws, the Bylaws of the Town of Great Barrington and Town Meeting Time will be a reference guide. Only registered voters of the town may participate in the meeting unless permission is granted by the moderator. He did state that several non-voters did receive his permission to attend and speak tonight on certain articles. 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. 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. Each voter has received a warrant, a neon pink 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 auditorium and they will report their numbers at the microphone when ready. The Moderator reviewed the different voting methods and procedures that would occur for all the business that evening.

A motion was made by someone in the audience, seconded by Christopher Rembold to dispense with the reading of the warrant.

VOTED AT 6:08 PM

The Moderator also wanted take care of a procedural motion that he be allowed to declare a 2/3rds vote which is authorized by Massachusetts General Law. A motion was made by someone in the audience and seconded by Karen Smith.

VOTED AT 6:08 PM

Mr. Wise introduced Town Manager Mark Pruhenski who went through the Financial Overview of the budget on a slideshow.

ARTICLE 1: (majority)

On a motion by Philip Orenstein and seconded by Karen Smith, that the Town set the FY2025 spending limits for Town revolving funds as set forth in the Warrant, namely, Plumbing Inspections \$25,000, Wiring Inspections \$65,000, Gas Inspections \$20,000, Parks and Recreation \$20,000, and Council on Aging Transportation \$80,000.

VOTED AT 6:22 PM

ARTICLE 2: (majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, that the Town amend Chapter 36 of the Great Barrington Code, Revolving Funds, by adding a new fund to section 36-1 for Electric Vehicle Charging Stations as set forth in the Warrant, and to set the FY2025 spending limit for the fund at \$20,000.

VOTED AT 6:24 PM

ARTICLE 3: (majority)

On a motion by Philip Orenstein and seconded by Karen Smith, that the Town fix the salaries of all elected officials for the period of July 1, 2024 to June 30, 2025 as indicated below:

Elected Officials’ Salaries:
 Selectboard: \$24,500 (\$4,900 per Selectboard member)

VOTED AT 6:24 PM

ARTICLE 4: (majority)

On a motion by Anne O’Dwyer and seconded by Karen Smith, 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	\$ 473,409
Finance Committee/Reserve Fund	100,200
Financial Coordinator/Town Accountant	204,425
Technology	330,500
Assessors’ Office	234,611
Treasurer/Collector	275,931
Human Resources	78,934
Town Clerk/Elections	158,944
Conservation Commission	47,173
Planning Board	5,610
Zoning Board of Appeals	1,250
Office of Planning/Community Development	180,510
 <u>Public Safety</u>	
Police Department	2,138,261
Fire Department	897,477
Communications/Emergency Management	24,461
Building Inspector	473,901
Animal Control	11,000

Department of Public Works

Buildings and Grounds	1,003,838
Highway	1,990,234

Cultural/Recreation/Human Services

Health Department	146,443
Human Services	0
Council on Aging	246,766
Veterans' Affairs	176,429
Libraries	654,955
Parks & Recreation	83,825
Various Boards/Commissions	21,000

Miscellaneous

Insurance	1,797,506
Debt Service	3,378,034
Retirement	1,230,281
Celebrations & Events	12,500

Total General Fund Budget **\$ 16,378,408**

The Moderator stated he would go line by line and asked for the voters to call out hold if they wanted to discuss items. There were holds on five budget lines (Human Resources, Planning Board, Police Department, Libraries & Debt Service). The Moderator stated that since there were no holds on the remaining twenty five budget lines that a vote would be taken on those lines first.

VOTED AT 6:30 PM

There were holds placed on the following items:

Human Resources- Charles Williamson and Town Manager Mark Pruhenski spoke on this item.

Planning Board- Pedro Pachano spoke on this article. He made a motion and it was seconded by Karen Smith to increase the Planning Board budget from \$5,610 to \$6,610 for an increase of **\$1,000**.

The Moderator then asked for a vote on the amendment presented by Mr. Pachano.

AMENDMENT PASSED AT 6:33 PM

Police Department- Louis Stark, Police Chief Paul Storti and Erica Mielke spoke on this item.

Libraries- Louis Stark and Library Director Dawn Jardine spoke on this item.

Debt Service- The following people spoke on this item: Erik Bruun, Town Manager Mark Pruhenski, Town Accountant Allison Crespo, Philip Orenstein, Anne O'Dwyer, Michael Monroe, DPW Superintendent Joseph Aberdale and Peter Franck.

The Moderator then asked for a vote on the remaining 5 items.

Human Resources- \$78,934
 Planning Board- Increase of \$1,000 to total **\$6,610**
 Police Department- \$2,138,261
 Libraries- \$654,955
 Debt Service- \$3,378,034

VOTED AT 6:49 PM**ARTICLE 5:** (2/3 majority secret ballot)

On a motion by Philip Orenstein & Anne O'Dwyer and seconded by Karen Smith, that the sum of \$4,705,359 is appropriated to pay costs of undertaking various capital projects and acquiring various items of capital equipment, as follows:

(i) purchasing shields for the Police Department at an approximate cost of \$26,300 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town raise and appropriate said funds.

(ii) purchasing radios for the Police Department at an approximate cost of \$8,375 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town raise and appropriate said funds.

(iii) purchasing and equipping a new police cruiser at a cost of approximately \$70,000 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town raise and appropriate said funds.

(iv) acquiring new rolloff containers for the Department of Public Works for the Transfer Station, at an approximate cost of \$25,934 including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town raise and appropriate said funds.

(v) acquiring two new zero turn mowers with attachments for the Department of Public Works at an approximate cost of \$36,750, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town raise and appropriate said funds.

(vi) purchasing and equipping a new vehicle for the Fire Department at a cost of approximately \$67,000 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) purchasing and equipping a new wood chipper for the Department of Public Works at a cost of approximately \$82,000 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 truck for the Department of Public Works at an approximate cost of \$115,000 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.

(ix) acquiring a new transit vehicle at approximate cost of \$22,000, 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) making various buildings and grounds improvements, including the Courthouse, Great Barrington Fire Station, Mason and Ramsdell Libraries, Police Station, Town Hall, emergency improvements to buildings town-wide, and related architectural, engineering and planning services, at an approximate cost of \$1,354,000, 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 \$1,234,000 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, that the Town raise and appropriate \$25,000, and that \$95,000 be transferred from available grant funds; provided, however, that such borrowing shall be contingent upon approval, at an election, of a Proposition 2 ½ debt exclusion.

(xi) making various street and bridge improvements at an approximate cost of \$2,745,000, 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 \$1,745,000 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, that \$900,000 be transferred from Chapter 90 funds, so-called, and \$100,000 be transferred from available grant funds.

(xii) making parks improvements at an approximate cost of \$153,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation, \$95,000 be transferred from available grant funds, and the Town raise and appropriate \$58,000.

The amounts authorized to be expended by this vote, including by borrowing, are estimates based on information available, and the Town is authorized to expend more for any project and less for another, so long as, in the judgment of the Selectboard, each project to be funded can be completed within the total amount authorized to be expended by this vote.

The Moderator went through all 12 items within the article and asked that voters call out hold for any discussion. Four items had holds. The Moderator then went through each item for discussion on the items.

The following items had holds:

- (i) Jovanina Pagano and Police Chief Paul Storti spoke on this item.
- (iii) Eileen Mooney spoke on this item.
- (vi) Louis Stark, Fire Chief Scott Turner and Philip Orenstein spoke on this item.
- (vii) Charles Williamson and DPW Superintendent Joseph Aberdale spoke on this item.

Anne O'Dwyer wanted to clarify that in warrant article 5 it should state 1 police cruiser and 1 transit vehicle, not two of each.

Erik Bruun spoke again and stated he had questions about the debt. Philip Orenstein spoke to this matter.

Charles Williamson made a motion and it was seconded by someone in the audience to amend Article 5 and remove the wood chipper (vii) from the list.

The Moderator then called for a vote on the amendment as presented.

AMENDMENT FAILED AT 7:11 PM

Mr. Wise then asked for a vote on all 12 items in the article and stated it would be done through a secret ballot vote using the purple yes/no card and that it needed to be a 2/3rds majority.

VOTED by 2/3rds SECRET BALLOT AT 7:21 PM
YES -189 NO - 27

ARTICLE 6: (majority)

On a motion by Philip Orenstein and seconded by Karen Smith, 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 fiscal year for the purposes outlined below.

Wastewater Treatment Plant

Salaries	\$ 554,683
Expenses	1,058,480
Insurance/Benefits	235,810
Miscellaneous/Transfers	292,824
Debt Service	<u>1,011,498</u>
Total Wastewater Treatment Plant Budget	\$3,153,295

VOTED AT 7:16 PM

ARTICLE 7: (2/3 majority secret ballot)

On a motion by Anne O'Dwyer and seconded by Karen Smith, that the sum of \$2,650,000 is appropriated to pay costs of undertaking various capital projects and acquiring capital equipment in the Wastewater Department, as follows:

(i) retaining engineering services at an approximate cost of \$850,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town authorize the use of \$850,000 of Retained Earnings in the Sewer Enterprise Fund.

(ii) retaining mitigation services for CMOM (Capacity, Management, Operations and Maintenance) and Infiltration/Inflow at an approximate cost of \$200,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town authorize the use of \$200,000 of Retained Earnings in the Sewer Enterprise Fund.

(iii) rehabilitating and/or replacing various sewers and manholes at an approximate cost of \$100,000, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Town authorize the use of \$100,000 of Retained Earnings in the Sewer Enterprise Fund.

(iv) developing and implementing Pump Station upgrades at a cost of approximately \$1,500,000 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.

The Moderator went through all 4 items within the article and asked that voters call out hold for any discussion. There were no holds but the following people spoke on this article:

John Grogan	Louis Stark	Town Counsel David Doneski
Charles Williamson	Joseph Aberdale	

The Moderator then asked for a vote on the article and stated it would be done through a secret ballot vote using the pink yes/no card and that it needed to be a 2/3rds majority.

VOTED by 2/3rds SECRET BALLOT AT 7:35 PM
YES –204 NO – 16

ARTICLE 8: (majority)

On a motion by Leigh Davis and seconded by someone in the audience, that the Town raise and appropriate the sum of Twenty Million, Six Hundred Forty-Four Thousand, Eight Hundred and Five Dollars (\$20,644,805) for the operating assessment, and Three Hundred Ninety-Six Thousand and Sixty-Seven Dollars (\$396,067) for the capital assessment, for a total assessment of Twenty-One Million, Forty Thousand, Eight Hundred and Seventy-Two Dollars (\$21,040,872) of the Berkshire Hills Regional School District.

School Superintendent Peter Dillon made a presentation on this article.

Charles Williamson spoke on this article.

VOTED AT 7:35 PM
(UNANIMOUS)

ARTICLE 9: (majority)

On a motion by Eric Gabriel and seconded by Karen Smith, that the Town raise and appropriate \$80,000 to fund the Fiscal Year 2025 tuition and transportation costs for out of district vocational education, in accordance with Chapter 74 of the Massachusetts General Laws.

VOTED AT 7:36 PM

ARTICLE 10: (majority)

On a motion by Philip Orenstein and seconded by Karen Smith, that the Town authorize the use of \$3,675,000 in Free Cash to reduce the tax levy for Fiscal Year 2025.

VOTED AT 7:37 PM

ARTICLE 11: (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(s) invoices from the FY24 operating budgets of the Selectboard, Technology, Police and Insurance Departments, in the amounts set forth below.

Selectboard:	\$36.09 to Carr Hardware	Account Number:	01122-54200
	\$9,561.46 to KP Law, PC	Account Number:	01122-53020
Technology:	\$1,259.68 to Priority Dispatch Corp	Account Number:	01136-53000
Police:	\$1,825.00 to Priority Dispatch Corp	Account Number:	01210-57100
Insurance:	\$105.00 to Work Care (01/31/22)	Account Number:	01945-57500
	\$105.00 to Work Care (02/28/22)	Account Number:	01945-57500
	\$52.50 to Work Care (06/30/22)	Account Number:	01945-57500
	\$52.50 to Work Care (10/31/22)	Account Number:	01945-57500
	\$52.50 to Work Care (12/30/22)	Account Number:	01945-57500
	\$1,750.00 to Ancora Psychological LLC	Account Number:	01945-57500

The Moderator stated that this article had to be a vote by 4/5th's majority. The Moderator then asked for a vote on this article.

**VOTED 4/5ths MAJORITY AT 7:39 PM
(UNANIMOUS)**

ARTICLE 12: (majority)

On a motion by Garfield Reed and seconded by Karen Smith, that the Town appropriate \$205,326 from Free Cash to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.).

Town Manager Mark Pruhenski spoke on this article.

VOTED AT 7:40 PM

ARTICLE 13: (majority)

On a motion by Benjamin Elliott and seconded by Karen Smith, that the Town appropriate and transfer \$200,000 from Sale of Real Estate Fund to pay for Courthouse upgrades.

Pedro Pachano and Town Manager Mark Pruhenski spoke on this article.

VOTED AT 7:42 PM

ARTICLE 14: (majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town appropriate \$25,000 from Free Cash and appropriate and transfer the sum of \$125,000 from the Sale of Real Estate Fund, for a total of \$150,000, to fund planning and design phase services for Ramsdell Library improvements, said sum to be expended by the Town for library assessment, planning, feasibility and/or design; and vote to apply for, accept, and expend Massachusetts Public Library Construction Program (“MPLCP”) grant funds in support of such improvements.

The following people spoke on this article:

Patrick Hollenbeck	Ruby Chang	Trevor Forbes
John Nelson	Jan Wojcik	John Breasted
Brandee Nelson	Stephen McAllister	Karen Smith
Malcolm Fick	Town Manager Mark Pruhenski	

Malcolm Fick made a motion to amend this article by replacing the words “improvements” with “planning and design phase.”

Town Counsel David Doneski stated he needed to check with the state on that motion to determine if it could be amended that way.

The following people then spoke on the original motion:

Michelle Loubert	Ellen Lahr	Sharon Gregory
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Town Counsel stated that the voter could remove the word “improvements” at the end of the motion and replace it with “planning and design phase”.

Fick agreed with that amendment to the motion and it was seconded by someone in the audience. The Moderator then asked for a vote on the amendment by Mr. Fick.

AMENDMENT PASSED AT 8:17 PM

The Moderator asked for further discussion and Denise Forbes then spoke on this article.

Mr. Wise then asked for a vote on the main motion with the amendment.

VOTED AT 8:17 PM

ARTICLE 15: (majority)

On a motion by Leigh Davis and seconded by someone in the audience, that the Town appropriate and transfer \$10,556.32 from Free Cash for deposit into the Opioid Settlement Special Revenue Fund.

VOTED AT 8:18 PM

ARTICLE 16: (majority)

On a motion by Philip Orenstein and seconded by Karen Smith, that the Town hereby rescinds the following amounts that have been authorized to be borrowed by vote of Town Meeting, but which are no longer needed for the purposes for which they were initially approved:

<u>Unused Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$22,803	05/06/2019	7	Various Building Improvements
3,843	06/22/2020	6	Parks Equipment
3,950	06/06/2022	5	Highway Truck with Snowfighter Package
3,633	06/06/2022	5	Roadside Mower
27,350	06/06/2022	8	High Pressure Sewer Cleaner

VOTED AT 8:20 PM

ARTICLE 17: (majority)

On a motion by Karen Smith and seconded by someone in the audience, 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 FY25 and for payment of debt service and costs related thereto for the Memorial Field improvement project authorized by vote of the June 6, 2022 Annual Town Meeting, and reserve for future appropriation for community preservation projects the following reserve amounts, with each item to be considered a separate appropriation:

Reserves:

From FY25 revenues for Historic resources reserve	\$67,500
From FY25 revenues for community housing reserve	\$67,500
From FY25 revenues for open space/recreation reserve	\$0

Appropriations:

From FY25 revenues for debt service on Memorial Field project, and costs related thereto	\$71,000
From FY25 revenues for administrative expenses	\$12,000
Balance of FY25 revenues for FY25 budgeted reserve	\$457,000

VOTED AT 8:21 PM

ARTICLE 18: (majority)

On a motion by Karen Smith and seconded by someone in the audience, that the Town appropriate from the Community Preservation Fund for FY25 and from the fund balance the following amounts recommended by the Community Preservation Committee, with each item to be considered a separate appropriation:

Project	Total Appropriation	Source of Appropriation	
		FY25 Revenues	Fund Balance
<i>AFFORDABLE HOUSING</i>			
1 Town – Affordable Housing Trust Fund	\$23,000	-	\$23,000
2	\$250,000	\$250,000	-
3 Construct, Inc.	\$110,000	\$50,000	\$60,000
4 Marble Block Realty	<u>\$150,000</u>	-	\$150,000
Subtotal, Affordable Housing	\$533,000		
<i>HISTORIC RESOURCES</i>			
5 Town – Mason Library steps	\$95,000	\$95,000	-

6	Great Barrington Historical Society	\$77,000	\$77,000	
	Subtotal, Historic Resources	\$172,000		
<i>OPEN SPACE & RECREATION</i>				
7	Town – Grove Street Park	\$95,000	\$95,000	-
	Subtotal, Open Space & Recreation	\$95,000		
TOTAL		\$800,000		

Assistant Town Manager/ Director of Planning & Development Christopher Rembold spoke briefly about the projects in this article.

The Moderator then asked if there were any questions about the proposed items.

Eileen Rosenthal, Jan Wojcik Sharon Gregory and Christopher Rembold spoke on item 4 (Marble Block Realty).

Sharon Gregory asked to make an amendment to this article. She made a motion and it was seconded by someone in the audience to strike item 4 from the article.

The Moderator asked for a vote on the amendment but others asked to speak on the amendment.

John Breasted, Pedro Pachano and Leigh Davis also spoke about item 4. Craig Barnum, Marble Block Realty, then spoke about his project in detail.

After no further comments the Moderator asked for a vote on the amendment.

AMENDMENT FAILED AT 8:38 PM

The Moderator then stated he was going to go back through each item in this article one at a time and if anyone had questions the item(s) could be discussed.

Daniel Seitz made a motion and it was seconded by someone in the audience, to divide out each item in this article and vote on each item separately. The Moderator asked for a vote on this motion.

MOTION FAILED AT 8:40 PM

The Moderator proceeded with going through each item one at a time. There were questions on item 2 (Community Development Corp of South Berkshire). The following people spoke on this item:

Daniel Seitz	Jim Harwood	Stephen Bannon
Krystyna Kurzyca	Karen Smith	Denise Forbes

After no further discussion the Moderator asked for a vote on all items as presented in the main motion.

VOTED AT 8:50 PM

Pedro Pachano called point of order regarding the type of vote (majority vs. 2/3 majority) on the next two zoning articles. Town Counsel David Doneski spoke on this matter.

The Moderator stated that if the votes are close on the next two articles and he thinks that it might not be the majority, he will ask for a hand count by the tellers to confirm that each one has met the 2/3rds majority requirement.

ARTICLE 19: (2/3 majority)

On a motion by Pedro Pachano and seconded by Christopher Rembold, that the Town amend Section 11.0 and Section 3.1.4 of the Zoning Bylaw and add a new section 8.11 to the Zoning Bylaw as set forth in Article 19 of the warrant for this Town Meeting.

Amend Section 11 to add the following definition:

Coliving residential development: A building or part thereof that contains sleeping units where residents share bathrooms or kitchen facilities or both.

Add new section 8.11 as follows:

8.11 COLIVING RESIDENTIAL DEVELOPMENT

8.11.1 Purpose. The purpose of this section is to encourage the development of Coliving, a housing option that generally is more affordable to residents because typical housekeeping facilities are shared in common with other residents. Coliving developments generally have no more than two persons per unit and typically comprise one or two rooms per unit.

8.11.2 General. Coliving, as defined in Section 11.0 of this bylaw, may be permitted by right or by special permit as set forth in the Table of Use Regulations, Section 3.1.4. Other residential uses may be permitted on a Coliving residential development site to the extent they are permitted in the underlying district. All Coliving developments shall require site plan approval in accordance with Section 10.5.

8.11.3 Requirements.

1. **Area:** Individual Coliving units shall have a minimum of 150 square feet of net usable floor area.
2. **Management:** All Coliving development projects shall require the filing of a management plan with the Planning Board at the time of site plan application. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, security procedures, trash collection and recycling services policies, and contact information of management and owner, and the plan shall be updated as necessary and filed concurrently with annual inspections.
3. **Common bathrooms:** Common bathrooms must be located on any floor with units that do not have their own full bathrooms. Common bathrooms shall contain at least a) one water closet for up to eight occupants on the floor, (b) one lavatory for up to eight occupants on the floor, and (c) one bathtub or shower for up to eight occupants on the floor. For occupancies greater than eight, the minimum ratio of one water closet, lavatory and bath or shower to eight occupants shall be retained.
4. **Common cooking and kitchen facilities:** Complete common cooking facilities/kitchens shall be provided if any unit within the project does not have a kitchen. Any area that may be used for common cooking and food preparation must be defined in building plans and shall meet the applicable health and building codes, licensing, and inspection requirements of the Commonwealth of Massachusetts and Great Barrington Board of Health.
5. **Parking:** Off-street parking for residents shall be provided at a rate of at least one space for each Coliving unit. Employee parking shall be provided at a rate of at least one space per two employees.
6. **Bicycle parking:** Projects shall provide at least one bicycle parking space per four units. The bicycle parking spaces shall allow for the secure storage of bicycles, shall be protected from the weather, and shall be located in a clearly designated, safe and accessible location.
7. **Laundry facilities:** Projects with up to 10 units shall have a minimum of two washers and two dryers provided in a separate room in the development. For projects with more than 10 units, additional washers and dryers shall be provided at a rate of a minimum of one washer and one dryer for every 10 units.
8. **Common Space:** Projects shall have at least 10 square feet of common usable open space per unit; no project, however, shall provide less than 200 square feet, each, of common outdoor space and common indoor open space. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight feet wide shall not be included as outdoor common space.

9. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from the requirements of this section.

Amend Section 3.1.4, Table of Use Regulations, to add a new row A(12) as follows:

Permitted Use		ZONING DISTRICT ¹														
		R1 A	R1 B	R 2	R 3	R 4	B	HV C	B 1	B 2	B2 A	B2 X	B 3	MX D	I	I2
A. Residential uses																
(12)	Coliving development	Y	Y	S B	Y	S B	Y	Y	Y	Y	Y	Y	Y	Y	S B	Y

Pedro Pachano spoke on this article.

The Moderator stated that this article had to be a vote by 2/3rds majority. The Moderator then asked for a vote on this article.

VOTED 2/3rds MAJORITY AT 8:57 PM

ARTICLE 20: (2/3 majority)

On a motion by Malcolm Fick and seconded by Christopher Rembold, that the Town amend Section 3.1.4, Table of Use Regulations, of the Zoning Bylaw, as set forth in Article 20 of the warrant for this Town Meeting.

Proposed deletions are struck through
Proposed additions are underlined

Permitted Use		ZONING DISTRICT ¹														
		R1 A	R1 B	R 2	R 3	R 4	B	HV C	B 1	B2	B2 A	B2 X	B 3	MX D	I	I2
A. Residential uses																
(1)	Dwelling, single unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S B	S B <u>Y</u>
(2)	Dwelling, two- and three-unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(3)	Dwelling, multi-unit															
	4 to 8 units	SB	SB	S B	S B	N	Y	SB <u>Y</u>	S B <u>Y</u>	Y	SB	Y	Y	Y	N S B <u>Y</u>	S B <u>Y</u>
	9 units or more	N	N	N	S B	N	S B <u>Y</u>	SB <u>Y</u>	N	SB <u>Y</u>	SB	SB <u>Y</u>	Y	SB <u>Y</u>	N S B <u>Y</u>	S B <u>Y</u>
(7)	Mixed use	N	N	N	N	N	Y	Y	S B <u>Y</u>	SB <u>Y</u>	SB	Y	Y	Y	P B	Y

The following people spoke on this article:

Malcolm Fick	Daniel Seitz	Michael Monroe	Barbara Matz
Sharon Lewis	Brandee Nelson	Louis Stark	Pedro Pachano

Louis Stark made a motion and it was seconded by someone in the audience to amend the article as follows: under HVC leave 4 to 8 and 9 units or more within HVC as is, requiring special permit.

Leigh Davis and Trevor Forbes spoke regarding Mr. Stark's amendment.

The Moderator asked for a vote on the amendment presented by Mr. Stark.

AMENDMENT FAILED AT 9:11 PM

After no more discussion the Moderator asked for a vote on the article as originally presented and stated it had to be a vote by 2/3rds majority.

VOTED 2/3rds MAJORITY AT 9:11 PM

ARTICLE 21: (2/3 majority)

On a motion by Jacqueline Kain and seconded by Christopher Rembold, that the Town amend Section 6.3.5 of the Zoning Bylaw, as set forth in Article 21 of the warrant for this Town Meeting.

Proposed deletions are struck through
Proposed additions are underlined

6.3.5 Maintenance of landscaped areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section and shall have a continuing obligation to comply with the provisions set forth herein. All plant materials required by this bylaw shall be maintained in a healthful condition, and trees planted as required by this bylaw shall be replaced if they die with a tree at the original planting size.

Jacqueline Kain spoke on this article.

VOTED 2/3rds MAJORITY AT 9:12 PM

ARTICLE 22: (majority)

On a motion by Eric Gabriel and seconded by someone in the audience, that the Town authorize the Selectboard to grant to Berkshire Natural Resources Council certain perpetual land use rights, under a Trail Easement Agreement, for the construction, use, and maintenance of a recreational foot trail across portions of the Town-owned cemetery property on Blue Hill Road and Rogers Road, to provide for a connection from Rogers Road to the Thomas and Palmer Reserve, as shown on a plan on file with the Town Clerk entitled "Proposed Trail Easement;" and to authorize the Selectboard to take all actions and execute all documents necessary in connection therewith.

**VOTED AT 9:13 PM
(UNANIMOUS)**

ARTICLE 23: (majority)

On a motion by Garfield Reed and seconded by someone in the audience, that the Town authorize the Selectboard and the Parks Commission to grant to WDM Properties, LLC, perpetual easements for the purposes of constructing, maintaining, repairing and replacing electrical, sewer,

stormwater, and telecommunications infrastructure in the area between Meadow Street and the former Housatonic School, across the northeast portion of the Town park, as shown on a plan on file with the Town Clerk entitled "Proposed Utility Easement;" and to authorize the Selectboard and Parks Commission to take all actions and execute all documents necessary in connection therewith.

Jan Wojcik spoke on this article.

VOTED AT 9:15 PM

ARTICLE 24: (majority)

On a motion by Benjamin Elliott and seconded by Christopher Rembold, that the Town acquire by donation a parcel of land containing approximately 149 acres owned by the General Electric Company, said land being shown on Assessors' Map 5 as Parcel 8, and shown as "Lot 2B" on a plan recorded as Plat File P-7 at the Southern Berkshire Registry of Deeds on June 27, 2008, a copy of which is on file with the Town Clerk; and to authorize the Selectboard to take all actions and execute all documents necessary in connection therewith.

Eric Gabriel, Louis Stark, Brandee Nelson and Christopher Rembold spoke on this article.

**VOTED AT 9:18 PM
(UNANIMOUS)**

ARTICLE 25: (2/3 majority)

On a motion by Stephen Bannon and seconded by someone in the audience, that the Town transfer the care, custody, management and control of approximately 1,069 square feet of property within the roadway known as Elm Court to the Selectboard for the purpose of transfer or conveyance to the owner of the abutting property located at and known as 9 Elm Court, W.E.B. DuBois Center for Freedom and Democracy Inc., formerly known as Clinton Church Restoration, Inc., said area of property being shown on a plan entitled "Proposed License Area Plan prepared for Clinton Church Restoration, Inc. 9 Elm Court," dated July 14, 2023 prepared by Foresight Land Services, Inc., Pittsfield, MA, and which is on file with the Town Clerk, and to authorize the Selectboard to take all actions and execute all documents necessary in connection therewith; and that the Town accept as a public way the altered layout of Elm Court as shown on said plan.

VOTED 2/3rds MAJORITY AT 9:19 PM

ARTICLE 26: (majority)

On a motion by Leigh Davis and seconded by someone in the audience, that the Town amend Chapter 142 of the Town Code, Sales, Special, as shown in Article 26 of the warrant for this Town Meeting.

Proposed deletions are struck through
Proposed additions are underlined

Sales, Special

1. § 142-1 Permit required. – Tag Sales

~~Tag sales and sales of similar nature within the Town of Great Barrington will be allowed by permit from the Board of Selectmen twice a year, two days each, within the calendar year, at any location.~~

It shall be unlawful for any person, group, unincorporated association, firm or corporation to conduct a tag sale, garage sale, rummage sale or its equivalent without a permit issued by the Town Clerk.

§ 142-2 Sale of certain property prohibited.

No person shall sell or offer for sale, at any tag sale, any property other than personal property. The sale of animals, firearms or ammunition, hazardous materials, or any other goods the sale of which is restricted by the Massachusetts General Laws is prohibited.

§ 142-3 Application form.

Application for a permit to conduct a tag sale, garage sale, rummage sale or its equivalent shall be made to the Town Clerk on forms furnished by the Town Clerk and shall set forth, under oath, such information as the Town Clerk may require.

§ 142-4. Permit issuance.

Permits required by this chapter shall be signed by the Town Clerk and be affixed with the Seal of the Town, shall be numbered in order as granted, and shall state the date and time of expiration.

§ 142-5. Permit fee.

The fee required by this chapter for the first and second permit shall be ten (\$10) dollars. The fees for additional permits will be set by the Selectboard. Any fee change will be by vote at a public hearing of the Selectboard.

§ 142-6 Permit contents; duration of sale.

The permit shall contain the date, time, and location of the sale and the person, group, unincorporated association, firm or corporation conducting the sale.

§ 142-7. Hours of Operation.

Sales shall start no earlier than the hour of 8:00 am and shall not extend beyond sunset.

§ 142-8. Display of permit.

The person, group, unincorporated association, firm or corporation conducting a sale which requires a permit under this chapter shall at all times during said sale cause the permit to be visibly displayed upon the premises.

§ 142-9. Limitations.

- A. It shall be unlawful for a person, group, unincorporated association, firm or corporation to conduct a tag sale, garage sale, rummage sale or its equivalent at any one residence more than on four separate occasions in any calendar year, or for a duration of more than three consecutive days for each sale.
- B. In a multi-dwelling unit, each household may conduct a tag sale on no more than three separate occasions in any calendar year, for a duration of not more than three consecutive days for each sale.
- C. Any person that is not the owner of record of the property must obtain written permission of the owner. The written permission must be submitted at the time of the application to the Town Clerk.

§ 142-10. Signs.

Temporary signs advertising the tag sale may be erected up to five (5) days before the sale and must be in accordance with Zoning Bylaw requirements, and shall be removed not more than 24 hours after the close of any tag sale. Signs that create a nuisance or threat to public safety are prohibited and shall be removed at the request of the zoning enforcement official or any Great Barrington police officer.

§ 142-11. Parking.

The person, group, unincorporated association, firm or corporation conducting a sale shall be responsible for orderly parking and traffic flow. The Great Barrington Chief of Police or any Great Barrington police officer authorized by him/her may establish and enforce temporary parking restrictions necessary to the safe and orderly flow of traffic and the passage of emergency vehicles. If parking or traffic flow

conditions create a threat to the safety of the public, the tag sale event may be terminated at the request of a Great Barrington police officer.

§ 142-12. Violations and penalties.

The Great Barrington Chief of Police and Great Barrington police officers authorized by him/her as a designee have the authority to take down signs or close an event for public safety problems and may issue a ticket (non-criminal) for any violation of this bylaw. Violations include selling items which are not personal property, holding sales more than four times per year, or holding sales on more than three consecutive days.

The Great Barrington Chief of Police and Great Barrington police officers are authorized to enforce this bylaw by issuing noncriminal citations as provided in MGL c. 40, § 21D. The penalty for any violation of this bylaw shall be as listed below:

A.

- (1) First offense: A written warning shall be given. The sale shall be closed upon issuance of the warning.
- (2) Second offense: The sale shall be closed and a non-criminal citation in the penalty amount of \$50.00 shall be issued.
- (3) Third offense and any subsequent offense: The permit shall be revoked and the sale shall be closed, and a non-criminal citation in the penalty amount of \$100.00 shall be issued.

B. Any person, group, unincorporated association, firm or corporation to whom a non-criminal citation has been issued shall not be eligible for another permit for a period of one calendar year.

Ellen Lahr and Police Chief Paul Storti spoke on this article.

VOTED AT 9:21 PM

ARTICLE 27: (citizen's petition)

To promote and uphold the spirit and values of Community Policing to which the Great Barrington Police Department (GBPD) has committed, and to enable trained professionals to fulfill the stated missions of their respective schools, libraries, and educational organizations, the GBPD will follow best practices of referring questions and complaints about educational materials to the relevant oversight bodies and their appropriate legal counsel. Specifically, the GBPD will refer any and all initial assessments, investigations, and evaluations of materials utilized in the course of said trained professionals conducting recognized educational practices to the oversight bodies (district committees, trustees, boards) and their policies.

Erica Mielke made a motion and it was seconded by someone in the audience, for this body to support this language and create a resolution.

Erica Mielke, Police Chief Paul Storti and John Breasted spoke on this article.

The Moderator then asked for a vote on this resolution.

VOTED & ADOPTED AT 9:31 PM

ARTICLE 28: (citizen's petition-zoning)

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 Town of Great Barrington Assessors' Map 22 as Parcels 2, 3A, 4-13, 18-63, 66-88, *Map 24 as Parcels 6, 7A, 7C*, and Map 25 as Parcels 1-4.

2. *Amend the Zoning Map by placing the following parcels in MXD zone, as follows: the land shown on the 2016 Town of Great Barrington Assessors' Map 24 as Parcels 6, 7A and 7C*

Purpose of the Amendment: In order to address Great Barrington's Housing needs, the owners of the properties at 33 Silver St. and 35 Silver St. seek at Town Meeting to permit multi-unit dwellings on the properties. Prior to Town Meeting, the owners of each property shall record deed restrictions prohibiting non-residential commercial uses of the properties.

The following people spoke on this article:

John Lewis	John Van Wagner	Brandee Nelson
David Unger	Robert West	Roger Belanger
Madonna Meagher	Christopher Rembold	Town Counsel David Doneski

Brandee Nelson did state that the Planning Board did have a hearing regarding this article but they did not make a recommendation on it.

Linda Shafiroff spoke about the zoning in this area and what they were looking to do with this area of Silver Street if this zoning bylaw change was approved.

The Moderator then asked for a vote on this article. He did state that it required a 2/3rds majority vote.

2/3rds MAJORITY FAILED AT 9:44 PM

Mr. Wise made a motion to adjourn and it was seconded by someone in the audience.

MEETING ADJOURNED AT 9:44 PM

Respectfully submitted,



Jennifer L. Messina
Town Clerk

Total Registered Voters: 5,018

Total Voters: 253 (5%)