

Town of Great Barrington

2024 Annual Town Meeting Warrant
Monday, May 6, 2024 at 6:00 PM
Monument Mountain Regional High School



SELECTBOARD

Stephen Bannon, Chair
Leigh Davis, Vice Chair
Eric Gabriel
Garfield C. Reed
Benjamin Elliott

FINANCE COMMITTEE

Philip Orenstein, Chair
Anne O'Dwyer
Richard Geiler
Milena Cerna
Madonna Meagher

TOWN OF GREAT BARRINGTON
2024 ANNUAL TOWN MEETING, MAY 6, 2024
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2024 WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To Paul E. Storti, Chief of Police of the Town of Great Barrington, in said Berkshire County,

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, May 14th, 2024 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

- MODERATOR, ONE FOR ONE YEAR
- SELECTBOARD, TWO FOR THREE YEARS
- BOARD OF HEALTH, ONE FOR THREE YEARS
- FINANCE COMMITTEE, TWO FOR THREE YEARS
- HOUSING AUTHORITY, ONE FOR FIVE YEARS
- LIBRARY TRUSTEES, TWO FOR THREE YEARS
- LIBRARY TRUSTEES, ONE FOR TWO YEARS
- PLANNING BOARD, ONE FOR THREE YEARS
- ZONING BOARD OF APPEALS, TWO FOR FIVE YEARS

BALLOT QUESTION:

Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bond issued in order to pay the cost of Town buildings and grounds improvement capital projects, including projects for the Courthouse, the Great Barrington Fire Station, Mason and Ramsdell Libraries, the Police Station, Town Hall, emergency improvements to buildings town-wide, and related architectural, engineering and planning services; and for the payment of all other costs incidental and related thereto?

The above named officers and ballot questions will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain Regional High School in Great Barrington on Monday, May 6th, 2024 (and May 9th, 2024 if needed) at 6:00 P.M., then and there to act on the following:

ARTICLE 1: AUTHORIZE REVOLVING FUND LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2025 beginning on July 1, 2024 for the revolving funds as established in the Town's by-laws for certain departments, boards, committees, commissions, agencies or officers in accordance with M.G.L. Chapter 44, Section 53E ½; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2025 Spending Limit
Plumbing Inspections	Building Department	\$25,000
Wiring Inspections	Building Department	\$65,000
Gas Inspections	Building Department	\$20,000
Parks and Recreation	Public Works Department	\$20,000
COA Transportation	Council on Aging	\$80,000

Recommended by the Finance Committee and Selectboard

ARTICLE 2: ADD EV REVOLVING FUND TO REVOLVING FUND BYLAW

To see if the Town will vote to amend the Revolving Funds Bylaw, Chapter 36 of the Town Code, by adding to section 36-1 a new line for an electric vehicle charging station revolving fund for the purpose of managing the receipt and expenditure of charges and fees collected for use of the Town's electric vehicle charging stations, with such receipts to be used for operating and maintenance costs of the stations, and with expenditures from such fund to be under the direction of the Town Treasurer, as set forth below, and to set the expenditure limits on the fund for Fiscal Year 2025; or take any other action relative thereto.

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Electric Vehicle Charging Stations	Town Treasurer	Charging Station Charges and Fees

Recommended by the Finance Committee and Selectboard

ARTICLE 3: ELECTED OFFICIALS' SALARIES

To see if the Town will vote to 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)

Recommended by the Finance Committee and Selectboard

ARTICLE 4: FY25 OPERATING BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

General Government

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

Public Safety

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 **\$16,378,408**

Recommended by the Finance Committee and Selectboard

ARTICLE 5: CAPITAL SPENDING AUTHORIZATION

To see if the Town will vote to appropriate \$4,705,359 or any other sum of money, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, and/or borrowing or otherwise; or to take any other action relative thereto.

Capital Items

Police Shields (10)	\$26,300
Police Radios (1)	8,375
Police Cruisers (2)	70,000
Fire Car #1 Replacement	67,000
DPW Wood Chipper	82,000
DPW Dump truck F550	115,000
DPW Transfer Station Rolloffs	25,934
DPW Mowers (2) Zero Turn	36,750
Architectural, Engineering and Planning Services	325,000
Courthouse	241,000
DPW Buildings	25,000
Fire Station (GB)	150,000
Libraries	188,000
Police Station	75,000
Town Hall	200,000
Various: Emergencies/Improvements to buildings town-wide	150,000
Street and Bridge Engineering	600,000
Streets, Bridges and Culverts	2,015,000
Sidewalks and Paths	130,000
Parks Improvements/Equipment	153,000
Transit Vehicles (2)	22,000
Total	\$4,705,359

Recommended by the Finance Committee and Selectboard

ARTICLE 6: FY25 WASTEWATER TREATMENT PLANT BUDGET

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below; or to take any other action relative thereto.

Wastewater Treatment Plant

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

Recommended by the Finance Committee and Selectboard

ARTICLE 7: CAPITAL AUTHORIZATION FOR WASTEWATER ENTERPRISE FUND

To see if the Town will vote to appropriate \$2,650,000, or any other sum of money, for Wastewater capital improvements, in the following approximate amounts and for the following purposes, and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, and/or borrowing or otherwise; or to take any other action relative thereto.

<u>Wastewater Capital Items</u>	
Engineering	\$850,000
CMOM (Capacity, Management, Operations, and Maintenance;	
Infiltration/Inflow Mitigation	200,000
Sewer & Manholes	100,000
Pump Station Upgrades	1,500,000
Total	\$2,650,000

Recommended by the Finance Committee and Selectboard

ARTICLE 8: FY25 REGIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate or transfer from available funds 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; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 9: FY25 OUT OF DISTRICT VOCATIONAL TUITION AND TRANSPORTATION

To see if the Town will vote to raise and appropriate \$80,000 to fund the Fiscal Year 2025 tuition and transportation for out of district vocational education, in accordance with Chapter 74 of the Massachusetts General Laws; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 10: AUTHORIZE USE OF FREE CASH TO REDUCE THE TAX LEVY

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2025; or to take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 11: AUTHORIZATION TO PAY PRIOR FISCAL YEARS' INVOICES

To see if the Town will vote to authorize the payment of prior fiscal year invoices from the FY24 operating budgets of the Selectboard, Technology, Police and Insurance Departments, in the amounts set forth below; or take any other action relative thereto.

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

Recommended by the Finance Committee and Selectboard

ARTICLE 12: AUTHORIZE FUNDING TO SOUTHERN BERKSHIRE AMBULANCE

To see if the Town will vote to appropriate \$205,326 from Free Cash to support the operation of the Southern Berkshire Ambulance service (Southern Berkshire Volunteer Ambulance Squad, Inc.); or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 13: AUTHORIZE TRANSFER FROM TOWN'S SALE OF REAL ESTATE FUND FOR COURTHOUSE UPGRADES

To see if the Town will vote to appropriate and transfer the sum of \$200,000 from the Sale of Real Estate Fund to pay for Courthouse upgrades; or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 14: AUTHORIZE FUNDING FOR RAMSDELL LIBRARY ARCHITECTURE/DESIGN, AND AUTHORIZE MPLCP GRANT APPLICATION

To see if the Town will vote to 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, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 15: AUTHORIZE FUNDING TO THE OPIOID SETTLEMENT SPECIAL REVENUE FUND

To see if the Town will vote to appropriate and transfer \$10,556.32 from Free Cash to the Opioid Settlement Special Revenue Fund, or take any other action relative thereto.

Recommended by the Finance Committee and Selectboard

ARTICLE 16: RESCINDING OF OLD BORROWING AUTHORIZATIONS

To see if the Town will vote to rescind 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, or to take any other action relative thereto:

<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

Recommended by the Finance Committee and Selectboard

ARTICLE 17: COMMUNITY PRESERVATION FUND RESERVES & APPROPRIATIONS

To see if the Town will vote to appropriate, or reserve for future appropriation, from the Community Preservation Fund, the following amounts recommended by the Community Preservation Committee for FY25, with each item considered a separate appropriation; or to take any other action relative thereto.

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

Recommended by the Community Preservation Committee

ARTICLE 18: COMMUNITY PRESERVATION PROJECTS

To see if the Town will vote to appropriate from the Community Preservation Fund for FY25 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation; or to take any other action relative thereto.

		Source of Appropriation	
	Project	Total Appropriation	
			FY25 Revenues
			Fund Balance
	<i>AFFORDABLE HOUSING</i>		
1	Town – Affordable Housing Trust Fund	\$23,000	-
2	Community Development Corp of South Berkshire	\$250,000	\$250,000
3	Construct, Inc.	\$110,000	\$50,000
4	Marble Block Realty	<u>\$150,000</u>	-
	Subtotal, Affordable Housing	\$533,000	\$150,000
	<i>HISTORIC RESOURCES</i>		
5	Town – Mason Library steps	\$95,000	\$95,000
6	Great Barrington Historical Society	<u>\$77,000</u>	-
	Subtotal, Historic Resources	\$172,000	
	<i>OPEN SPACE & RECREATION</i>		
7	Town – Grove Street Park	<u>\$95,000</u>	\$95,000
	Subtotal, Open Space & Recreation	\$95,000	-
	TOTAL	\$800,000	

Recommended by the Community Preservation Committee

ARTICLE 19: ZONING – COLIVING RESIDENTIAL DEVELOPMENT

To see if the Town will vote to amend the Zoning Bylaw by adding a new definition to Section 11, adding a new Section 8.11, and inserting a new row into the Table of Use Regulations, Section 3.1.4, in the Residential uses category, for Coliving development, as shown below, or to take any other action relative thereto.

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 develop ment	Y	Y	S B	Y	S B	Y	Y	Y	Y	Y	Y	Y	Y	S B	Y

Recommended by the Planning Board

ARTICLE 20: ZONING – PERMITTED USE STATUS FOR CERTAIN HOUSING

To see if the Town will vote to amend the Table of Use Regulations, Section 3.1.4, of the Zoning Bylaw, by changing the permitted use status for Dwelling, single unit; Dwelling, multi-unit; and for Mixed use, as set forth in the table below, or to take any other action relative thereto.

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 <u>B</u> <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 <u>B</u> <u>Y</u>	Y	SB	Y	Y	Y	N <u>S</u> <u>B</u> <u>Y</u>	S <u>B</u> <u>Y</u>
	9 units or more	N	N	N	S B	N	S <u>B</u> <u>Y</u>	SB <u>Y</u>	N	SB <u>Y</u> ²	SB	SB <u>Y</u>	Y	SB <u>Y</u>	N <u>S</u> <u>B</u> <u>Y</u>	S <u>B</u> <u>Y</u>
(7)	Mixed use	N	N	N	N	N	Y	Y	S <u>B</u> <u>Y</u>	SB <u>Y</u>	SB	Y	Y	Y	P B	Y

Recommended by the Planning Board

ARTICLE 21: ZONING – LANDSCAPED AREAS, TREES

To see if the Town will vote to amend Section 6.3.5 of the Zoning Bylaw, General landscaping requirements - Maintenance of Landscaped Areas, as follows, or to take any other action relative thereto.

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.

Recommended by the Planning Board

ARTICLE 22: GRANT OF TRAIL EASMENT

To see if the Town will vote to 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, or to take any other action relative thereto.

ARTICLE 23: GRANT OF UTILITY EASEMENT

To see if the Town will vote to 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, or to take any other action relative thereto.

ARTICLE 24: OPEN SPACE LAND ACQUISITION

To see if the Town will vote to 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; or to take any other action relative thereto.

ARTICLE 25: CONVEY AN INTEREST IN LAND ON ELM COURT

To see if the Town will vote to 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., f/k/a, 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 vote to accept as a public way the altered layout of Elm Court as shown on said plan, or take any other action relative thereto.

ARTICLE 26: AMENDMENT OF TAG SALE BYLAW

To see if the Town will vote to amend Chapter 142 of the Town Code, Sales, Special, by deleting the existing text of section 142-1 and replacing it with the text shown below, and by adding new sections 142-2 through 142-12 as shown below, or to take any other action relative thereto.

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.

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.

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:*

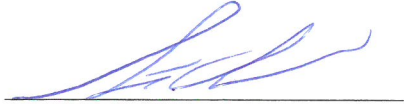
9.11.2 Location. The MXD shall consist of the land shown on the 2015 Town of Great Barrington Assessors' Map 22 as Parcels 2, 3A, 4-13, 18-63, 66-88, *Map 24 as Parcels 6, 7A, 7C*, and Map 25 as Parcels 1-4.

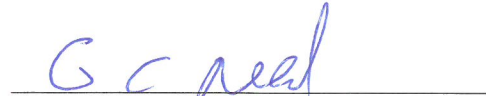
- 2. *Amend the Zoning Map by placing the following parcels in MXD zone, as follows: the land shown on the 2016 Town of Great Barrington Assessors' Map 24 as Parcels 6, 7A and 7C*

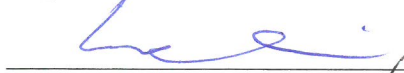
Purpose of the Amendment: In order to address Great Barrington's Housing needs, the owners of the properties at 33 Silver St. and 35 Silver St. seek at Town Meeting to permit multi-unit dwellings on the properties. Prior to Town Meeting, the owners of each property shall record deed restrictions prohibiting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

HEREOF FAIL NOT, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 22 day of April, 2024.


Stephen C. Bannon

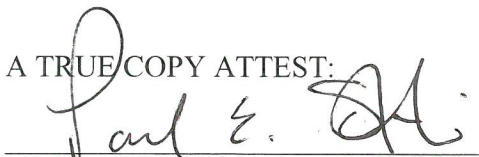

Garfield C. Reed


Leigh Davis


Benjamin Elliott


Eric Gabriel

Selectboard of the Town of Great Barrington

A TRUE COPY ATTEST:


Paul E. Storti, Chief of Police
Town of Great Barrington

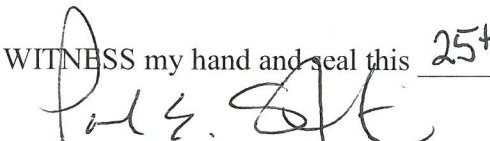
COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, seven days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 25th day of April, 2024.


Paul E. Storti, Chief of Police
Town of Great Barrington