

Kevin O' Donnell
Town Manager

E-mail: kodonnell@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTMEN'S MEETING

MONDAY, APRIL 8, 2013, 7:00 PM

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

1. **CALL TO ORDER:**
2. **APPROVAL OF MINUTES:**
 - March 11, 2013 Special Meeting.
 - March 13, 2013 Regular Meeting.
3. **SELECTMEN'S ANNOUNCEMENTS/STATEMENTS:**
 - A. GENERAL COMMENTS BY THE BOARD.
4. **TOWN MANAGER'S REPORT:**
5. **CITIZEN SPEAK TIME:**
6. **LICENSES OR PERMITS:**
 - A. ANDREW AND ELIZABETH KRIEGMAN FOR A DRIVEWAY PERMIT AT 79 SEEKONK CROSS ROAD. (DISCUSSION/VOTE)
 - B. STACEY VAN DEUSEN/COUNTRY MARKET FOR 2013 ANNUAL COMMON VICTUALLER LICENSE AT 284 MAIN STREET, STORE #9, GREAT BARRINGTON. (DISCUSSION/VOTE)
 - C. JANET ELSBACH/FAIRGROUNDS REALTY, LLC FOR ONE DAY WEEKDAY ENTERTAINMENT LICENSE FOR SATURDAY, APRIL 27, 2013 FROM 4PM – 7PM AT 774 MAIN STREET, GREAT BARRINGTON. (DISCUSSION/VOTE)
 - D. RANDY WEINSTEIN/THE WEB DUBOIS CENTER FOR ONE DAY WEEKDAY ENTERTAINMENT LICENSE FOR SATURDAY, JUNE 15, 2013 FROM 9AM – 7PM AT 684 MAIN STREET, GREAT BARRINGTON. (DISCUSSION/VOTE)
 - E. STEPHEN PEARLMAN/ASTON MAGNA FOUNDATION FOR MUSIC, INC. FOR PERMISSION TO HANG A BANNER ACROSS MAIN STREET (FROM TUNE STREET TO TOM'S TOYS BUILDING) FROM MAY 1, 2013 TO JULY 15, 2013. (DISCUSSION/VOTE)

7. NEW BUSINESS:

- A. CONSENT TO MULTIPLE REPRESENTATION OF THE TOWN BY KOPELMAN AND PAIGE, P.C. IN THE MATTER OF THE TIME WARNER CABLE NORTHEAST LLC TELEVISION LICENSE RENEWAL NEGOTIATIONS. (DISCUSSION/VOTE)
- B. BOS – APPOINTMENT OF MEMBER TO TREE COMMITTEE. (DISCUSSION/VOTE)
- C. BOS – ARBOR DAY, APRIL 26, 2013 - PROCLAMATION. (VOTE)
- D. EXECUTIVE SUMMARY SUPPORTING GREAT BARRINGTON HOUSING AUTHORITY RE: GOVERNOR’S LEGISLATION TO ABOLISH LOCAL HOUSING AUTHORITIES. (DISCUSSION/VOTE)
- E. BOS – RENEWAL OF ACCESS CORPORATION AGREEMENT BETWEEN CTSB AND THE TOWN OF GREAT BARRINGTON. (DISCUSSION/VOTE)
- F. FOOD TRUCK DRAFT BYLAW. (DISCUSSION/VOTE)
- G. BOS - REVIEW 2013 ANNUAL TOWN MEETING WARRANT ARTICLES.

8. OLD BUSINESS:

- A. LOCATION OF THE MINI TOWN MEETING. (DISCUSSION/VOTE)
- B. ANN CONDON/CASTLE HILL TRAFFIC CITIZENS GROUP – TRAFFIC UPDATE AND REQUEST FOR PLACEMENT OF SPEED HUMPS. (DISCUSSION/VOTE)
- C. DRAFT RESOLUTION CREATING A COMMITTEE ON GUN SAFETY - DISCUSSION.

9. SELECTMEN'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTMEN'S REGULAR MEETING: MONDAY, APRIL 22, 2013 AT 7:00 P.M.


Kevin O'Donnell, Town Manager

THIS MEETING MAY BE RECORDED BY MEMBERS OF THE MEDIA.

THE LISTING OF AGENDA ITEMS ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR WHICH MAY BE DISCUSSED AT THE MEETING. NOT ALL ITEMS LISTED MAY IN FACT BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

RECEIVED
TOWN MANAGER

MAR 07 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Town of Great Barrington

ORIGINAL

Form Date: June 2011

Board of Selectmen

Fee \$50.00

(OK)

Application for Access to a Public Way / Driveway Permit

Number _____

INSTRUCTIONS

RETURN FIVE (5) COPIES OF THIS FORM AND ALL ACCOMPANYING PLANS, ALONG WITH THE \$50.00 FEE to the Department of Public Works office in Town Hall, 2nd Floor, 334 Main Street, Great Barrington, MA 01230. Plans must show the location of the driveway on the property and must also indicate all details needed in order to determine that driveway regulations are met, including paving material, width, grade, drainage, culverts, angle to street, etc. See Chapter 153 of the Town Code for driveway regulations.

Application Date MARCH 7, 2013

Name of Applicant / Property Owner ANDREW AND ELIZABETH KRIEGMAN

Mailing address 37 LENOX ROAD, SUMMIT, N.J. 07901

Phone number 917 318 1584

Location of proposed driveway / highway entrance 79 SEEKONK CROSS ROAD, G.B.

Contractor who will perform the work TO BE DETERMINED

Address & phone number of contractor 413 717 1968

Proposed construction date SPRING 2013

Type of driveway (gravel, asphalt, etc.) GRAVEL

Print Form

Submit five (5) copies of completed form and plans.

Applicant hereby agrees to notify the Great Barrington DPW Superintendent of the date and time of driveway construction at least 24 hours before construction is begun. Applicant further agrees to conform to all requirements of the Town of Great Barrington regulations governing access to public ways and to all conditions that may be placed on this permit. See Chapter 153 of the Town Code for regulations and design requirements.

Applicant's Signature: [Signature]

FOR STAFF USE ONLY

RECOMMENDATION OF DPW / HIGHWAY SUPERINTENDENT

After consultation with review staff, and after full consideration of the application and the applicable requirements, I recommend that this application be:

- approved as submitted
- approved with conditions attached
- disapproved for reasons attached
- resubmitted with changes suggested per attached

Staff Reviews Received:

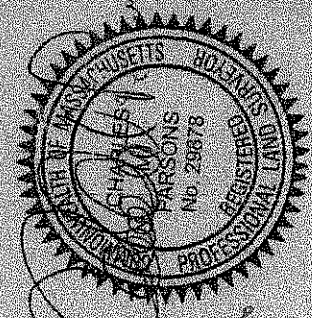
	Received	Conditions Recommended	Other Permits Required
Conservation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Chief:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planning:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PERMIT FOR ACCESS TO A PUBLIC WAY / DRIVEWAY

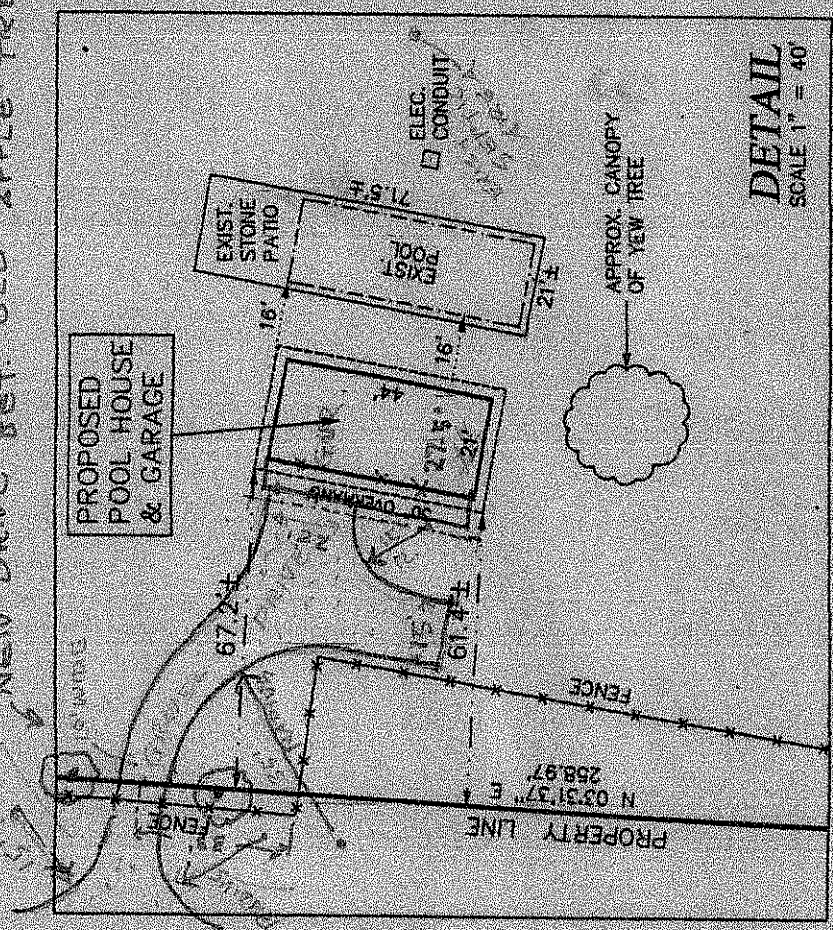
Pursuant to its vote of _____ in favor and _____ opposed, at its meeting on _____, the Great Barrington Board of Selectmen granted permission to construct or alter this access to a public way at the address and in the location indicated in this application, in accordance with the plans accompanying this application, and subject to any conditions attached.

For the Selectmen: _____, its _____ (date)

MERIDIAN FROM PLAT FILE K-117



NEW DRIVE BET. OLD APPLE TREES



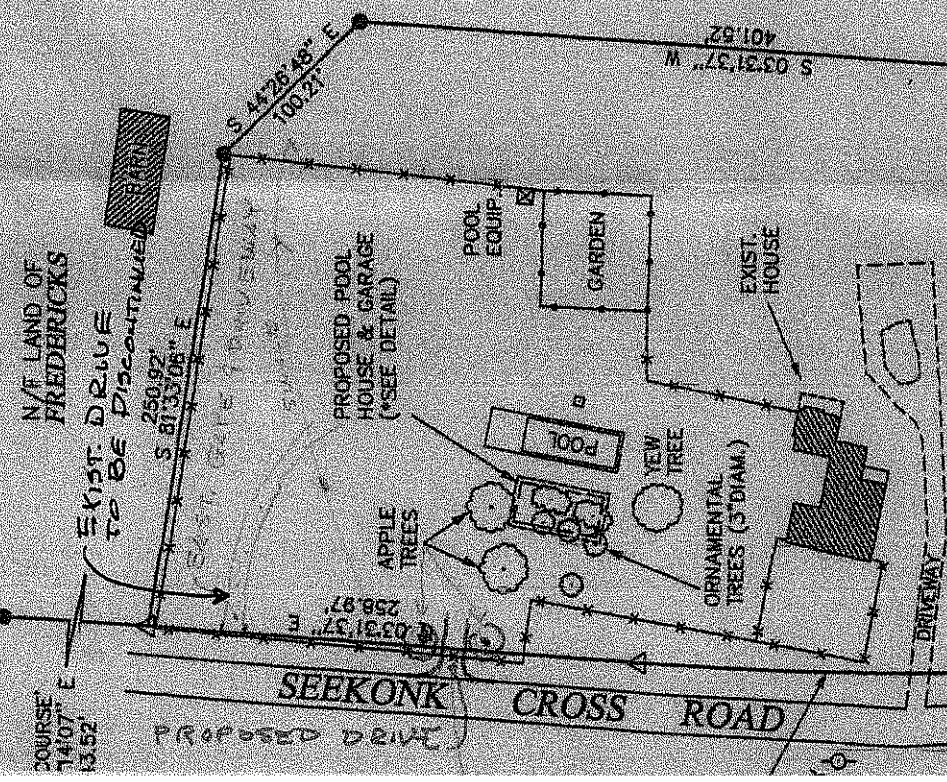
PROPOSED DRIVEWAY FOR KRIEGMAN

N/E LAND OF STRASSLER

@ 79 SEEKONK CROSS RD.

GT. BIRINGTON, MA

S 78° 18' 04" E
427.65'



MAR 5, 2013

DRAWN BY

FRANK GARRETS ONIAN, INC., ARCH

413 717 1968

Pete Soules
Highway-Facilities Superintendent

E-mail: psoules@townofgb.org
www.townofgb.org



20 East Street
Great Barrington, MA 01230

Telephone: (413) 528-2500
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

Department of Public Works
Highway Division

Conditions on Application for Access to Public Way

Applicant: Andrew & Elizabeth Kriegman
Location: 79 Seekonk Cross Rd
From: Pete Soules Highway Superintendent
Date: March 19, 2013

1. The applicant shall construct the proposed access to conform to the following applicable criteria listed under **Section 153-14, Design requirements** of the Town of Great Barrington Code:
 - B. Driveway location as shown on the attached plan is acceptable, with regards to alignments with the way, profile, sight distance conditions and not located at the extreme edge of the property.
 - C. No more than two (2) driveways shall normally be allowed for any property, unless there is a clear necessity for more. **East gate and driveway shown on plan shall be discontinued.**
 - D. Driveways shall not normally be approved at intersections, because of potential safety hazards.
 - E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15" (*A culvert is not required at this location*)
 - F. Entrance elevation at the point of entry into the public right-of-way shall be no more than the elevation of the shoulder of the road.
 - G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.
 - H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

- I. Driveway width shall not be less than 8-feet or more than 16-feet within the town right-of-way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
 - J. Pitch of driveway shall be downward from the edge of the road to sideline of the town right-of-way or front property line.
 - K. Driveways should be located to the best advantage with respect to the alignment with the way, profile and sight distance conditions. In no instance shall a driveway intersect the way at less than a sixty degree angle. Unless there is no alternative, a driveway should not be located within a required side yard.
 - L. No permit shall be issued for any driveway to a structure or proposed structure on a grade in excess of ten percent (10%) above the road or street level until and unless the applicant submits plans to the Highway Superintendent showing that the driveway will be constructed in a such a way so as not to discharge water, stones or other materials onto any public street, road or highway.
2. Install a paved driveway apron in accordance with the following requirements:
 - A. Apron dimensions: Width = 22-feet maximum along the roadway which includes a 3-foot radius curb on each side. Length = 5-feet minimum from edge of roadway.
 - B. Place 3-inches of bituminous concrete on 12-inches of compacted gravel.
 - C. Place asphalt tack coat along the edge of the road where the apron meets the edge of the existing pavement.

The applicant agrees to notify the Highway Superintendent (528-2500) at least 48 hours prior to the installation of the paved apron.

3. Should there be, after completion of the driveway, discharges of water, stones, or silt onto the public way or onto property of any abutters or neighbors, the property owner shall take whatever steps are necessary to eliminate such discharges.
4. The applicant shall maintain the proposed access to conform to the following applicable condition listed under **Section 153-17, Continuing responsibility of owners**, of the Town of Great Barrington Code:

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit.



79 Seekonk Rd
Looking north



79 Seekonk cross Rd
Looking South

Joseph Sokul
DPW Superintendent

E-mail: jsokul@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-0867
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: March 7, 2013

To: Joseph Sokul, DPW Superintendent
Peter Soules, Highway Superintendent
Christopher Rembold, Town Planner
Amanda Sewall, Conservation Commission Agent
Charles Burger, Fire Chief

From: Joan Johnsen, Administrative Assistant

Re: Driveway Permit Application for
Name: Andrew & Elizabeth Kriegman
Location: 79 Seekonk Cross Road, Great Barrington

*Joe -
I have no
issues with
this proposal.
- CR
3/14/13*

Attached please find a Driveway Permit application for the property listed above. Please review and comment at your earliest convenience. We would like to place this permit on the Selectmen's Agenda for April 8th, 2013.

Thank you.

Joseph Sokul

From: Charles Burger
Sent: Friday, March 08, 2013 4:01 PM
To: Joseph Sokul
Cc: Joan Johnsen
Subject: Driveway Permit

I reviewed the driveway permit for 79 Seekonk Cross Rd. I have no issue with the proposed driveway. I recommend (and assume they plan) to keep the current driveway for the house. If they eliminated it we would have limited access for our equipment to their house in the case of an emergency.

Charles Burger
Chief, Great Barrington Fire Department
37 State Rd.
Great Barrington, MA 01230
Phone: 413-528-0788
Fax: 413-528-8315

Amanda Sewall
Conservation Commission Agent

E-mail: conservation@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 ext. 122
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

CONSERVATION COMMISSION

Date: March 21, 2013

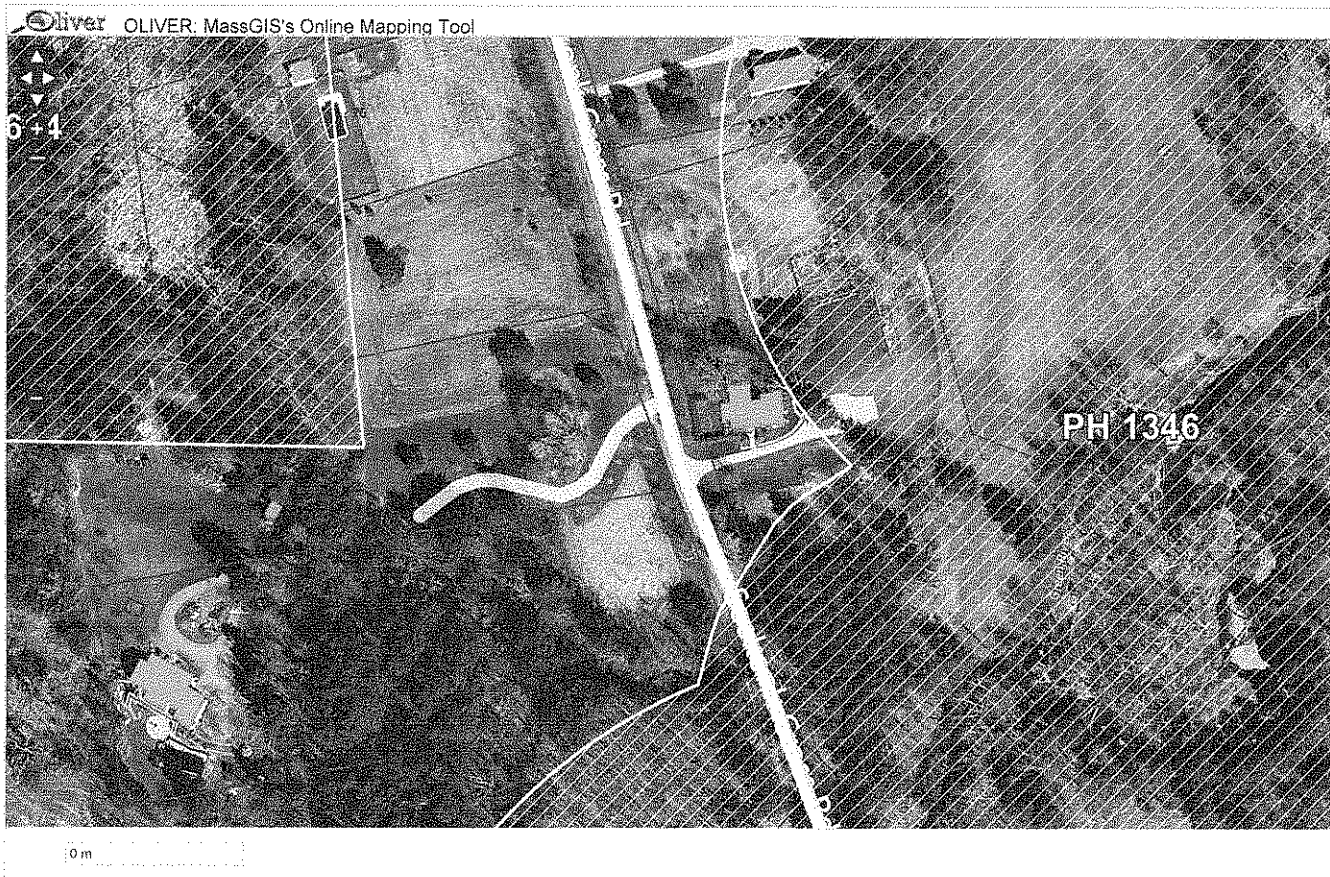
To: Joseph Sokul, DPW Superintendent

From: Amanda Sewall, Conservation Commission Agent

Re: Driveway Permit Application
Name: Andrew & Elizabeth Kriegman
Location: 79 Seekonk Road

The proposed driveway at 79 Seekonk Road is out of Great Barrington Wetland Bylaw and Wetland Protection Act Jurisdiction. The Commission's only further recommendation is to be aware of the proposed works close proximity to a Natural Heritage Endangered Species protected area. I have attached a copy of the mapped Endangered Species area for your review. Please keep all activity on the site to the west of this line.

Thank you.



MAR 04 2013

COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

FEE: \$25.00 ^{pd.} (Payable to the Town of Great Barrington) DATE: 3/4/13

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: Stacey VanDeusen

NAME OF BUSINESS: Country Market

D/B/A (if applicable): _____

BUSINESS MAILING ADDRESS: PO Box 186 S. Egremont, MA 01258

BUSINESS TELEPHONE: ⁽⁴¹³⁾ 717-5674 HOME TELEPHONE: same

LOCATION WHERE LICENSE IS TO BE USED: _____

284 Main St. Store #9 Gt. Barrington, MA 01230

DAYS OF OPERATION: SMTWTFS (7 ds./wk)

HOURS OF OPERATION: 9am - 9pm

DESCRIPTION OF PREMISES: Take out food service
retail food

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Country Market
Signature of Individual or Corporate Name

By: Stacey VanDeusen
Corporate Officer (if applicable)

SS# _____ or FID# _____



RECEIVED
TOWN MANAGER

MAR 15 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day (pd)

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Janet Elsbach

Business/Organization: Fairgrounds Realty, LLC

D/B/A (if applicable): N/A

Address: 774 Main St. Great Barrington, MA 01230

Mailing Address: P.O. Box 121 Great Barrington, MA 01230

Phone Number: 413.229.2003 / 413 645 2008

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ

Live band with up to 10 pieces, including singers Public Show

Other (please explain) _____

INCLUDES: Live music Recorded music Dancing by entertainers/ performers

Dancing by patrons Amplification system Theatrical exhibition

Floorshow Play Moving picture show Light show Jukebox

Other (please explain) _____

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES NO

Please circle: INDOOR or OUTDOOR Entertainment


Exact Location of Entertainment (include sketch): (see attached)

Date(s) of Entertainment*: Saturday, 4/27/13
*Does not include SUNDAY

Start & End Times of Entertainment: 4pm - 7pm

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.


Signature of Individual or
Corporate Officer

3/15/13
Date

SS# or FID#

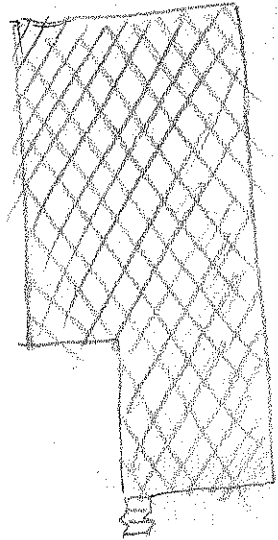
TOWN USE ONLY:

DRT Review with Conditions: OK with DRT. Applicant will work w/ cons comm on an RDA filing. CP 3/26/13

APPROVAL DATE: _____

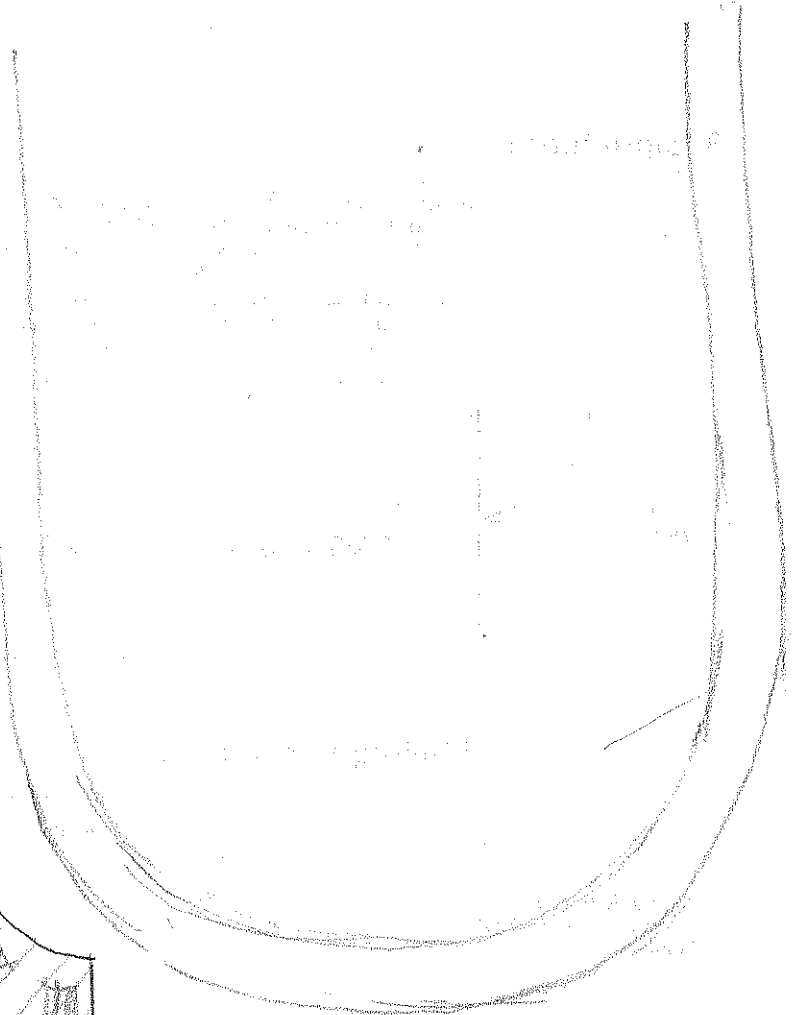
LICENSE # _____

SOUTH MAIN

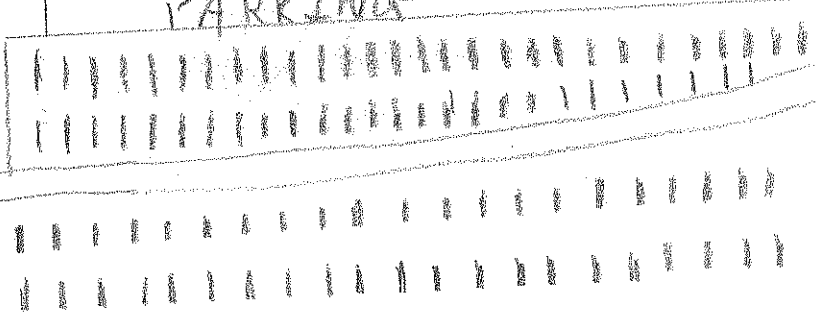


Entertainment

FOOD COURT
AREA
STAGE



PARKING



REED ST.

STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION



RECEIVED
TOWN MANAGER

MAR 08 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

TOWN OF GREAT BARRINGTON
Temporary Weekday Entertainment License Application
\$25.00 per day

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Ch.140 Sec.183A amended, Ch.351, Sec.85 of Acts of 1981 and Ch.140 Sec.181.

Name: Randy Weinstein
of event: "Juneteenth - Emancipation + the Civil War"
Business/Organization: The WEB Du Bois Center
D/B/A (if applicable): _____
Address: 684 Main Street, GB
Mailing Address: Same as above
Phone Number: 413-644-9595

TYPE: (Check all that apply) Concert Dance Exhibition Cabaret DJ lecture
 Live band with up to 2 pieces, including singers Public Show
 Other (please explain) panel discussion; acting

INCLUDES: Live music Recorded music Dancing by entertainers/ performers
 Dancing by patrons Amplification system Theatrical exhibition
 Floorshow Play Moving picture show Light show Jukebox
 Other (please explain) _____

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof? (M.G.L.Chp.140 Sec.183A)

___ YES NO

Please circle: INDOOR or OUTDOOR Entertainment

Exact Location of Entertainment (include sketch): north of the Mobil Station next to Big Y (X)

Date(s) of Entertainment*: June 15, 2013 (Saturday)
*Does not include SUNDAY

Start & End Times of Entertainment: 9 AM - 7 PM

ALL entertainment licenses will be reviewed by the Design Review Team (DRT), which is comprised of several Town departments, for comments/concerns on this application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Randy Weinstein
Signature of Individual or
Corporate Officer

13 Jun 2013
Date

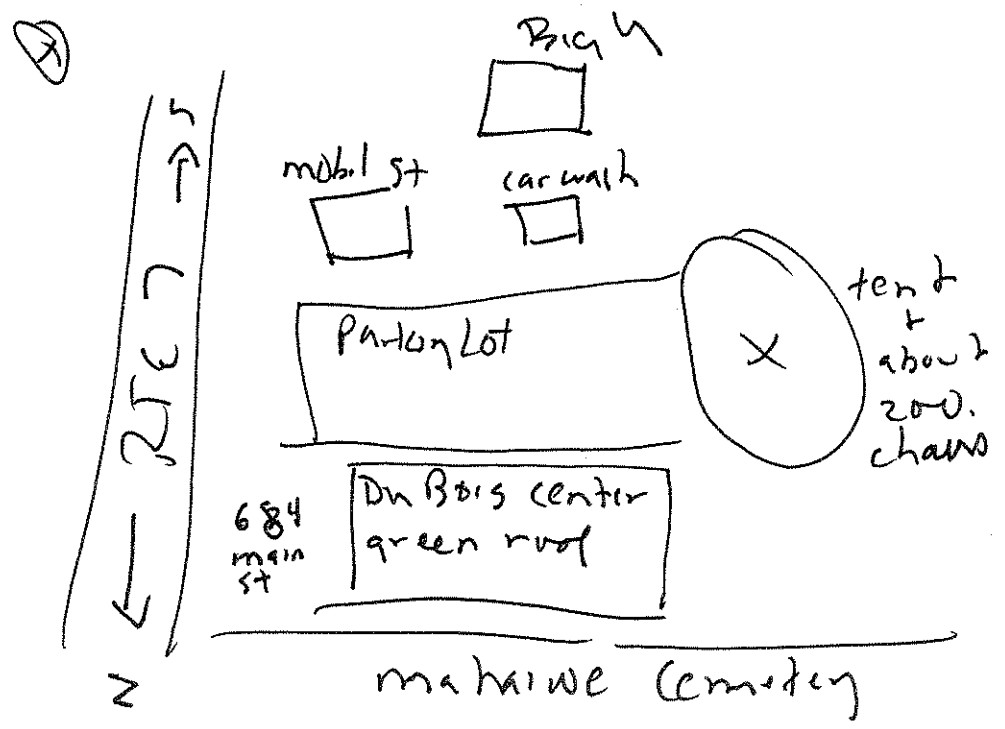
SS# or FID#

TOWN USE ONLY:

DRT Review with Conditions: (see email from Chris R.)

APPROVAL DATE: _____

LICENSE # _____



Helen Kuziemko

From: Chris Rembold
Sent: Tuesday, March 12, 2013 11:49 AM
To: Helen Kuziemko
Subject: Du Bois Center: Randy Weinstein "Juneteenth"

Helen,

DRT met with Randy this morning and we can make a positive recommendation. He will work with Ed and Mark for tent, sign, and food permits. He will talk to Big Y for overflow parking. There shall be no parking on Main Street.

Chris

Christopher T. Rembold, AICP

Town Planner

Town of Great Barrington

334 Main Street

Great Barrington, MA 01230

Ph: (413) 528-1619, x. 7

www.townofgb.org

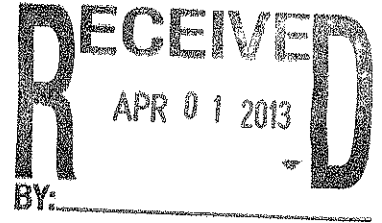
Follow our blog: www.gbplanning.wordpress.com

FEE: \$35.00 FOR EACH SIGN



**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

**OFFICE OF THE INSPECTOR OF BUILDINGS
APPLICATION FOR A SIGN PERMIT**



NO SIGN IS TO BE ERRECTED OR ALTERED UNTIL A PERMIT IS GRANTED

The undersigned hereby apply/applies for a sign permit to erect or alter/amend a sign in accordance with the provisions relating hereto.

Application Date: 3-4-1-13

Application Made By: _____

Applicant's Address: LARKIN LTD

974 MAIN STREET SUITE 1
GREAT BARRINGTON MA 01230

City, State, Zip: _____

Telephone Number: _____

X Property Owner's Name: WARE BLOCK LLC

X Property Owner's Address 670 BEARDMAN ST. SHEFFIELD MA 01257

Sign
X Signature of property owner indicating consent Kimberly Kimball MGR, OWNER

X Date: 3/27/13

X Location where sign permit is to be used: 292 MAIN ST GB Sheffield

Sign District _____

Type of Sign

_____ Free Standing

_____ Wall-Mounted (flat on wall)

_____ Shingle (Projecting)

_____ Sandwich Board Sign

Double-Sided

_____ Permanent Sign

Temporary Sign

Edwin A. May
Inspector of Buildings

Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-3206
Fax: (413) 528-3064

FEE: \$35.00 FOR EACH SIGN



**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

**OFFICE OF THE INSPECTOR OF BUILDINGS
APPLICATION FOR A SIGN PERMIT**

NO SIGN IS TO BE ERRECTED OR ALTERED UNTIL A PERMIT IS GRANTED

The undersigned hereby apply/applies for a sign permit to erect or alter/amend a sign in accordance with the provisions relating hereto.

Application Date: 4-1-13

Application Made By: _____

Applicant's Address: LARKIN LTD
974 MAIN STREET SUITE 4

GREAT BARRINGTON MA 01230

City, State, Zip: _____

Telephone Number: _____

X Property Owner's Name: Tom's Toys Building

X Property Owner's Address: 291 - 297 MAIN ST.

X Signature of property owner indicating consent: TAL

X Date: 3-25-13

X Location where sign permit is to be used: Main St

Sign District _____

Type of Sign

_____ Free Standing

_____ Wall-Mounted (flat on wall)

_____ Shingle (Projecting)

_____ Sandwich Board Sign

Double-Sided

_____ Permanent Sign

Temporary Sign

Total Area of Requested Sign: 120 Sq. Ft. Height: 3' Width: 40'

If sign is to be wall mounted, give total Area of Wall Façade: _____ Sq. Ft.

Type of Illumination (if applicable, check one)

_____ Internal

_____ External

_____ None

_____ Other - Please specify _____

Setbacks – footage from sign to edge of roadway _____ Street line: _____

Height From Bottom of Sign to Grade _____

Facing property from road: Side property line (Left) _____ (Right Side) _____

HISTORIC DISTRICT COMMISSION/ZONING BOARD OF APPEALS

Is approval required from?

Historic District Commission: _____ Yes (Please provide documentation of HDC approval with this application.)

_____ No

Zoning Board of Appeals: _____ Yes (Please provide documentation of ZBA approval with this application.)

_____ No

* If approval is required by ZBA and or HDC then such approval MUST be obtained prior to issuance of a Sign Permit*

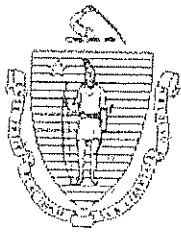
I hereby certify that the dimensions and other information on the Plans are correct and that all applicable provisions of the Statutes, Regulations and By-laws will be complied with. The above is subscribed to and executed by me under the penalties of perjury in accordance with Section 1-A of Chapter 268 of the General Laws.

Applicant's Signature _____

Date: _____

4/1/13

ATTACH A PHOTO OR SKETCH INDICATING THE COLORS AND MEASUREMENTS OF THE PROPOSED SIGN OR SIGNS



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street
 Boston, MA 02111
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers
 Applicant Information Please Print Legibly

Name (Business/Organization/Individual): Larkin LTD.
 Address: 974 Main St STE 1
 City/State/Zip: GB, MA 01230 Phone #: 413-528-8908

Are you an employer? Check the appropriate box:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> I am an employer with <u>2</u> employees (full and/or part-time).* | 4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.† |
| 2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.] | 5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.] |
| 3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.]† | |

Type of project (required):

- 6. New construction
- 7. Remodeling
- 8. Demolition
- 9. Building addition
- 10. Electrical repairs or additions
- 11. Plumbing repairs or additions
- 12. Roof repairs
- 13. Other Sign

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
 ‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: Wheeler + Taylor
 Policy # or Self-ins. Lic. #: APP443793 Expiration Date: 4/24/13
 Job Site Address: Main St City/State/Zip: GB, MA

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 4-1-13
 Phone #: 413-528-8908

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____
 Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
 6. Other _____
 Contact Person: _____ Phone #: _____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/25/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Haskell Brokerage Corp 100 William Street- Suite 1850 New York, NY 10038	CONTACT NAME: Maurice Wong PHONE (A/C, No, Ext): 212.227.8800 FAX (A/C, No): 212.571.2719 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: 00003136														
INSURED Aston Magna Foundation for Music, Inc. PO Box 28 Great Barrington, MA 01230	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Travelers Prop Cas Co of Amer</td> <td style="text-align: center;">25674</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Travelers Prop Cas Co of Amer	25674	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Travelers Prop Cas Co of Amer	25674														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER: Town of Great Barrington** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			I-660-433K1133-TIL-12	10/01/2012	10/01/2013	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY			I-660-433K1133-TIL-12	10/01/2012	10/01/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			UB -355K7831-12	10/01/2012	10/01/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: Permit for Banner
Town of Great Barrington, MA is included as an Additional Insured.

CERTIFICATE HOLDER Town of Great Barrington Town Hall 334 Main Street Great Barrington, MA 01230	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Maurice Wong 3/25/13
---	---

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/01/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER GB-Wheeler & Taylor, Inc. 333 Main St. Great Barrington, MA 01230 413 528-1000	CONTACT NAME: Sharon Boyles-Meppen PHONE (A/C, No, Ext): 413 528-1000 FAX (A/C, No): 413-528-1008	
	E-MAIL ADDRESS: PRODUCER CUSTOMER ID #:	
INSURED Larkin, Ltd. 974 South Main Street Great Barrington, MA 01230	INSURER(S) AFFORDING COVERAGE	
	INSURER A: NGM Insurance Co.	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS								
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			APP443793	04/24/2012	04/24/2013	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COM/POP AGG \$4,000,000 \$								
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$								
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$ \$								
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	APP443794	04/07/2012	04/07/2013	<table border="1"> <tr> <td>WC STATUTORY LIMITS</td> <td>OTHER</td> </tr> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$500,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$500,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$500,000</td> </tr> </table>	WC STATUTORY LIMITS	OTHER	E.L. EACH ACCIDENT	\$500,000	E.L. DISEASE - EA EMPLOYEE	\$500,000	E.L. DISEASE - POLICY LIMIT	\$500,000
WC STATUTORY LIMITS	OTHER														
E.L. EACH ACCIDENT	\$500,000														
E.L. DISEASE - EA EMPLOYEE	\$500,000														
E.L. DISEASE - POLICY LIMIT	\$500,000														

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Town of Great Barrington 334 Main Street Great Barrington, MA 01230	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>George A Ryan Jr</i>
---	--



33 in

2013 SEASON
June 13 - July 13



41 YEARS IN GREAT BARRINGTON
Founded 1972 | www.astonmagna.org | 800-875-7156



470 in

Install Banner On May 1, 2013 - Come down On July 15, 2013

1.75" Round x 12' Long Wood Dowels
For Weight/And Flexibility

Project Name:

Phone #:

Phone: 413-528-8908

Scale: As Noted

Proofed By:

Fax: 413-528-8906

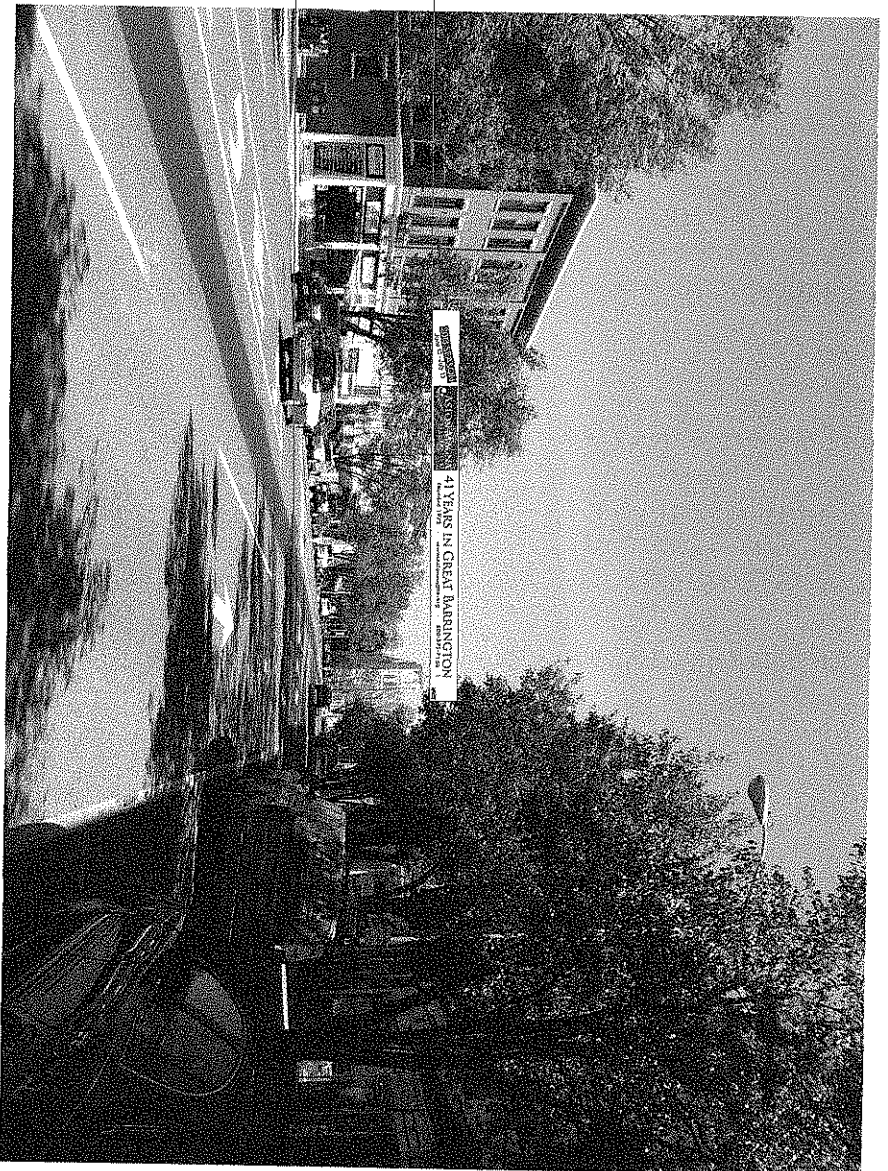
Date:

Estimated Cost:

Email: LarkinLD@verizon.net
Address: 974 Main St STE 1
Great Barrington, MA 01230



14' From Bottom of Banner to Grade



Note: The Banner will Have Two 30 ft Heavy Duty Ropes On Each Corner And 20 Grommets On Top within 1' Apart From Eachother. The Bottom of Banner will have 3 12 feet Wood Dowels Installed For Weight Keep the Banner down from high winds. (Like the Mahaiwe Banner From Last year.) It was Very successful.

This is 19 oz Heavy Duty Banner Which its Design for This. We are going to use D Shape Carabineers Hooks To hang it from each grommet to the wire. The ropes will be tied to the buildings Where the end of the wire is attached to.

Project Name:

Phone #:

Phone: 413-528-8908

Scale: As Noted

Proofed By:

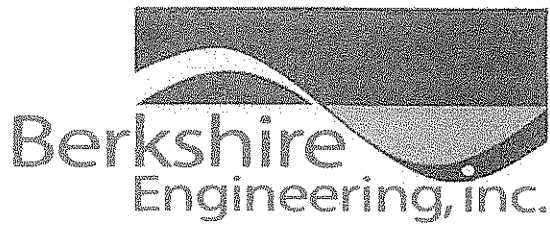
Fax: 413-528-8906

Date:

Estimated Cost:

Email: LarkinLTD@verizon.net
Address: 974 Main St STE 1
Great Barrington, MA 01230





April 1, 2013

Mr. Edwin May, Inspector of Buildings
Town of Great Barrington
20 Castle Street
Great Barrington, MA 01230

**RE: Seasonal Display, Structural Review –
Main Street
Great Barrington, MA**

Dear Mr. May:

Berkshire Engineering Inc. has been retained to review an existing galvanized wire rope strung across Main Street, in Great Barrington, MA. The wire rope has traditionally been used to display hanging seasonal decorations and informational banners to passing motorists and pedestrians below.

As part of this evaluation the following actions were completed:

- Engineers non-destructive on-site visual review of existing connections and components, completed March 22, 2013.

This evaluation has been conducted with reference to the following design standards:

- Massachusetts State Building Code 780 CMR Eighth Edition, specifically the 2009 International Residential Code with Massachusetts Amendments.

Berkshire Engineering Inc. has reviewed the visible connections, and component structural soundness, of the above noted wire rope display hanger. It is our conclusion that a free swinging vinyl banner, as proposed by Larkin Limited, can safely be displayed using the existing wire rope assembly. In addition to this preliminary review, the following actions shall be completed in conjunction with any proposed installation:

- Owner/ Contractor shall notify Berkshire Engineering Inc. a minimum of 48 hours in advance of a proposed banner installation.
- Owner/ Contractor shall provide suitable site access to Berkshire Engineering Inc. personnel during the course of installation to allow for thorough review of all in-situ structural connections and display attachment.
- Owner/ Contractor shall make any and all upgrades and enhanced structural attachment as deemed necessary by the engineer to satisfy Massachusetts State Building Code and ensure continued public safety below.
- Owner/ Contractor are responsible for furnishing all safeguards during construction.
- Berkshire Engineering Inc. shall provide the Great Barrington Inspector of Buildings with notice indicating satisfactory installation of any proposed banner within 2 business days of installation.

Should you require any additional information, please let us know.

Respectfully Submitted,


Nicholas Andersen
Project Engineer


4/1/2013



146-6. Signs Allowed in Specified Districts Requiring a Permit from the Building Inspector, But with No Payment of a Fee. The following signs are allowed in all districts (except as noted) with a permit from the Building Inspector, with no fee or posting of a bond required, provided that the sign meets all other requirements of this Bylaw.

1. Banners. Banners may be hung along the wall of a building or they may span a public way. Banners shall have a maximum square footage equal to four times the width of the vehicular traveled way over which they are suspended, or, in the event they are hung on a building facade, they shall not exceed 200 square feet in area. They shall be removed within five business days of the date on which the event they are advertising is concluded. A maximum of two banners per event shall be permitted. Banners suspended over public property or any street must also obtain a permit from the Board of Selectmen as required under the general bylaws of the town, and shall post a bond in accordance herewith. Banners shall be allowed only in business and industrial districts.

OK EKH

?

OK
EKH
120#

OK
EKH
J Ban

?

yes, 2 days
JB
4/2/13

B
OK EKH

OK
EKH

This application seems to meet the requirements of the regulation c.146-§6, (1)
EKH 4-2-13



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

RECEIVED
TOWN MANAGER

MAR 18 2013

William Hewig III

March 14, 2013

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Hon. Sean Stanton and
Members of the Board of Selectmen
Great Barrington Town Hall
334 Main Street
Great Barrington, MA 01230

Re: Representation of the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge
("5 Town Cable Committee") for Cable Television License Renewal Negotiations

Dear Members of the Board of Selectmen:

We have been asked to provide consultation and representation to the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge in connection with their joint cable television license renewal negotiations. We currently serve as Town Counsel for the Towns of Great Barrington, Lenox and Sheffield. The purpose of this letter is to request the formal consent of all five towns to our multiple representations of them in the cable television license renewal negotiations and proceedings.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated by the Massachusetts Supreme Judicial Court Rules of Professional Conduct. Those rules require that any attorney representing multiple clients obtain consent of each client to the multiple representations, after full disclosure of the possible effects of this multiple representation upon the exercise of the attorney's independent professional judgment on behalf of each client. This requirement is found in Rule 1.7(a) and (b). In this case you may consider whether this firm's relationship as Town Counsel to Great Barrington, Lenox and Sheffield is likely to adversely affect our ability to exercise independent professional judgment on behalf of you in this matter.

ATTORNEY'S REPRESENTATION REGARDING POSSIBLE ADVERSE EFFECTS

Rule 1.7(a) and (b) permits representation of multiple clients with the consent of each client after disclosure, and also upon a representation by the attorney that such representation will not be adversely effected by relationships with other clients, and furthermore that such representation will not adversely affect relationships with other clients. Additionally, Rule 1.7(b) requires that such consultation shall include an explanation of the implications of the common representation and the advantages and risks involved.

KOPELMAN AND PAIGE, P.C.

Hon. Sean Stanton and
Members of the Board of Selectmen
March 14, 2013
Page 2

Pursuant to Rule 1.7(a) and (b), therefore, it is our opinion that our multiple representation of the five towns involved in the cable television license renewal proceedings will not adversely affect our relationships either with you, or with the other clients. The advantages of such representation are that, to the extent the renewal issues and future community cable related needs of the five towns correspond, joint negotiations and shared legal expenses will represent an economy to all towns. The potential disadvantage of such multiple representations is that, to the extent that renewal issues or future community cable related needs of the towns may diverge, competition or conflict may arise among the towns during the course of negotiations which may serve to encumber or delay negotiation progress. In the unlikely event of such conflict, Kopelman and Paige, P.C. would not be able to continue its representation of the Five Towns with regard to the cable license renewal.

FINANCIAL INTEREST DISCLOSURE

Since Kopelman and Paige, P.C. acts as Town Counsel to the Towns of Great Barrington, Lenox and Sheffield, this firm is deemed to have financial interests which must be disclosed. All three are employers of this firm and our representation of them in this matter will cause us to receive compensation from them in a matter in which the remaining two towns also have an interest, and for which the other two towns would also be providing compensation to this firm.

DETERMINATION

It is our belief that representation of all five towns in the joint cable television renewal license negotiations by Kopelman and Paige, P.C., for the purposes and under the conditions described in the first paragraph of this letter, will not affect the exercise of our independent professional judgment on behalf of any of the five towns.

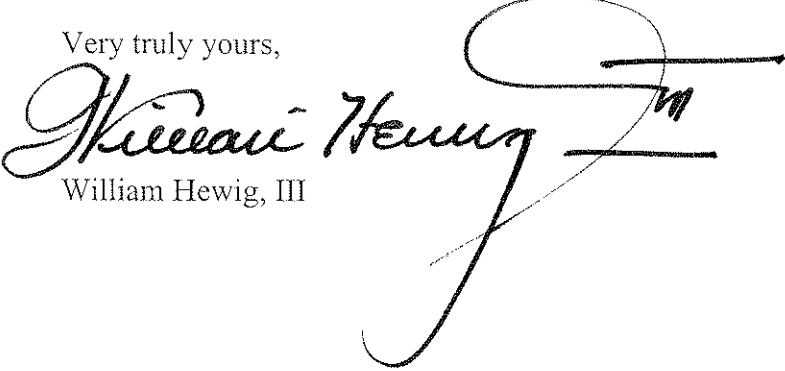
I therefore request that the Board of Selectmen, as appointing authority for the Town of Great Barrington, consent to our simultaneous representation of the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge in the matter of the joint cable television license renewal negotiations, notwithstanding this firm's status as Town Counsel to the Towns of Great Barrington, Lenox and Sheffield. Kindly indicate your consent by signing the enclosed duplicate copy of this letter and returning it to me.

KOPELMAN AND PAIGE, P.C.

Hon. Sean Stanton and
Members of the Board of Selectmen
March 14, 2013
Page 3

If you wish to discuss this matter at all, please do not hesitate to contact me.

Very truly yours,



Handwritten signature of William Hewig, III in cursive script. The signature is written in black ink and includes a large, stylized flourish at the end of the name.

William Hewig, III

WH/eon

cc: Board of Selectmen, Town of Lee
Board of Selectmen, Town of Lenox
Board of Selectmen, Town of Sheffield
Board of Selectmen, Town of Stockbridge

469110/GRBA/0026

KOPELMAN AND PAIGE, P.C.

Hon. Sean Stanton and
Members of the Board of Selectmen
March 14, 2013
Page 4

The Town of _____, acting by its Board of Selectmen, hereby consents to the multiple representation of the Town by Kopelman and Paige, P.C. in the matter of the cable television license renewal negotiations and proceedings described herein.

DATED: _____

TOWN OF _____

Hon. _____, Chairman
Board of Selectmen

EXECUTIVE SUMMARY

TITLE: Appointment to the Tree Committee.

BACKGROUND: The Town has been recruiting for an alternate member to the Tree Committee. Also one of the full members, Judith Dillon, has recently resigned. The revised Resolution creating a Tree Committee states that the Committee shall consist of 11 members and an alternate, residents of the Town appointed by the Selectboard. There are currently ten members appointed and the Town is seeking one more full member with a term to expire in 2015 and an alternate member for a three year term, each to be appointed by the Selectboard. Attached is the revised resolution creating the Tree Committee that was approved by the Board at its February 27, 2012 meeting. Laurily Epstein has applied for one of the vacancies.

FISCAL IMPACT: Not applicable; members serve without compensation.

RECOMMENDATION: The Board of Selectmen appoints Laurily Epstein as a full member to the Tree Committee for a term to expire June 30th, 2015.

PREPARED AND REVIEWED BY:


Kevin O'Donnell, Town Manager

DATE: 4-2-13

Kevin O'Donnell

From: Kevin O'Donnell
Sent: Tuesday, March 26, 2013 8:46 AM
To: 'Laurily Epstein'; Sean Stanton
Cc: Dennis Gibbons
Subject: RE: Great Barrington Tree Committee

Thanks for your interest; you will be on the April 8 agenda.

Kevin O'Donnell
Town Manager
Town of Great Barrington
334 Main Street
Great Barrington, Massachusetts 01230
413-528-1619 x2
413-528-2290 fax

From: Laurily Epstein [<mailto:laurylepstein@gmail.com>]
Sent: Saturday, March 23, 2013 2:48 PM
To: Kevin O'Donnell; Sean Stanton
Cc: Dennis Gibbons
Subject: Great Barrington Tree Committee

Dear Mr. O'Donnell and Sean –

I am a recent resident of Great Barrington, and have been attending Select Board meetings to familiarize myself with the town. I am quite interested in becoming a member of the Tree Committee. My arborist from my days in Monterey is Dennis Gibbons, who suggested that I write to you to ask for an appointment to the committee as an alternate, since such a spot is open.

My phone is 413-528-0577, should you need to call me. My current address is 31 Pleasant Street.

I hope you'll appoint me to the tree committee, which interests me a great deal.

Sincerely, Laurily Epstein

Helen Kuziemko

From: jdillon3@nycap.rr.com
Sent: Friday, March 29, 2013 8:52 AM
To: Steve Adams; Tree Michael Peretti; Dennis Gibbons; Maria Ahlin; Jess Wikle; Beth Moser; Lisa Bozzuto; Susan Sheridan; Michael Wise; lady12341@roadrunner.com
Cc: William Walsh; Marie Ryan; Helen Kuziemko
Subject: Re: Tree Comm. April agenda

Hi Dennis. My commitments in NYC are continuing much longer than I originally thought. I thought I should resign from the Tree Committee for now. I haven't been able to attend for several months and will not surface again until much later in the year, so have been feeling guilt. I have really enjoyed wandering around to talk to tree owners. When my circumstances change, I will reapply. Thank you. Judith Dillon

---- Dennis Gibbons <dennisgibbons@icloud.com> wrote:

> Please find attached agenda.

Judith Dillon

term expires 2015

SEAN A. STANTON
CHAIRMAN

DEBORAH PHILLIPS
ALANA CHERNILA
STEPHEN C. BANNON
ANDREW D. BLECHMAN

*Approved
by BOS
@ 2/27/12
meeting.*



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290
website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

BOARD OF SELECTMEN

RESOLUTION CREATING A TREE COMMITTEE

Whereas, it is the desire of the Town of Great Barrington Selectboard to create a tree committee;

Whereas, the duties, mission, responsibilities of the tree committee should be clearly defined to provide direction

Whereas, the duties, mission, responsibilities of the tree committee shall be as follows:

- To review the existing public tree inventory for the Town of Great Barrington
- To develop in conjunction with the Tree Warden, Publics Works Superintendent and Park Commission a tree maintenance program for public trees
- To recommend modifications to the existing tree inventory
- To develop educational programs for the public on tree care and species selection
- To develop in conjunction with the Tree Warden, Public Works Superintendent and Park Commission an acceptable species type allowed for planting in the Town of Great Barrington
- To apply for on behalf of the Town of Great Barrington an application annually so the Town can be awarded Tree City USA designation
- To recommend appropriate by-laws dealing with the health, protection, preservation of trees in the Town of Great Barrington
- To annually submit a report on its activities and the condition of trees in the Town of Great Barrington

Whereas, the committee shall consist of 11 members and an alternate, residents of the Town of Great Barrington, appointed by the Selectboard for 3 year staggered terms with initial terms for 4 members to be 1 year; 3 members to be 2 years; 4 members to be 3 years;

Whereas, the committee shall elect its own chair, vice-chair and recording secretary;

Whereas, the Town Manager shall assign staff to the committee as appropriate;

Whereas, the committee shall comply with all requirements of Massachusetts General Law including but not limited to the open meeting law;

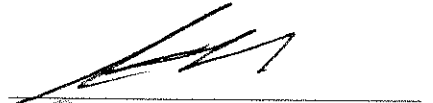
NOW THEREFORE BE IT RESOLVED by the Great Barrington Selectboard that a tree committee is hereby created and the Town Manager is directed to immediately proceed with advertising for potential applicants.

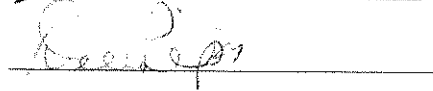
PASSED AND APPROVED BY the Great Barrington Selectboard this 27th day of February, 2012.

Town of Great Barrington Selectboard











Arbor Day Proclamation
Town of Great Barrington, Massachusetts, 2013

Whereas: Arbor Day celebrates the role of trees in our lives and promotes tree planting and care. It was initiated in 1872 by J. Sterling Morton of Nebraska City who said "Other holidays focus upon the past; Arbor Day focuses on the future". Arbor Day is now celebrated throughout the nation and the world.

Whereas: Trees are important, we couldn't live without them; they clean the air and produce the oxygen we breathe. They provide habitat for wildlife and help to keep the climate in balance. They give us paper, wood for our homes, fuel for our fires and countless other wood products.

Whereas: Trees increase property values and enhance the beauty and vitality of our community.

Whereas: Planting trees is an act of kindness and optimism. The celebration of Arbor Day represents a priceless opportunity for all to take positive actions and make the world a better place.

Therefore: We, the members of the Board of Selectmen of the Town of Great Barrington, Massachusetts, do hereby proclaim, Friday, April 26, 2013, to be known as ARBOR DAY in Great Barrington, and we urge all citizens to celebrate Arbor Day planting and caring for trees, and to support efforts in our town to protect our trees.

EXECUTIVE SUMMARY

TITLE: Request by the Great Housing Authority to modify the proposal by the Governor on reorganizing local housing authorities

BACKGROUND: Governor Patrick has filed legislation that would eliminate all housing authorities and replace them with 6 regional entities. The Great Barrington Housing Authority has been in communication with the Massachusetts Chapter of the National association of Housing & Redevelopment Officials, which has offered amendments to the Governor's proposal. The Great Barrington Housing Authority supports the amendments advocated by the Massachusetts Chapter of National Association of Housing & Redevelopment Officials. The Great Barrington Housing Authority is seeking the Great Barrington Select-board support for the amendments offered by the Massachusetts Chapter of the National Association of Housing & Redevelopment Officials in the proposed reorganization of housing authorities by supporting the MassNAHRO legislation entitled "An Act to Further Enhance Efficiency and Accountability of Operations at Local Housing Authorities."

FISCAL IMPACT: Not applicable at this time.

RECOMMENATION: The Town of Great Barrington Select-board formally go on record supporting the Great Barrington Housing and the Massachusetts Chapter of the National Association of Housing & Redevelopment Officials amendments entitled "An Act to further Enhance Efficiency and Accountability of Operations at Local Housing Authorities" rather than the Governor's proposal regarding housing authorities.

PREPARED AND REVIEWED BY: _____



Kevin O'Donnell, Town Manager

DATE: _____

4-3-13

NAHRO NEWS

Massachusetts Chapter

Published by Massachusetts NAHRO

Boston, MA

Vol. XXXVII No. 2

Governor Patrick Seeks to Abolish All Local Housing Authorities

For those who may not be aware, the Governor has filed legislation that would eliminate ALL housing authorities and replace them with six regional entities, each governed by 9 members, all of whom he appoints. The bill also calls for the transfer of everything owned by local housing authorities, including \$14 billion in real estate, to the new entities. All locally elected or appointed boards would be eliminated. MassNAHRO strongly opposes this bill.

Section 44 of the bill states "Notwithstanding any general or special law to the contrary, all municipal housing authorities shall be dissolved forthwith by operation of law... all monies, real property furniture, fixtures, supplies, equipment and the rights of the municipal housing authority shall be assigned, transferred and delivered to the housing authority (defined as one of the 6 new entities) that operates in the region that incorporates the jurisdiction of the municipal housing authority... as designated by the department."

The legislation is contrary to the recommendations of the Governor's own Commission which recommended a single entity to provide management services to the 150 local housing authorities with under 250 state-aided units only. The Commission also recommended that NO housing authority boards be eliminated, and

no federal units be included. His bill eliminates all locally elected or appointed authority boards and includes all 33,000 federal units owned by 68 LHAs. The bill "increases transparency and accountability" by removing local ownership, control, staffing and support. The 6 replacement entities would on average manage 14,000 units each in about 40 communities.

Sensible reform legislation, written by public housing professionals, is titled "An Act to Further Enhance Efficiency and Accountability of Operations at Local Housing Authorities." It was sent to all members along with a fact sheet and a detailed position paper. It increases auditing, establishes performance standards, calls for accreditation, authorizes a central wait list and calls for unified financial reporting using the HUD model currently in use. Collaborative Management and Services Agencies (CMSA) would contract with LHAs who need help in the modernization, procurement and unit turn over process.

The bill still gives DHCD great discretion in the implementation of the reform. LHA local control, responsiveness, accountability, expertise, community support and the meeting of local priorities now rests with your local legislators.

79 Legislators Co-Sponsor MassNAHRO Reform Bill

As of February 1, 79 members of the Great and General Court of Massachusetts have signed on to sensible public housing reform legislation. Chairman Marc Pacheco of Taunton filed the bill in the Senate as SD 1592. The legislation was filed in the House by Chairman John J. Binienda of Worcester as HD 3238, and by Representative Dennis A. Rosa of Leominster as HD 2025.

Titled "An Act To Further Enhance Efficiency and Accountability of Operations at Local Housing Authorities" the bill is the result of hard work over several months by a Task Force named by MassNAHRO President Rick Leco. The group included the two MassNAHRO delegates to the Governor's Commission, plus the 5 LHA representatives to the Advisory Board and Working Group. The bill requires major enhancements to the state public housing program, incorporating HUD principles and several initiatives suggested by MassNAHRO's Housing Committee over the past several years to DHCD but never implemented by the state.

Among the changes is implementation of a regional system of housing authority interagency collaborations as first proposed by the Small Housing Authority Director Organization (SHADO). The bill would authorize a central wait list for state-aided public housing like that in use for 10 years for Section 8 by 90 LHAs. The bill also mandates LHA performance standards, evaluations and accreditations, unified financial reporting (like HUD) and independent audits. The bill builds upon the collaborative agreements that 22 local housing authorities (like Leominster/Sterling/Lunenburg) use successfully now. It requires small authorities that have operational problems (client authorities) to collaborate with a larger management and service authority (CMSA) for collective purchasing, unit

turnover and capital improvement planning. Any authority that does not meet performance benchmarks will be mandated to work with a CMSA for all functions. The goal is the consolidation of 50 agencies' management operations over 5 years – whether through retirements, absorption of severely troubled agencies, or formation of consortia between two or more agencies. No boards would be eliminated, no property confiscated and no locally hired staff put out of work. Local and veterans preference will be maintained. All agree the main challenge to local operational capacity is the lack of adequate funding.

Thank you to all legislators who signed on. (*See full list of sponsors on page 5.*) Thank you to all who contacted their local Legislators. A special thank you to affordable housing legal experts Krokidas and Bluestein, who drafted the legislation. Thank you to nationally known public housing consultants TAG Associates for working with the MassNAHRO Task force in drafting the detailed position paper and the LHA Reform Fact Sheet that accompany the bill. (*See complete fact sheet on page 3, also available at www.massnahro.org*)

The bill will be discussed in detail at MassNAHRO's Annual Legislative Education Day on March 4. Legislative hearings on the bill will be held in several months around the state by the Joint Committee on Housing.

**2013
Legislative
Education Day
Monday, March 4
State House, Boston**

Registration materials located
at www.massnahro.org

Massachusetts NAHRO
2012-2013 Board of Directors

PRESIDENT

Richard Leco
Commissioner
North Attleboro Housing Authority

VICE PRESIDENT - Large

Walter McGuire
Executive Director
Waltham Housing Authority

VICE PRESIDENT - Medium

Gene Capoccia
Executive Director
Leominster Housing Authority

VICE PRESIDENT - Small

Mark Roy
Executive Director
Canton Housing Authority

VICE PRESIDENT - CR & D

David Hedison
Executive Director
Chelmsford Housing Authority

VICE PRESIDENT - Commissioners

Joseph D'Ascoli
Commissioner
East Longmeadow Housing Authority

TREASURER

Dan Kelly
Executive Director
Westfield Housing Authority

DIRECTORS - Terms expiring 2013

Leila Botsford Executive Director, Mashpee Housing Authority
Connie Desbiens Executive Director, Dartmouth Housing Authority
Ray Mariano Executive Director, Worcester Housing Authority
Karen Rudd Executive Director, Bridgewater Housing Authority
Joanne Toomey Executive Director, Dedham Housing Authority
Jean Vincent Executive Director, Charlton Housing Authority

DIRECTORS - Terms expiring 2014

James Comer Director of Field Operations, Fall River Housing Authority
Rosalie Deane Executive Director, Holyoke Housing Authority
Colleen Doherty Executive Director, Taunton Housing Authority
Lisa Audette Executive Director, Franklin Housing Authority
Bob Hill Executive Director, Fitchburg Housing Authority
Dan Ouellette Executive Director, Salisbury Housing Authority

IMMEDIATE PAST PRESIDENT

Robert McNabb
Executive Director
Woburn Housing Authority

EXECUTIVE DIRECTOR

Thomas J. Connelly, Jr.

DEPUTY DIRECTOR

Donna M. Brown, Esq.

OPERATIONS MANAGER

Jennifer M. Polito

MEMBER SERVICES COORD.

Michael P. Lazdowsky

President's Corner

As a young boy my parents taught me that if you can't say anything nice about someone or something then say nothing at all. In trying to keep with that particular wish of my parents (which I have failed often) I will keep my remarks in this column brief and short as they relate to the Governors housing reform proposal and recent written comments by DHCD.

The only true reform legislation for public housing filed with the legislature is the MassNAHRO reform package! We need to be united and undivided on our support of this legislation. I have traveled to every part of this state to speak on this historic legislation and the need for it. This legislation is about maintaining local governance. This local governance was conceived in Ch.121B and born by the adoption of our local communities. Local governance guarantees the promise to LHA clients and taxpayers of each community that we would be there for them locally to meet their needs and protect their investment. We are accountable directly to these people and we will not abdicate that responsibility. As supporters like to say, it maintains the "true local touch." It is this true local touch that will see this legislation through to success by each and every one of you reaching out to your local legislators with your own local touch and making this work for us all.

I call on all of you to again contact your Representatives and Senators for their support of our proposal. Invite them along with your local heads of government to attend our Legislative Education Day on March 4, 2013.

I again offer my services as your president to meet with you and anyone you feel necessary to promote, explain and support this legislation. Help me to help you. To all of you thank you for what you do day in and day out. We will win this fight I promise you that!

I would like to name Senator Marc Pacheco, Representative John Binienda and Representative Dennis Rosa my Unsung Heroes of the month.

That's the deal!



MassNAHRO Housing Authority Reform Legislation Fact Sheet

Background

By Executive Order in January 2012, Governor Deval Patrick created the Commission for Public Housing Sustainability and Reform. The goal was to develop recommendations for the sustainability and reform of state-aided public housing. Major policy recommendations included:

- Seek funding to expand resident service and training programs and support resident organizations – MassNAHRO supports
- Strive to increase operating and capital resources – MassNAHRO supports
- Convene working group to recommend changes to state public housing laws and regulations - MassNAHRO supports
- Mandatory training for Board members, increased transparency about staff and operating information and annual independent financial audits - MassNAHRO supports
- Creation of single unified housing property management system that would be centrally based – MassNAHRO opposes implementation structure

On January 10, 2013, the Governor filed legislation entitled “**An Act to Regionalize Housing Authorities**”. Rather than create a single centrally based housing management system, the bill would consolidate all of the state’s 240 housing authorities into six regional housing authorities (RHAs) with full operational and financial control over the entire state and federal public housing portfolio, estimated to be approximately 84,000 units. Local control would shift from current Executive Directors and Boards of Commissioners of local housing authorities (LHAs) to regional Boards appointed by the Governor who would in turn select a single Executive Director to manage the regional portfolio.

MassNAHRO Position

MassNAHRO and our members agree with most of the general recommendations of the Commission, but disagree with the implementation of a regional housing authority system as proposed in the Governor’s legislation. Major negative impacts of this structure include:

- Impact on residents and ability to locally respond to their needs with control transferred from local agencies to six regional bureaucracies
- Impact on local employment through net loss of jobs and resulting community economic impacts
- High costs for start-up and ongoing operations of this structure
- Contrary to asset management best practices with accountability at property level

MassNAHRO Proposal and Legislation

MassNAHRO recognizes the need for reform and fully supports measures designed to improve the efficiency and effectiveness of LHA management and operations, while also maintaining local control. We have filed our own legislation entitled “**An Act to Further Enhance Efficiency and Accountability of Operations at Local Housing Authorities**”. Our recommendations include:

1. Collaboration – larger LHAs could serve as “collaborative management and service agencies (CMSAs)” for smaller client housing authorities (LHAs with less than 100 state-aided low-income housing units would be required to participate) to provide needed techni-

cal assistance and services in the areas of:

- **Vacant unit turnover** – cleaning, painting, maintenance and capital work required to make a vacant unit ready for occupancy
- **Procurement** – purchasing of goods and services, especially in the areas of modernization and construction
- **Capital improvements** – project administration and monitoring of capital projects included and approved by DHCD as part of an LHA’s capital improvement plan

As part of the program, the Department of Housing and Community Development (DHCD) would be directed to work in coordination with local housing authorities, municipal officials, public housing residents and public housing industry professionals to establish an incentive system and process that would result in at least 50 housing authorities transferring their full management operations to CMSAs.

2. Centralized application and waiting list administration – creation of a standardized application that families need to complete only once for a state public housing unit – mandatory use for all LHAs with state public housing units

3. Incentives for the Use of Consortia – two or more LHAs administering their programs together while keeping separate Boards, but functioning as a single entity for reporting, funding and oversight purposes to reduce administrative burdens

4. Mandatory independent financial and compliance audits – based upon a negotiated and agreed upon audit protocol while also requiring DHCD to have the capability to receive uploaded financial data as part of a central automated financial data system (already in place at HUD)

5. Establishment of a performance based monitoring system – to review LHA operations based upon objective performance indicators which would allow for the early identification of troubled agencies – mandatory for all LHAs with state public housing units

6. Establishment of an LHA accreditation system – to provide a qualitative evaluation of LHA performance by independent housing professionals based on local conditions – mandatory for all LHAs with state public housing units

7. Formalizing a system to identify and address troubled LHAs – through the establishment of clear and transparent procedures with “triggers” to require troubled LHAs to participate in corrective actions

Benefits of Proposal

- Less costly and more efficient than six regional bureaucracies
- Consolidates management operations of at least 50 housing authorities
- Provides new monitoring tools for DHCD and real-time operating and financial data
- Establishes transparent system to identify and deal with troubled agencies
- Increased public trust
- Maintains local control
- Avoids local employment and economic impacts
- Improved service delivery and quality of housing for low-income families

Annual Legislative Day March 4

MassNAHRO is holding its 2013 Legislative Education Day on Monday, March 4, 2013 at the State House in Boston. This annual event is key to advancing the budget and legislative priorities for local public housing authorities and their residents. Of key interest is the Association's reform legislation and the important support of local legislators. The event will include a briefing for legislators and housing authority officials on the Association's proposal, fiscal 2014 budget priorities, effective advocacy and public relations, and housing legislation that merits the support of the membership. A detailed agenda will be posted on the website and sent to all in February. The traditional networking luncheon, to which all legislators are invited, will begin with a brief speaking program at 12 noon in the Great Hall of the State House.

MassNAHRO members are strongly encouraged to make personal visits to their state legislators on that day or when convenient, documenting the value of their authority as a major asset for the community. Please invite your state legislators to join us all for lunch to discuss the importance of maintaining local control, expertise, resources and the benefits a locally controlled housing authority provides their constituents.

The registration fee is \$35 which includes educational materials and lunch. Over 60 legislators attended this event last year. MassNAHRO urges registrants to make appointments with legislators in advance of the day, and to bring local information relative to the good work they do for local residents. Invited guests include the Legislative Leadership and the Chairs of the Joint Committee on Housing. Registration materials and updates to the agenda will be available at www.massnahro.org.

Gov. Level Funds Operating Subsidy

Governor Deval L. Patrick's state budget request for fiscal year 2014 (beginning 7/1/12) level funds subsidies to LHAs by law because of reduced rents. The gap between rents, capped at 30% or 32% of net income for the elderly and families respectively, and the well documented actual cost of operating public housing continues to widen. However, state subsidies of \$64.4 million constitute only 25% of the total housing authority operating income of \$250 million a year to provide 45,000 units of low income housing for families and seniors. **Subsidy funding of \$64.4 million is still insufficient, as documented by federal standards and four independent studies, compared to the real cost of preserving public housing.** This will be another tough budget year. Tax increases have been proposed. DHCD's budget request includes \$5 million for the Commonwealth Housing Management, the name of the 6 regional entities that the Governor wants to replace all 240 local housing authorities. Officials and residents must advocate aggressively in presenting their State Legislators with compelling local arguments as to why the preservation of public housing as a community resource must remain a top budget priority in fiscal 2014. Please ask Legislators to support \$71 million in operating subsidies line item 7004-9005. That amount is the funding Governor himself requested four fiscal years ago.

Legislative contact information is readily available on the MassNAHRO website. Members are urged to attend the Annual MassNAHRO Legislative Education Day at the State House on March 4 along with their state legislators.

\$500 Million Sought for LHA Capital Improvements

In a bit of bright news for local public housing, House Chairman Kevin Honan and Senate Chairman James Eldridge of the Joint Committee on Housing of the Massachusetts Legislature have filed a housing bond authorization bill for \$1.4 billion that includes \$500 million for additional capital improvements at local public housing developments. The last bond in 2008 also provided \$500 million which has been expended through the Capital Planning System and Formula Funding. The last bond bill passed both branches of the Massachusetts Legislature unanimously. Bond authorizations are only the first step in securing funds as expenditures are limited by DHCD's annual bond cap, currently at \$85 million a year.

Just as important as the bond authorization is having the Executive Office of Administration and Finance increase the DHCD bond cap to over \$100 million a year. Other items include \$320 million for the Affordable Housing Trust Fund, \$135 million for the Housing Stabilization Fund, \$50 million for the public housing demonstration program, and other items totaling \$1.4 billion. The entire bond bill can be found at www.massnahro.org. Thank you Chairmen Eldridge and Honan, for taking the lead on this vitally important preservation legislation.

Board Member Certification Program

The Board Member Certification is recommended for both new and veteran board members. The certification consists of five (5) required half-day courses led by housing authority fee accountants and attorneys. A certificate is awarded upon completion of all five courses. Sessions are scheduled continuously throughout the year at various locations across the state.

Legal Elements

Saturday, February 9

Waltham H.A.

9:00 AM - 1:00 PM

presented by: Attorney Jeffrey L. Driscoll

Financial Elements

Saturday, March 23

Weymouth H.A.

9:00 AM - 1:00 PM

presented by: Teresa Ewald, CPA

Attendance carries credits towards Board Member Certification. For information including registration materials visit the 'Upcoming Events' page at www.massnahro.org

MassNAHRO Public Housing Reform Sponsors

Lead Sponsors:

Senator Marc Pacheco

Representative John Binienda
Representative Dennis Rosa

Senate Co-Sponsors:

Senator William Brownsberger
Senator Gale D. Candaras
Senator Harriette Chandler
Senator Eileen M. Donoghue
Senator Barry R. Finegold
Senator Thomas P. Kennedy
Senator Michael Knapik
Senator Thomas M. McGee
Senator Michael Moore
Senator Richard Moore
Senator Kathleen O'Connor Ives
Senator Richard Ross
Senator Michael Rush
Senator Bruce E. Tarr
Senator James Timilty
Senator James T. Welch

House Co-Sponsors:

Representative James Arciero
Representative Cory Atkins
Representative Bruce J. Ayers
Representative F. Jay Barrows
Representative Michael D. Brady

Representative Paul Brodeur
Representative Christine E. Canavan
Representative Gailanne M. Cariddi
Representative Tackey Chan
Representative Thomas P. Conroy
Representative Mark J. Cusack
Representative Josh S. Cutler
Representative Angelo L. D'Emilia
Representative Viriato Manuel deMacedo
Representative Marcos A. Devers
Representative Geoff Diehl
Representative Stephen L. DiNatale
Representative James J. Dwyer
Representative Carolyn C. Dykema
Representative Christopher G. Fallon
Representative Ryan C. Fattman
Representative Kimberly N. Ferguson
Representative Ann-Margaret Ferrante
Representative Michael J. Finn
Representative John P. Fresolo
Representative William C. Galvin
Representative Sean Garballey
Representative Susan Williams Gifford
Representative Anne M. Gobi
Representative Patricia A. Haddad
Representative Steven S. Howitt
Representative Donald F. Humason, Jr.
Representative Bradley H. Jones, Jr.

Representative Louis L. Kafka
Representative Mary S. Keefe
Representative Peter V. Kocot
Representative Kevin J. Kuros
Representative John J. Mahoney
Representative Christopher M. Markey
Representative Paul McMurtry
Representative James R. Miceli
Representative Michael O. Moore
Representative Kevin J. Murphy
Representative Harold P. Naughton, Jr.
Representative Shaunna O'Connell
Representative James J. O'Day
Representative Keiko M. Orrall
Representative George N. Peterson, Jr.
Representative Elizabeth A. Poirier
Representative Angelo J. Puppolo, Jr.
Representative John H. Rogers
Representative Jeffrey N. Roy
Representative Tom Sannicandro
Representative Paul A. Schmid, III
Representative John W. Scibak
Representative William Smitty Pignatelli
Representative William M. Straus
Representative Aaron Vega
Representative Chris Walsh
Representative Jonathan D. Zlotnik

2013 MassNAHRO Board Nominations Open

The Nominating Committee of MassNAHRO will meet in late February to accept nominations for the Officers and Directors of the Association. Candidates will be presented for the consideration of the membership at the Association's Annual Election in May. The Committee also nominates individuals for Life Membership. The Committee consists of Ray Murphy of Holyoke as Chair along with Past Presidents Tom Wade formerly of Watertown, Steve Merritt of Norwood, Brian Cloonan formerly of Brookline, Joan Pimental formerly of Plymouth and Bob McNabb of Woburn. The Committee reviews the meeting attendance records and term limits of all incumbents. New candidates are reviewed based upon agency audit reports, prior service to the Association, work on committees, participa-

tion on task forces, and other Association activities. All members are encouraged to apply. The deadline for the submission of nomination letters is Friday, February 15, 2013. All nomination letters should include qualifications and be sent to:

Mr. Raymond P. Murphy, Jr.
Chair - Nominating Committee
c/o Massachusetts NAHRO
11 Beacon Street, Suite 722
Boston, MA 02108

Candidates must be members in good standing of MassNAHRO. Additional nominations can be made from the floor at the Annual Meeting and Election if the person so nominated is present, is a member in good standing of MassNAHRO, and indicates a willingness to serve. The Committee also keeps nomination letters on file as mid-term

vacancies on the Board occur periodically.

Life Members - Under the bylaws, all candidates for Life Membership are screened by the Nominating Committee for eligibility before their names are submitted to the Board. Persons qualify based primarily upon their service over the years to the Association. Nominations for Life Members should be sent Chairman Murphy at the address above.

Save the dates....

**2013
Annual Conference
& Exhibition**

May 19-22

The Resort and Conference Center at Hyannis

Greetings from Lizbeth Heyer

As I gather you are aware, on January 10, 2013 Governor Patrick filed legislation to regionalize the state's Local Housing Authorities. The proposal expands on the recommendation made by the Commission for Public Housing Sustainability and Reform that operations should be consolidated, by also proposing consolidation of governance. I appreciate the thoughtful questions that you have posed to be via email and phone and look forward to our ongoing conversation regarding this important piece of legislation. I believe the legislation will professionalize and modernize the governance, operations and financial management of the Commonwealth's entire public housing portfolio, while preserving the important aspects of local control and delivery of highly responsive and superior quality service to tenants.

The bill proposes the most significant reform to public housing in the history of the program, and while some confusion is to be expected, there are major misconceptions circulating which need to be corrected if we are to have an informed discussion about the path ahead. To address some of these concerns, DHCD has posted a FAQ and one page summary of the legislation on mass.gov/DHCD. I also want to dispel the myth that tenants will need to contact Boston to have a facet fixed and that local control will be lost.

Daily operations affecting tenants will continue to be addressed by local staff, while more complex property management responsibilities will benefit from regionalized expertise and experienced oversight. Local site staff will be among the most important in the system and will provide the all-important "local touch" that is essential to successful property management.

The legislation allows communities to retain control over land use and significant redevelopment decisions including change of use, ownership or the financing structure of an existing building or vacant land. RHAs will also be required to seek local input into an annual plan that outlines projected capital and operating expenditures and tenant participation activities. These interactions will support a strong local-regional partnership that will sustain the good-will that already exists between local communities and their public housing residents and continue to attract in-kind generosity and local financial support.

It is vital that we maintain an open dialogue in the months ahead and I welcome the opportunity to address your questions you may have.

Lizbeth

The Commission vs. The Governor's Bill

We have printed the "Greetings from Lizbeth" article from Lizbeth Heyer as a professional courtesy as we do each month. However, I need to tell you the facts.

The Commission was appointed by the Governor to provide him with recommendations on the reform of the state's public housing program. His bill, however, mentioned by Lizbeth, is not an "expansion" of those recommendations, but embodies major differences such as "consolidation of governance." That was clearly NOT recommended by the Commission. The members of the Commission felt strongly that locally elected or appointed LHA Boards should remain in place totally. 1200 locally elected and appointed public officials are charged by their communities with direct oversight, policy setting and asset management of their local authority. Those 1200 also advocate for subsidy and modernization funds. **Please be clear: Local input and advice is NOT local control.**

- The Commission said nothing about the state confiscating all local housing authority properties, land, equipment and assets. It is the Governor, not the Commission, who wants to seize \$14 billion in locally owned assets and bestow them upon 6 entities controlled by him.

- I am pleased to say that MassNAHRO supported all the recommendations of the Commission (see fact sheet on page 3) except recommendation 1, due to the lack of pertinent details. An Advisory Committee and later a Working Group were to work out those details. Our delegates believed our regional service agency concept, as approved previously by DHCD, was still under consideration. When regionalization was dismissed in favor of one central management entity, MassNAHRO drafted our proposal including a mandatory LHA collaboration.

- In another departure from the Commission, the Governor now proposes 6 regional entities, rather than the Commission's one "Commonwealth Housing Management" entity.

- The Governor claims his bill "increases accountability and transparency." However, the accountability he speaks of is to him not local communities. Local housing authority board members accused of malfeasance can be removed by vote of the LOCAL selectmen or city council. Try and remove a Governor's appointment for poor job performance. What about the next Governor's appointments?

- Local housing authorities are already transparent as they must comply with open meeting, public record, public bid, designer selection and conflict of interest laws.

- The Governor's bill includes all federally-aided public housing units, even though HUD assisted units were exempted by the Commission. Section 8 is not addressed. Who gets the 57,000 federal vouchers under contract now to 133 local LHA?

- Ch. 121B of the General Laws requires that the dissolution of a local housing authority must be voted by the Town Meeting or the City Council. Section 44 of the Governor's bill dissolves 242 local authorities without any local consent. Local officials will lose control

continued on page 7

FACTS from page 6 page

over their properties, buildings, programs, operating budgets, rents modernization and staffing. Local site staff will not be employees of a local public authority. Current LHA staff with on-site expertise will “have the opportunity to transition to positions” with the six new entities. What recourse do communities have if the six entities are non-performing? Let not put all eggs in six untested baskets.

- Housing authorities are operated by professionals with many years of experience. To say the bill will professionalize public housing management is an insult to every LHA employee and board member.

- A strong local-regional partnership does not mean eliminating the local authorities who currently “generate in-kind generosity and local financial support” for their local residents. 242 communities voted to establish a local housing authority. 242 communities know what is best. The \$5 million in the Governor’s fiscal 2014 budget for this radical step away from local control would be better spent on resident services or MRVP to directly benefit the most deserving of the Commonwealth’s citizens.

Tom Connelly

CLASSIFIEDS

Executive Director

The Holyoke H.A. (HHA) seeks a qualified and experienced housing professional for the position of Executive Director. The Executive Director is responsible for the overall administration, leadership and direction of HHA programs and staff. The Executive Director leads a staff of 50, administers 921 public housing units, and 1479 units under the Section 8 and State voucher programs. Qualifications: Masters Degree in Business Administration, Finance, Planning or Public Administration and eight (8) years experience in housing management or closely related field. Certification as a Public Housing Manager from a HUD approved organization is required; Candidates must demonstrate exceptional knowledge, skills and abilities in key areas that include, but are not limited to, (1) strategic leadership; (2) management efficiency and effectiveness; (3) business and finance acumen; (4) human resources management; (5) internal/external stakeholder relationships; (6) program integrity, knowledge and compliance; (7) decision-making; (8) entrepreneurship; (9) excellent written and verbal communication; (10) asset management; (11) maintenance planning; (12) experience with state and federal public housing programs; (13) working knowledge of DHCD and HUD regulations including Rental Assistance Demonstration Program (RAD) and Moving to Work (MTW); (14) Mixed Finance Developments. Candidates must be bondable. The salary will be based on qualifications, experience, agreement with the Board of Commissioners and in accordance with the Department of Housing and Urban Development and Department of Housing and Community Development guidelines. Interested candidates must submit a resume, cover letter, and three professional references by February 20, 2013 to:

Chair, Board of Commissioners, Holyoke Housing Authority
 c/o Priscilla F. Chesky, Esq. Lyon & Fitzpatrick, LLP
 14 Bobala Road Holyoke, MA 01040
 Email: PChesky@lyonfitzpatrick.com

HHA is an Equal Opportunity/Affirmative Action Employer

Housing Manager

The Wakefield Housing Authority is seeking resumes from qualified individuals to fill the 37.5 hrs./wk position of Housing Manager for its 181 state and federal elderly/disabled units, 8 state family units, 22 Massachusetts Rental Vouchers and a 23-unit 202 building managed by the housing authority. The individual will be responsible for all functions relative to admissions and continued occupancy such as rent calculations, inspections, application review, and tenant selection. Qualifications: The individual should have strong organizational skills; possess written and verbal communication skills and be computer literate. Knowledge of state and federal regulations as well as familiarity with HAB, Inc. computer software would be a plus. An Associate’s degree is preferred but extensive experience will be considered as an alternate. The salary range for this position is in the mid-fortys with an excellent benefit package. A complete job description is available upon request. This position shall remain open until filled. Mail cover letter with resume, including three references to:

Sandra P. Gass, Executive Director - Wakefield H.A.
 26 Crescent Street
 Wakefield, MA 01880

Massachusetts Public Housing Administrator (MPHA) Certification

MPHA Certification consists of seven (7) required courses over five (5) full days (some courses are only half-day).

The courses can be completed in any order. The Certification is recommended for new executive directors or as a refresher for veterans, and those for whom an executive director’s position is the next step on their career ladder. MPHA certification is recognized in the DHCD Executive Directors Salary & Qualifications Schedule.

Sessions are scheduled continuously throughout the year at various locations across the state.

To date, 80 have been certified.

Financial Elements

Teresa Ewald, CPA

Maintenance/Modernization

Gene Capoccia

February 22

Millbury H.A.

The Occupancy Cycle

Karen Ahlers, Esq.

March 20

Holyoke H.A.

For information including registration materials visit the ‘Upcoming Events’ page at www.massnahro.org

calendar

trainings, conferences & events...

FEBRUARY 9

Board Member Certification Program

Topic: Legal Elements

Waltham Housing Authority

Atty. Jeffrey L. Driscoll will present! Visit www.massnahro.org to register today!

FEBRUARY 22

Massachusetts Public Housing Administrator (MPHA) Certification
Topic: Financial Elements and Maintenance/Modernization

Millbury Housing Authority

Teresa Ewald, CPA will present Finance and Gene Capoccia, Executive Director of the Leominster H.A. will present Maintenance and Modernization. Visit www.massnahro.org to register!

MARCH 4

2013 Legislative Education Day

State House, Boston

Don't miss out on one of the most important Legislative days to date! Sign up today at www.massnahro.org!

MARCH 20

Massachusetts Public Housing Administrator (MPHA) Certification
Topic: The Occupancy Cycle

Holyoke Housing Authority

Karen Ahlers, Esq. will present! Visit www.massnahro.org to register!

MARCH 23

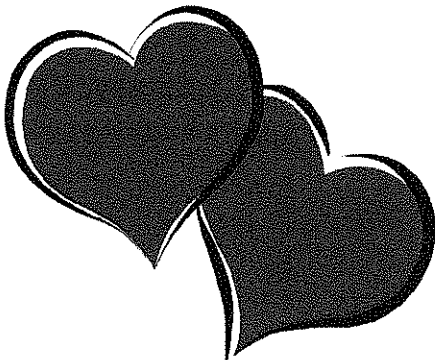
Board Member Certification Program

Topic: Financial Elements

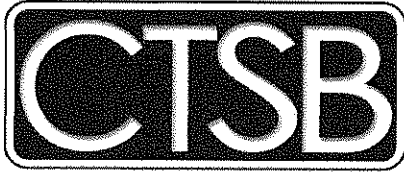
Weymouth Housing Authority

Atty. Jeffrey L. Driscoll will present! Visit www.massnahro.org to register today!

Massachusetts Chapter
National Association of
Housing & Redevelopment Officials
11 Beacon Street, Suite 722
Boston, MA 02108
617-367-0008
www.massnahro.org



ADDRESS CORRECTION REQUESTED



March 13, 2013

Dear Select Board,

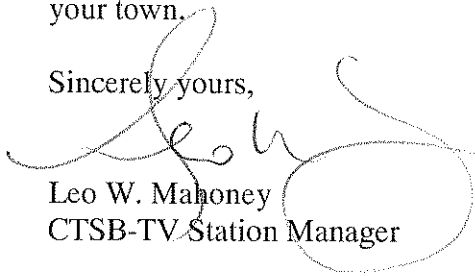
On March 12, 2013 the Five Town Cable Advisory Committee gave CTSB a vote of confidence to continue its mission for the next five years.

Attached you will find a renewal agreement between CTSB-TV and your town. After the review of the document please sign the agreement and mail back to CTSB. The agreement is primarily the same last year's agreements except that it is a five year agreement rather than a two year agreement.

When I receive the signed agreement back, I will send a copy of it to your appointed Five Town Cable Advisory Representatives.

If you have any questions, please call me at anytime at the station. It has been a pleasure to serve your community and I look forward to two more years of dedicated service to your town.

Sincerely yours,


Leo W. Mahoney
CTSB-TV Station Manager

ACCESS CORPORATION AGREEMENT

BETWEEN

**COMMUNITY TELEVISION FOR SOUTHERN BERKSHIRES
(CTSB)**

AND

**TOWN OF GREAT BARRINGTON, MA
TOWN OF LEE, MA
TOWN OF LENOX, MA
TOWN OF SHEFFIELD, MA
TOWN OF STOCKBRIDGE, MA**

MARCH 2013

Article I – PREAMBLE

WHEREAS, the Towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge, all of which are municipal corporations organized under the laws of the Commonwealth of Massachusetts acting by and through their Boards of Selectmen (“Towns”) have issued Cable Television Renewal Licenses (“Renewal Licenses”) to Time Warner Cable Corporation, (“LICENSEE”) for the provision of the cable television services within their respective corporate boundaries, and

WHEREAS, the Renewal Licenses provide for the Licensee to make to the Towns certain annual fixed and variable payments, and

WHEREAS, it is the intent of the TOWNS that such funds should be used for the support and furtherance of the PEG Access (Public, Educational and Governmental Access) Channels, and

WHEREAS, Community Television for the Southern Berkshires (“Access Corporation”) has been incorporated to carry out the programming reasonably anticipated to fulfill the mission of the PEG Access Channels provided by the LICENSEE to the TOWNS,

NOW THEREFORE, it is agreed by and between the TOWNS, acting by and through their Board of Directors, as follows:

Article II – DEFINITIONS

For the purpose of this agreement the following words, terms, phrases and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. Access Agreement, or Agreement: The Access Corporation Agreement between Community Television for the Southern Berkshires (“Access Corporation”) and the five TOWNS who are party to the Agreement.
2. Access Corporation: Any non-profit corporation designated by the Issuing Authorities to manage and operate public, educational and municipal access in the TOWNS in accordance with this Agreement and 47 U.S.C. 531.
3. Access Facility: The location from which the Access Corporation may operate the public, educational and municipal access functions.
4. Access Programming: Programs on designated Access Channels which must be non-commercial within the standards for underwriting applicable to the Public Broadcasting Service (PBS) or the standards necessary for the Access

Corporation to maintain its tax exempt status within the applicable regulations of the Internal Revenue Service and excludes political advertising.

5. CTSB: The non-profit corporation known as Community Television for the Southern Berkshires Inc., or a successor organization, designated by the Issuing Authorities to manage and operate public, educational and municipal access in the TOWNS in accordance with this Agreement and 47 U.S.C. 531.
6. Cable Advisory Committee: The Five Town Cable Advisory Committee as designated and authorized by the Issuing Authorities executing this Agreement to be responsible for cable television regulation.
7. Cable License: The license between the Towns and Time Warner Cable ("LICENSEE"), authorizing LICENSEE to own, operate and maintain the Cable Television Systems in the TOWNS.
8. Channel: Channel means a frequency band which carries one television signal.
9. Commercial Program: Programming from which revenue is derived, by any party, and programming the purpose of which is to conduct trade or commerce. It shall not include programming supported by underwriting grants or contributions of any kind.
10. Downstream Channel: A channel over which signals travel from the system headend to an authorized location within the system.
11. Educational Access: Any channel or time thereon which has been allocated for educational use in accordance with this Agreement and 47 U.S.C. 531.
12. Issuing Authorities: The Boards of Selectmen of the Towns who are party to this Agreement.
13. Licensee: Time Warner Cable Corporation.
14. Municipal Access: Any channel or time thereon which has been allocated by the Towns, the Issuing Authorities or municipal agencies in accordance with this Agreement and 47 U.S.C. 531.
15. Public Access: The availability for the use by any resident of the Towns, or any organization based in or serving the Towns, of designated public access facilities, equipment, training and/or channels of the Cable Television System, as provided in the various Renewal Licenses with the Towns and in accordance with 47 U.S.C. 531.
16. Town, Various Towns, or Respective Towns: The Towns which are party to this Agreement, namely, the towns of Great Barrington, Lee, Lenox, Sheffield and Stockbridge, Massachusetts. General references to the Towns may mean any or all of the Towns. In the provisions of this Agreement calling for collective action on the part of the Towns, the Towns have agreed that such

collective action may be undertaken upon the vote of (three) (four) or (all five) of the Towns' Issuing Authorities, or by vote of the Five Town Cable Committee in those instances where the respective Towns have delegated to the Committee authority to act in their names.

17. Upstream Channels: Means a channel over which signals travel from an authorized location to the cable system headend.

Article III – DESIGNATION

Pursuant to Article 5 of the Renewal Licenses between LICENSEE and the various TOWNS, having an effective date of March 1, 2013, the respective Boards of Selectmen, as Issuing Authorities, hereby Designate Community Television for the Southern Berkshires (“CTSB”) as their ACCESS CORPORATION within the meaning of that term as employed in the respective Renewal Licenses. This Designation hereby authorizes CTSB to receive certain PEG Access grants, as more fully set forth in the Renewal Licenses, and further authorizes CTSB to operate for TOWNS the PEG Access channels and services described in Article 5 of their respective Renewal Licenses.

Article IV – TERM OF DESIGNATION

Unless otherwise revoked for good cause shown as provided elsewhere within this Access Agreement the term of this Designation shall become effective when executed by all parties hereto, and upon the latest date of execution by any party, and this Access Agreement shall continue for five (5) calendar years from the date, expiring one minute before midnight on the five-year anniversary of such effective date.

Article V – OBLIGATIONS OF ACCESS CORPORATION

Section 1: Public Access Use: Operating Rules and Procedures

The ACCESS CORPORATION shall be solely responsible for the management and operation of Public Access Programming on the cable system in the TOWNS, including training, quality of originated signals, scheduling the Public Access Channel(s) and managing the Access Facilities and equipment. The ACCESS CORPORATION shall promulgate and maintain a set of access operating rules and procedures which ensure that training, equipment, facilities and Access Channel time shall be available to residents of any organizations serving the respective TOWNS. These rules shall ensure the right to use Access Channels, facilities and equipment on a non-discriminatory, first-come, first-serve basis subject to the terms of this Access Agreement and subject also to ACCESS CORPORATION's goal of establishing regularly scheduled programming. Access user compliance with such rules shall be monitored by the ACCESS CORPORATION and periodically reviewed by the Issuing Authorities of the respective TOWNS.

Section 2: Programming on the Public Access Channel

Editorial discretion, the content of programming and the liability therefore placed on the Access Channel(s) operated by the ACCESS CORPORATION shall solely reside in and be the sole responsibility of the access producers and the ACCESS CORPORATION and not the respective TOWNS nor their LICENSEES. Notwithstanding the forgoing, the Access Corporation Programming shall be designated to achieve the purposes set forth in the ACCESS CORPORATION'S Articles of Incorporation and By-Laws and shall consist of Access programming as defined in the respective Licenses. To these ends:

- (a) The ACCESS CORPORATION shall not sell to a third party any proprietary interest that the ACCESS CORPORATION may have in any Access Programming without first offering LICENSEE the right to purchase such interest by matching the best good-faith offer tendered in writing by the third party;
- (b) All liability, license and copyright fees associated with the programming produced by the ACCESS CORPORATION or placed on the access channel shall be the sole responsibility of the ACCESS CORPORATION.

Section 3: Coverage of Local Meetings

The ACCESS CORPORATION shall cooperate with the Town to make possible live coverage of regularly scheduled Board of Selectmen and Town Meetings. Live Coverage shall be determined upon a multi-town rotating schedule to be developed by the ACCESS CORPORATION. Upon reasonable notice from the Issuing Authority, the Access Corporation shall also provide coverage of special meetings of the Board of Selectmen and School Committee meetings to the extent that such coverage will not present an unreasonable burden to the ACCESS CORPORATION.

Section 4: Cooperation with Town Government

The ACCESS CORPORATION shall cooperate with the Issuing Authorities of the respective TOWNS in the coverage of governmental meetings and in developing programming about the functions of Town Government departments.

Section 5: Logs

The ACCESS CORPORATION shall keep a log of all access programming transmitted on the Access Channel(s) and the names and addresses of all access producers. The logs will be available for public inspection and retained for no less than two years.

Section 6: Insurance

At all times during the term of this Access Agreement, the ACCESS CORPORATION shall obtain, pay premiums for, and keep current the following policies of insurance:

- (1) A General Commercial liability policy with a minimum liability coverage of one Million Dollars (\$1,000,000.00) for injury or death to any one person in any one occurrence and Two Million Dollars (\$2,000,000.00) for injury to two (2) or more persons in any one occurrence arising out of any ACCESS CORPORATION activity under this agreement;
- (2) Property damage insurance policy for any and all claims of property damage occasioned or alleged to be occasioned by any ACCESS CORPORATION activity under this Access Agreement, including but not limited to the construction, installation, maintenance or operation of a cable television access program under this Access Agreement, with a minimum liability coverage of one Million Dollars (\$1,000,000.00) for damage to the property of any one person in any one occurrence and Two Million Dollars (\$2,000,000.00) for damage of two (2) or more persons in any one occurrence;
- (3) Automobile liability insurance for owned ACCESS CORPORATION automobiles, non-owned automobiles and/or rented automobiles undertaking ACCESS CORPORATION business in the amount of:
 - (a) One Million Dollars (\$1,000,000.00) for bodily injury and consequent death per occurrence;
 - (b) One Million Dollars (\$1,000,000.00) for bodily injury and consequent death to any one person; and
 - (c) Five Hundred Thousand Dollars (\$500,000.00) for property damage per occurrence.
- (4) Worker's Compensation in the minimum amount of the statutory limit.
- (5) For all insurance policies required by this Access Agreement, the following conditions shall apply:
 - (a) Such Insurance shall commence no later than the Effective Date of the Access Agreement;
 - (b) Such Insurance shall be primary with respect to any insurance maintained by the respective TOWNS and shall not call upon the TOWN'S insurance for contribution;
 - (c) Such Insurance shall be obtained from brokers or carriers licensed to transact business in the Commonwealth of Massachusetts;

- (d) Evidence of compliance in the form of certificates of Insurance shall be submitted to the respective TOWNS upon request during the term or terms of this Access Agreement.

Section 7: Indemnification

The ACCESS CORPORATION shall defend, indemnify and hold harmless the TOWNS, their officials, boards, commissions, agents and/or employees and LICENSEE, and its officers, employees, servants and agents from and against any claim, without limitation, arising from the ACCESS CORPORATION'S activities under this Access Agreement, whether expressly authorize by such Agreement or otherwise, including but not limited to claims in the nature of libel, slander, invasion of privacy or publicity rights, non-compliance with applicable laws, license fees and unauthorized use of copyrighted material produced and/or cablecast, including reasonable attorneys' fees.

Section 8: Annual Report and Audit

The ACCESS CORPORATION shall provide an annual report and audit of its finances and operations to its members to the Five Town Cable Advisory Committee, the various Towns, and LICENSEE(S), ninety (90) days subsequent to the close of the ACCESS CORPORATION'S fiscal year.

Section 9: Editorial Discretion

Editorial discretion and the content of programming and the liability therefore placed on the access channels operated by the ACCESS CORPORATION shall solely reside in and be the sole responsibility of the ACCESS CORPORATION. Notwithstanding the foregoing, the ACCESS CORPORATION programming shall be designed to achieve the purposes set forth in the ACCESS CORPORATION'S Articles of Incorporation and By-Laws and shall consist of Access Programming as defined in the License and the ACCESS CORPORATION shall avoid competition on a subsidized basis with LICENSEE. To these ends:

The ACCESS Corporation shall not sell to a third party any proprietary interest that the ACCESS CORPORATION may have in any programming without first offering the LICENSEE the right to purchase such interest by matching the best good-faith offer tendered in writing by the third party;

All liability or license copyright fees associated with the programming produced by the ACCESS CORPORATION or placed ion the access channel shall be the sole responsibility of the ACCESS CORPORATION.

Section 10: Status as Non-Profit 501(c)(3) Corporation

The ACCESS CORPORATION shall, throughout this Access Agreement maintain its status as a non-profit 501(c)(3) corporation filing all appropriate annual and other statements as may be required from time to time by law or regulation. It shall

otherwise maintain compliance with all applicable laws, rules and regulations of the Town, Commonwealth of Massachusetts, and the United States of America as shall be enacted from time to time.

Section 11: No Substantive Amendments To By-Laws Without Notice To Towns

The ACCESS CORPORATION shall not make any substantive material amendment to its by-laws without first presenting the same to the TOWNS for review and comment, together with an explanation of the desired amendment and the reasons therefore. A thirty (30) day notice period shall be observed by the ACCESS CORPORATION prior to effecting any such amendments.

Section 12: Maintenance of Records, Equipment and Property

The ACCESS CORPORATION shall maintain accurate books, records and logs of its financial and programming activities, and it shall maintain the facilities and equipment provided to it in good repair and safekeeping. Annually, at the time of filing the Annual Report and Audit, the ACCESS CORPORATION shall provide to the TOWNS or to their designees an inventory of said equipment and facilities together with a statement of its condition and corrective action, if any needed, taken or recommended to be taken to maintain all items in satisfactory condition.

Section 13: Access to Records

The ACCESS CORPORATION shall allow the TOWNS and their authorized designees(s) access to the books, records, accounts and facilities of the ACCESS CORPORATION at such reasonable times and in such reasonable places as the TOWNS may require ensuring compliance with this Access Agreement.

Section 14: Political Activities Prohibited

No funds nor facilities nor equipment provided hereunder shall be used for any partisan political activity or to further the election or defeat of any particular candidate for public office. Such prohibition shall not apply to public interest forums, public presentations or the like where the facilities are available for the expression of all points of view for informational purposes.

Section 15: Reversion of Property Upon Termination

Upon termination of this ACCESS AGREEMENT, title to all property, equipment, facilities, and disbursed funds and the like of the Access Corporation shall be transferred to the TOWNS, and the Access Corporation shall cooperate fully with the TOWNS or their designees in effecting a smooth and prompt transfer.

Article VI – RENEWAL – ADDITIONAL TERMS

Additional terms of this Access Agreement may be granted by the TOWNS at their sole discretion. Such additional terms may be for five years, or for any length of time which the TOWNS in their sole discretion may decide.

Article VII – TERMINATION

This Access Agreement, and/or any subsequent Designation made under authority of this Access Agreement, shall terminate upon the occurrence of any of the following events:

- (A) The filing of bankruptcy of Access Corporation;
- (B) The expiration of, or revocation of, or any amendment to the material provisions of the Renewal Licenses of any or all of the respective TOWNS affecting the right of any party to this Agreement;
- (C) The expiration of the then-current Term of the Access Agreement in the event that the TOWNS, in their sole discretion, have failed to or have elected not to Re-Designate Access Corporation as their Access Provider within the meaning of that term as employed in their respective Renewal Licenses; or
- (D) The withdrawal of Designation by the TOWNS arising from any breach of this Access Agreement by the Access Corporation which remains outstanding and incurred in whole or in part following notice and opportunity to cure as more fully provided in Article VIII of this Access Agreement.

Article VIII – BREACH AND SANCTIONS

Section 1: Determination of Breach

Upon determining that a breach or possible breach of this Access Agreement may have occurred, the TOWNS may serve written notice of such breach or possible breach upon the Access Corporation. Upon receipt of such written notice of breach or possible breach, Access Corporation shall have thirty (30) days to respond in one of the following ways: (1) cure such breach and report cure of same to the TOWNS; (2) provide the TOWNS with proof that such breach did not occur; (3) if the breach was due to fault on the part of Access Corporation, but for reasons beyond its control cannot be cured within thirty (30) days, provide proof of same to the TOWNS, and a detailed timetable for correction and cure; or (4) if the breach was not due to fault on the part of Access Corporation and cannot be cured within thirty (30) days, provide proof of same to TOWNS and a reasonable timetable for cure, to be submitted for approval by the TOWNS.

If, after notification and opportunity to cure as provided in this section, the TOWNS determine that a breach of this Access Agreement did occur, and that such breach was not cured within the time duly specified by the procedures set forth in this

section, the TOWNS may elect one or more of the following remedies: (1) withdraw their Designation of Access Corporation granted under Article III of this Access Agreement, and thereby terminate this Access Agreement; (2) impose Liquidated Damages as set forth in Section 2 of this Article; or (3) impose any other sanction as may be agreed upon between the parties.

Section 2: Liquidated Damages

Liquidated Damages up to the amounts set forth below may be assessed against Access Corporation by the TOWNS upon finding a breach of this Access Agreement after notice and opportunity to cure as set forth in Section 1. Upon assessment of such damages, the TOWNS may require Access Corporation to pay such damages to the TOWNS within thirty (30) days of its receipt of a written demand for payment. Failure to pay such damages within thirty (30) days of receipt of a written demand shall itself constitute a breach of this Access Agreement. In the event of ongoing penalties, successive and non-cumulative written demands may be sent.

- (a) For failure to maintain qualified, fully trained and competent personnel to manage and operate the Public Access Program, as required by Article V, Section 1, \$150.00 per day;
- (b) For failure to provide live coverage of local meetings as required by Article V, Section 3, \$150.00 per day;
- (c) For failure to maintain insurance policies required by Article V, Section 7, \$100.00 per day;
- (d) For failure to prepare or produce Annual Report and/or Audit, as required by Article V, Section 9, or for failure to prepare and file an annual inventory and statement of condition as required by Article V, Section 13, or for failure to maintain Access Programming Logs as required by Article V, Section 6, or for failure to grant to the TOWNS or their authorized representatives access to the books, records, accounts and facilities at such reasonable time and at such reasonable places as the TOWNS may require, as required by Article V, Section 14, \$100.00 per day;
- (e) For failure to maintain the ACCESS CORPORATION'S 501(c)(3) status, as required by Article V, Section 11, \$100.00 per day; and
- (f) For any other breach of this ACCESS AGREEMENT as may be found by the TOWNS, \$50.00 per day.

Liquidated damages are a non-exclusive remedy and may be used alone, or in combination with any other remedy for breach permitted under Article VIII, Section 1.

Article IX – FUNDING/ANNUAL SUPPORT/FUND RAISING

Access Corporation shall be funded by annual and/or one-time payments, or by a combination of the two, made to it directly by the LICENSEE and/or the TOWNS. The annual and/or one-time funding payments shall be made to Access Corporation in accordance with the PEG Access Support payment schedules set forth in Article 5 of the respective Renewal License between Licensee and the TOWNS.

With the approval of the TOWNS, Access Corporation may also undertake its own non-profit fund raising campaigns or drives. A written proposal for such campaigns or drives shall be submitted to the TOWNS, and shall give the TOWNS thirty (30) days to approve, review or comment upon as they may in their discretion see fit.

Article X – CABLE ADVISORY COMMITTEE AND REGIONAL COMMITTEE

At the discretion of the Issuing Authorities, the Cable Advisory Committee may be vested by the Issuing Authorities with such power and authority as may lawfully be delegated, including participation in the regional advisory committee of Great Barrington, Lee, Lenox, Stockbridge and Sheffield (“Five Town Cable Advisory Committee”).

- (a) The Issuing Authorities and/or their designee(s) shall be responsible for the day to day regulation of the Cable Television System pursuant to this Agreement and the Renewal Cable Television Licenses. The Issuing Authorities shall enforce and the Cable Advisory Committee shall monitor the Access Corporation’s compliance with the terms and conditions of this Agreement, and the applicable Renewal Cable Television Licenses.
- (b) The Access Corporation shall meet with the Issuing Authorities or the Cable Advisory Committee or the Five Town Cable Advisory Committee to review the Access Corporation’s compliance with the Access Agreement, and the Renewal Cable Television Licenses as well and to review other issues related to this Agreement. Such meetings may be requested by the Issuing Authorities, the Cable Advisory Committee, the Five Town Cable Advisory Committee, or the Access Corporation.

Article XI – MISCELLANEOUS

Section 1: Assignment and Successors Bound

This Access Agreement shall inure to the benefit of the TOWNS and to their successors and assigns. No assignment may be made by the ACCESS CORPORATION

without the express written consent of the TOWNS, which approval shall not be unreasonably withheld.

Section 2: Waiver and Amendment

Nothing in this Access Agreement Shall prevent all parties from agreeing to waive any provisions of this Agreement by mutual consent. Any such waiver must be confirmed by all parties in writing. No amendment shall be made to this Access Agreement unless executed in full in the same form as the original Agreement. No waivers or amendments agreed upon pursuant to this section shall prejudice any remaining provisions of this Access Agreement and all such remaining provisions shall at all times remain in full force and effect.

Section 3: Construction

The headings herein are for reference and convenience only and shall not be a factor in the interpretation of this ACCESS AGREEMENT. This ACCESS AGREEMENT shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

Section 4: Severability

If any section, sentence, paragraph, term or provision of this ACCESS AGREEMENT is determined to be illegal or unenforceable by any court, such determination shall have no effect upon the validity of all remaining sections of the Agreement which shall remain in full force and effect for the full term of this Agreement.

Section 5: Force Majeure

If by any reason of Force Majeure any party is unable in whole or in part to carry out its obligations under this ACCESS AGREEMENT, that party shall not be deemed to be in breach or default during the continuance of such inability. The term "Force Majeure", as used in this ACCESS AGREEMENT shall have the following meanings: Act of God; act of public enemy; orders of any kind of the government of the United States of America or of any of their departments, subdivisions, officials; or of earthquake; fires; hurricanes, volcanic activity; storms; floods; wash outs; droughts; civil disturbances; explosions; strikes; acts of terrorism; and unavailability of essential equipment, services, or material beyond the control of any party.

Section 6: Entire Agreement

This Access Agreement contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically incorporated herein, and cannot be changed orally but only by any instrument in writing executed by the parties and in the same form as this Agreement.

Section 7: Notice

Any notice delivered hereunder shall be valid if hand delivered or mailed, postage pre-paid first class to:

The TOWNS:

Town of Great Barrington: Great Barrington Town Hall
334 Main Street
Great Barrington, MA 01230

Town of Lee: Memorial Hall
32 Main Street
Lee, MA 01238

Town of Lenox: Lenox Town Hall
6 Walker Street
Lenox, MA 01240

Town of Stockbridge: Stockbridge Municipal Building
PO Box 417
Stockbridge, MA 01262

Town of Sheffield: Sheffield Town Hall
PO Box 325
Sheffield, MA 01257

The ACCESS CORPORATION:

CTSB PO Box 360
925 Pleasant Street
Lee, MA 01238

Article XI – EXECUTION

TOWN OF GREAT BARRINGTON, MASSACHUSETTS,
By its Board of Selectmen,

Dated: _____

TOWN OF LEE, MASSACHUSETTS,
By its Board of Selectmen,

Dated: _____

TOWN OF LENOX, MASSACHUSETTS,
By its Board of Selectmen,

Dated: _____

TOWN OF STOCKBRIDGE, MASSACHUSETTS,
By its Board of Selectmen,

Dated: _____

TOWN OF SHEFFIELD, MASSACHUSETTS,
By its Board of Selectmen,

Dated: _____

COMMUNITY TELEVISION FOR THE
SOUTHERN BERKSHIRES, INC.

By: 
President

Dated: 2/27/13

Kevin O'Donnell

From: David Doneski
Sent: Tuesday, April 02, 2013 5:23 PM
To: Kevin O'Donnell
Cc: Helen Kuziemko
Subject: RE: Items for the 2013 ATM Warrant
Attachments: @3d%01!.DOC; @3d%02!.DOC

Kevin,

I have reviewed the draft food truck bylaw in detail. My recommended revisions are shown on the attached copy. (A clean copy incorporating the revisions is also attached.) I also offer the following comments, which help to explain the extensive nature of the revisions:

Section 2, Definitions: I deleted terms that were not used elsewhere in the bylaw or only used in a generic, customary sense. The term "license" was defined as the operative approval for a mobile food vehicle, but throughout the bylaw the operative term was permit, so I deleted "license" and "licensee," modified the definition of "permit" and added a definition for "permittee," based on the original licensee language.

There is a definition for "Food Zone," but the term is used only in a limited manner in the bylaw and the manner by which a Food Zone is to be designated is not clear. (I made my revisions on the basis that a food zone or zones would be established by the Mobile Food Vendors Committee in connection with action on individual permit applications.)

Section 3, Mobile Food Vendors Committee: I added language authorizing adoption of regulations to implement the bylaw.

Section 4, Permit Requirements: Applications are to be forwarded to the Mobile Food Vendors Committee. Paragraph 1 provides for "final approval and the issuance of a permit by the Board of Selectmen," but it is not clear if it is intended that the Board of Selectmen will simply sign off on the review and approval of the Committee or make a separate determination. (In this regard, I note that I modified and moved language from section 7, General Rules and Regulations (paragraph 16), regarding the determinations of compatibility with the public interest to be made by the Committee, into section 4 (new paragraph 8). There is only one other reference to the Board of Selectmen in the bylaw (section 5, paragraph 1(i) – additional information to be submitted with an application).

The restaurant setback requirement is stated as 50 feet (paragraph 4), but the setback is stated as 100 feet in section 7 (paragraphs 4 and 16). The appropriate correction should be made so all numbers are the same.

Section 7, General Requirements: Most of the revisions in this section are for clarification purposes. Here and in other sections I deleted and/or modified references to public rights-of-way so as to avoid unintentionally limiting the scope of the bylaw. There may well be circumstances where a proposed or approved area of operation would be adjacent to rather than within a roadway.

Section 8, Enforcement: I added a sentence providing that the Police Department is the enforcing agency. I also modified the penalty language to state a specific amount, so that non-criminal enforcement under G.L. c. 40, §21D and §1-5.1 of the Town Code is an option. (Please note that \$300 is the maximum penalty for a general bylaw violation – G.L. c. 40, §21.) I also included language to account for general procedural due process requirements.

Please contact me to discuss after you have a chance to review, and we can then make the arrangements for insertion of the text into Article 18 of the warrant.

David J. Doneski, Esq.
Kopelman and Paige, P.C.

Kevin O'Donnell

From: Robin Curletti <robinfis@yahoo.com>
Sent: Wednesday, March 13, 2013 12:57 PM
To: Kevin O'Donnell
Subject: Food trucks

Hello, I am unable to attend tonight's meeting but I do want to set up our hot dog cart this spring. I hope we have an easier time setting up this time around. I look forward to hearing from you. Thanks!

Robin Curletti

-owner if Fuel Coffee Shop

Sent from my iPhone (please excuse any typos or misspelled words)

Kevin O'Donnell

From: Mark Pruhenski
Sent: Wednesday, March 13, 2013 1:00 PM
To: Kevin O'Donnell
Subject: Fwd: [Junk released by Allowed List] Re: Food Truck Bylaw Proposal- Meeting tonight

Kevin, just fyi: below is a response from Subway.

Sent from my iPhone

Begin forwarded message:

From: ebucey <ebucey@aol.com>
Date: March 13, 2013, 12:41:04 PM EDT
To: Mark Pruhenski <MPruhenski@Townofgb.org>
Subject: [Junk released by Allowed List] Re: Food Truck Bylaw Proposal- Meeting tonight

Mark, my concern would be the business that might be taken away from the local food establishment already in town. Given the economic conditions we are all in presently trying to make a living and keep our businesses afloat, has anyone looked into this? Other questions are where will the food trucks be allowed to operate, and how many of them? Thanks

Bucky Bucey, Subway

Sent from my iPad

On Mar 13, 2013, at 12:12 PM, Mark Pruhenski <MPruhenski@Townofgb.org> wrote:

Dear Restaurant Owners and Operators:

At the Request of the Town Manager, Kevin O'Donnell, please see the notice below:

My apologies on the last minute notice but you should be aware that the Board of Selectmen intend to discuss a proposal for a food truck bylaw at tonight's meeting in the event that you have any questions, comments, or concerns. This will likely be an ongoing discussion and in the future I will notify you sooner.

The draft bylaw is attached and would not exempt any food trucks from meeting the requirements of the Federal and State food codes. This bylaw proposal is intended to create a policy and open the discussion on whether food trucks will be allowed to vend on town owned property in the future and if so, what the requirements would be.

If you cannot attend tonight's meeting, you may also forward any questions or comments directly to the Town Manager at Kodonnell@townofgb.org, or by simply replying to this email.

Tonights meeting will be held at:

Town Hall, 334 Main Street Great Barrington
7:00PM in the Selectmen's Meeting Room

Kevin O'Donnell

From: Mike Ballon <info@castlestreetcafe.com>
Sent: Wednesday, March 13, 2013 1:26 PM
To: Kevin O'Donnell
Subject: Mobile Food Truck

My concern is that the 50 ft set back from existing restaurants is not sufficient.

Michael Ballon
Castle Street Cafe

Kevin O'Donnell

From: Mike Ballon <info@castlestreetcafe.com>
Sent: Thursday, March 14, 2013 5:09 PM
To: Mark Pruhenski
Cc: Kevin O'Donnell
Subject: Food Trucks

My main concern is that the 50ft setback for food trucks is inadequate. That could still allow quite a few trucks in downtown Great Barrington.

Is there anyone who seriously thinks there is a shortage of food service in this town? The problem in GB is not too few restaurants, but too many.

Kevin O'Donnell

From: Mark Pruhenski
Sent: Thursday, March 14, 2013 5:54 PM
To: Kevin O'Donnell
Subject: FW: Food Trucks

Mike didn't cc you on this part of it so fyi below:

Mark A. Pruhenski, Health Agent
Town of Great Barrington
334 Main Street
Great Barrington MA 01230
Ph: 413-528-0680

From: Mike Ballon [<mailto:info@castlestreetcafe.com>]
Sent: Thursday, March 14, 2013 5:46 PM
To: Mark Pruhenski
Cc: 'Sean Stanton'; 'Deborah Phillips'; 'Stephen Bannon'; 'Alana Chernila'; 'Andrew Blechman'
Subject: RE: Food Trucks

I probably won't be able to make that meeting. I have no issue with food trucks at the Fairgrounds, VFW, baseball fields, high school lawn, mill parking lots, etc
But I don't think it is fair to allow food trucks to siphon off business in the prime season from year round business which keep their doors open, and keep employees paid year round, when the food trucks disappear. There is already such intense competition for business downtown, with an enormous range of food and ethnic cuisines available, at a wide variety of prices. Town is so congested in the summer, it's hard to see where food trucks could be located on Main, Castle, or Railroad Street, without it being disruptive. Let's define a core area of downtown where trucks are not permitted, while permitting food trucks for special events, and for whatever under served areas there are outside of downtown.

Mike Ballon
Castle Street Cafe

From: Mark Pruhenski [<mailto:MPruhenski@Townofgb.org>]
Sent: Thursday, March 14, 2013 5:18 PM
To: Mike Ballon
Subject: RE: Food Trucks

Thanks Mike. Your comments will be forwarded to the Selectmen. The hearing is Monday April 8th and I expect they will make a decision that night since they have to get it on the warrant for town meeting shortly after. -m

Mark A. Pruhenski, Health Agent

Town of Great Barrington
334 Main Street
Great Barrington MA 01230
Ph: 413-528-0680

From: Mike Ballon [<mailto:info@castlestreetcafe.com>]
Sent: Thursday, March 14, 2013 5:09 PM
To: Mark Pruhenski
Cc: Kevin O'Donnell
Subject: Food Trucks

My main concern is that the 50ft setback for food trucks is inadequate. That could still allow quite a few trucks in downtown Great Barrington.

Is there anyone who seriously thinks there is a shortage of food service in this town? The problem in GB is not too few restaurants, but too many.

Mark Pruhenski

From: Nancy Thomas <nancy@mezzeinc.com>
Sent: Thursday, March 14, 2013 5:29 PM
To: Mark Pruhenski; Mezze Catering; Daire Rooney
Subject: [Junk released by Allowed List] food truck

Hi Mark,

It's Nancy from Allium.

How goes the conversation about allowing food trucks in GB?

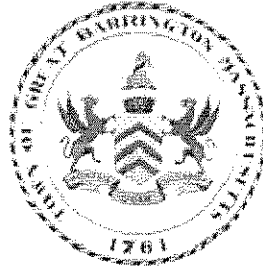
Thanks for keeping me in the loop.

I will try to make a meetings.

We do no intend to have our food truck out regularly - but it would be great to have it in front of Allium a few late nights in the summer.

Our truck will mostly be going to catered events.

Thanks,
Nancy



TOWN OF GREAT BARRINGTON: DRAFT FOOD TRUCK BYLAW

Section 1 Purpose

The general purpose of this bylaw is to promote the health, safety, convenience, and general welfare of the citizens and visitors of Great Barrington by requiring that mobile food vehicles provide customers with a level of cleanliness, quality, and safety consistent with the standards required of other food establishments in the Town.

It is also the intent of this bylaw to establish reasonable guidelines and restrictions for mobile food vehicles in relationship to fixed location restaurants, and to encourage the safe and convenient use of the Town's roadways.

Section 2 Definitions

The following words, terms and phrases, when used in this bylaw, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Applicant" means any person or business who applies for a Permit under the provisions of this bylaw.

"Food Zone" is an area designated pursuant to this bylaw that has been approved for the specific operation of Mobile Food Vehicles.

"Mobile food vehicle" means a food establishment mounted on or pulled by a self-propelled vehicle where food for individual portion service is prepared and sold; is self-contained with its own drinking water supply and waste water tank; is designed to be readily movable; and is returned to its base of operations after conclusion of a business day.

“Operator” is the Person that operates a mobile food vehicle, such as the owner, the owner's agent, or other Person, and possesses a valid permit to operate a mobile food vehicle. Any operator is, together with the Owner, legally responsible for the operation of the mobile food vehicle.

“Operating Hours” is the designated time frame mobile food vehicles are authorized to operate.

“Owner” is a person who owns and/or operates the mobile food vehicle used in the exercise of a Permit. The owner is legally responsible for the operation of the mobile food vehicle.

“Permit” means a written permit issued pursuant to this bylaw for the operation of a mobile food vehicle.

“Permittee” means the holder of a mobile food vehicle permit issued in accordance with this bylaw.

“Person” means any individual, firm, partnership, association, or corporation, whether for profit or otherwise. Whenever the word “person” is used in this bylaw prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof; and such word as applied to corporations for such purpose shall include the officers, agents, or employees thereof.

“Restaurant” a fixed (non-mobile) food establishment where meals are generally served and eaten on the premises, and which prepares and serves food and drink to customers in return for payment of money.

“Town” shall mean the Town of Great Barrington, Massachusetts.

“Vending” is the business of selling or causing to be sold any of the following items: food products, produce, prepared foods and beverages, prepackaged foods and non-alcoholic beverages from a mobile food vehicle.

Section 3 Mobile Food Vendors Committee

1) There shall be within the Town of Great Barrington a Mobile Food Vendor Committee consisting of a representative of the Public Works Department, the Planning Department, the Police Department, the Building Department, the Health Department, and the Fire Department for the purpose of reviewing applications for mobile food vehicle permits, approval of the locations for operation and establishing rules and regulations as appropriate. All members shall be appointed by the Town Manager.

2) At its sole discretion, the Mobile Food Vendors Committee may limit the number of designated

Food Zones within the Town, to promote the health, safety, convenience, and general welfare of the residents of Great Barrington.

3) The Mobile Food Vendors Committee may adopt regulations for the implementation and administration of this bylaw.

Section 4 Permit Requirements

1) All mobile food vehicles must submit an application for a permit annually to the Town Manager's office. The permit shall be in addition to the requirements of the Health Department. The application will then be forwarded to the Mobile Food Vendors Committee for review. The application must receive approval from each Department represented within the Committee prior to its final approval and the issuance of a permit by the Board of Selectmen.

2) Although a permit may allow for the operation of the mobile food vehicle throughout the Town limits, the permittee's activity is restricted to areas that are zoned or otherwise approved for that type of activity.

3) The conduct of operations in Town designated Food Zones will be authorized by specific assignment only. No application will be accepted for a permit to operate at a location which has been authorized under an issued permit or for which a previous, complete permit application is pending.

4) No permit location shall be approved that is within fifty (50) feet of any existing restaurant or the authorized location for another mobile food vehicle during hours of operation. The 50 foot setback shall be measured from the closest edge of the existing restaurant space or food vehicle location. It is the applicant's responsibility to provide proof of distance.

5) The Applicant shall notify the Town Manager's office within fifteen (15) days of any changes to application information.

6) The Mobile Food Vendors Committee shall not approve a location which, in their determination, would result in a substantial obstruction of a public right-of-way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety.

7) The Mobile Food Vendors Committee shall not approve any location which is adjacent to a bus stop or handicap loading zone or directly in front of a property entrance or exit.

8) The Mobile Food Vendors Committee shall determine whether the proposed operation of the mobile food vehicle will be compatible with the public interest in the use of public rights-of-way within the Town and with the purposes of this bylaw. In making such a determination, the Mobile Food Vendors Committee shall consider the width of the public way or other area proposed for location of the vehicle, parking requirements, pedestrian or vehicular traffic congestion that may result, the weight that can be supported by the paving or street surface at the proposed location, the proximity and location of existing street furniture, including, but not limited to, utility poles, bus shelters, benches, street trees, as

well as the presence of bus stops, truck loading zones, taxi stands or other businesses and approved locations for other mobile food vehicles.

Section 5 Application for Permit

1) A single permit application shall be accepted and deemed complete on a first-come, first-served basis. Each application shall include, in addition to other requirements, the following materials:

a) Each applicant shall be required to provide a valid copy of all other necessary licenses or permits required for the operation of each mobile food vehicle for which a permit is requested, or other written proof of compliance with the laws and regulations applicable to operation of a mobile food vehicle.

b) The applicant's full name, signature, address and whether the applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses.

c) The physical address of the base of operations for the mobile food vehicle and a valid copy of the applicable licenses and permits to operate a food business at that address as issued by the Health Department in that jurisdiction.

d) A proposed location for the mobile food vehicle and proposed dates and hours of operation.

e) A written disclosure of all proposed fuel types and quantities to be used in the regular daily operation of the mobile food vehicle.

f) A photograph or accurate description of the mobile food vehicle, including the following data: the make, model and type of body; the number of cylinders; the vehicle identification number or any other identifying number as may be required by the Mobile Food Vendors Committee, and the manufacturer's specifications on decibel levels generated by any equipment to be used in the operation of the vehicle. (If this information is not known at the time of permit application, this requirement can be satisfied as a condition of issuance of a permit.)

g) A signed statement that the applicant shall hold harmless the Town and its officers and employees, and shall indemnify the Town, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Each permittee shall furnish and maintain such public liability, food establishment liability, and property damage insurance as will protect the permittee, property owners, and the Town from all claims for damage to property or bodily injury, including death, which may arise from the operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than Three Hundred Thousand dollars (\$300,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the Town Manager's Office. A permit issued pursuant to the provisions of this bylaw shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not provided to the Town.

h) A statement that the applicant shall hold harmless the owners of property affected by operations under the permit from any claims for damage to property or injury to persons which may be the direct result of any activity of the permit holder.

i) Such other additional information required by law, any department of the Town, the Mobile Food Vendors Committee, Board of Selectmen, or reasonably deemed appropriate by the Town to assist in determining whether the permit should be granted.

j) A signed, completed Workers' Compensation Insurance Affidavit as well as a copy of the declaration page of the policy indicating the expiration date of the policy.

2) An application will not be considered complete by the Town until all of the above requirements have been met and all forms and fees and have been submitted.

Section 6 Application and permit fees, Non-transferability.

Upon the filing of a completed application, the non-refundable application fee for all applicants seeking a permit shall be \$250.00. This application fee shall be submitted with the application and shall be credited against the cost of the permit only if the application is approved.

Upon approval of an application for a permit, the annual permit fee shall be \$500.00 per vehicle. (This fee is in addition to any fees for required Health Department permits). The balance of \$250 for the initial permit shall be submitted prior to issuance of the permit.

Permits are issued on a calendar year basis and shall expire on December 31st annually. Fees for initial permits and renewals will not be pro-rated.

Permits are not transferrable.

Section 7 General Requirements

1) No person shall operate a mobile food vehicle within the Town without a permit issued by the Town.

2) Hours of operation shall be limited to the period from dawn until dusk during the months of April through October unless the mobile food vehicle is operating at a Town sanctioned special event. It shall be unlawful to leave any mobile food vehicle unattended on or adjacent to a public right-of-way, and to allow a mobile food vehicle to remain in any such place outside of these allowed hours of operation. The Town may impose additional restrictions to prevent nuisances or disturbance of the public.

3) All mobile food vehicle vehicles operating within the Town shall adhere to the designated time requirements and shall be allotted fifteen (15) minutes set-up and fifteen (15) minutes breakdown time before and after stated operating hours.

- 4) No mobile food vehicle operation shall occur within fifty (50) feet of any fixed food service establishment or restaurant during the hours of the fixed establishment's operation. No mobile food vehicle shall be permitted to operate within fifty (50) feet of another mobile food vehicle.
- 5) No mobile food vehicle shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers.
- 6) With the exception of a trash/recycling bin or receptacle, no mobile food vehicle shall use external signage, seating, or any other equipment not contained within the vehicle; and no such signage, seating or equipment shall be placed on the public sidewalks.
- 7) Permittees shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public right-of-way or to remove the mobile food vehicle entirely from any public area or adjacent property in order to avoid such congestion or obstruction.
- 8) Any power required for the mobile food vehicle shall be self-contained and the vehicle shall not draw its power from external sources. No power cable or equipment shall be extended from a mobile food vehicle, whether at grade or overhead across any public street, right-of-way, alley or sidewalk.
- 9) Permittees shall contain all refuse, trash, and litter within the mobile food vehicle or a small moveable trash/recycling bin or receptacle maintained by the permittee and located adjacent to the mobile food vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The Owner and the Operator shall be responsible for properly disposing of such refuse, trash, and litter in a proper and legal manner, and shall not place it in any public trash container, or in any private container without proper permission.
- 10) Grey water and grease must be disposed of in an approved manner in compliance with Health Department requirements.
- 11) Pedestrian walkways/passage areas of no less than six (6) feet must be maintained around the mobile food vehicle while it is in operation.
- 12) All mobile food vehicles shall operate in accordance with the requirements of the Americans with Disabilities Act.
- 13) Mobile food vending shall only be carried out from the side of a mobile food vehicle that is parked abutting and parallel to the curb.
- 14) No mobile food vehicle shall offer drive-through service.
- 15) The decibel level on any compressor, generator, or other portable power supply or equipment used may not exceed 60dBA and no such equipment shall be operated so as to cause or contribute to a public health nuisance or to disturb or annoy vehicle employees or the general public. The Great Barrington Police Department will be responsible for the final determination on whether any equipment used by a mobile food vehicle is in violation of this provision.

16) Any business that opens, or moves to, within 50 feet of an approved location for a permitted mobile food vehicle shall be deemed to have accepted the proximity of the existing mobile food vehicle in operation.

17) Mobile food vehicle owners must comply with all local and State retail sales tax laws and regulations, including food and beverage tax provisions.

Section 8 Enforcement

This bylaw shall be enforced by the Great Barrington Police Department.

Any person operating a mobile food vehicle without a permit issued under this bylaw and any operation of a mobile food vehicle in violation of the requirements of this bylaw or a permit or regulations issued hereunder shall be subject to the following:

a penalty of three hundred dollars (\$300) per day. Each day of violation shall constitute a separate and distinct offense.

Any permit granted by the Town is subject to revocation, suspension or modification, upon prior notice to the permittee and a hearing, for violation of its terms, the provisions of this bylaw or any requirement imposed under this bylaw. A permit may be modified by the Town, upon prior notice to the permittee and an opportunity for a hearing, for reasons necessary or appropriate to meet the purposes of this bylaw.

Section 9 Severability

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Draft

**Town of Great Barrington
2013 Annual Town Meeting**

WARRANT

with Recommendations
by the Finance Committee
and Board of Selectmen

Monday, May 6, 2013



BOARD OF SELECTMEN

Sean Stanton, Chairman
Deborah Phillips
Andrew Blechman
Stephen C. Bannon
Alana Chernila

FINANCE COMMITTEE

Thomas Blauvelt, Chairman
Mark Lefenfeld
Andy Moro
Sharon Gregory
Walter F. Atwood, III

(www.townofgb.org)

TOWN OF GREAT BARRINGTON
2013 ANNUAL TOWN MEETING, MAY 6, 2013

INDEX OF WARRANT ARTICLES

2013 ANNUAL TOWN MEETING

1. Authorize Revolving Funds
2. Elected Officials' Salaries
3. Highway MassDOT Funds
4. Borrowing for Capital Items
5. FY'14 Capital Expenditures
6. Borrowing for Fire Truck
7. FY'14 Operating Budget
8. Borrowing for Dewey School Improvements
9. FY'14 Wastewater Treatment Budget
10. Transfer of Funds Remaining from Senior Center Repairs
11. FY'14 Regional School Assessment (Operating and Capital Budgets)
12. Authorize use of Pension Reserve Fund
13. Authorize use of Free Cash to reduce the tax levy
14. Amend Animal Control Bylaw Ch.81-5. Impounding, release and disposition of animals
15. Amend Sign Code Ch.146-6. 11. Temporary Signs for Temporary Events
16. Adopt Community Preservation Committee Bylaw
17. Adopt Community Preservation Act Commercial Exemption
18. Adopt Food Truck Bylaw
19. Adopt new Property Maintenance Bylaw
20. Amend Council on Aging Bylaw, Chapter 10-1 Establishment, membership
21. Accept a parcel of land next to Stonybrook Cemetery
22. Authorize Acquisition of Easement over a portion of Lake View Road
23. Authorize Acquisition of Land, Eminent Domain, for Lake Mansfield Boat Launch
24. Accept MGL Ch. 59, sec. 5N Veterans Tax Work Off Program
25. Adopt Bylaw Banning Plastic Bags
26. Authorize Board of Selectmen to Enter into Renewable Energy Purchase and/or Net Metering Credit Purchase Agreements
27. Authorize RFP for Wireless Telecommunication Structure/Tower at Recycling Center
28. Zoning: Amend Bylaw Section 9.5.6 Design Advisory Committee
29. Accept MGL Ch.39, sec. 23D, "Mullin Rule"
30. Citizen Petition: To allocate funds up to the amount of \$13,000 to move the proposed site for the National Grid Load Center
31. Citizen Petition: Town Meeting points of order
32. Citizen Petition: Start Time for Annual and Special Town Meetings

33. Citizen Petition: To appropriate the sum of \$15,000 from Free Cash for repair/improvement projects at Ramsdell Library
34. Citizen Petition: To appropriate \$2,500 from Free Cash for part time intern to assist with cataloguing historic documents and objects at Ramsdell Library
35. Citizen Petition: To appropriate unspent, accumulated Library State Aid up to \$22,500 for ADA accessibility consultant for Ramsdell Library

TOWN OF GREAT BARRINGTON

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2013

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To William Walsh, 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 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 Monday, May 13, 2013 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR
BOARD OF SELECTMEN, TWO FOR THREE YEARS
BOARD OF HEALTH, ONE FOR THREE YEARS
FINANCE COMMITTEE, TWO FOR THREE YEARS
LIBRARY TRUSTEES, TWO FOR THREE YEARS
PLANNING BOARD, TWO FOR THREE YEARS
ZONING BOARD OF APPEALS, ONE FOR THREE YEARS
HOUSING AUTHORITY, 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 costs of purchasing and equipping a new fire truck, and for the payment of all other costs incidental and related thereto?

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 costs of remodeling, reconstructing and making extraordinary repairs to the Dewey School Building and property, 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 Mahaiwe Theater, 14 Castle Street in Great Barrington on Monday, May 6TH, 2013, at 6:00 P.M., then and there to act on the following:

ARTICLE 1:

To see if the Town will vote to authorize the use of revolving funds for the following programs and purposes:

- a. Plumbing Inspector (\$15,000.)
- b. Wire Inspector (\$20,000.)
- c. Gas Inspector (\$15,000.)
- d. Town Code Printing (\$10,000.)
- e. Parks Commission (\$5,000.)
- f. Recycling/Green Product Sales (\$5,000.)
- g. Cemetery (\$5,000.)
- h. Fire Inspectors (\$5,000)

which revolving funds together shall not exceed the sum of Eighty Thousand Dollars (\$80,000.00), which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, §53 E 1/2 of the General Laws, provided however that said expenditures for all revolving funds shall not exceed the receipts for such funds; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2012 to June 30, 2013 as indicated below:

Elected Officials Salaries:
Selectmen: \$7,500.00

Not Recommended by the Finance Committee

Recommended by the Board of Selectmen

ARTICLE 3:

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (Mass DOT), under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 4:

To see if the Town will vote to appropriate \$784,500, or any other sum of money, in the following approximate amounts and for the following purposes:

Road Improvements/Sidewalks/Drainage \$ 500,000

Town Building Improvements	84,500
Police Cruisers (2)	67,100
Sidewalk plow/sander	110,000
Dump Trucks (1)	<u>90,000</u>
Total	\$ 784,500

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, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 5:

To see if the Town will vote to appropriate \$460,000, or any other sum, for the following General Fund Capital Items and to determine whether this amount shall be raised by taxation, transferred from available funds or otherwise:

	Amount requested
Assessors	
Software	20,000.00
Total	20,000.00
Public Works	
Remediation of current/former properties	385,000.00
Total	385,000.00
Castle Street fire station; Searles-Bryant complex	
Fire Department	
Engine Repairs	20,000.00
Total	20,000.00
Parks	
Improvements	35,000.00
Total	35,000.00
Total Capital-General Fund	460,000.00

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 6:

To see if the Town will vote to appropriate \$1,100,000, or any other sum of money, to pay the costs of purchasing and equipping a new fire truck, and for payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised

by taxation, transfer from available funds, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Board of Selectmen and the Finance Committee

ARTICLE 7:

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 as detailed in the FY14 Annual Budget for the General Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 8:

To see if the Town will vote to appropriate \$800,000, or any other sum of money, to pay the costs of remodeling, reconstructing and making extraordinary repairs to the Dewey School Building and property, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or take any other action relative thereto.

Recommended by the Board of Selectmen and the Finance Committee

ARTICLE 9:

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 as detailed in the FY14 Annual Budget for the Sewer Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 10:

To see if the Town will vote to appropriate and transfer the sum of \$3,999.50, being the unexpended balance of the amount appropriated under Article 5 of the warrant for the 2012 Annual Town Meeting for building repairs at the Senior Center, for deposit into the Senior Center gifts and donations account; or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 11:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Eleven Million, Five Hundred and Six Thousand, Nine Hundred Sixty Two Dollars (\$11,506,962.00) for the operating assessment, and Five Hundred Forty Six Thousand Seventy Seven Dollars (\$546,077.00) for the capital assessment, for a total assessment of Twelve Million, Fifty Three Thousand, Thirty Nine Dollars (\$12,053,039.00) of the Berkshire Hills Regional School District, or take any other action relative thereto.

ARTICLE 12:

To see if the Town will vote to authorize the use of the Pension Reserve Fund to reduce the FY14 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 13:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2014the current year, or to take any other action relative thereto.

Recommended by the Finance Committee and Board of Selectmen

ARTICLE 14:

To see if the Town will vote to amend **Subsection 81-5.B of the Town Code, Impounding, release and disposition of animals**, by decreasing the holding period for impounded animals from 10 days to 7 days, so that the subsection reads as follows:

B. No later than two days after the impounding of any animal, the owner or keeper shall be notified, or if the owner or keeper of the animal is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for **10** consecutive days to 7 consecutive days in the location for posting noticed in the Town Hall, which notice shall describe the animal and the place and time of taking. Animals impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL c.140, sec. 151A. Prior to the end of said ten-day period, the owner or keeper may obtain the release of such dog or other animal upon the payment of all pound fees, fines and notification costs, if any; and in the case of a violation of §81-5.A(1) of this section, upon obtaining a license as required by law.

ARTICLE 15:

To see if the Town will vote to amend the Sign Bylaw, Chapter 146 of the Code of Great Barrington, subsection 146-6.11, by increasing the number of temporary signs permitted per event from 6 to 14, and by increasing the time period for advance placement of temporary signs from 24 hours prior to the event to 14 days prior to the event, as follows, or take any other action relative thereto :

146-6. Signs Allowed in Specified Districts Requiring a Permit from the Building Inspector, But with No Payment of a Fee. The following signs are allowed in all districts (except as noted) with a permit from the Building Inspector, with no fee or posting of a bond required, provided that the sign meets all other requirements of this Bylaw.

146-6.11

Temporary Signs for Temporary Events. Temporary signs for temporary events are permitted. Each temporary event may display only up to **fourteen (14) temporary signs per event**. No temporary sign may be more than 9 square feet in area. Temporary signs may be erected not more than **fourteen days** prior to the event and must be removed not later not later than 24 hours after the event. Temporary signs may be placed in an off premises location only if the permit application includes a letter from the property owner

granting permission for the temporary sign, or, in the case of a location within a road right-of-way, a letter from the Department of Public Works or the Massachusetts Department of Transportation granting permission for the temporary sign. Temporary signs shall be properly secured to prevent becoming a hazard to pedestrians or property. Temporary signs shall comply with all regulations of the Department of Public Works and the Historic District where applicable. If temporary events are to be held on a regular, recurring schedule over the course of a season, one permit application may be filed to cover each occurrence, provided all event dates are listed, and provided that the permit may be revoked for future events in the case of noncompliance.

ARTICLE 16:

To see if the Town will vote to adopt a Community Preservation Bylaw, as follows, and add it to the Town Code as a new chapter, or take any other action relative thereto:

**COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MGL 44B**

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- a. One member of the Conservation Commission as designated by the Commission
- b. One member of the Historical Commission as designated by the Commission for a
- c. One member of the Park Commission as designated by the Commission
- d. One member of the Housing Authority Board as designated by its Board of Directors
- e. One member of the Planning Board as designated by the Planning Board
- f. One member of the Select Board as designated by the Select Board
- g. Three citizen members at-large, who do not hold elected or appointed office, nor serve as Town employees, as designated by the Select Board

Each member of the Community Preservation Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or commission as set forth above, whichever is earlier. Any vacancy on the Committee shall be filled by the commission or board that designated the member who creates the vacancy, by designating another member in accordance with the above provisions for the unexpired term.

Should any of the commissions or boards who have appointment authority under this Chapter be no longer in existence for what ever reason, the appointment authority for that commission or board shall become the responsibility of the Select Board.

Section 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the Select Board, the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the Community Preservation Fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided for in this Chapter. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.
3. The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommend to set aside for later spending funds for general purposes that are consistent with community preservation.
4. In every fiscal year, the Community Preservation Committee must recommend either that the Town Meeting spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following categories: (a) open space and recreation, (b) historic resources; and (c) community housing.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this Bylaw, making recommendations, as needed, for changes in the Bylaw and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments are not in conflict with Chapter 44B of the Massachusetts General Laws.

Section 5: Severability

In case any section, paragraph or part of this Chapter is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Section 6: Effective Date

Following Town Meeting, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make its initial appointments.

ARTICLE 17: (Community Preservation Surcharge Exemption)

To see if the Town will vote to accept, pursuant to Subsection 3(e) of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, to approve the following exemption from the surcharge on real property permitted by said Act: **\$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59 of the General Laws,** or to take any other action relative thereto.

ARTICLE 18: (Adopt Food Truck Bylaw)

To see if the Town will vote to adopt a Food Truck, as follows, and add it to the Town Code as a new chapter, or take any other action relative thereto:

ARTICLE 19:

To see if the Town will vote to adopt a new Property Maintenance Bylaw, to be incorporated into Code of the Town of Great Barrington as Chapter _____, as follows, or take any other action relative thereto.

PROPERTY MAINTENANCE

General: All yards and the exterior areas of a landowner's premises shall be maintained in a reasonably good, clean, safe and sanitary condition so as to protect and promote the health, safety, and welfare of the general public and the public interest in the preservation of property values within the Town. This requirement will not be construed so as to prevent the growing of food on private property.

Erosion Control and Drainage: All premises shall be maintained so as to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. Water drained from the premises shall not be discharged in a manner that creates a public nuisance.

Exterior walls: All exterior walls of buildings and structures shall be maintained free from holes and breaks, and loose, missing or rotting materials; and all such walls and other exposed exterior surfaces shall be maintained so as to protect them from the elements and against decay or rust, by periodic application of weather coating materials, such as paint or similar surface treatment

Roofs: Any and all repairs or replacements of roof coverings or roof surfaces shall utilize only roofing materials complying with the requirements of the applicable building code, and shall be installed in accordance with the manufacturer's installation requirements. Roof coverings must be maintained in place at all times, and roofs, roof coverings and flashing shall be maintained in a sound and tight state without defects that may admit rain or surface drainage water. Roof water shall not be discharged in a manner that will create a public nuisance.

ARTICLE 20:

To see if the Town will vote to revise the provisions for membership on the Council of Aging to set the total membership at nine persons, two of whom may be non-residents, and vote to amend the first sentence of **Section 10-1 of the Town Code, Establishment; membership, for the Council on Aging** to reflect such revision, as follows, or to take any other action relative thereto:

The Town voted to establish a Council on Aging consisting of nine persons, inclusive of up to two (2) non residents, appointed by the Town Manager for terms not to exceed four years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be reappointed for concurrent terms.

ARTICLE 21: (Accept piece of land next to Stonybrook Cemetery)

To see if the Town will vote to accept a portion of the parcel of land located on Stony Brook Road adjacent to the Stonybrook Cemetery and shown as Lot 15 on Great Barrington Assessors' Map 36, said portion containing approximately 2,500 square feet, and to authorize the Board of Selectmen to execute all documents and take all actions necessary in connection therewith, or to take any other action relative thereto.

ARTICLE 22: (Easement over a portion of Lake View Road)

To see if the Town will vote to authorize the Board of Selectmen to acquire an easement in and over a portion of Lake View Road, in connection with the Castle Hill Avenue Drainage Improvements Project, containing approximately 400 square feet and shown as "Temporary Construction Easement" on a plan entitled "Castle Hill Avenue Drainage Improvements Project," dated October 2012, by Tighe & Bond, a copy of which is on file in the office of the Town Clerk; to appropriate a sum of money for such acquisition; and to authorize Board of Selectmen to execute all documents and take all actions necessary in connection therewith, or to take any other action relative thereto.

ARTICLE 23: (Eminent Domain Lake Mansfield Boat Launch)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, eminent domain, or otherwise, a parcel of land located off of Lake Mansfield Road and at or adjacent to the Lake Mansfield Boat Launch, being shown as “N/F Rosamund Flower Vitale Book 230 Page 490” on a plan entitled “Plan of Land prepared for Town of Great Barrington Lake Mansfield Lake Mansfield Road Great Barrington, MA,” by Foresight Land Services, dated March 31, 2010 and recorded with the Southern Berkshire District Registry of Deeds as Plat File P-142 on November 1, 2010, a copy of which is on file in the office of the Town Clerk; to appropriate a sum of money for such acquisition; and to authorize the Board of Selectmen to execute all documents and take all actions necessary in connection therewith, or to take any other action relative thereto.

ARTICLE 24: To see if the Town will vote to accept G.L. c. 59, Section 5N, authorizing the Board of Selectmen to establish a program to allow Veterans who qualify for participation to volunteer to provide services to the Town in exchange for a reduction in the real property tax obligations of that veteran on the veteran’s tax bills, in addition to any exemption or abatement to which that person is otherwise entitled, not to exceed \$1,000.00 and credit for such participation not to exceed the current minimum wage of the Commonwealth per hour for the services provided; and further to see if the Town will vote to adjust the exemption by

- 1) allowing an approved representative for persons physically unable to provide such services to the Town; or
 - 2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given year, rather than \$1,000.00;
- or take any other action relative thereto.

ARTICLE 25:

To see if the Town will vote to adopt the following Plastic Bag Reduction By-law, and to include this By-law as Chapter ___ within the Town Code, or take any other action relative thereto:

PLASTIC BAG REDUCTION

SECTION 1 Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment , including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Great Barrington.

SECTION 2 Definitions

- 2.1 “Thin-film single-use plastic bags”, typically with plastic handles, are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.
- 2.2 “ASTM standard” a testing standard developed by the American Society for Testing and Materials.
- 2.3 “Biodegradable bag” means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.
- 2.4 “Reusable bag” means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

SECTION 3 Use Regulations

- 3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of Great Barrington.
- 3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.
- 3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

SECTION 4 Administration and Enforcement

- 4.1 The Board of Selectmen shall establish an application process and make determinations as to the classification of new single-use bag products, as they come on the market, to determine if they are compostable or biodegradable and meet, or exceed, ASTM D6400 for compostable plastic.

- 4.2 The Police Department will be responsible to enforce this by-law through the issuance of a violation notice. A violation notice may be reissued for each day that the activity persists until the violation is corrected.
- 4.3 For each day the violation is in effect, the following penalties shall apply: 1) \$50 per day for each day the violation persists; 2) \$100 per day for each day that a new violation occurs after the first violation; 3) \$200 per day for each day of any future violations that occur after the second violation.

SECTION 5 Effective Date

- 5.1 This By-law shall go into effect as of July 1, 2013 or such later date upon which it is approved by the Attorney General.

ARTICLE 26:

To see if the Town will vote to authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements, or to take any other action relative thereto.

ARTICLE 27:

To see if the Town will vote to authorize the Board of Selectmen to issue a Request for Proposals or other solicitation for the erection of a wireless telecommunication structure or tower at the Town's Recycling Center at 601 Stockbridge Road, in accordance with the Wireless Telecommunication Overlay District provisions of the Zoning Bylaw; and to authorize the Board of Selectmen to lease and/or grant an easement or license in a portion of said property for the construction, use and operation of such a structure or tower, and to execute all documents and take all actions necessary in connection therewith, or to take any other action relative thereto.

ARTICLE 28:

To see if the Town will vote to amend Section 9.5.6 of the Zoning Bylaws, Design Advisory Committee for the Downtown Business B District, paragraph 5, by revising the requirement of appointment to the Committee of a landscape architect to appointment of a "design professional," as follows:

9.5.6 Design Advisory Committee. A Design Advisory Committee is hereby established to review applications for all actions that are subject to the provisions of this section and to work cooperatively with owners of land, buildings and businesses. The Design Advisory Committee shall make recommendations to the appropriate decision making body and/or the applicant concerning compliance of the proposed action to the design review standards in this section. The Design Advisory Committee shall consist of seven members, constituted as follows:

1. Building Inspector (ex officio, nonvoting member).

2. Planning Board member, selected by the Planning Board.
3. Historic District Commission member, selected by the Historic District Commission.
4. Architect, appointed by the Board of Selectmen.
5. ~~Landscape architect~~ Design Professional, appointed by the Board of Selectmen.

ARTICLE 29:

To see if the Town will vote to accept, for the following boards, committees, or commissions holding adjudicatory hearings in the Town, the provisions of MGL c. 39, s. 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met.

Boards and Committees affected:

Board of Health
Board of Selectmen
Conservation Commission
Planning Board
Zoning Board of Appeals

or to take any other action relative thereto.

ARTICLE 30:

We the undersigned citizens of Great Barrington request the following article to be placed on the Warrant for the Annual Town Meeting, May, 2013:

To see if the Town will allocate the necessary funds up to the amount of \$13,000 to move the proposed site for the National Grid Load Center from the corner of Main and Railroad streets to another less visible, less obstructive location prior to the repaving of Main Street as part of the reconstruction project or under separate contract.

ARTICLE 31:

We the undersigned hereby petition the Board of Selectmen of Great Barrington to have them place on the warrant of the Annual Town Meeting of 2013, in accord with Massachusetts General Law Chapter 39 section 10 the following article:

A point of order is made to call to the attention of the Moderator. 2 violation of Town Meeting procedure. A point of order shall be immediately recognized by the Moderator. This rule shall be strictly adhered to. Any information and advice to the contrary in Town Meeting Time shall be disregard. All points of order shall be immediately recognized. The person making the point of order shall then state the point of order.

ARTICLE 32:

We the undersigned do hereby petition the Board of Selectmen of Great Barrington to have them place on the warrant of the Annual Town Meeting of 2013 in accord with

Massachusetts General Law Chapter 39 section 10, by submitting this petition to the Town Clerk, for the following article to be placed on the warrant:

All Town Meetings held in Great Barrington, both the Annual Town Meeting and all Special Town Meetings shall begin at 7:30 PM.

ARTICLE 33:

To the Great Barrington Town Clerk and Board of Selectmen:

We, the undersigned citizens of Great Barrington, request the following article to be placed on the Warrant for the Annual Town Meeting on May 6, 2013.

To see if the town will authorize the use of Free Cash to appropriate the sum of \$15,000 for the purpose of repair/improvement projects for Ramsdell Library.

Because the Library and Historic Commission are the custodians of important historic artifacts, documents, photographs, furniture and books, we ask for funding to support the existing collections at Ramsdell.

Because the sum of the overdue fines collected by both libraries will be in excess of \$15,000 for fiscal 2012/13, because patrons believe that the fines directly support the libraries when they actually go into the general fund, this article asks that patrons and taxpayers be allowed to see their fines work directly for the libraries. To see if the town will appropriate the sum of \$15,000 from the existing library fines account for the purpose of repair/improvement projects for Ramsdell Library. Because the Library and Historic Commission own important historic artifacts, documents,

ARTICLE 34:

To the Great Barrington Town Clerk and Board of Selectmen:

We, the undersigned citizens of Great Barrington, request the following article to be placed on the Warrant for the Annual Town Meeting on May 6, 2013.

To see if the town will appropriate the sum of \$2,500 from the Free Cash Fund for the purpose of hiring a part-time, temporary, per-diem intern to assist the Library and Historic Commission in cataloguing historic documents and objects at Ramsdell Library.

Because the donated collections and objects are so numerous and because they are of great historical value to the townspeople of Great Barrington and Housatonic and because this year and ongoing, the library will have saved in excess of \$3,000 because personnel costs have been reduced by staff changes.

ARTICLE 35:

To the Great Barrington Town Clerk and Board of Selectmen:

We, the undersigned citizens of Great Barrington, request the following article to be placed on the Warrant for the Annual Town Meeting on May 6, 2013.

To see if the Town will appropriate the unspent, accumulated Library State Aid account up to but not to exceed the sum of \$22,000 to hire a consultant to implement a multi-year, economical way to provide ADA accessible compliance and upgraded systems at the historic Ramsdell Library.

Because Ramsdell Library is not accessible on any of its three floors, because the ADA accessibility federal law of 1992 requires that all public libraries be accessible, because this inadequacy keeps the library underutilized and unable to reach its potential as a multi-purpose library, community center and cultural outpost, we, the undersigned, ask that these funds, undesignated by the State and accumulated by the Library Trustees over many years, be used without additional burden to the taxpayers to hire a consultant to advise us on an affordable, realistic way to accomplish this goal.

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 day of April, 2013.

Sean Stanton, Chairman

Alana Chernila

Andrew Blechman

Deborah Phillips

Stephen C. Bannon

Board of Selectmen of the Town of Great Barrington

A TRUE COPY ATTEST:

William R. Walsh, 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 day of April, 2013.

William R. Walsh, Chief of Police
Town of Great Barrington

To: Great Barrington Selectboard

From: Castle Hill Traffic Safety Committee

Date: April 4, 2013

Re: Request for consideration of speed humps

Following up on previous consultations with Town Manager, Superintendent Sokul and Chief Walsh we have explored the use of speed humps.

Enclosed are descriptions of four locations and estimate of costs .

We thank you for your attention to this issue and look forward to your questions.

Ann Condon & John Horan
For Castle Hill Traffic Safety

Estimate from TRAFFIC LOGIX March 6, 2013

Traffic Logix specializes in traffic calming of residential areas, we have a full line of rubberized traffic calming devices to slow down speeds from 10 mph – 30 mph.

Our Speed humps are parabolic in shape and will slow traffic from 10-20 MPH, they calm traffic more gradually than speed bumps, although less so than speed tables.

All Traffic Logix rubber solutions can be customized to any road width or length using our 18" units, made of recycled rubber with molded reflective tape; they are very sturdy, durable and are able to withstand the weight of large truck or trailers and will never crack or fade like asphalt. The modular system presents unlimited possibilities for different configurations and can be installed on asphalt or concrete and as permanent or temporary.

We have two speed hump lengths to offer, and the difference between them would be the speed limit to address. Due to our product characteristics, the closest that we can quote for the requested width would be 19.5'.

7' x 3" x 19.5' hump Reduces speeds to 15 mph. Priced at \$ \$ 2,440 with yellow or white reflective taping, or black with white arrows for \$ \$1,828.

14' x 4" x 19.5 hump Reduces speeds to 20 mph. Priced at \$ 4,844 with yellow or white reflective taping, or black with white arrows for \$ 3,968.

This product has a 2 year warranty however the life expectancy is longer than 5 years particularly if you plan on removing them during the winter time as we recommend, since our warranty does not cover snow plow damage.

Attached you can find the product sheet along with pictures where you can compare the different taping options. I hope this helps for the time being. Please feel free to contact me for a more specific pricing if you can provide us with the road width or if you have any questions. I would be glad to discuss our products with you.

Gabriela Villanueva
Inside Sales Representative

DRAFT RESOLUTION CREATING A COMMITTEE ON GUN SAFETY

Whereas, the Town of Great Barrington shares the grief that has impacted the entire nation as evident by senseless tragedies, mostly recently in Newton, Connecticut through the use of assault weapons, high powered and multi-clip ammunition;

Whereas, these tragedies clearly show a need to engage in a thoughtful dialogue regarding gun safety;

Whereas, the Select-board of the Town of Great Barrington feels such a dialogue on gun safety can best be addressed by the formation of a committee on gun safety;

Whereas, the committee shall engage in a public dialogue to make recommendations to the Select – board with points to lobby State and Federal officials pertaining to gun safety;

Whereas, the committee shall examine areas of local control pertaining to gun safety and make appropriate recommendations for implementation in the Town of Great Barrington;

Whereas, the committee shall be composed of 9 members who are residents of the Town of Great Barrington including a member of the Select-board and a representative of the police department with staggered terms not to exceed 3 years, appointed by the Select-board;

Whereas, the committee shall bring their recommendations to the Select-board within a period of six months from the date of their first meeting;

NOW THEREFORE BE IT RESOLVED by the Select-board of the Town of Great Barrington that a gun safety committee is hereby created and the Town Manager shall commence advertisement for the committee vacancies.

Passed and approved this _____ day of _____, 2013 by the Town of Great Barrington Select-board.

ICMA Publications / PM Magazine / Current Issue

APRIL 2013 • VOLUME 95 • NUMBER 3

COVER STORY

Gun Violence: Management Steps to Take Now

by Ron Carlee

Norcross, Oakland, Seattle, Aurora, Oak Creek, Minneapolis, and Newtown—seven U.S. cities from coast to coast, all of which experienced mass shootings in 2012: 72 dead, 70 injured, and many others emotionally scarred for life.

The magnitude of gun violence in the United States is undeniable. As with all social phenomena, the extent of the problem and the dominant public attitudes vary dramatically from one community to another. The stark reality is that mass gun deaths can occur in any community on any day. The challenge for managers is to be prepared.

10 ISSUES REQUIRING ATTENTION

City managers who have experienced mass shootings in their communities have accumulated valuable experiences that can help



other managers prepare for similar emergencies. Based on interviews and reports from these communities, here are 10 critical issues that have emerged.



1. Stay involved. Managers walk a line between disengagement and micromanagement, but at all stages—emergency preparedness, response, and recovery—the chief executive needs to be visible and engaged.

Blacksburg, Virginia, is the home of Virginia Tech, the location of the 2007 mass shootings that killed 33 people and injured 23. Blacksburg Police Chief Kim Crannis advises that a manager needs to be involved so that the manager understands what the police and emergency management personnel are doing and why. Mark Verniel, Blacksburg's city manager, confirmed that participating in simulation training "gave me an entirely different perspective on what active shooter policies really mean."

2. Plan and train. The Columbine High School murders in 1999 changed everything, showing how lessons can be learned and put into place. Active shooter plans are now commonplace and direct first responders to encounter and neutralize the shooter as the immediate priority.

Most police departments now plan and train based on this model. Mass events, however, require responses across all of the assets of a local government. Planning, training, and testing cannot be limited to public safety.

Police Chief Mike Kehoe, Newtown, advises that cities need to practice and drill for these incidents with all of the stakeholders and in the locations where the incidents can occur. In the case of a school, for example, that means training with the fire department, the emergency medical service (EMS) responders, the state police and local neighboring police, the teachers, and the school administrators all at the same time

This is extremely difficult from a scheduling standpoint, but it is critical. Bill Halstead, fire marshal and emergency management director for Newtown, says it is critical for a fire department to have standard operating procedures and operating guidelines in place for its response to violent incidents, and to coordinate its practices with other responders.

At the 2008 shooting at Northern Illinois University (NIU) in DeKalb, Illinois, six people were killed and 21 injured. City Manager Mark Biernacki shared an independent study that reported how the fire department, department of public safety, hospital, and other mutual-aid responders were well prepared for the shooting because employees had practiced emergency drills together.

They had also studied the official report published on the Virginia Tech shootings and had integrated lessons learned from that tragedy into the university's and DeKalb's emergency response procedures.

3. Activate the plan. The actual incident, however, will not match the plan and the scenario training. Having a strong foundation enables responders to improvise based on the uniqueness of the situation. Expect the unexpected; be prepared to be surprised.

A 2012 shooting at a nursing school in Oakland, California, left seven people killed and three injured. City Manager Deanna Santana shared a police department after-action report that advised responders to be flexible and prepared to change tempo depending on the situation.

Dan Singer is city manager of Goleta, California, where seven people were killed at a mail processing plant. He notes that government is accustomed to “following the rules,” which can help guide an organization in a time of crisis, but that not every scenario can be predetermined. Goleta says key participants must think creatively, intuitively, and non-bureaucratically.

4. Take care of the victims and their loved ones. This is one of the most critical and most challenging tasks. Once the scene is secured and people are out of danger, a new phase of difficult and emotional work begins. In everything that is done, it is critical to show the highest possible regard for the dignity of the people who may have died and the highest possible level of sensitivity to people who have lost loved ones.

Family assistance is critical. Families need to have a number to call and someone with whom to talk. Many family members will gather at the scene. A safe, secure, and private location needs to be established for the families where they can get accurate information and support services and have their basic needs met.

Delays in identifying victims and clearing the crime scene will seem endless and create considerable anxiety for family members. They need to know that people are aware of their needs and are doing everything possible to meet them. They need empathy with action.

The Oakland Police Department reports that it needed to get translators for victims and witnesses and needed water and food for them during the long period that it took to identify the deceased and to take statements. Everyone was in shock: victims, witnesses, and responders.

Skip Noe is city manager of Aurora, Colorado, where 12 people were killed and 58 injured during the 2012 shooting in a movie theater. Noe advises local government staff to take their time and follow the lead of victims. “Putting the victims first will always put responders and the local government in the best position.”

5. Take care of your people, yourself, and the community. It may seem strange that the community is listed last in this heading; however, if first responders and other officials, including the manager, are emotionally impaired, they cannot take care of others.

A mass death event, however, presents images never imagined, images indelibly etched into everyone’s memory. Early intervention can make a difference. Critical stress debriefing is an essential part of the preplanning and requires immediate deployment. It’s a mistake to think that intervention is only needed for first responders. A mass death event takes an emotional toll and counseling needs to be rapidly available for everyone, including local government staff members.

Of less severe but real impact is overwork and obsession with the incident. All participants, including the police and fire chief, the manager, the mayor or board chairman, and the public information officer, are all at risk of over-extending themselves and diminishing their effectiveness. Self-discipline rarely works. People engaged in a major event must take care of each other, up and down the hierarchy.

Singer observed that everyone’s attention—the manager, police and fire chiefs, public information officer, mayor, and others—is focused outward during a mass event. Employees in the organization, or those who have responded or have simply been touched by the incident, also need attention, support, reassurance, and information.

6. Manage the media and other outsiders. The number of media outlets is overwhelming and their reach is global. Media transmit 24/7, with an insatiable appetite. Have a media management plan in

place, including contingency resources from outside the organization. Be prepared to take these actions:

- Designate a media manager.
- Find a place to stage the media.
- Meet the media's basic safety and sustenance needs.
- Give the media visuals.
- Schedule regular briefings.
- Select a spokesperson; have a clear message and stick to it.

Kirsten Zimmer Deshler, former public information officer for Goleta, says that "from a communications standpoint, it would be an understatement to say Goleta was not prepared for this crisis." City Manager Singer goes on to point out that managers "shouldn't worry about over communicating: You can't say too much, too often," he asserts, "when providing pertinent and helpful information to the community and media."

Blacksburg Manager Verniel notes that in addition to the media, there will be many "official" visits and that "people with issues" will appear. Among the most common in Blacksburg were protestors from Westboro Baptist Church. When the independent church known for its extreme ideologies came to Blacksburg wanting to create a scene, Verneil reports, "We didn't take the bait; we let them do their thing and then they moved on."

7. Facilitate an ad hoc memorial and appropriate events. People are compelled to demonstrate their sadness and hurt. Help make a memorial happen. Find a place for it and protect it. At an appropriate time, retire it and preserve the artifacts as appropriate.

Noe says there was an overwhelming outpouring of support and a need for the community to come together in Aurora. Accordingly, the city planned and executed a vigil in 48 hours, with an attendance estimated at 10,000.

8. Manage donations and volunteers. Beyond the ad hoc memorial, a number of people will want to help, often with money, which needs a depository and a trustworthy administrator to oversee it. People will also want to make donations of goods and services, whether these are needed or not. Realize that these are good people with good intent who sincerely want to help. Give them a way to do so and have a strategy in place to accomplish it.

9. Plan a permanent memorial. Involve the families of victims and others intimately connected to the event. Set realistic goals that are achievable within a reasonable period of time.

10. Move on. In the immediate term, practical issues need managers' attention. Trash still needs to be collected, water mains have to be repaired, and responses must be made to routine 911 calls. There is a compelling need to return to normalcy or as close as one can get in the community.

In the mid-term, the community has to resolve a long list of tasks: clearing the crime scene; reopening or permanently closing the site of the incident; attending to such legal matters as lawsuits and trials; and handling the many requests from outside organizations for presentations about the event, with the heaviest demands likely to be on the police and fire chiefs.

Aurora Manager Noe relates what a difficult decision it was to reopen the movie theater where the shootings took place. In the end, the conclusion was to reopen, in many ways as an act of defiance against the shooter.

And then there are the official reviews—after-action reports, commission reports, legislative reports—any and all of which may second-guess what the manager and his or her team did and how they performed. Blacksburg Manager Verniel recommends embracing legitimate criticism and using it as a lesson for everyone. He notes that Columbine is a great example of how people learned to operate differently.

The ability to “move on” for the long-term may be the hardest task of all. Dealing with all of the above issues creates a new day-to-day reality that can become an obsession. All involved will be changed forever.

“Surreal” is a word that has often been used to describe gun-violence tragedies. Managers must find the support to move on themselves, so that they can help the community move on, honoring those lost and building a community for the living, for their children, and for posterity.

JOIN THE CONVERSATION

ICMA, in collaboration with the Alliance for Innovation, has created a gun violence topic on the Knowledge Network that is open to all contributors. Its intent is to share lessons learned and to create an environment to discuss civilly the issue of gun violence and its impact at the local level.

The U.S. Department of Homeland Security launched a new website in January 2013 that provides comprehensive information about active shooter preparedness:
<http://www.dhs.gov/activeshooter>.

Material for this article is based on interviews and e-mail messages with staff members from affected communities and written reports that they provided. ICMA staff members Leonard Matarese and Thomas Wiczorek made contact with the police and fire chiefs from Newtown, Connecticut. Staff member Gabriel Brehm also conducted research. Figures were obtained from various news sources.

Ron Carlee is chief operating officer, ICMA, Washington, D.C. (rcarlee@icma.org). On April 1, he will begin service as city manager, Charlotte, North Carolina. He was previously county manager of Arlington County, Virginia, 2000–2009, and had local responsibility for managing the response to the 9/11 terrorist attack on the Pentagon in 2001.

Learn about the benefits of joining ICMA and receiving PM magazine as part of your benefits package. To subscribe to PM, call 202/289-ICMA (202/289-4262) or e-mail bookstoremanager@icma.org.

International City/County Management Association

777 North Capitol Street NE, Suite 500

Washington, DC 20002-4201

800-745-8780/202-962-3680 | fax 202-962-3500

