

Jennifer Tabakin
Town Manager

E-mail: jtabakin@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

SELECTBOARD'S MEETING AGENDA

MONDAY, AUGUST 22, 2016

6:00 PM - REGULAR SESSION

6:10 PM - EXECUTIVE SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

6:00 PM - Call to Order in Open Session

A. Brief Review of Department of Public Utilities Rate Setting Process

B. Convene into Executive Session – Town Manager's Conference Room

M.G.L. c.30A, §21(a)(3) – To discuss strategy with respect to pending litigation matter

– Housatonic Water Works Rate Increase Petition to Department of Public Utilities,

D.P.U. No 15-179 and to reconvene into Open Session.

Roll Call Vote

REGULAR MEETING IMMEDIATELY FOLLOWING

2. APPROVAL OF MINUTES:

August 8, 2016 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. Open Meeting Law Complaint - Acknowledge receipt of August 10, 2016 complaint from Eileen Mooney alleging improper use of executive session to discuss pending litigation at Board's August 8, 2016 meeting; consider possible responses thereto, and vote to resolve the same. (Discussion/Vote)

B. General Comments by the Board.

C. SB – to sign Notes (BANS) for 2017 Capital Equipment Projects.

4. TOWN MANAGER'S REPORT:

A. Housatonic School Report.

B. Town Applications for CPA funds. (Discussion/Vote)

5. PUBLIC HEARINGS:

- A. Selectboard and Great Barrington Fire District Prudential Committee Tax Classification Hearing to Determine the Tax Allocation for FY 2017 for the Town of Great Barrington. (Discussion/Vote)
- Open Public Hearing
 - Explanation of Project
 - Speak in Favor/Opposition
 - Motion to Close Public Hearing
 - Motion re: Findings
 - Motion re: Approval/Denial/Table
- B. Special Permit application of Diamond Family, LLC, Jeffrey A. Diamond, Manager, to legalize the existing nonconforming six-unit multifamily residential use at 59-61 Taconic Avenue, Great Barrington, MA in accordance with Sections 3.1.4, 8.3 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)
- Open Public Hearing
 - Explanation of Project
 - Speak in Favor/Opposition
 - Motion to Close Public Hearing
 - Motion re: Findings
 - Motion re: Approval/Denial/Table
- C. Application of MEGJAKE, INCORPORATED d/b/a GB Eats, Pierre Cum, Manager for a Change of d/b/a from The Neighborhood Diner to GB Eats and for a Change of License Type from Common Victualler Wine and Malt Restaurant Liquor License to an All Alcoholic Restaurant Liquor License at 282 Main Street, Great Barrington, MA 01230. (Discussion/Vote)
- Open Public Hearing
 - Explanation of Project
 - Speak in Favor/Opposition
 - Motion to Close Public Hearing
 - Motion re: Findings
 - Motion re: Approval/Denial/Table
- D. Application of The Meat Market, LLC, Jeremy Stanton, Manager on the Common Victualler All Alcoholic Restaurant Liquor License, as follows: add new d/b/a Camp Fire Restaurant; alter premises to include Unit 2 in addition to the Unit 1 that already exists and include seasonal outdoor seating for 39 at 389 Stockbridge Road, Great Barrington, MA 01230. (Discussion/Vote)
- Open Public Hearing
 - Explanation of Project
 - Speak in Favor/Opposition
 - Motion to Close Public Hearing
 - Motion re: Findings
 - Motion re: Approval/Denial/Table

6. LICENSES OR PERMITS:

- A. **Continued** - Catherine A. Tzelis/d/b/a Ena at the Cove for 2016 Annual Common Victualler License 109 Stockbridge Road. (Discussion/Vote)

- B. Caitlin Graham/Graham Farmhouse, LLC for One Day Beer and Wine Liquor License for September 11, 2016 from 10:00 am – 4:00 pm at the Great Barrington Fairgrounds, 659 Main Street. (Discussion/Vote)
- C. Robin and Will Curletti/FMST, LLC d/b/a Fuel for Amended 2016 Common Victualler License (Change of location from 286 Main Street to **293** Main Street, Great Barrington, MA. (Discussion/Vote)
- D. Jeremy Stanton/The Meat Market, LLC d/b/a Camp Fire Restaurant for an Amended 2016 Common Victualler License to extend the premises to include **Unit 2** at 389 Stockbridge Road. (Discussion/Vote)
- E. Nicole Blum and Jonathan Carr/Carr's Ciderhouse for One Day Beer and Wine Liquor License for September 11, 2016 from 10:00 am – 4:00 pm at the Great Barrington Fairgrounds, 659 Main Street. (Discussion/Vote)
- F. Robin Vickery/Great Barrington Fish and Game for One Day Beer and Wine Liquor License for September 11, 2016 from 11:00 am – 7:00 pm at the Great Barrington Fish and Game Clubhouse, 338 Long Pond Road for American Legion VFW Benefit. (Discussion/Vote)

7. OLD BUSINESS:

- A. SB – Housatonic Water Works (HWW) Settlement - Housatonic Water Works Rate Increase Petition to Department of Public Utilities, D.P.U. No 15-179 (Discussion/Vote)

8. NEW BUSINESS:

- A. SB – Approve the Heavy Commercial Vehicle Restriction for Lake Mansfield Road. (Discussion/Vote)
- B. SB - Approve the Community Aggregation Plan. (Discussion/Vote)

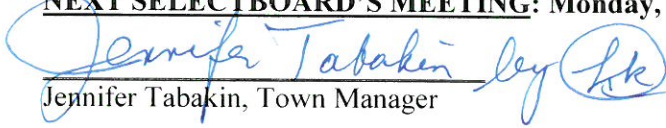
9. CITIZEN SPEAK TIME:

10. SELECTBOARD'S TIME:

11. MEDIA TIME:

12. ADJOURNMENT:

NEXT SELECTBOARD'S MEETING: Monday, September 12, 2016, 7:00 P.M.


Jennifer Tabakin, Town Manager

Pursuant to MGL. c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings 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.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Eileen Last Name: Mooney

Address: 5 Cone Ave. (no mail delivery there) PO Box 567

City: Housatonic State: MA Zip Code: 01236

Phone Number: 4132746100 Ext. _____

Email: thenewsltr@gmail.com

Organization or Media Affiliation (if any): THE NEWSletter

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Great Barrington Selectboard

Specific person(s), if any, you allege committed the violation: Selectmen Sean Stanton, Steve Bannon, Dan Bailly, Bill Cooke and town manager Jennifer Tabakin

Date of alleged violation: Aug. 8, 2016

TOWN CLERK
GREAT BARRINGTON
AUG 10 2016 PM 2:11

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

After other business at their regularly scheduled meeting Aug. 8, four Selectboard members (one was absent) voted as follows:

"11. ADJOURNMENT.

"12. EXECUTIVE SESSION - Town Manager's Conference Room
M.G.: c30A, sec. 21 (a)(3): Pending litigation matter - Housatonic Water Works rate increase petition to Department of Public Utilities, D.P.U. No. 15-179."

Other reporters and I and a resident questioned the need for, and legality of, an executive session, noting that according to the Selectboard, no litigation is anticipated. It is only a possibility, just as it is a possibility that someone refused a permit might litigate. We see no reason why this can't be discussed in public.

We noted that during a recent Open Meeting Law workshop, Gregg Corbo of the town's counsel, Kopelman and Paige, wrote in a handout: "To justify an executive session to discuss litigation, the AG has stated that the mere possibility of litigation is not sufficient. Litigation must be pending or clearly and imminently threatened or otherwise demonstrably likely."

However, the four selectmen, the town manager and the paid minutes-taker deliberately violated the state's Open Meeting Law by going into executive session to confer by telephone with David Doneski of the same law firm.

The next morning, the town manager distributed a statement from Mr. Doneski stating in part: "The pending water rate case of the Housatonic Water Company with the Massachusetts Department of Public Utilities is an adversarial proceeding that may be treated as a litigation matter by the parties involved ..." He does not cite a source for that statement, and he uses MAY, not SHALL.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I request that the Attorney General's office:

- Determine whether the Selectboard appropriately held an executive session.
- Determine whether litigation is indeed actually pending, rather than just a possibility.
- Determine whether "pending litigation" could apply also to the permitting process, which may also result in litigation. For example, an applicant denied a special permit can file an appeal in court.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Eileen W. Mooney

Date: Aug. 10, 2016

For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:

EXECUTIVE SUMMARY

TITLE: Inform the Selectboard of the results of the bids to issue temporary bond anticipation notes (BANS) for 2017 Capital Equipment Projects as authorized by the Selectboard, Finance Committee and Town Meeting.

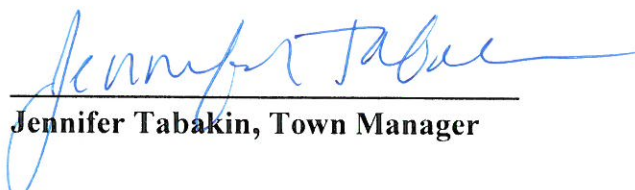
BACKGROUND: The Selectboard, Finance Committee and Town Meeting have approved capital projects for the fiscal years 2017 to be funded by borrowing authorizations as recommended in the budget process for the general fund. In order to meet the dates of the expected contractual payments of these projects money is being borrowed on a temporary basis and will be replaced with a permanent borrowing in the future by issuing bonds. This temporary borrowing is in the amount of \$920,000 for the following capital projects: Fire Dept. air packs \$45,000, DPW Dump Truck \$196,000, Voting machines \$33,000, Police radio console, phone system, computers \$275,000, Building improvements \$34,000 and Road improvements \$337,000.

FISCAL IMPACT: The interest rate on the BANS was determined by a competitive bid process on Monday, August 15, 2016. Five bids were received with the low bid of .80% being awarded to Eastern Bank. The note will have a due date of April 1, 2017.

RECOMMENDATION: No Board action is necessary; however the Board needs to sign the notes.

PREPARED BY: 
Lauren Sartori Hobgood, Financial Coordinator

DATE: 8-15-16

Approved: 
Jennifer Tabakin, Town Manager

LEGAL NOTICE
TOWN OF GREAT BARRINGTON, MA
FY 2017 TAX CLASSIFICATION HEARING

Notice is hereby given that the Great Barrington Selectboard and the Great Barrington Fire District Prudential Committee will hold a joint Tax Classification Hearing for determination of their respective FY 2017 property tax rates. The hearing will be held Monday, August 22, 2016 at 7:15 PM in the Selectboard's Meeting Room at Town Hall, 334 Main Street, Great Barrington. The hearing will be followed by a vote of the Selectboard and the Prudential Committee.

Sean Stanton
Chairperson
Selectboard

Walter F. Atwood III
Chairperson
Prudential Committee

FOR PUBLICATION IN THE BERKSHIRE RECORD ON AUGUST 12, 2016

SP# 857-16

NOTICE OF PUBLIC HEARING

The Great Barrington Selectboard will hold a public hearing on Monday, August 22, 2016 at 7:00 PM at Town Hall, 334 Main Street, Great Barrington, MA, to act on the special permit application of Diamond Family, LLC, Jeffrey A. Diamond, Manager, to legalize the existing nonconforming six-unit multifamily residential use at 59-61 Taconic Avenue, Great Barrington, MA, in accordance with Sections 3.1.4, 8.3 and 10.4 of the Great Barrington Zoning Bylaw.

Sean Stanton, Chair

Please Publish Friday, July 22, 2016 and Friday, July 29, 2016

Berkshire Record



TOWN OF GREAT BARRINGTON
MASSACHUSETTS

PLANNING BOARD

August 15, 2016

Selectboard
Town Hall
334 Main Street
Great Barrington, MA 01230

Re: Special Permit #857-16
59-61 Taconic Avenue

Dear Members of the Selectboard:

At its meeting of August 11, 2016 the Planning Board reviewed the special permit application submitted on behalf of the Diamond Family, LLC for property located at 59-61 Taconic Avenue for a non-conforming multi-family use. The Board voted to send a positive recommendation on the application and the requested waivers, 1, 2,3,4,7 and 9 of 8.3.3 of the Zoning Bylaws.

Thank you for your attention to this matter.

Sincerely,

Kimberly L. Shaw
Planning Board Secretary

Cc: Chris Rembold, Town Planner

Claudia Ryan, Chair
Michael Lanoue, Vice-Chair
Peter Stanton

www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Phone: 413-528-0680
Fax: 413-528-3064

TOWN OF GREAT BARRINGTON
MASSACHUSETTS

BOARD OF HEALTH

August 3, 2016

Great Barrington Selectboard
Town of Great Barrington
334 Main Street
Great Barrington, MA 01230

RE: 59-71 Taconic Avenue
Special Permit # 857-16

Dear Board Members:

At its meeting of August 3, 2016, the Board of Health reviewed the Special Permit Application #857-16 submitted by Diamond Family, LLC to legalize the existing non-conforming six-unit multifamily residential us in accordance with Sections 3.1.4, 8.3 and 10.4 of the Great Barrington Zoning Bylaw.

After discussion and review, the Board of Health voted to issue a favorable recommendation for the Special Permit.

Sincerely,

Jayne Smith
Health Agent

Cc: Chris Rembold, Town Planner

Shepley Evans
Conservation 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

TO: Great Barrington Selectboard

FM: Conservation Commission
Shepley Evans, Conservation Agent

A handwritten signature in blue ink, appearing to read "Shepley Evans", is written over the text "Shepley Evans, Conservation Agent".

Date: August 2, 2016

RE: Special Permit Application #857-16 from Diamond Family, LLC
for legalizing the existing nonconforming six-unit multifamily
residential use at 59-61 Taconic Avenue, Great Barrington.

We have reviewed the applicant's plans, conducted a site visit and discussed the subject property at our meeting on July 28, 2016 at 6:30 PM. The Commission has concluded that there are no Wetland or Scenic Mountain issues of concern with the subject property. The Commission has no other recommendations or comments on this matter.

SB / SP # 857-16

TOWN OF GREAT BARRINGTON
Application for a Special Permit
to the Board of Selectmen or Planning Board

FORM SP-1
REV. 11-2013

FOR OFFICE USE ONLY

Number Assigned 857-16 Date Received 7/14/16
Special Permit Granting Authority SB
Copy to Recommending Boards 7/14
Advertised 7/22 & 7/29
Public Hearing 8/22/16
Fee: \$150.00 Paid:

APPLICATION FOR SPECIAL
PERMIT UNDER TOWN ZONING
BYLAWS FOR TOWN OF
GREAT BARRINGTON,
MASSACHUSETTS

MAP 19 LOT 42 BOOK 1551 PAGE 246 ZONING DISTRICT(S) R1A

Site Address: 59-61 TACONIC AVENUE, GREAT BARRINGTON

Date of Application _____

Applicant's name and complete mailing address DIAMOND FAMILY, LLC

JEFFREY A. DIAMOND, MANAGER; 231 LONG POND RD., GREAT BARRINGTON

Applicant's phone number (413) 441-9212 Applicant's email address: jeff@diamondpearlman.com

Name and Address of Owner of land exactly as it appears on most recent tax bill:

DIAMOND FAMILY, LLC

P.O. Box 170, HOUSATONIC, MA 01236

I (we) request a Special Permit for: legalizing the existing non-conforming multi-family residential use at the site.

Under Section(s) 8.3.3 and 10.4 of the Great Barrington Zoning Bylaws.

APPLICANTS MUST READ AND COMPLY WITH THE FOLLOWING:

One Signed Original application with each of the items below, as applicable, and fourteen (14) exact copies of the entire application package are to be submitted. Applications must include:

1. Completed application form, including signatures.
2. Brief written description of how the project is in harmony with the Great Barrington Master Plan. (Copies of the Master Plan are available for free download from the Town website. Hard copies can be read at the Clerk's office or the Town libraries.)
3. Site Plan, drawn to scale, applicable to the site and the proposed use of said site for which this special permit is requested.
4. Any other specifications necessary to further describe the site or proposed use for which a special permit is requested. At least one copy of any maps being submitted shall be no larger than 11" X 17". Plans should show all existing and proposed structures, property lines and dimensions, driveways, walkways and parking areas. All proposed landscaping, parking, loading, and similar improvements must be in compliance with the applicable sections of the Zoning Bylaw.
5. Certified list of abutters within 300' on the Assessors Maps to the subject property, including map and lot number. List must be obtained from the Assessors' Office.

- 6. Zoning Map designating the zoning district(s) and location for the area for which a special permit is requested, plus a USGS map enlarged and showing the site location within the Town.
- 7. Drainage Plan indicating the destination of all runoff from the property. In the event of substantial increase in impervious surfaces, the SPGA may require calculations or expert analysis of the plan.
- 8. Landscaping Plan drawn to scale and showing existing and proposed landscaping.
- 9. If applicant and owner are different, a letter signed by the owner of the property authorizing the applicant to apply for the special permit.

SPECIFICS:

- 1. All site plans and specifications must be signed and dated by the preparer.
- 2. **ALL OWNERS** of property must also sign the application.
- 3. A copy of special permit procedures is available upon request.
- 4. Fee for application is \$150.00 to cover the cost of the public hearing notices in the newspaper and notification to parties in interest. If the cost exceeds \$150.00, the applicant shall pay the balance due upon notification from the Granting Authority.
- 5. Once all the necessary papers, maps, etc. are compiled into the required Original and Fourteen sets, call the Town Planner's office at 413-528-1619 ext. 7 to arrange an appointment to file your application. The application will be reviewed for completeness and a date for a public hearing before the Board of Selectmen or Planning Board will be scheduled. Meetings of recommending boards (e.g. Planning Board, Conservation Commission and Board of Health) will also be arranged at this time.

Signature of Applicant

Signature of Co-Applicant (e.g. Property Owner, if different)

PLEASE READ AND SIGN BELOW

ALL COSTS INCURRED BY THE TOWN FOR THE EMPLOYMENT OF EXPERTS OR CONSULTANTS REQUIRED BY ANY TOWN BOARD, AND APPROVED BY THE BOARD OF SELECTMEN, FOR THE PURPOSE OF ANALYZING OR EVALUATING ANY PROJECT THAT IS A SUBJECT OF A SPECIAL PERMIT APPLICATION SHALL BE ASSESSED TO THE APPLICANT AND SHALL CONSTITUTE PART OF THE APPLICATION FEE. A COPY OF THIS REGULATION SHALL BE PROVIDED TO THE APPLICANT IF REQUESTED.

I have read the above regulation and agree to be bound by it.

Signature _____

Signature of Co-Applicant (e.g. Property Owner) _____

Date 7/5/16

MEMORANDUM IN SUPPORT OF SPECIAL PERMIT APPLICATION

BY DIAMOND FAMILY, LLC

The applicant, Diamond Family, LLC (“Diamond”), submits this memorandum in support of its application for a special permit at 59-61 Taconic Avenue, Great Barrington, Massachusetts (the “Site”), pursuant to the Great Barrington Zoning Bylaw (the “Bylaw”) Sections 8.3.3 and 10.4 for compliance as a conforming multi-family dwelling in the R1A District.

History

The residence located at the Site was constructed in 1900 according to the Great Barrington Assessor’s records (see **Exhibit 1** attached hereto), and was originally thought to have been used as a single family residence. At some point in the relatively distant past the residence was converted to a multi-family use.

In 1987 the Town of Great Barrington issued a Special Permit (the “1987 Permit”), a copy of which is attached hereto as **Exhibit 2**, to then owners Gene and Diane Elling in response to an application for “expansion of a non-conforming use” to convert the existing barn located on the south-westerly corner of the lot to a dwelling for their own personal use. The barn is an existing non-conforming structure. The barn continues to be used as a single residential unit on the Site today and the main residence currently houses 5 rental units, for a total of 6 rental units at the Site.

Proposal

In order to grant the requested special permit, the Great Barrington Selectboard, as Special Permit Granting Authority (the “SPGA”) pursuant to Sections 8.3.3 and 10.4 of the Bylaw, are required to consider each of the following factors in determining that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town of Great Barrington or the neighborhood in view of the particular characteristics of the site, and of the proposal in relation to that site:

1. Social, economic or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and

6. Potential fiscal impact, including impact on town services, tax base, and employment.

Diamond respectfully suggests that the instant application meets the above listed requirements, as follows:

1. Social, economic or community needs which are served by the proposal;

Maintaining the Site's use identity as a 3-8 unit multi-family residence will benefit social, economic and community needs by maintaining affordable rental housing in this zoning district, which is very close to the center of downtown Great Barrington, for those residents who cannot afford to purchase real estate in this area but rely on affordable housing in close proximity, walking distance in this case, to the Town center. In addition to the forgoing, the existing socio-economic dynamic that has existed for many years in this neighborhood will be maintained.

However, in the event this application is denied there will be less available rental housing in this neighborhood thereby altering its social and economic make-up by creating a less diverse, less inclusive and more exclusive community.

2. Traffic flow and safety, including parking and loading;

There will be no adverse change thus no effect on traffic flow or safety.

3. Adequacy of utilities and other public services;

There will no adverse change thus no effect on utilities or other public services.

4. Neighborhood character and social structures;

The neighborhood's character and social structures will be maintained by preserving the Site's identity as a 3-8 unit multi-family residence by ensuring continued affordable rental housing in this zoning district, which is very close to the center of downtown Great Barrington, for those residents who cannot afford to purchase real estate in this area but rely on affordable housing in close proximity to the Town center.

However, in the event the application is denied there will be less available affordable rental housing in this neighborhood thereby altering its character and social structures by restricting residency only to wealthier homeowners.

5. Impacts on the natural environment;

There will no adverse change thus no impact on the natural environment. See a copy of the site plan attached hereto as **Exhibit 3**, delineating the existing conditions of the Site (the "Site Plan").

6. Potential fiscal impact, including impact on town services, tax base, and employment.

There will no change thus no potential fiscal impact, including impact on town services, tax base, and employment in the event the application is allowed. However, in the event it is denied there will be less available rental housing within close distance to the center of Great Barrington, which will make it harder for low income workers to commute longer distances from their home to the many businesses that employ workers in the Town center.

In conjunction with the Board's consideration of this application, Diamond respectfully requests, pursuant to Section 10.5.4 of the Zoning Bylaw, that compliance with Section 10.5.3, "Site Plan Review – Submittal Requirements", be waived specifically with regard to requirement 3, Traffic Impact Assessment, because the project does not involve any modification to the physical characteristics of the Site whatsoever, as demonstrated by **Exhibit 3**, the Site Plan.

Further, in conjunction with the newly proposed Great Barrington Zoning Bylaw Section 8.3.3, based on the fact that the residence/dwelling was in existence prior to May 9, 2016, Diamond hereby requests a waiver of the requirements of existing Section 8.3.3, sub-sections 1, 2, 3, 4, 7 and 9, in each case because there is no new or additional work proposed at the Site, and because compliance therewith is not feasible based on existing site characteristics, which have remained unchanged over the past 30 years during the Site's use as a non-conforming multi-family dwelling.

Lastly, Diamond requests a modification and amendment to the 1987 Permit in granting the instant Application in order to provide clear and unequivocal rights with regard to Diamond and his successor's use of the Site going forward.

For all of the reasons stated above, Diamond Family, LLC, respectfully requests that the Town of Great Barrington Selectboard grant a special permit for a 3-8 family multi-family use at the Site.

Diamond Family, LLC,
By its attorney,

A handwritten signature in black ink, appearing to read 'C. Nicholas Arienti', written over a horizontal line.

C. Nicholas Arienti
Hellman Shearn & Arienti LLP
342 Main Street
Great Barrington, MA 01230
(413) 528-4800

5c

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on **Monday, August 22, 2016** at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the application of MEGJAKE, INCORPORATED d/b/a GB Eats, Pierre Cum, Manager for a Change of dba from The Neighborhood Diner to GB Eats and for a Change License Type from Common Victualler Wine and Malt Restaurant Liquor License to an All Alcoholic Restaurant Liquor License at 282 Main Street, Great Barrington, MA 01230.

Sean Stanton
Chair

PLEASE PUBLISH August 5 and 12, 2016.

RECEIVED
TOWN MANAGER
JUL 28 2016
BOARD OF SELECTMEN
GREAT BARRINGTON, MA

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

046400088

ABCC License Number

GREAT BARRINGTON

City/Town

The licensee **MEGJAKE INCORPORATED DBA THE NEIGHBORHOOD DINER** respectfully petitions the Licensing Authorities to approve the following transactions:

<input type="checkbox"/> Change of Manager	<input type="checkbox"/> Alteration of Premises
<input type="checkbox"/> Pledge of License/Stock	<input type="checkbox"/> Cordial & Liqueurs
<input type="checkbox"/> Change of Corporate Name	<input type="checkbox"/> Change of Location
<input checked="" type="checkbox"/> Change of DBA	<input type="checkbox"/> Change of License Type (§12 ONLY, e.g. "club" to "restaurant")

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:


Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee: 

Date Signed:

The Commonwealth of Massachusetts
Town of Great Barrington
DBA

New
Renew

No. 73-16

BUSINESS CERTIFICATE

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

GB eats
is conducted at 282 MAIN ST G.B.
for the purpose of (type of business) RESTAURANT
in Great Barrington, by the following person(s).

Please be advised that the attached Business Certificate is only valid if the business has followed the Town of Great Barrington Zoning Bylaws. It is the responsibility of the business owner to be sure that the business meets all the qualifications as required by law.

It is the responsibility of the person who has filed such a certificate, upon his discontinuing such business or changing location, to file a statement in the office of the Town Clerk and pay the fee per Mass General Law, C. 110, §5.

I have read the above statement and understand the terms of the Business Certificate provided to me by the Town clerk's Office.

FULL NAME

Pierre CUM

**Residence Street Address
and Mailing Address**

95 PIXLEY HILL RD.

HOUSTONIC MA 01235

Phone#: 413 274 1318

SIGNED:



Federal Tax ID#:

11379



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
BERKSHIRE COUNTY
BUSINESS CERTIFICATE
2016

Date: MAY 4, 2016

Personally appeared before me,

PIERRE CYM

DBA: GB EATS

And made an oath that the foregoing statement is true:

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: MAY 4, 2020

Marie J Ryan, CMC
Town Clerk

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

046400088

ABCC License Number

GREAT BARRINGTON

City/Town

The licensee **MEGJAKE INCORPORATED DBA GB EATS** respectfully petitions the Licensing Authorities to approve the following transactions:

- | | |
|--|---|
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock | <input type="checkbox"/> Cordial & Liqueurs |
| <input type="checkbox"/> Change of Corporate Name/DBA | <input type="checkbox"/> Change of Location |
| <input checked="" type="checkbox"/> Change of License Type (S12 ONLY, e.g. "club" to "restaurant") | |

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

?

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

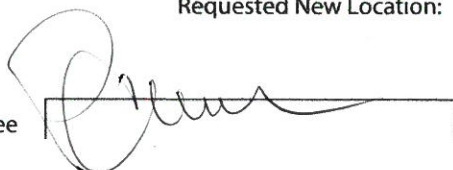
Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee



Date Signed

7/12/16

TOWN OF GREAT BARRINGTON

NOTICE OF PUBLIC HEARING

The Selectboard will hold a public hearing on Monday, August 22, 2016 at 7:00 P.M. at the Town Hall, 334 Main Street, Great Barrington, MA to act on the application of The Meat Market, LLC, Jeremy Stanton, Manager on the Common Victualler All Alcoholic Restaurant Liquor License, as follows: add new d/b/a Camp Fire Restaurant; alter premises to include Unit 2 in addition to the Unit 1 that already exists and include seasonal outdoor seating for 39 at 389 Stockbridge Road, Great Barrington, MA 01230.

Sean Stanton
Chair

PLEASE PUBLISH August 5 and 12, 2016.

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

046400097

Great Barrington

ABCC License Number

City/Town

The licensee The Meat Market, LLC respectfully petitions the Licensing Authorities to approve the following transactions:

<input type="checkbox"/> Change of Manager	<input checked="" type="checkbox"/> Alteration of Premises
<input type="checkbox"/> Pledge of License/Stock	<input type="checkbox"/> Cordial & Liqueurs
<input checked="" type="checkbox"/> Change of Corporate Name/DBA	<input type="checkbox"/> Change of Location
<input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")	

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA: The Meat Market, LLC

Requested New ~~Corporate Name~~/DBA: DBA: Camp Fire

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out financial information form)

Description of Alteration: Unit 1&2 -389 Stockbridge Rd. 2 kitchens 1 dining room 2 outdoor seasonal seating areas 1 backroom 1 meat cutting room 1 meat counter 2 main entrances exit parking lot Stocbridge Rd, 1 employee entrance off kitchen exits side parkign lot, 2 exits back field area

Change of Location: (must fill out financial information form)

Last-Approved Location: 389 Stockbridge Road Unit 1

Requested New Location: 389 Stockbridge Road Unit 1 and 2

Signature of Licensee 

(If a Corporation/LLC, by its authorized representative)

Date Signed August 11, 2016

Additional Space

Please note which question you are using this space for.

Altercation of Premises Question/Description and DBA:

Since 2012 The Meat Market, LLC, has an alcohol license to serve all types of alcohol on premises in Unit #1 at 389 Stockbridge Road in Great Barrington Massachusetts. The total square footage of Unit #1 is 1990 square feet. The Meat Market, LLC, leases this retail space from John Delmolino.

The Meat Market now leases Unit #1 and Unit #2, adding an additional 2005 SF to its retail space. The Meat Market now leases the entire free standing building and wishes to serve alcohol on premises in both Unit #1 and Unit #2.

The total square footage of 389 Stockbridge Road is 3995SF. The Meat Market LLC now leases 3995SF of retail space. The Meat Market LLC's square footage will increase by a total of 2005 square feet.

The retail space in Unit #2 DBA is "Camp Fire" however, that is in name only. The Meat Market, LLC, will manage all aspects of DBA "Camp Fire" under it's LLC.

The Meat Market, LLC, will continue to do business as the "The Meat Market" in Unit #1.

DBA Camp Fire (located in Unit #2) is connected to The Meat Market's butcher shop (located in Unit #1) by hallway located in the middle of the building. Customers will be free to go back and forth between the two retail spaces through this hallway. All of the bathrooms for the building are located in this hallway. The building has a total of 2 bathrooms. The women's room contains two toilets and one sink. The men's room contains one toilet and one urinal.

Unit #2 includes 1 kitchen, 1 dining room, 1 backroom/office area, one seasonal outdoor seating area with 2 egresses, 1 main entrance that exits the parking lot, 1 exit/employee entrance that exits onto back field area, 1 storage space for the liquor in a locked closet.

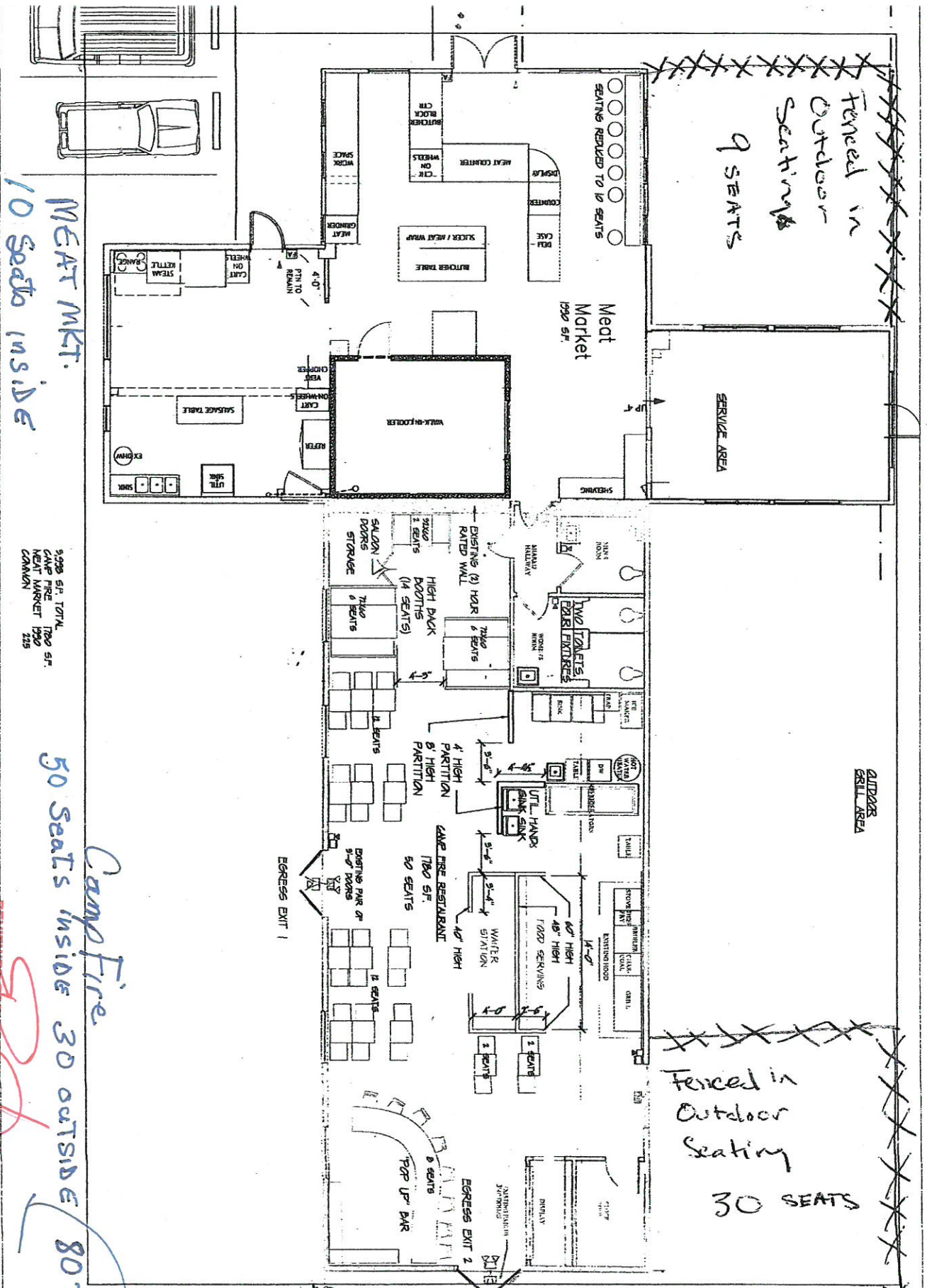
Unit #1 includes 1 kitchen, 1 outdoor fenced in seating area with 2 egresses, 1 backroom/office area, 1 meat cutting room, 1 meat counter, 1 main entrance that exits to the parking lot, and 1 employee entrance off kitchen that exits to parking lot.

In Unit #1 The Meat Market operates a butcher shop and a restaurant that serves lunch and dinner. Unit #1 contains one counter with 10 stools and an outdoor seating area with 9 seats (3 tables.) (Total 19 seats)

In Unit #2 DBA Camp Fire will contain 50 seats indoors and 30 seats outdoors. Unit #2 will have a dining room that seats 50 and an outdoor seating area that seats 30. In the outdoor seating area of Unit #2 there will be 6 picnic tables. In the indoor seating area of Unit #2 there will be 17 tables and one counter that sits 8. (Total 80 seats)

Unit #1 and Unit #2 combined will have a total 99 seats.

Please note, that the mailing address for 389 Stockbridge Road Unit #1 and Unit #2 is: 389 Stockbridge Road, Suite 3, Great Barrington, MA 01230.



19 TOTAL
 9 Seats outside

MEAT MKT.
 10 Seats inside

1990 SF. TOTAL
 CAMP FIRE
 MEAT MARKET
 1990
 1760
 225

Camp Fire
 50 Seats inside
 30 outside
 80 Total

REVIEWED FOR CODE COMPLIANCE
 Great Barrington Building Inspector
 Date: 8-19-16

SHEET	SCALE	DATE
SK 1	1/8" = 1'-0"	7/18/16

SHEET NAME
 Proposed Seating Plan

Project
 Tenant Fit Out for
 The Camp Fire Cafe
 389 Stockbridge Road
 Great Barrington MA

Architect
 Diego Gutierrez, Architects
 PO Box 287
 Housatonic VA 01236
 413-854-8955

* New for 2016 *

RECEIVED
TOWN MANAGER

JUL 08 2016

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: July 8, 16

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: Catherine A Tzelis

NAME OF BUSINESS: Ena at the Cove

D/B/A (if applicable): Ena at the Cove

BUSINESS MAILING ADDRESS: 109 Stockbridge Rd

BUSINESS TELEPHONE: 860-248-0635 HOME TELEPHONE: 413-717-4155

LOCATION WHERE LICENSE IS TO BE USED: _____

109 Stockbridge Rd Great Barrington MA

DAYS OF OPERATION: Mon-Sun 9^{am}-11^{pm}

HOURS OF OPERATION: 9am to 11pm

DESCRIPTION OF PREMISES: Snack-bar

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.

Catherine A Tzelis
Signature of Individual or Corporate Name

By: _____
Corporate Officer (if applicable)

SS# 158-48-2403 or FID# _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Caitlin Graham

Organization Name: Graham Farmhouse, LLC

Applicant's Address: 8 Woodruff Road, W. Stockbridge, MA 01266

Telephone Number: 413-329-6095

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Berkshire Fermentation Festival

Date: 9.10.16 Start Time: 10 am End Time: 4pm

Great Barrington
Fairgrounds
Event Address: 659 Main Street, Great Barrington, MA 01230

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Caitlin Graham
Signature of Applicant

8.9.16
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____

June 6th, 2016

Dear Graham Farmhouse Wine,

We are pleased to announce that Graham Farmhouse Wine has been accepted as a vendor at the 2nd annual 2016 Berkshire Ferment Festival! Pending all necessary special licenses and/or permits. The fair will take place on Sunday September 11th 2016, at 775 Main Street, Great Barrington MA.

Sincerely,
Michelle Kaplan, Event Manager
392-237-7171
BerkshireFerments@gmail.com



P.O. Box 121, Great Barrington, MA 01230
info@gbfg.org

16 August 2016

To Whom It May Concern,

This letter serves to establish that Graham Winery is pursuing all relevant permits for the Berkshire Fermentation Festival on Sunday, September 11th at the Great Barrington Fairgrounds with our knowledge and permission to do so.

Sincerely,



Janet & Bart Elsbach
For Fair Ground Community Redevelopment Project/GBFG

CHANGE OF LOCATION
COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON

AMENDED APPLICATION FOR COMMON VICTUALLER LICENSE

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 8/12/10

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: ROBIN & WILL CURLETTI

NAME OF BUSINESS: FMST, LLC

D/B/A (if applicable): FUEL

BUSINESS MAILING ADDRESS: 293 MAIN ST. GB MA 01230

BUSINESS TELEPHONE: 528-5505 HOME TELEPHONE: 274-1111

LOCATION WHERE LICENSE IS TO BE USED: 293 MAIN ST
GT. BARR MA 01230

DAYS OF OPERATION: 7 DAYS

HOURS OF OPERATION: 7AM - 12AM

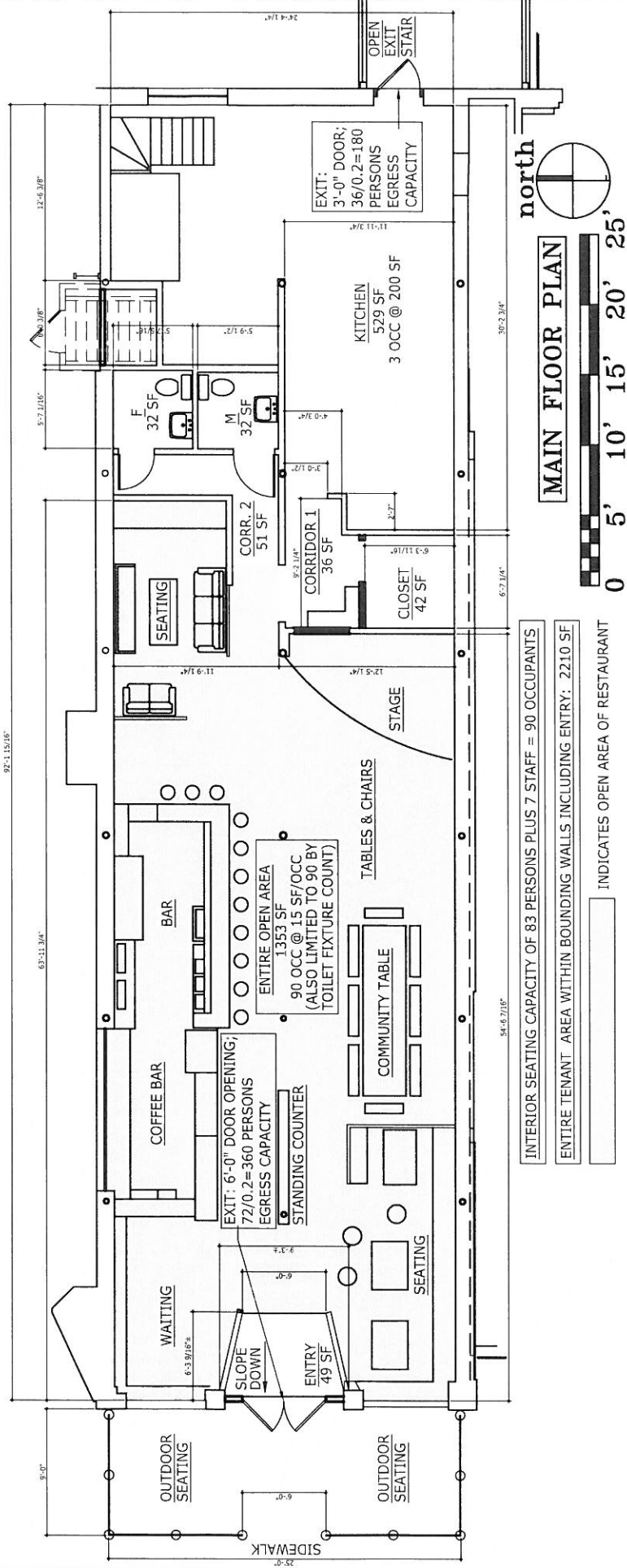
DESCRIPTION OF PREMISES: TO-GO COFFEE BAR, LOUNGE
AREA, TABLES, BAR, TWO RESTROOMS, KITCHEN
OUTDOOR SEATING OF 20 SEATS.

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.

FMST, LLC
Signature of Individual or Corporate Name

By: Robin Curletti
Corporate Officer (if applicable)

SS# _____ or FID# 81-2847762



INTERIOR SEATING CAPACITY OF 83 PERSONS PLUS 7 STAFF = 90 OCCUPANTS

ENTIRE TENANT AREA WITHIN BOUNDING WALLS INCLUDING ENTRY: 2210 SF

INDICATES OPEN AREA OF RESTAURANT

north

MAIN FLOOR PLAN



LICENSING PLAN

PROJECT		SHEET TITLE		SHEET NUMBER	
FUEL 293 Main St. Great Barrington		FLOOR PLAN; OCCUPANT LOADS		A-2	
CLARK & GREEN ARCHITECTURE + DESIGN		DATE		REMARKS	
113 BRIDGE STREET GREAT BARRINGTON MA 01230 413/528-5180 FAX 528-6420		7/21/2016			

334 Main Street
Great Barrington, MA 01230

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

60

TOWN OF GREAT BARRINGTON
AMENDED
APPLICATION FOR COMMON VICTUALLER LICENSE

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: 8/17/2016

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:

APPLICANT(S)/OWNER(S) NAME: JEREMY STANTON

NAME OF BUSINESS: THE MEAT MARKET, LLC

D/B/A (if applicable): CAMFIRE

BUSINESS MAILING ADDRESS: 389 Stockbridge Road Suite 3

BUSINESS TELEPHONE: 528-2024 HOME TELEPHONE: 229-7760

LOCATION WHERE LICENSE IS TO BE USED: 389 Stockbridge Road Unit #1 and Unit #2

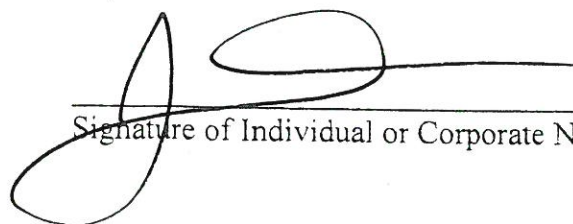
DAYS/HOURS OF OPERATION: 7AM - 11PM MON / TUES CLOSED

DESCRIPTION OF PREMISES: BUTCHER SHOP UNIT #1 RESTAURANT
2 OUTDOOR SEATING AREAS, UNIT #1 9 SEATS UNIT #2 30 SEATS UNIT #2

DESCRIPTION OF FOOD TO BE SERVED: AMERICAN GRILLED FARE,

BREAKFAST, RAW BAR, STEAK + CHOPS

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 Name
SS# _____

By: _____
Corporate Officer (if applicable)

or FID# 274541509

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: Nicole Blum + Jonathan Carr

Organization Name: Carr's Ciderhouse

Applicant's Address: 295 River Drive Hadley, MA 01035

Telephone Number: 413.336.7363

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Berkshire Fermentation Festival

Date: 9/11/16 Start Time: 10 am End Time: 4 pm

Event Address: Great Barrington Fair Grounds - 775 Main St, 9B, MA 01230

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

NOT PROVIDED

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Nicole Blum
Signature of Applicant

9/11/16
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____



P.O. Box 121, Great Barrington, MA 01230
info@gbfg.org

16 August 2016

To Whom It May Concern,

This letter serves to establish that Berkshire Ferments is pursuing all relevant permits for the Berkshire Fermentation Festival on Sunday, September 11th at the Great Barrington Fairgrounds with our knowledge and permission to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet & Bart Elsbach".

Janet & Bart Elsbach

For Fair Ground Community Redevelopment Project/GBFG

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

July 5, 2016

Carr's Ciderhouse
Nicole Blum
295 River Dr.
Hadley, MA 01035

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Blum:

Please be advised that your application for certification of the Berkshire Fermentation Festival, on Sunday September 11th 2016, from 10:00 am to 4:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux". The signature is stylized and cursive.

John Lebeaux, Commissioner

Fee: \$25.00 (per day)

Pd.



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

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

Applicant's Name: *Robin Vickery* Gr. Barrington Fish + Game

Organization Name: Gr. Barrington Fish + Game

Applicant's Address: 338 Long Pond Rd Housatonic Ma

Telephone Number: 274 6291

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Benefit Shoot for American Legion/VFW

Date: Sept 11 Start Time: 11am End Time: 7pm

Event Address: 338 Long Pond Rd

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Robin M Vickery
Signature of Applicant

8/18/16
Date

FOR TOWN USE:

Approved _____ Denied _____ Postponed _____



**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

TITLE: Heavy Commercial Vehicle Restriction – Lake Mansfield Road

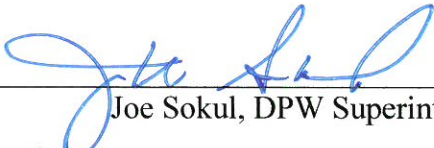
BACKGROUND: As Town moves forward and decides on a course of action for Lake Mansfield Road the continued use of the road by heavy commercial vehicles will accelerate the deterioration of the roadway.

Authority to restrict trucks lies in Massachusetts General Laws Chapter 85 and the 2006 Massachusetts Amendment to the 2003 Manual on Uniform Traffic Control Devices.


The DPW has submitted the required documentation to MassDOT for consideration of the restriction. MassDOT has informed the Town that approval will be forthcoming.

RECOMMENDATION: The final step in this process is to have the Selectboard vote to approve the Heavy Commercial Vehicle Restriction for Lake Mansfield Road and to the change to the Town's Traffic Code Chapter 204, Article XI, and Section 204-64, accordingly.

FISCAL IMPACT: The cost of the signage to post the restrictions is estimated at \$200.00.

PREPARED BY: 
Joe Sokul, DPW Superintendent

DATE: 8/17/2016

REVIEWED BY: 
Jennifer Tabakin, Town Manager

DATE: 8/17/16



TOWN OF GREAT BARRINGTON MASSACHUSETTS

Traffic Regulation

In accordance with the provisions of Section 18A of Chapter 90 of the Massachusetts General Laws, the Selectboard of the Town of Great Barrington hereby adopts the following addition to Chapter 204 of the Great Barrington Code:

Article XI

Heavy Commercial Vehicles

Section 204-64. Operation Prohibited on Certain Streets.

- A. The use and operation of heavy commercial vehicles having a carrying capacity of more than two and one half (2 ½) tons are hereby restricted on the following named streets or parts there of:

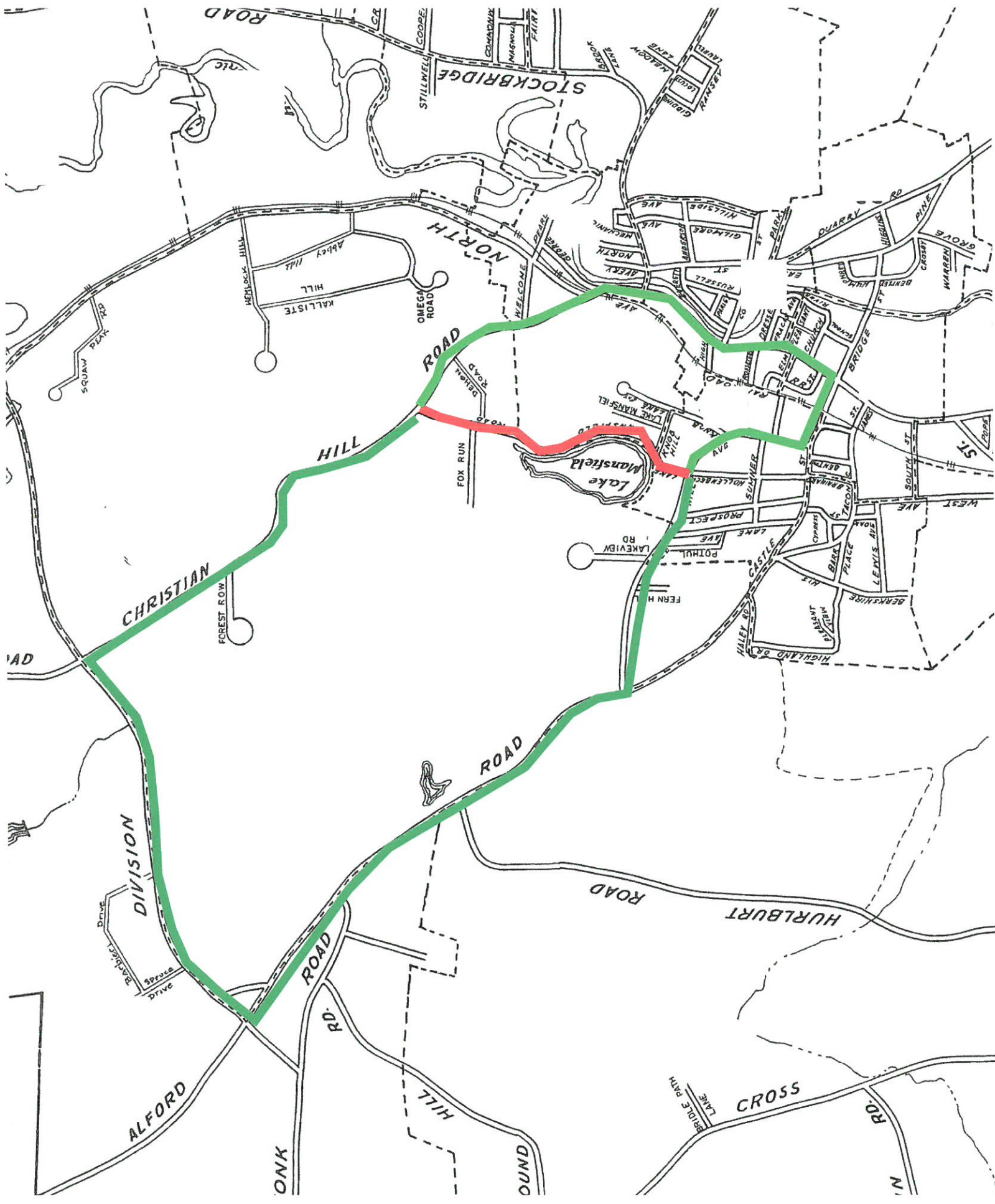
Lake Mansfield Road for its entire length

- B. Exemptions – Part A of the Section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein; to Federal, State, Municipal, or public service corporation owned vehicles.

The alternate route shall be Christian Hill Road, Division Street, Alford Road, Castle Hill Avenue and Main Street

Date of Passage: _____

Selectboard



CHRISTIAN HILL ROAD

NORTH ROAD

STOCKBRIDGE

DIVISION ROAD

ALFORD ROAD

ONK ROAD

ROAD

HURLBURT ROAD

ROAD

CROSS ROAD

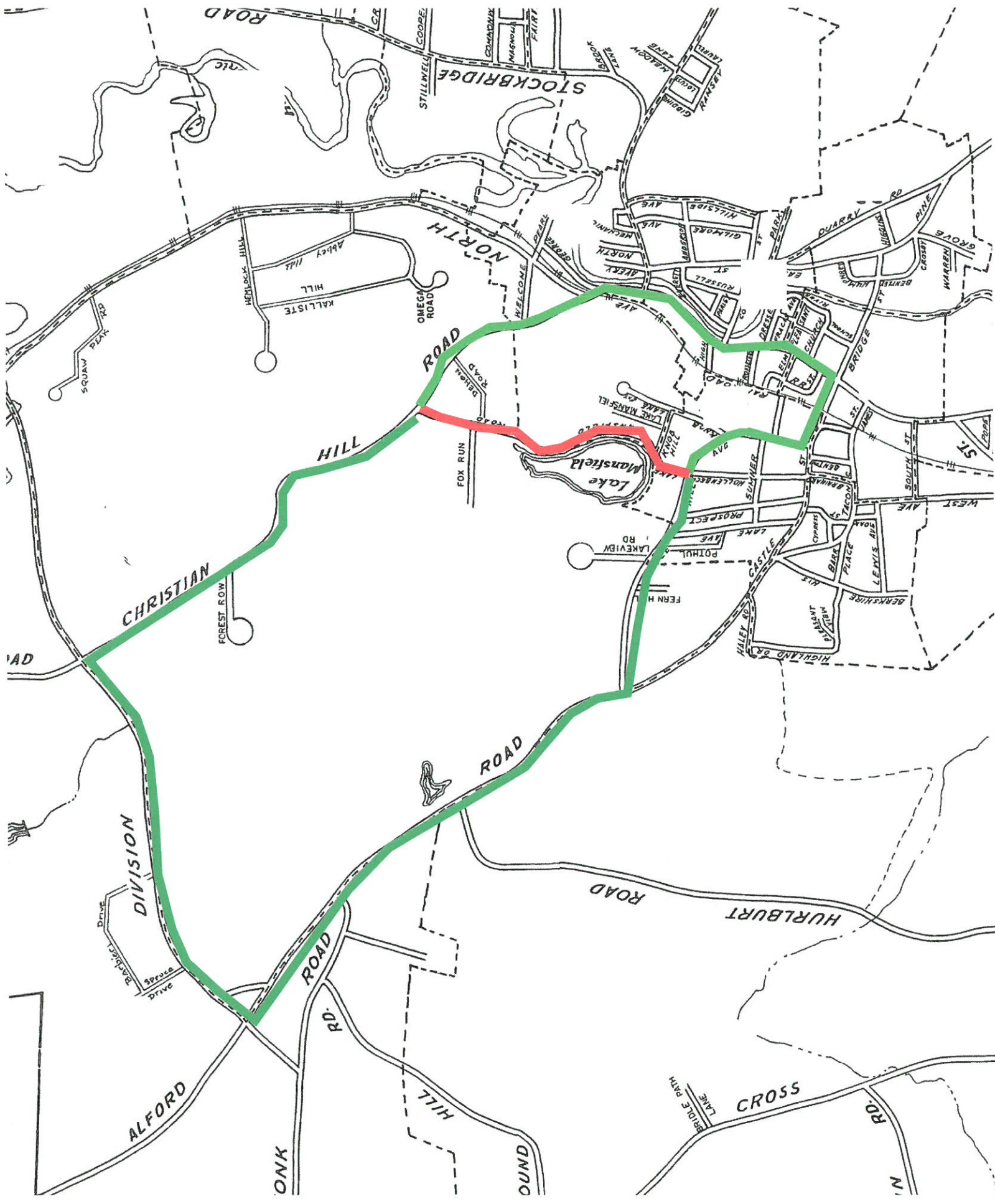
OUND

HILL

Lake Mansfield

NORTH

STOCKBRIDGE



70

Great Barrington Officials Have Released the Town's Community Choice Power Supply Program Aggregation Plan

The Town of Great Barrington developed the Aggregation Plan in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Town's Plan. The Plan has been developed in consultation with the Town's aggregation implementation consultant, Colonial Power Group, Inc. (CPG) and the Massachusetts Department of Energy Resources (DOER).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the Town to negotiate rates for power supply. It brings together the buying power of more than 7,000 consumers. Furthermore, the Town seeks to better manage energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. The Town has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities.

Public Review and Comment Period

The Town of Great Barrington's Aggregation Plan is available for public review and comment from **Monday, August 8, 2016, at 8:30a.m.** through **Friday, August 19, 2016, at 4:00 p.m.**

Any person who desires to comment may do so in person at the Town Clerk's office or submit written comments using one of the following methods: (1) by e-mail to jtabakin@townofgb.org; or (2) by postal mail to the address below.

Comments must be clearly marked **Town of Great Barrington's Aggregation Plan** and must be received (not postmarked) by the end of the comment period in order to be addressed.

Jennifer Tabakin
Town Manager
Town Hall
334 Main Street
Great Barrington, MA 01230

Any questions pertaining to this should be directed to Jennifer Tabakin, Town Manager at (413) 528-1619 ext. 2.

Click [here](#) to read the Town of Great Barrington's Aggregation Plan. An original hardcopy of the Plan is also available at the Town Clerk's office.

**TOWN OF GREAT BARRINGTON
SELECTBOARD'S MEETING
TOWN HALL
MINUTES May 2, 2016**

PRESENT:

SELECTBOARD

SEAN STANTON
STEPHEN C. BANNON
DANIEL BAILLY
ED ABRAHAMAS
WILLIAM COOKE

TOWN MANAGER JENNIFER TABAKIN

1. CALL TO ORDER:

Mr. Stanton called the meeting to order at 6:32 p.m. Mr. Bannon moved to adjourn to executive session to discuss strategic matters involving the Housatonic Water Works Department of Public Utilities (DPU) and Department of Environmental Protection (DEP). The board returned to public session at 7:25 p.m.

2. TOWN MANAGER'S REPORT:

Ms. Tabakin said three reserve officers have been appointed for the police department: Olivia Cobb, Robert Sam Hungate and Zachary DeSantis. She said the PD has received a grant to cover health insurance for Yuri, the canine officer. The Lake Mansfield Road design team is completing its report for the Senior Center will cover outreach work. A checklist for 79 Bridge Street Special Permit conditions to be met before a demolition permit is issued have been met.

3. LICENSES OR PERMITS:

- Mr. Bannon moved, Mr. Bailly seconded, to approve beer and wine permits to George Laye for the Guthrie Center, VanDeusenville Road.
- The Jess Cooney application for a driveway permit on Lewis Avenue was withdrawn prior to the meeting.

4. NEW BUSINESS:

Alana Chernila, who now manages the summer Farmer's Market at 18 Church St., said the plan is to close off the street this year. The market will be the same size. It will run through October. Two musical groups have been selected to entertain. Additional events will be held for children. There will be a tomato festival. The Co-op Market will double SNAP benefits, from \$25 to \$50. Parking at the Congregational Church lot remains an issue to be dealt with.

Brian Murphy of Colonial Power Group spoke of the Municipal Choice Aggregation. Essential, Colonial, an energy consulting company, would like to pick up where Hampshire Council of Governments failed in being designate to negotiate electric power rates. National Grid delivers the electricity, and charges for that. The electricity itself is charged separately. National Grid, Murphy said, takes little interest in negotiating the most favorable rates. For its services, Colonial would receive .001 cents per kWh. Townspeople would have the option of accepting the service, or opting out and locating another. Those who have already opted out will remain

opted out unless they want to opt back in. Murphy outlined the steps the Selectboard needs to take, i.e. retain Colonial as a consultant and review and potentially accept a plan once Colonial devises one. National Grid customers would be notified by letter of what's going on. Mr. Bannon moved to authorize the Town Manager to enter into a contract with Colonial Power Group, Mr. Bailly seconded, all were in favor.

5. MEETINGS:

The next Strategic Planning Meeting will be June 13 at 6:30 p.m. at Town Hall.

6. OLD BUSINESS:

Alice Maggio of BerkShares described the Entry to Entrepreneurship program for those ages 14 to 25, which has just graduated 15 individuals. The program will be offered again next January. Mr. Abrahams said he attended the graduation and lauded the program and offered to help promote it.

7. CITIZEN SPEAK TIME:

Christopher Windram and Reed Anderson of Housatonic decried the possibility General Electric would store PCB-contaminated soil from the Housatonic River along a stretch of wooded area between the river and Middle Road.

Carol Diehl of Housatonic gave examples of what she thought were misuse by other police departments of license scanning equipment. She opposed the Great Barrington Police Department acquiring such a device.

Ron Blumenthal complained that the Regional Agreement Committee, which has held discussions with West Stockbridge and Stockbridge representatives about allocating school costs in a different manner. He urged a symbolic no vote at town meeting on this year's Berkshire Hills Regional School District budget. Gabriel Senza, Sharon Gregory and Michelle Loubert made similar statements. Mr. Stanton at one point urged individuals at the meeting to take their arguments to town meeting.

In answer to a question from Mr. Windram, Ms. Tabakin said the town will paint the crosswalk at the foot of Highland Street.

8. MEDIA TIME:

In answer to questions from Eileen Mooney, the chairman said the executive session dealt with the DPU and Housatonic Water's requested rate hike; the Energy Committee has been mothballed; and the open meeting workshop will be held at the new Fire Station June 9 at 6 p.m. In answer to a question from Terry Cowgill, the chairman said the town is negotiating infrastructure needs with Housatonic Water Works, and has not filed a lawsuit.

9. ADJOURNMENT:

The board on a motion by Mr. Bannon, seconded by Mr. Bailly and approved by all members, adjourned the meeting at 8:30 p.m.

Bernard A. Drew
Recording Secretary



TOWN OF GREAT BARRINGTON COMMUNITY CHOICE POWER SUPPLY PROGRAM

AGGREGATION PLAN

PREPARED BY

COLONIAL POWER GROUP, INC.

PURPOSE OF THE AGGREGATION PLAN

The Town of Great Barrington (“Town”) developed this Aggregation Plan (“Plan”) in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Town’s Plan. The Plan has been developed in consultation with an aggregation implementation consultant (Consultant), initially Colonial Power Group, Inc. (CPG) and the Massachusetts Department of Energy Resources (DOER).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the Town to negotiate rates for power supply. It brings together the buying power of more than 7,000 consumers. Furthermore, the Town seeks to take control of energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. Based on enrollment figures from previous community aggregations, CPG anticipates that 97% of the eligible consumers will participate. The Town has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities (“Department”).

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REQUIREMENTS FOR MUNICIPAL AGGREGATION

The Massachusetts Electric Utility Restructuring Act of 1997 (“Restructuring Act”) contains several requirements for municipal aggregators. One requirement is to develop an aggregation plan in consultation with the DOER. The Plan is subject to review by consumers in the participating municipality and approval by the Department.

1 THE PROCESS OF MUNICIPAL AGGREGATION

Municipal aggregation involves a multi-step public process as follows:

- 1.1 Vote and Authorization to become a Public Aggregator
- 1.2 Development of Plan in Consultation with DOER
- 1.3 Review of Plan by Town Manager, Board of Selectmen and Consumers
- 1.4 Vote on Plan by Board of Selectmen
- 1.5 Submission of Plan for Department Approval
- 1.6 Public Hearing on Plan by Department
- 1.7 Selection of Date for Receipt of Price Terms from Competitive Suppliers
- 1.8 Selection of Competitive Supplier by Town Manager
- 1.9 Notification of Enrollment for Eligible Consumers
- 1.10 Beginning of Opt-Out Period (30 days prior to first service date)
- 1.11 Transfer of Participating Consumers to Competitive Supplier

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

2 GREAT BARRINGTON'S COMMUNITY CHOICE POWER SUPPLY PROGRAM

The Town offers one program to achieve its goals: Great Barrington's Community Choice Power Supply Program ("Program"). The Program provides professional representation on behalf of consumers in state proceedings and in regional or local forums to protect consumer interests in an evolving marketplace.

The Program is designed to offer competitive choice to eligible consumers and to gain other favorable economic and non-economic terms in service contracts. The Town does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the Town develops a contract with a Competitive Supplier for firm, all-requirements service. The contract runs for a fixed term. The process of contract approval contains checks and balances. Once the contract has been negotiated by the Town's agent, it must be submitted to the Town Manager for approval. And lastly, eligible consumers may opt-out of the Program, and select Basic Service or power supply from any other Competitive Supplier they wish at any time before or following their enrollment in the Town's Program. No eligible consumer is required to receive service under the Town's contract. [See Section 4.1.6 for detailed information on the opt-out process.]

2.1 ORGANIZATIONAL STRUCTURE

The Town's government is led by a five person Board of Selectmen. Daily operations are overseen by a Town Manager. Town elections are held the second Tuesday in May.

The Board of Selectmen is composed of five members elected for three year terms. They meet every second and fourth Monday evening at 7:00 P.M. at Town Hall. They may also hold other meetings from time to time. The Board of Selectmen acts as the Town's Chief Executive Body responsible for the general welfare of the community. Specific powers and responsibilities of the Board of Selectmen are set forth in the Town Charter. The operational role of the Town and its agent in relation to consumers is outlined and described in the following pages.

2.2 OPERATIONAL LEVELS

There are five operational levels to the Town's Program as follows:

2.2.1 Level One: Consumers

Consumers hold the ultimate authority over the Program and its functions. They can elect candidates for the Board of Selectmen who may take positions regarding the Program. They can

participate in local and regional meetings and hearings regarding issues related to restructuring in general and the Town's Program in particular. And they can attend meetings to express their views.

Every eligible consumer in the Town may participate in the Town's Program. All eligible consumers will also have the ability to decline service through the Competitive Supplier and choose any other power supply option they wish or remain with the Local Distributor, National Grid (NGRID). Eligible consumers who are dissatisfied with services provided under the contract negotiated by the Town may also communicate directly with the Competitive Supplier or the Consultant retained by the Town to assist with the implementation of the Plan via e-mail or toll-free telephone number in an effort to alter or otherwise improve service. Eligible consumers may also opt-out at any time by contacting the Competitive Supplier. Eligible consumers may also bring issues before the Board of Selectmen.

2.2.2 Level Two: Board of Selectmen

Based upon its existing authority or authority provided by voters at Town elections, the Board of Selectmen may act on program and policy issues and contract recommendations. In addition, it may provide instructions to the Town's agent regarding specific policy or program decisions to be made under the Program. It may also raise issues directed to it by consumers for the Town to address.

2.2.3 Level Three: Town Manager

The Town Manager carries out the collective decisions and instructions of the Board of Selectmen and participating consumers.

2.2.4 Level Four: Consultant

As the Town's agent, the Consultant shall provide the day-to-day management and supervision of the business affairs of the Program under a contract agreement. The Consultant shall serve as the Town's procurement agent, utilizing its existing staff to solicit services as requested by the Town. In addition, the Consultant provides office space and administrative support to coordinate the Program's operations.

This administrative support includes:

- communications;
- program development;
- recordkeeping; and
- program oversight and maintenance.

2.2.5 Level Five: Competitive Suppliers

Competitive Suppliers contract with the Town through its Town Manager. The contract is negotiated, recommended, and monitored for compliance by the Consultant. No contract is binding until it is approved by the Town Manager. The complete set of Competitive Supplier responsibilities is found in the Electric Service Agreement (ESA) between the Town and the Competitive Supplier.

2.3 OPERATIONS

The Program's operations are guided by the provisions and goals contained in this Plan and the instructions and decisions of the Town Manager, the Consultant, and participating consumers.

The goals of this Plan are as follows:

- provide the basis for aggregation of eligible consumers on a non-discriminatory basis;
- acquire a market rate for power supply and transparent pricing;
- provide equal sharing of economic savings based on current electric rates;
- allow those eligible consumers who choose not to participate to opt-out;
- provide full public accountability to participating consumers; and
- utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

2.4 STAFFING AND MANPOWER

The operations necessary to plan, deliver, and manage the Town's Program include:

- technical analysis;
- competitive procurement of services;
- regulatory approvals;
- accounting and fiscal management;
- contract maintenance;
- communications;
- program coordination; and
- administrative support.

The Town intends to utilize the Consultant as the professional, technical, and legal consultant to operate the Program. The Consultant is a licensed broker of electricity in Massachusetts (EB-107). The Consultant has experience designing, implementing and administering opt-out municipal aggregation programs.

The Consultant will be responsible for monitoring all aspects of the Program and any resulting contractual agreements, including but not limited to: monitoring and reporting on compliance with all contract terms and conditions, resolution of contract issues, implementation of the opt-out process for consumers, participation in negotiations with NGRID, preparation of reports, as directed, and routine updates and attendance at meetings with the Town Manager and Board of Selectmen.

The Program has been developed on behalf of the Town by the Consultant with the support of technical consultants and legal counsel. Once a contract has been secured, the Consultant will administer the Program.

The Consultant will undertake negotiations with Competitive Suppliers and provide representation at the state level, as needed, at the direction of the Town Manager and Board of Selectmen. The terms and conditions of any contract may be subject to review by the Town Counsel, as well as by any outside legal counsel which may be selected by the Town, and may be further subject to the Town Counsel's approval as to legal form.

3 FUNDING

Initial funding for Town's Program comes from private capital supplied by CPG. The ESA with a Competitive Supplier will include a \$0.001 per kWh adder that will be paid by the Competitive Supplier to the Consultant. The \$0.001 per kWh adder will fund the on-going costs of the Program. The start-up costs, to be borne by the Consultant, include costs for legal representation, public education, and communications. Mailing costs will be borne by the Competitive Supplier.

4 ACTIVATION AND TERMINATION

4.1 ACTIVATION

Following the process of municipal aggregation and competitive procurement of a proposed contract by the Town, activation of the Program requires the following steps:

- a) Approval of Plan by Department
- b) Acceptance of ESAs by Board of Selectmen and Town Manager
- c) Signing of ESA by Board of Selectmen and Town Manager
- d) Notification of Enrollment for Eligible Consumers
- e) Notification of NGRID
- f) Beginning of Opt-Out Period
- g) Transfer of Participating Consumers to Competitive Supplier

Each of these steps is described as follows:

4.1.1 Approval of Plan by Department

The Town, through its agent, shall file this Plan with the Department. The Department is required to hold a public hearing on the Plan.

4.1.2 Acceptance of ESAs by Board of Selectmen and Town Manager

All contracts negotiated by the Town shall be expressly conditioned upon the acceptance of the contract by the Town Manager. Competitive Suppliers and contracts must comply with all applicable laws and rules and regulations promulgated by the Department concerning Competitive Suppliers.

4.1.3 Signing of ESA by Board of Selectmen and Town Manager

With the signing of the contract by the Town Manager, the terms and conditions in the contract will be utilized for service for eligible consumers within the municipal boundaries of the Town, except for those eligible consumers who have selected a Competitive Supplier prior to the contract activation date and do not wish to switch to service under the Town's contract, or those eligible consumers who affirmatively opt-out of the Program.

4.1.4 Notification of Enrollment for Eligible Consumers

Following approval of the contract by the Town, the Competitive Supplier shall undertake notification of all eligible consumers on Basic Service to be enrolled. NGRID will inform the Competitive Supplier and the Consultant as to which consumers are on Basic Service and which consumers are receiving power from third-party suppliers. NGRID will electronically transmit the name, address and account of eligible consumers and run this data just prior to the meter read at which the change to the Competitive Supplier is set to occur to ensure that no consumers contracted with third-party suppliers are enrolled. Only current Basic Service consumers will be sent opt-out notices. The Town may also generally notify all consumers receiving competitive service of their eligibility to receive power from the Town's Competitive Supplier. Once the appropriate notification has been provided to the eligible consumer and applicable opt-out requirements met, the Competitive Supplier will electronically enroll the eligible consumer by submitting an "enroll customer" transaction to NGRID in accordance with the rules and procedures set forth in the EBT Working Group Report, which is applicable to all Competitive Suppliers and distribution companies in Massachusetts.

The process of notification shall be multi-layered and will include:

- mailings by the Town;
- newspaper notices;
- public service announcements (PSAs); and
- notices posted in Town Hall.

Prior to enrollment, this notification shall:

- inform eligible consumers they have the right to opt-out of the aggregated entity without penalty and choose Basic Service at any time before or after their first day of service;
- prominently state all charges to be made and a comparison of the price and primary terms of the Town’s contract compared to the price and terms of NGRID’s Basic Service;
- explain the opt-out process; and
- provide written notification that no charges associated with the opt-out will be made by the Competitive Supplier.

When a new eligible consumer first moves to the Town, the eligible consumer will not be assigned to the Town’s Competitive Supplier until the Competitive Supplier submits an “enroll customer” transaction. Prior to such “enroll customer” transaction, the eligible consumer shall receive Basic Service. The Competitive Supplier is responsible for including new eligible consumers in the Program as they move into the Town by the requesting electronic transmittals on a quarterly basis from NGRID, notifying and enrolling per the procedures followed for the initial enrollment.

The approximate timing of the major procedural steps related to the notification of consumers is as follows:

Day 1	Supply contract executed between Town and Competitive Supplier
Day 2	Competitive Supplier notifies NGRID to prepare Town eligible consumer data
Day 3	Competitive Supplier begins EDI testing with NGRID
Day 14	Competitive Supplier receives eligible consumer data from NGRID
Day 18	CPG and/or Competitive Supplier mails opt-out notice to all eligible consumers
Day 19	30-day opt-out period begins on date of postmark
Day 21	Eligible consumers receive mail
Days 21-51	Consumers wishing to opt-out return reply card in pre-paid envelope to Competitive Supplier

Day 33	Competitive Supplier completes EDI testing with NGRID
Day 52	Competitive Supplier removes opt-outs from eligible list
Day 53	Competitive Supplier sends “supplier enrolls customer” EDI for all participating consumers

Participating consumers are enrolled with supplier on the next meter read, provided that the enrollment transaction is submitted no fewer than two full business days before the meter read.

Our Consultant’s experience with previous aggregation programs suggests that the Town, Competitive Supplier and NGRID need about two months to complete the consumer notification and enrollment process.

The procedures described above may also be found in NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, as amended or superseded from time to time. These procedures were discussed in numerous meetings between CPG and NGRID.

The methods by which eligible consumers will be enrolled in the Program are consistent with NGRID’s Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

4.1.5 Notification of NGRID

Along with notification of eligible consumers, the Town shall notify the selected Competitive Supplier and NGRID to begin preparation of the administrative process to transfer eligible consumers coincident with each eligible consumer’s billing cycle. Alternatively, or in combination with the Town notification, the selected Competitive Supplier may notify NGRID to begin preparation of the administrative process.

4.1.6 Beginning of Opt-Out Period

Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service. Participating consumers who seek to return to NGRID’s Basic Service should provide notice to the Competitive Supplier and/or NGRID five or more business days before the next scheduled meter read date. Pursuant to NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, participating residential consumers will be transferred to NGRID’s Basic Service in two business days if they directly notify NGRID of the intent to terminate generation service from the Competitive Supplier. If a commercial or industrial consumer directly notifies NGRID of the choice to terminate generation service from the Competitive Supplier, the generation service shall be terminated on the date of the customer’s next scheduled meter read. If a residential, commercial, or industrial customer notifies the Competitive Supplier of the choice to terminate receipt of

generation service, the termination shall take place on the date of the customer's next scheduled meter read, so long as the Competitive Supplier has submitted the transaction to NGRID no fewer than two business days prior to the meter read date. There shall be no charge for returning to NGRID's Basic Service in this manner. Further opportunities for eligible consumer opt-out may be negotiated by the Town and the Competitive Supplier and included in the terms of the contract presented to the Board of Selectmen, the Town Manager, and made part of the public information offered to each eligible consumer. Eligible consumers who opt-out and subsequently wish to enroll may be enrolled at the Competitive Supplier's discretion and pursuant to NGRID's Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

4.1.7 Transfer of Participating Consumers to Competitive Supplier

The process of activation is an administrative function with three parts:

- a) Data Preparation: NGRID will identify all eligible consumers on Basic Service in the Town by eliminating those who have already selected a Competitive Supplier.
- b) Automatic Enrollment: All verified eligible consumers shall be transferred to the Town's Competitive Supplier coincident with NGRID's billing periods, unless they have previously sent in notification of their intent to opt-out according to established deadlines. Eligible consumers will be enrolled with the new Competitive Supplier over the period of one month. Service under the new Competitive Supplier shall begin at the start of the billing period following transfer.
- c) Notification: NGRID shall notify each transferred participating consumer of the change to the Town's Competitive Supplier with its last bill for Basic Service.

4.2 TERMINATION

The Program may be terminated in two ways:

- upon contract termination or expiration without any extension, renewal, or subsequent contract being negotiated; or
- at the decision of the Board of Selectmen and Town Manager to dissolve the Program.

Each participating consumer receiving service under the Town's Program will receive notification of termination of the Program 90 days prior to such termination.

In the event of contract termination, participating consumers would return to NGRID's Basic Service or choose a Competitive Supplier. This transfer would occur in coordination with

NGRID using established EDI protocols and in accordance with the rules and procedures set forth in the EBT Working Group Report.

5 METHODS FOR ENTERING AND TERMINATING AGREEMENTS

The Town's process for entering, modifying, enforcing, and terminating all agreements associated with the Program shall comply with the requirements of the Town's charter, and state and federal laws. Where required, the procedures outlined in M.G.L. c. 30B shall be followed. Other agreements shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

Prior to the end of the initial ESA, the Consultant will be responsible for conducting a subsequent bidding process for a new ESA. The Town Manager is responsible for executing a new ESA. Customers will be notified through press releases and public notices. New opt-out notices will not be mailed. The Town will not use on-bill messaging or bill inserts. However, NGRID may include on-bill messaging notifying consumers of a supplier switch. The transfer of customers from the existing supplier to the new supplier is conducted by the new supplier in coordination with NGRID using established EDI protocols.

The Town will notify NGRID of the planned termination or extension of the program. In particular, the Town will provide NGRID notice:

- 90 days prior to a planned termination of the program;
- 90 days prior to the end of the anticipated term of the program's ESA; and
- four business-days after the successful negotiation of a new electricity service agreement.

6 RATE SETTING, COSTS, AND BILLING

The Town will offer the Program at rates and terms to be negotiated with Competitive Suppliers. All Competitive Supplier charges to the participating consumer will be fully and prominently disclosed under the notification process.

NGRID shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function. Charges for metering, billing and other distribution services shall be regulated by the Department, unless otherwise provided for in law, or Department rules and regulations.

6.1 RATE SETTING

Under Department orders, NGRID assigns the rate classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, a transition charge, an energy conservation charge, and a renewable energy charge that currently make up a portion of a ratepayer's bill. Although the Town, or its agent, may participate in regulatory proceedings and represent the interests of ratepayers regarding these regulated rates, it will not assign or alter existing rate classifications without the approval of the Department. [See Section 6.3 for an example of a typical residential bill.]

The focus of the Town, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the participating consumer's bill as the "generation charge".

The competitive bid process will seek prices that will differ among the rate classifications established by NGRID's tariffs. The terms and conditions of service may also vary among rate classifications.

6.2 COSTS

There is no cost to eligible or participating consumers. The Program funding will be derived from a \$0.001 per kWh commission fee payable by the Competitive Supplier to the Consultant.

In addition, the Town may fund administration costs associated with Energy Management services, of which one of the responsibilities would be to assist with the Aggregation Program, through an Operational Adder payable by the Competitive Supplier to the Town.

6.3 BILLING

Participating consumer billing under the Town's Program will be made by the Competitive Supplier under contract and shall be incorporated into the standard monthly utility billing. Participating consumers will receive a "complete bill" from NGRID that incorporates the power supply charge and NGRID's delivery charges. The bill shall include a clear delineation of all regulated and non-regulated charges.

The typical residential "complete bill" for use of 500 kWh shows the following charges for NGRID's Basic Service in November 2015:

For Customer With Monthly Usage of 500 kWh		
	Rate (\$/kWh)	Charge
Delivery Services Detail (Rate: R1)		
Customer Charge		4.00
Distribution Charge	0.03977	19.89
Transition Charge	(0.00164)	(0.82)
Transmission Charge	0.02614	13.07
Energy Efficiency Charge	0.01624	8.12
Renewable Energy Charge	0.00050	0.25
Total Delivery Services		\$ 44.51
Supplier Services Detail (Rate: Basic Service)		
Generation Services Charge	0.13038	65.19
Total Supplier Services		\$ 65.19
Average Bill Total		\$ 109.70

Sources: http://www.nationalgridus.com/masselectric/non_html/MA_Residential_Table.pdf
http://www.nationalgridus.com/non_html/1115meco.pdf

Accessed: November 1, 2015

7 UNIVERSAL ACCESS

“Universal access” is a term derived from the traditional regulated utility environment in which all consumers desiring service receive that service. The DOER’s Guide to Municipal Electric Aggregation in Massachusetts has defined universal access to mean “electric services sufficient for basic needs (an evolving bundle of basic services) available to virtually all members of the population regardless of income.” The Guide also provides that a municipal aggregation plan meets the requirement of universal access “by giving all consumers within its boundaries the opportunity to participate, whether they are currently on Basic Service or the supply service of a Competitive Supplier.” For the purposes of the Town’s Program this will mean that all existing consumers within the borders of the Town and all new consumers in the Town shall be eligible for service from the Competitive Supplier under the terms and conditions of the contract. One of the Town’s goals, as indicated in Section 2.3, is to “Provide the basis for aggregation of eligible consumers on a non-discriminatory basis”.

Service under the Town’s Program shall include rate classifications in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local

government. Contracts with all Competitive Suppliers shall contain provisions to maintain these principles and equitable treatment of all rate classifications.

Eligible existing consumers in the Town shall be transferred to the Program unless they have already contracted with a Competitive Supplier or affirmatively opted-out of the Program.

Eligible low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to Basic Service and to participate in the Program as well.

New Eligible consumers in the service territory shall be enrolled in the Program unless they already contracted with a Competitive Supplier or affirmatively opted-out of the Program. New Eligible consumers will retain the right to opt-out any time after the commencement of Program service.

8 EQUITABLE TREATMENT OF RATEPAYERS

All ratepayers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the Competitive Supplier, be provided all required notices and information, and always retain the right to opt-out of the Town’s Program as described herein or to switch Competitive Suppliers. The requirement of equitable treatment of all ratepayers does not, however, require that all ratepayers be offered the same pricing or terms and conditions. To impose such an interpretation to the statutory requirements governing municipal aggregation programs would, in effect, result in inequitable treatment, as attempting to apply identical prices, terms, and conditions to ratepayers with widely disparate characteristics would have the inevitable effect of giving some ratepayers more favorable service than others. The implementation of the Program will recognize this reality through appropriate distinctions in pricing and, where applicable, terms and conditions among ratepayers.

9 RELIABILITY

“Reliability” in power supply and in transmission and distribution is essential to consumers. This will be accomplished and reinforced by the Program at several levels through:

- provisions of the contract that will include language on reliability of supply, liability and damages provisions;
- traditional proceedings related to NGRID’s regulated transmission and distribution services; and
- direct discussions with NGRID concerning specific or general problems related to quality and reliability of transmission and distribution service in the Town.

10 RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS

10.1 RIGHTS

All participating consumers shall enjoy the protections of law afforded to them as they currently exist or as they may be amended from time to time. These include rights to question billing or service quality or service practices. Under protocols developed by the Department, problems related to billing or service shall be directed to the appropriate parties. All eligible consumers shall also enjoy the individual right to decline participation in the Town's Program.

10.2 RESPONSIBILITIES

All participating consumers shall meet all standards and responsibilities required by the Department, including payment of billings and access to essential metering and other equipment to carry out utility operations.

11 BENEFITS OF MUNICIPAL AGGREGATION

The Program functions under the restrictions of state law and reflects a range of results and opportunities:

11.1 PARTICIPATION IN COMPETITIVE MARKET

Many consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may participate more effectively in the competitive process and achieve benefits.

11.2 SELECTION OF ALTERNATE SUPPLIER

Because the law guarantees the right to opt-out, including the right to choose Basic Service at no charge, all eligible consumers have the right to select a Competitive Supplier other than the one chosen by the Town Manager and Board of Selectmen.

11.3 INDEMNIFICATION AND RISK ASSOCIATED WITH COMPETITIVE MARKET

In a competitive market, it is possible that the failure of a Competitive Supplier to provide service may result in the need for participating consumers to acquire alternative power supply, or for participating consumers to receive power at Basic Service prices. The Town will seek to

minimize this risk by contracting with reputable Competitive Suppliers who demonstrate reliable service. The Town also intends to include conditions in its contract with a Competitive Supplier that will indemnify participating consumers against risks or problems with power supply service.

11.4 OTHER PROTECTIONS

The Town intends to negotiate a range of provisions in its contracts to enhance participating consumer protection.

12 REQUIREMENTS CONCERNING AGGREGATED SERVICE

The Town shall comply with the requirements established by law and the rules set forth by the Department concerning aggregated service.