

THE NEWSletter

The Newsy Little Paper That Supplements Other Media
Volume 32 Number 5 May 2023

POB 567, Housatonic, MA 01236 Tel: 413-274-6100

E-mail: thenewsltr@gmail.com Copyright 2023

Eileen W. Mooney, editor/publisher

Winners!



All unopposed candidates and, from left, Ben Elliott for selectman and Sandra Pantorno and Rob Shaeffer, library trustees, were elected in Great Barrington's May 9 town elections. Of the town's 4,960 registered voters, 950 voted. Complete results are reproduced in this issue.



If your face is green or blue or red, please see page 2 about the status of your subscription. People who get THE NEWSletter by email are notified individually.

Party June 10 in Housatonic

Housatonic Improvement Committee will sponsor a party in the park **Saturday, June 10**, from 11 a.m. to 3 p.m. in the common next to the former Housatonic School building.

The Great Barrington Fire Department will bring a truck and Archer, the Great Barrington Police Department's comfort dog, will attend.

Throughout the day, Bowey the Magic Clown and BerkCirque, with aerial demonstrations, will perform and Magic Brushes will paint faces.

Here's the schedule for other entertainers:

11:00-11:40 a.m. – Soul Prophet

11:45 a.m. –12:25 p.m. – John Blond, Karma Fun Rock

12:30-1:30 p.m. – Berkshire Pulse, African & Swing Dance

1:30-2:10 p.m. – Bryan (in the House), Psychedelic Soul/
R&B

2:15-2:55 p.m. – Jackson Whalan, Rapping & Making Beats to Uplift.

Berkshire Composting will offer composting fun for children, the Great Barrington Libraries will have "Mapping Your Housatonic" and Friends of the Libraries will give away books.

All entertainment is free.

Providing food will be North Plain Farm, SoCo Creamery, Truck Dining Haul and Extra Special Teas.

T Square Design will sell Housatonic-centric merchandise.

Event sponsors are Berkshire Food Coop, CT Management Group, Gabriel Electric, Berkshire Property Agents, Bradley Architects, Formel Auto Salvage, Friends of the GB Libraries and Housatonic the Beautiful.



Change Service Requested

THE NEWSletter
POB 567
Housatonic MA 01236

PRESORTED STANDARD
U.S. Postage Paid
Permit #318c
Pittsfield MA 01201

HOUSATONIC PARTY IN THE PARK



Saturday, June 10th
11am - 3pm

Housatonic Village Commons
Corner of Pleasant St.
and Front St.

fun for all the family!

Live Music • Dance and Acrobatics • Food Trucks
Children's Activities ...and much more!!

Sponsored by:

Berkshire
Food Co-op



CT Management Group
Real Estate Management and Development

BERKSHIRE
PROPERTY
AGENTS.COM
413 528 6800

BRADLEY
ARCHITECTS PC

FORMEL
AUTO SALVAGE

GREAT BARRINGTON
LIBRARIES
MASON • RAMSDELL
GIL LIBRARIES.ORG

& Housatonic the Beautiful

partyinthepark.org

Sign Up, Get Releases, More

SUBSCRIBERS CAN SIGN UP to receive information listed below, including minutes of board meetings and obituaries when THE NEWSletter receives them.

This is part of your NEWSletter subscription. There's no added cost.

- 1Berkshire, BEAT, Berkshire Black Economic Council, Berkshire Community Land Trust, Chamber of Commerce, CHP;
- Clinton Church Restoration/W.E.B. Du Bois Center for Freedom and Democracy, Cultural District, District Attorney;
- Dewey Hall, Farmers Market, Great Barrington Historical Society, Mahaiwe Theater, Mel King Institute;
- RSYP, Claire Teague Senior Center, Train Campaign, Volunteers in Medicine.

Meetings and More in June



MORE BOARDS ARE MEETING in person, often with a Zoom component.

Meeting agendas tell how to attend. THE NEWSletter sends 0agendas to its email list.

Records of some meetings are on Community Television for the Southern Berkshires at ctsbtv.org, and the Selectboard's website page, townofgb.org. You can watch on your computer or on Spectrum cable channels 1301 (public), 1302 (education) and 1303 (government).

Meetings are also saved on YouTube.

Other websites are Berkshire Hills Regional School District at bhrrsd.org. The town, its police and fire departments and BHRSD have Facebook pages.

JUNE

- Board of Health meets June 1, 6:30 p.m.
- Berkshire Hills Regional School Committee meets June 1, 6 p.m.
- 8-Town Regional School District Planning Board meets June 6, 5:30 p.m.
- Board of Library Trustees meets June 8, 5:30 p.m. (This might change.)
- Planning Board meets June 8, 6 p.m.

-Party in the Park in Housatonic is June 10 from 11 a.m. to 3 p.m. If rain, it will be in the Housatonic Community Center.

- Selectboard meets June 12, 6 p.m.
- Five-Town Cable Advisory Committee meets June 13, 5 p.m.
- Tree Committee meets June 14, 5 p.m.
- Berkshire Hills Regional School Committee meets June 15, 6 p.m.



JUNETEENTH IS JUNE 19 with all town buildings closed.

- Affordable Housing Trust Fund board meets June 20, 6:30 p.m.
- Finance Committee meets June 20,

6:30 p.m.

- Planning Board meets June 22, 6 p.m.
- Selectboard meets June 26, 6 p.m.
- Council on Aging meets June 28, 1:15 p.m., Claire Teague Senior Center.
- Conservation Commission meets June 28, 6:30 p.m.

Libraries, Senior Center, Recycling Information

MASON LIBRARY on Main Street, Great Barrington, is open Mondays through Fridays, 10 a.m. to 6 p.m., and Saturdays 10 a.m. to 3 p.m.

Its telephone number is 528-2403.

Ramsdell Library on Main Street, Housatonic, is open Mondays, Tuesdays and Wednesdays, 1 to 6 p.m. Saturdays, 10 a.m. to 3 p.m. and Sundays, 1 to 4 p.m.

Ramsdell also has a loaning Library of Things, including visual reality goggles, a sewing machine and a staple gun.

Its phone number is 274-3738.

The libraries' website at gblibraries.org/ lists programs for all ages and has registration links.

Books, CDs and DVDs can be ordered by calling Mason or emailing mason-ramsdell@gmail.com or bark.cwmars.org.

Wifi is available on both libraries' lawns and Mason's parking lot.

The New York Times, New York Times Cooking, Washington Post and THE NEWSletter can be read free online. Anyone with a Massachusetts library card can sign up for a Boston Public Library e-card.

* * *

THE CLAIRE TEAGUE SENIOR CENTER at 917 South Main St. offers activities, lunches and help with technology, driver license renewals and more.

It provides transportation for elderly and disabled people who call it at 528-1881 at least 48 hours in advance.

Activities and resources are on its website, greatbarringtonseniors.org.

Staff is available Mondays through Fridays to answer calls, offer SHINE counseling and, with a suggested donation, ready-to-go meals.

Big Y donations are available Mondays and Wednesdays.

THE NEWSletter sends "Grapevine," the center's monthly newsletter, to subscribers who have requested it.

* * *

THE RECYCLING CENTER on Stockbridge Road, across from Monument Mountain Regional High School, is open Fridays, 8 a.m. to 3 p.m.; Saturdays, 7 a.m. to 3 p.m.; and Sundays, 10 a.m. to 3 p.m.

How to Subscribe to THE NEWSletter

READERS: If you're a senior or have a family and your budget is increasingly tight, send what you can to subscribe.

THE NEWSletter can make this offer only because some subscribers generously send extra when they renew. Thanks to them, THE NEWSletter can hold off on a rate increase, even as all its costs increase.

How To Know When to Renew

IF YOUR FACE on the printed issue is green, your subscription ends with the next issue or the one after that.

If your face is blue, it's time to renew.

Red face? Your paid or free trial subscription ended and you're about to come off the mailing list.

How To Subscribe

Twelve issues (one year) are \$35 for the print version within the 012 zip code or \$30 for the emailed one anywhere.

Cost to get the printed TN by bulk mail outside the 012 zip code is \$38. Cost for first class for a year (12 issues) is \$50.

Available in Large Type

Cost to receive THE NEWSletter in large type is \$30 for 12 issues, plus the annual print subscription.

Where To Mail Your Check

Checks go to THE NEWSletter at Post Office Box 567, Housatonic 01236.

Both the written and emailed versions include free emails — agendas, news

updates, forwarded material — sent between issues. Your name and email address are kept confidential unless you're an elected or appointed public official.

You can forward all emails to as many people as you want. Having THE NEWSletter send those emails between issues is \$5 a year for each added name.

Questions? Suggestions? Please email me at thenewsltr@gmail.com.

And a suggestion: THE NEWSletter makes a great gift for new neighbors.

-Eileen W. Mooney
-Eileen W.

Mooney

Finance Committee Hears About School Merger Plans

"THE PIE IS NOT fully baked yet," Lucy Prashker told the Great Barrington Finance Committee May 25 as she began to describe the work of the **8-Town Regional School District Planning Board**.

The board, which she chairs, is studying a merger of the Berkshire Hills and Southern Berkshire regional school districts, with students in grades 9-12 attending a high school to be built on the Monument Mountain Regional High School campus in Great Barrington.

Other schools in both districts would not be affected.

Three people from each town, including school committee members, are on the planning board, which is considering a regional agreement and the financial methodology for capital and operating costs.

Planning Schedule For High School

Although members of the 8-Town Regional School District Planning Board refer to a new high school for a merged school district, the state School Building Authority requires that the Berkshire Hills Regional School District consider three options.

They are renovating Monument Mountain Regional High School, renovating with an addition and building new.

The SBA has agreed that two sizes of the school be considered — with and without a merger with the Southern Berkshire Regional School District.

According to a proposed schedule, requests for proposals for a project manager will be placed in June and an informational meeting held **June 28** at 3 p.m. at the school. Requests for proposals are due at noon **July 12**.

Funds for design work were approved at town meetings two years ago.

All Towns Vote if Merger OKed

If voters in both districts agree to merge, all eight towns will vote on what to do with Monument.

If a vote to merge fails, only Berkshire Hills' three towns will vote, according to Steve Bannon, chairman of both the Berkshire Hills school committee and the Great Barrington Selectboard.

'No' Vote Could Cancel Merger

The 8-Town planning board may stipulate that a "no" vote on building a new high school would nullify the merger.

Steve Soules, Berkshire Hills' operations director, told the building committee May 11 that a finished building project is probably five to six years away.

October Vote Expected on Merger

Voters are expected to be asked to approve a merger at special town meetings in October in the Berkshire Hills towns of Great Barrington, Stockbridge and West Stockbridge and Southern Berkshire's Alford, Egremont, Monterey, New Marlboro and Sheffield.

What Obstacles To a Merger?

Finance Committee member Milena Cerna asked what could be obstacles to a merger.

The Southern Berkshire towns, Ms. Prashker told her.

When the merger proposal was first made, Steve Bannon, chairman of both the Berkshire Hills Regional School Committee and the Great Barrington Selectboard, said its five towns were not expected to help pay for a new high school.

'Not Fair Not To Help Pay'

THE NEWSletter was at a board meeting several months ago when Patrick White, Stockbridge selectmen chairman and planning board member, said it was not fair that Southern Berkshire towns would not have to help pay for a new school, especially when their students would benefit from its career-vocational-technical education (CVTE).

Southern Berkshire has no CVTE, Ms. Prashker said.

Also, Ms. Prashker explained, state law requires that a town — not a school district — must pay tuition and transportation for a CVTE course. And tuition is actual cost, Ms. Prashker explained.

CVTE 'Enormous Liability' for Town

Thus, if the merger does not happen and a student — or several — from one of Southern Berkshires' five towns wants to take a CVTE course, that town might have to pay \$26,000 per student per course — "an enormous liability," she stated.

Ms. Prashker noted that the planning board's finance subcommittee is considering having Berkshire Hills' towns pay 90% of the school's anticipated \$90 million cost, which would be reduced with an extra grant

Getting Your Emails?

THE NEWSletter usually sends five or six emails a week. If that volume drops — and especially if you don't receive one with meetings for the week ahead — please tell thenewsletter@gmail.com.

More people seem to be coming off the list without their knowledge or mine with this carrier than with the previous one. So please check. Don't assume all is fine.

expected from the School Building Authority because of the merger.

Also proposed is that in 2032, when Southern Berkshire finishes paying off a loan for renovation to Mount Everett Regional School, the five towns' payments would increase to 15%, with Berkshire Hills' towns' reduced to 85%.

The finance subcommittee is also considering a "safety valve" intended to keep any town's costs from increasing above a certain amount. Great Barrington Finance Committee members suggested it also be used for lowered assessments.

SBRSD Teachers Would Get Pay Hike

Berkshire Hills pays its teachers more than Southern Berkshire does, so a merger would use the higher salary scale. That would add about \$300,000 a year to the operating budget, Ms. Prashker noted.

Save More Than Million a Year

However, she said, annual savings of \$1.2 million to \$1.8 million is estimated for operating costs by rebalancing classroom sizes, primarily in the high school, and economies of scale, such as having only one principal, one head of grounds, one business manager..

How the towns might handle retirement packages and payments should be studied, Ms. Cerna noted.

In related 8-Town news, state Sen. Paul Mark has requested that as an amendment to

(NEWS continues on page 4)

For Clean-Heat Comfort

JOHN B. HULL, INC.

100 Main St. Great Barrington, MA

413-528-2800

READERS: To avoid the appearance of conflict of interest, I do not report on the Great Barrington Housing Authority or send its minutes as I am an elected member of its board. -EWM



Fairview Hospital
291 Lewis Avenue, Great Barrington, MA 01230



Destination: Better Health!

Free Health Programs at Fairview Hospital

The road to better health is a journey, not a sprint!

Join Fairview Hospital for a week of health education and opportunities to better understand serious health issues facing our community. All programs are offered at no charge and take place outside under a tent on the hospital grounds.

Pre-registration is requested.
Please call (413) 854-9609.

TUESDAY, JUNE 13, 4:30 P.M.

Stop Bone Loss to Prevent a Break!

Presented by Pier Boutin, MD, Fairview Orthopaedic & Sports Medicine Center

WEDNESDAY, JUNE 14, 3:30 P.M.

Love Your Heart: How to Care for It

Presented by Cardiac Rehab

WEDNESDAY, JUNE 14, 4:30 P.M.

Take Control of Diabetes and Pre-Diabetic Health

Presented by Lauren Whitney, Diabetes Educator, and Robert Hoechstler, RD, Nutritionist

THURSDAY, JUNE 15, 12:00 NOON

Talk Saves Lives

Presented by Berkshire Suicide Prevention

THURSDAY, JUNE 15, 4:30 P.M.

Women's Health: New Conversations about Menopause

Presented by Andrew Beckwith, MD, CHP/Barrington OBGYN

FRIDAY, JUNE 16, 12:00 -1 P.M.

Learn How to Save a Life: Naxolone Training

The Berkshire Harm Reduction van will be at Fairview from 10:00-3:00 p.m.

Presented by Berkshire Harm Reduction

FRIDAY, JUNE 16, 3:00 P.M.

Community Health Improvement Plan:

Get Involved in South County

Presented by Southern Berkshire Rural Health Network

MONDAY, JUNE 19, 1:00 P.M.

The Good Posture-Good Health Connection

Presented by Fairview's Rehabilitation Dept. Physical and Occupational Therapy

MONDAY, JUNE 19 4:00 P.M.

Bringing Wellness Into Your Life

Rich Berry, RN, MS Fairview Hospital Life Enhancement Program

TUESDAY, JUNE 20, 9:00 A.M.-5:00 P.M.

Mental Health First Aid Training for Frontline Workers

Presented by Chase Giroux, Clinical & Support Options

This program is co-sponsored with Southern Berkshire Chamber of Commerce and Southern Berkshire Rural Health Network.



Berkshire Health Systems

More 8-Town; CVTE; New Principal for Du Bois

to the Senate budget, the new district receive state aid of \$250,000 to help it get going.

This seems unlikely to pass until "the districts actually approve the merger, but the conversation to support that merger with some state assistance has begun," he wrote THE NEWSletter.

This would be the first merger of regional school districts in the state.

AT THE 8-TOWN planning board's **finance subcommittee meeting** May 26, Ms. Prashker described the meeting with the Finance Committee as "very positive" and the five members as "very attentive."

Most of the subcommittee's 90-minute meeting was spent hearing board member Jon Sylbert of Monterey present revenue information for each of the eight towns. He was "introducing new information," Mr. Sylbert said when Mr. White of Stockbridge asked why that was the subcommittee's business.

Mr. Sylbert asked why Mount Everett's present capital debt — \$344,750 a year — would not be spread among the eight towns.

Because it's our debt, subcommittee chairman Nadine Hawver of Sheffield told him. It was noted that the district would continue to own the building, it which now has grades 7 through 12. Only grades 9-12 would move to a new school.

Don Coburn, also of Monterey, moved that the financial split stay at 90% Berkshire Hills towns, 10% Southern Berkshire for all debts, including Mount Everett and the new school. However, there was no second.

The justification for not going to 15% is that including Southern Berkshire in the new school means more state aid, Mr. Coburn said.

Tax rate, not revenue, needs to be considered, Ms. Prashker said. She provided a slide showing that. It's reproduced on page 5.



402 Park Street
P.O. Box 547
Housatonic, MA 01236
housatonicrealestate.com
413.274.5065

THE BERKSHIRE HILLS REGIONAL SCHOOL COMMITTEE'S May 18 meeting began with a presentation by Michele Phillips and Matt Pilarski of **educational visioning** results gathered after meeting with residents and students of the Berkshire Hills and Southern Berkshire regional school districts.

The slide presentation is on the 8-Towns website at **8towns.org** and is part of the packet for the May 18 meeting on the Berkshire Hills website, **bhrsd.org**. Two slides from their presentation are reproduced elsewhere on this page.

A COMMITTEE IS CONSIDERING increasing Monument's career-vocational technical-education, or CVTE.

The state Department of Elementary and Secondary Education, or DESE, is being asked to approve more programs and career pathways.

During a May 2 meeting, Keith Wright, assistant principal for CVTE described for the CVTE General Advisory Committee what is happening in programs now offered.

All students should plan for careers, and attending college is not a career plan, observed Kat Toomey of MassHire Berkshire Workforce.

Students should consider a broad spectrum of options, not just one specific career, she said.

Biggest Obstacle Is Transportation

The biggest CVTE obstacle is transportation, followed by scheduling, members seemed to agree. Finding opportunities is not so difficult, they indicated.

(Anyone who would like Mr. Wright's very complete minutes from the meeting could email him or **the-newsltr@gmail.com**.)

W.E.B. DU BOIS REGIONAL MIDDLE SCHOOL will have a **new principal** starting July 1.

District superintendent Peter Dillon has named **Miles Wheat** to succeed Ben Doren, who resigned. Mr. Wheat has been assistant principal since 2016.

Before that, he had been assistant principal of grades 6-12 since 2014 at BART Charter School in Adams. He taught science there from 2009 to 2014.

He graduated from Susquehanna University with a science degree in 2001 and received a master's of science from Lesley University in 2007.

"I am an experienced, progressive school administrator looking for the chance to lead a school community committed to growing students academic competencies and social emotional skills," he wrote in his resume.

(NEWS continues on page 5)

Shown here are two slides from presentations to the 8-Town Regional School District Planning Board's educational quality subcommittee and the May 18 meeting of the Berkshire Hills Regional School Committee.

The entire presentation is at **8towns.org** and **bhrsd.org**.

DESIGN PRIORITIES

Expanded **enrichment experiences** that promote identity development and school culture resulting in the building of students' competitive resumes.

What it means

- Robust extra-curricular activities including expanded offerings for clubs, athletic teams, the Arts
- Activities that build community within the school and the Berkshire community at large

Enrichment Experiences

DESIGN PRIORITIES

A vision of a graduate rooted in **21st-century skills, competencies, and technology**.

What it means

- Preparing students for the future (citizenship and future workforce)
- Teaching towards vision of a graduate that is forward thinking and prepares students with the skills they need to be successful beyond high school (work, college, life)
 - Critical thinking | Problem-solving | Lifelong learning | Leadership
 - Communication (written, oral, literacy)
 - STEM
 - Cultural Competence/Global citizenry/Civic Engagement

21st Century Skills

Who Drew Swastika at MMRHS?

Mr. Wheat will be paid \$111,000 a year.

Ms. Rizzo Succeeds Mr. Wheat

Succeeding Mr. Wheat as vice principal is **Ellen Rizzo**, who has been a special education teacher at Du Bois since 2017.

She also will start July 1. Her salary will be \$82,000.

Before coming to this school district, she was with Hillcrest Educational Centers, where she was named Staff of the Year in 2013.

Ms. Rizzo received a degree in science in 2011 from Springfield College with a major in rehabilitation and disability studies and a minor in psychology. In 2017, she received a master's of science from Westfield State University with a major in special-education moderate disabilities.

She also received a graduate certificate from Massachusetts College of Liberal Arts' leadership academy in 2022.

She is an assistant girls' basketball coach at Lenox Memorial Middle and High School and president of the Lenox Youth Basketball Association, according to her resume.

9 Seek Principal's Position

Nine people applied for the principal's position and seven for the vice principal's, Mr. Dillon said. A search committee of 16 helped him with the selection.

GREAT BARRINGTON POLICE are "investigating what a student described as "extremely racist" words written on a Monument Mountain Regional High School bathroom wall one week, followed by swastikas the next week.

Police Chief Paul Storti told THE NEWSletter that Sergeant Christopher Peebles, "one of my best investigators," is working on this.

"These are tough cases to process. However, it is important that the community knows these hateful incidents will not be tolerated and have no place in society," Chief Storti wrote.

Madeline Hardy, a student representative to the Berkshire Hills Regional School Committee, told the committee about the incidents at

the May 18 meeting. Her report and the response by administrators and school committee members starts at the :48 minute point on the recording on [ctsbtv.org](https://www.ctsbtv.org).

Dillon: 'Two Incidents of Hate'

In a statement issued the next day, school district superintendent Peter Dillon declared in part:

"In the past two weeks, our school community has experienced two incidents of hate speech. One on social media that was racist and body shaming and one in the form of a swastika as graffiti on a bathroom stall.

"We documented the latter and a custodian removed it.

"We are in the process of investigating both incidents and reviewing digital footage outside of the bathroom.

"We are also working with the Great Barrington Police and they are investigating the incidents as well.

"We condemn these actions and we will not tolerate hate speech in any form directed at any group.

"We will continue to invest time and energy in building a thoughtful and compassionate community.

"We are working in partnership with faith based and community organizations. We are working to support our students, families and staff."

This is happening all over Berkshire County and all over the country, he noted, at the school committee meeting, adding that he feels "if this happened five, 10 years ago, there would be outrage but people really are fed up with this kind of stuff and standing up to it in a way that we haven't previously seen."

Monument principal Kristina Farina "quickly got out very clear messaging about it's not OK and we're not going to tolerate this and young people are talking about it and hopefully families are talking about it," he continued.

The schools are "building a healthy community" with assemblies and, specifically, anti-racist training and other things," he said.

(NEWS continues on page 6)

Below is the list of tax rates for the eight towns that will vote, perhaps in October, to merge into one school district. Lucy Prashker, chairman of the 8-Town Regional School District Planning Board, prepared the list and showed it at the May 26 finance subcommittee meeting. Story is on page 4.

Town	Tax Rate (2023)	Average Single Family Tax Bill (2023)*	Median Home Value (2021)*	Per Capita Income (2021)*
1 Alford	\$5.00	\$4,226	\$682,600	\$71.2K
3 Monterey	\$6.09	\$3,995	\$460,700	\$77K
4 Egremont	\$7.00	\$4,853	\$397,800	\$51.2K
5 Stockbridge	\$8.14	\$5,671	\$496,100	\$44.8K
6 New Marlborough	\$8.37	\$4,449	\$372,600	\$45.8K
7 West Stockbridge	\$10.31	\$5,923	\$345,500	\$48.7K
8 Sheffield	\$11.52	\$5,173	\$337,400	\$59.5K
9 Great Barrington	\$14.07	\$7,048	\$379,980	\$41.6K
10				
11 *Berkshire Benchmarks				
12				

Rest of River Committee, Health Board, OML And All Board Agendas

During its May 4 meeting the Board of Health was asked to weigh in on the proposed PCB dump site in Lee, part of the Housatonic Rest of River clean-up plan.

Board chairman Michael Lanoue said he will learn whether the board has any role and what it could do.

Information about the plan, including documents and minutes of the Rest of River Municipal Committee, is on the Selectboard page on the town website.

Chris Rembold, assistant town manager and planning director, represents the town on the Rest of River Committee with town manager Mark Pruhenski as an alternate. Mr. Rembold said the selectmen get reports during strategic planning meetings.

RofR Committee Violates OML

The municipal committee, was formed in 2013 through an intergovernmental agreement between Great Barrington, Lee, Lenox, Pittsfield, Sheffield and Stockbridge "to advocate common Housatonic River cleanup goals stemming from the General Electric Company's contamination of a portion of the Housatonic River with polychlorinated biphenyls ("PCBs")..."

That's quoted from the May 19 decision of the Attorney General's Division of Open Government that the committee violated the state's Open Meeting Law when it listed "Approval of Expenditure of Funds" as an agenda item.

That was insufficient as "The topic that was anticipated for discussion, more specifically, was approval of the expenditure of funds for legal counsel to prepare for and participate in oral argument in support of the EPA's order, and thus effectively constituted approval for legal counsel to continue to advocate a particular position in the Rest of River Cleanup Litigation."

"On numerous occasions we have explained and illustrated that a notice topic must include sufficient specificity to reasonably advise the public of the issues to be discussed," wrote Assistant Attorney General Carrie Benediton. (I boldfaced to call attention to this.)

She directed the committee to redo its agenda listing, discussion and action.

Why Mention This?

Since I've been accused of being a zealot about the Open Meeting Law, I'm cheerfully taking this opportunity to spread the decision as important and appropriate for all town boards. Some are better at this than others. A few are not very good at all.

-Eileen W. Mooney

Library Director Resigns; Grant Sought for Ramsdell

Committee member Bill Vogt of Stockbridge asked what happens if someone is caught.

State law entitles students to an education, Ms. Farina told him. It's hard to expel someone "short of a felony" but a person can be suspended for a long time, Mr. Dillon said.

We have to make an example, Mr. Vogt stated. Mr. Dillon suggested drafting a policy.

Diane Singer, a Great Barrington committee member, noted this is not the first time this has happened and asked what is being done for the person who was targeted.

Social workers, counselors and others are available to help, Mr. Dillon told her.

Police were notified of the swastika incident May 19, the day after the school committee meeting.

D.A. Also Issues Statement

A similar incident was reported in the Lenox school system.

Berkshire County District Attorney Timothy Shugrue's issued a statement May 19 calling the incidents "hate crimes" and offensive and hurtful. We won't tolerate individuals creating an atmosphere of intimidation and exclusion in our schools or our Berkshire Community."

* * *

**Real Estate
To Buy or Sell?**

Tom Doyle
scarnaghtom@gmail.com
Cell: 646-438-1329

Licensed in Massachusetts,
New York and South Carolina.

Received Berkshire Realtor's
Good Neighbor Award in 2020

**Bishop West
Real Estate Inc.**
Massachusetts, New York,
Florida, Vermont

**Dunes Real Estate
Hillton Head, S.C.**

LIBRARY DIRECTOR Samara Klein, announced as part of her report May 17 that **assistant librarian Talya Leodari is leaving** June 23 to be curator of the Stockbridge Museum.

Then Ms. Klein, appointed last summer, told the trustees that **she too is resigning**.

She said she feels she is "not the right fit" for the position as director. She did not further explain.

The trustees seemed unanimous in asking her to reconsider.

At the Selectboard's May 22 meeting, town manager Mark Pruhenski said both library positions will be advertised.

Letter of Interest for Ramsdell

He earlier had said he was not submitting a request by the trustees for a state library grant to renovate Ramsdell Library because necessary funds have not been allocated and the library has already been rejected.

However, he told THE NEWSletter that he agreed to submit the letter of intent on the condition that the library trustees "drive the process going forward."

During the May 19 trustees' meeting, however, Ms. Klein said she will not be able to attend a meeting for grant applicants.

A May 1 email from the Board of Library Commissioners' building specialist requires that the library director or a senior staff member and a municipal official with planning and/or financial decision-making authority for capital projects must attend an application workshop.

(NOTE: Mr. Hollenbeck said the town was well represented, with a library staff person, Mr. Pruhenski, and several trustees.)

Ms. Klein has expressed concerns about an application. A required strategic plan and long-range plan must be provided, plus about \$150,000 allocated for planning, but that has not been done, she explained when asked by trustee Carol McGlinchey.

Also, she said, the library applied unsuccessfully twice before.

Ms. Leodari noted that the submission is due by October, the library has no funds for consultants and logistics will be difficult as a new director and assistant director will be adjusting to their roles.

Mr. Hollenbeck said the library has not previously applied. Community Preservation Act funds should be available and he will start a foundation to raise the necessary funds.

Long-Range Plan Exists

Also, he said, the town has a long-range plan that expired a year ago. That plan is dated Sept. 26, 2016, and goes to 2021. It is 18 pages and includes results of a survey seeking library users' thoughts on Mason and Ramsdell libraries.

The plan states that Ramsdell's handicapped accessibility be improved and "If funding is limited, consider a partnership with private non-profit agencies."

Either Ramsdell or the Housatonic Community Center could be used for senior services, the plan suggests.

The library director was to update the trustees each fall on the plan's progress and develop a new action plan for the following fiscal year (July-June). That action plan was to be submitted to the MBLC by Dec. 1 each year.

Another Plan in 2018

Kimberly Bolan and Associates prepared a "Program and Facility Vision" of Ramsdell in June 2018.

In 2019, Public Archaeology Laboratory conducted a state-required "cultural resources Due Diligence file review and Archaeological Assessment."

'Can't Walk Away from \$4 Million'

The town can't walk away from a \$4 million grant, Mr. Hollenbeck stated at the May 17 meeting.

Ms. McGlinchey asked how those funds would be used. That will have to be explained in the application, Mr. Hollenbeck told her.

Trustee Lauren Clark said she is "passionate" about saving Ramsdell.

Ramsdell Opened in 1908

Ramsdell, on Main Street, Housatonic, opened in 1908. The family of Theodore G. Ramsdell, owner of Monument Mills, gave \$25,000 for the library, built at a total cost of \$40,000.

It is on the site of the first house in Housatonic, built in 1804 and is on the National Register of Historic Places.

It is not handicapped accessible but a ramp is expected to be constructed this year.

5,031 People Visit Mason in April

According to Ms. Klein's monthly report, 7,333 items were circulated in April at Mason Library and 5,031 people visited it.

Ramsdell's circulation in April was 1,022 items and 332 people visited.

Board Seeks Disposal Policy

As reported in the last NEWSletter, library trustees have returned artifacts to the Stockbridge-Munsee Tribe. That led the town **Historic Commission** to ask the Selectboard to adopt a policy "requiring Historical Commission approval for the disposal of any Town historical assets."

During the commission's March 6 meeting, "concern was expressed about paintings and other artwork that adorn Mason Library. Much of the artwork was loaned to the Library by the Historical Commission and the Great Barrington Historical Society. Such a policy as we recommend would ensure that the Town's historical artifacts such as these have a proper historical review prior to their disposal," chairman Malcolm Fick wrote.

"You're the experts so bring us what you want," Selectboard chairman Steve Bannon told him May 10. Mr. Fick said the Historical Commission will do that.

(NEWS continues on page 7)



It's your
community.

watch

Now featuring these programs and so much more!

ctsbtv.org

CTSB Channel



**Solo Creative:
Michael Lesko**

CABLE: **1301** PUBLIC CHANNEL
ONLINE: **SCAN QR CODE**



**Sunday in the Park:
Tere Luna Romantica**

CABLE: **1301** PUBLIC CHANNEL
ONLINE: **SCAN QR CODE**



**Boys Soccer
Lenox vs PHS**

CABLE: **1302** EDUCATION CHANNEL
ONLINE: **SCAN QR CODE**



**MMTV
Monument Mountain**

CABLE: **1302** EDUCATION CHANNEL
ONLINE: **SCAN QR CODE**



**Lee
Town Meeting**

CABLE: **1303** GOVERNMENT CHANNEL
ONLINE: **SCAN QR CODE**



**Gt Barrington
Planning Board**

CABLE: **1303** GOVERNMENT CHANNEL
ONLINE: **SCAN QR CODE**



Health Board, Tree Committee, HWW, More

THE BOARD OF HEALTH at its May 4 meeting continued to **June 1** at 6:30 p.m. a **public hearing on a regulation banning glyphosate from being used on town properties and an amendment to the local regulation restricting the sale of tobacco products.**

Jim Walusz, director of the Tri-Town Health Department for Lee, Lenox and Stockbridge, told the local board that some towns are not allowing flavored blunt wraps or rolling papers to be sold when flavored hemp and tobacco are not allowed.

Proposed regulations would also limit the proximity of permits to sell tobacco.

The draft regulations are on the health department's page on the town website, **townofgb.org**. The glyphosate draft is under "News and Regulations." The tobacco draft is under "Agendas" in the packet for the May 4 meeting.

During that meeting, Dr. Ruby Chang, re-elected in May to another term on the board, suggested that land owners be required to post notices if they use glyphosates. Board chairman Michael Lanoue said he will explore if the board can require that.

Composting at Recycling Center

Dr. Chang also said she visited the Sheffield recycling center and wants something similar to its composting operation.

To avoid attracting bears, food waste is hauled away whenever the center is open, she said. The state Department of Environmental Protection might have grants to establish this, she thought.

She suggested forming a green council, similar to the now-ended Strategic Sustainability and Livability Committee.

Michael Lanoue said he wants to think about having another group.

THE TREE COMMITTEE has three new members.

They are Natasha Perlis of Castle Street, Robert Beusman Houston of Humphrey Street; and Brooke Davida, also of Humphrey Street.

Committee's Primary Objective

At the committee's May 10 meeting, members agreed their primary objective is to restore and expand Great Barrington's tree canopy in residential neighborhoods and along commercial stretches such as Stockbridge Road, chairman Julie Anidjar told THE NEWSletter.

The next meeting is **June 14** at 5 p.m. by Zoom and at Mason Library. Department of Public Works superintendent Joe Aberdale has been asked to attend.

Members also expect to consider memorial trees and donations.

THE SELECTBOARD WILL MEET again soon in executive session to discuss **Housatonic Water Works**, town manager Pruhenski said at the May 22 meeting.

The board has sent correspondence to HWW but the water company has not replied, chairman Bannon said when THE NEWSletter asked about this during the meeting.

THE NEWSletter has sent a public records request for that correspondence. The town has until **June 3** to provide it, explain why it is not available to the public, or request an extension.

DEP: Sample Exceeds HAA5 MCL

Meanwhile, the state Department of Environmental Protection wrote HWW treasurer Jim Mercer that results of a test at a 314 North Plain Road sampling location "exceeded the MCL for HAA5 ..."

Mr. Mercer owns the company with his father, Frederick Mercer, its president.

The letter is reproduced in this NEWSletter.

According to the town's Jan. 1, 2022, Street List, 314 North Plain Road is the residence of Frederick J. Mercer.

Also During May 10 Meeting

During the Selectboard's May 10 reorganizational meeting, Mr. Bannon was chosen again as chairman with Leigh Davis again selected as vice chairman.

Eric Gabriel read a brief statement thanking Ed Abrahams for his nine years on the board and welcoming Ben Elliott "to the team." Complete election results are reproduced in this NEWSletter.

"I'm excited for this next year of work we have in front of the five of us. I know we won't always agree on every topic But I'm confident that we will negotiate and compromise our way to the right outcome for our community," Mr. Gabriel said.

BUILDING INSPECTOR ED MAY is retiring effective **Aug. 18**, Mr. Pruhenski reported at the May 22 Selectboard meeting.

Mr. May, who is also the town's zoning enforcement officer, has been here since 2007.

His position will be advertised, Mr. Pruhenski said.

A NEW LAKE MANSFIELD ROAD is a step closer to completion as the Conservation Commission on May 24 granted a permit for its conversion to a multi-use pathway.

The permit also covers improvements to the adjacent parking and recreation area.

As now designed, the impact on banks of the lake is down "considerably." The biggest changes are added culverts, assistant town manager and planning director Chris Rembold said.

He told THE NEWSletter that if bids go out this summer and one is accepted, work could start this fall or winter.

Clerk's Corner

By Town Clerk Jennifer Messina and
Asst. Town Clerk Katherine Couch

The Annual Town Meeting had 288 voters in attendance and the Annual Town Election had 950 voters cast their ballots. Congratulations to all the nominees who were elected or re-elected!

Transfer Station

The Transfer Station is located at 601 Stockbridge Road (Route 7) across from Monument Mountain Regional High School.

It is open Fridays 8 a.m. to 3 p.m., Saturdays 7 a.m. to 3 p.m., and Sundays 10 a.m. to 3 p.m.

All stickers and permits are sold only through the Town Clerk's Office.

Residents and property owners can obtain an annual sticker to use the transfer station.

There are two types of annual stickers.

The \$350 sticker allows you to throw away unlimited bags of household trash and includes recycling of paper, plastic and metal items.

If you purchase the \$40 sticker, you will need to purchase a "bag tag" to go on your individual bags of trash.

If you have a large trash bag (33 gallon) you would purchase a "bag tag" for \$3.25.

If you have a kitchen trash bag (13 gallon), you would purchase a "bag tag" for \$1.50.

This annual sticker also includes recycling of paper, plastic and metal items.

Regardless of which annual sticker you purchase, you will need to purchase a disposal permit for any "bulky items" such as chairs, mattresses, etc. that you want to dispose.

The fee schedule can be found on the Town's website at Recycling/Trash Fees | Great Barrington (**townofgb.org**).

The current annual stickers will expire on June 30th and the new stickers for the upcoming year are available for purchase starting Monday, June 12th, in person, by mail or online at **townofgb.org**. If ordering online, look for the green box on the left hand side of the main page and follow the link.

The office is open daily from 8:30 a.m. to 4 p.m. We close for lunch from 1 to 1:30 p.m.

You can reach us at (413) 528-1619, 2 then 1. If we don't answer, please leave a message — we **will** call you back.

Best,
Jenn and Kathy



THE NEWSletter makes a great gift
for new and former neighbors!

(NEWS continues on page 8)

Conservation, Agricultural Commissions and More

Also during their meeting, Conservation Commission members approved **Berkshire Mountain Bakery's** plan to replace its gravel parking area with paving at 367 Park St.

A "no mow" area must be maintained near the river, commissioners said.

The **Housatonic Railroad's** engineering firm, TEC Associates, presented wetland delineations along the railroad's right of way in Great Barrington. Commissioners viewed the area before the meeting.

Because of two new wells between Hemlock Hill and VanDeusenville roads, added no-spray areas have been established.

Massachusetts Electric Co. was given permission to install utility poles between 33 and 40 Blue Hill Road.

A request by the **Eisner Camp** at 53 Brookside Road to mechanically hydro-rake to manager nuisance aquatic vegetation in the camp pond was continued to the commission's next meeting on **June 28** at 6:30 p.m.

Tyler Langlois was given a certificate of compliance for planting replacement trees at **235 Monument Valley Road**. The work was a condition under a Scenic Mountains Act permit.

WPA Protects Green River

Commissioners told Jonathan Hankin that a requirement in the town's Conservation Commission that "Land area within a five-hundred-foot distance of the Green River upstream of the water supply gallery" is subject to protection under the Wetlands Protection Act (Town Code 217-14.1-E) should no longer apply.

The commission deleted that requirement at last year's town meeting, he said.

"No," stated chairman Kate Van Olst. "This is existing Great Barrington law."

Other members agreed. Sentences referring to Green River and other water bodies were removed in a revision of the Floodplain Overlay District but, members said, there was never any intent to remove the WPA's 500-foot protection.

'Folks With Pitchforks'

If we changed that, we'd see "folks with pitchforks coming down the street for us," member Tom Ferris observed.

The commission "is taking away property rights," Mr. Hankin stated.

"Go through the process," Ms. Van Olst told him.

Actions Taken at April Meeting

During their April 26 meeting, commissioners agreed that property at 551 **Long Pond Road** has a perennial stream so a Notice of Intent must be submitted before a pool-side deck may be replaced and modified.

They issued a Notice of Intent with standard conditions for construction of a single-family house with garage and driveway in the buffer zone of an intermittent stream at **6 Omega Road**.

They said Ed Rogers may build a one-story addition on 196 square feet at **15 Cottage St.**, replace 180 square feet of asphalt drive with grass and replace sidewalk.

Resurfacing and related work from the Stockbridge-Great Barrington **town line to the intersection of Routes 183 and 7** is within the exiting layout of Route 7, they agreed.

The state Department of Transportation's highway division will do the work, which will take about a month. No starting date has been scheduled.

Commission Still Has Vacancy

The commission still has a vacancy. Anyone interested could email or call the agent, Shepley Evans, at conservation@townofgb.org.

THE SELECTBOARD has appointed two new members to the **Agricultural Commission**.

Christopher Wiltshire of South Street wrote in his application that he recently helped plant 100 chestnut trees with Berkshire Agricultural Ventures and North Plain Farm "to create food abundance in our area, as well as create a model of silvopasture on local farms."

He has permaculture certification focused on land design and integrating food systems. For the last six years, he has been responsible for Railroad Street Youth Project's fruit and vegetable garden, he wrote.

Mr. Wiltshire also is landcare director at Flying Deer Nature Center and has been part of its conservation and ecology-oriented education for the last five years.

Also named is **Devan Arnold** of Park Street, a former commissioner who more recently has been a volunteer advisor.

Mr. Arnold graduated from Prescott College in 2011 and a master's degree in ecological design and planning in 2017 from Conway School.

his master's degree in ecological design and planning in 2017 from the Conway School.

He started Sassafras Land Care LLC, an ecological land-care company in Great Barrington. He designed and installed the pollinator garden outside Mason Library and the native pollinator underplantings for Main Street tree planters. However, he noted in his application letter, the company that did planting and maintenance did not follow his plan.

Mr. Arnold is on the board of Great Barrington Land Conservancy, which installed a pollinator supportive habitat planting at the base of Knob Hill across from the Lake Mansfield boat launch, he wrote.

Other commissioners are Vivian Orłowski, Krycia Kurzyca, and Andrea Panaritis. Ambrose Clausen is the alternate member.

The commission's last meeting was Feb. 24 and the last minutes posted on its website page are for the meeting of Aug. 21, 2018.

WANT TO OPT OUT of having solicitors visit your property? The Police Department has an **opt-out form** to complete.

Then, when solicitors notify the department they are going door-to-door, they will be advised not to visit your address. No other personal information will be provided, Chief Paul Storti told the Selectboard May 10.

The form is under "forms" on the police page on the town website, townofgb.org.

AT THE PLANNING BOARD'S meeting May 11 meeting, associate member Jackie Kain suggested a **different approach to housing concerns**.

She came here from Los Angeles, where "at the Armand Hammer Museum, the "housing crisis was discussed in a way that was not political," Kim Shaw's minutes report.

A different topic would be discussed each month. Ms. Kain "said it brought in people to talk about the housing topics in an interested way," the minutes state.

Board members commented that "there could be more discussion about housing as a separate topic than zoning and perhaps a way to start the update for the Master Plan.

Meet With Selectboard in June

Brandee Nelson said this could be part of a joint meeting with the Selectboard, which she will try to schedule for a June date.

Member Jeremy Higa said the Master Plan could be a mechanism to update the Complete Streets Plan and suggested a committee do this.

Chris Rembold, assistant town manager and planning director, said the board could tackle the Open Space and Recreation Plan.

Jonathan Hankin said someone from the Planning Board needs to be on the Affordable Housing Trust Fund board.

"Ms. Nelson said maybe the topic could be part of joint meeting with the Selectboard," the minutes state.

Ms. Nelson was chosen again as chairman. Pedro Pachano continues as vice chairman.

How To Reach State Senator, Representative

STATE SEN. PAUL MARK has office hours in the Great Barrington Town Hall the first and third Monday of the month from 9 a.m. to noon.

His district office is at 773 Tyler St., Pittsfield. Telephone number is 413-464-5635 there and 617-722-1625 at the State House in Boston.

His constituent services director, Casey Pease, is at casey.pease@masenate.gov.

STATE REP. SMITTY PIGNATELLI does not have office hours but his email is rep.smitty@mahouse.gov.

His district office number is 413-637-0631 and the State House number is 617-722-2692.

Staff director Julia Murphy is at julia.murphy@mahouse.gov and legislative aide Trey McNinch, is rob-ert.mcninch@mahouse.gov.

The office is open from 9 a.m. to 5 p.m. weekdays.

Town Meeting: A Recap of 2022

AT THE BEGINNING of Great Barrington's 262nd annual town meeting on May 1 at 6 p.m., Selectboard chairman Steve Bannon read the Mohican Pledge as a reminder that this is the traditional land of the Mohican People, and asserting that townspeople will:

"[U]nderstand the history and traditions of those who cared for it before us, and to learn from the successes and failures of preceding generations, in the pursuit of a more just, equal Great Barrington."

Town manager Mark Pruhenski thanked Dr. Ron Majdalany, who is retiring from the Zoning Board of Appeals after 36 years. Dr. Majdalany also was on the Board of Health for 27 years.

Then moderator Michael Wise began the official meeting, with 288 voters present.

What follows is a very brief account. A description of the articles was in the last NEWSletter; anyone who wants that could write thenewsletter@gmail.com.

More information also is in the meeting's minutes, written by town clerk Jennifer Messina and available on the town clerk's website page at townofgb.org/town-clerk.

Where To Watch Town Meeting

A tape of the meeting is on CTSB's government page at ctsbvtv.org and in the video archives on the Selectboard's website page.

Articles 1 and 2 passed with no discussion. Some questions were asked about items in Article 3 — the operating budget.

Operating Budget Increased

Julie Anidjar, Tree Committee chairman, asked that \$20,000 be added for trees. This is a "critical issue," she said. Money is needed to buy trees. Voters agreed.

Voters also added \$21,000 to Veterans Affairs, as Richard Zucco requested.

A total of \$8,159,100 in capital items passed 232 to 17 on a secret ballot vote. Voters again had questions but no opposition was expressed.

Using free cash received under host community agreements with marijuana establishments community for community programs, the budget, capital items and funds for sewer lines for the wastewater treatment plant all passed unanimously.

School Appropriation Passes

The \$20,333,733 for operating and capital assessments for the Berkshire Hills Regional School District passed unanimously, in seven minutes, with no questions or comments. That time included a presentation by district superintendent Peter Dillon.

The next seven articles, all about finances, passed, mostly unanimously.

Jim Santos, president of the Southern Berkshire Ambulance Squad, explained that towns are being asked for funding help because insurance reimbursement no longer meets financial needs. Voters approved the \$151,294.

..In "under a minute," moderator Wise observed, voters appropriated \$175,000 for the Affordable Housing Trust Fund with no questions or comments.

Voting unanimously approved the next four articles, including operating funds for the Community Preservation Committee.

Then, with Article 26, Community Preservation grants, unanimity ended.

Voters Oppose Alander Funds

Why is the CPC recommending \$250,000 for the for-profit Alander Group for housing at 322 Main St.? Andrew Mankin asked.

That's extortion, someone else stated.

The funds are intended to keep two apartments affordable for 10 years. That should be in perpetuity, stated selectman Leigh Davis, who also is development director of Construct. Developers should be required to do this, said Jennifer Clark, who favored the funding.

Tenants might have to leave after 10 years, when the agreement ends, others said. The agreement can be renegotiated, it was explained.

Eighteen people spoke, including Alander principal Ian Rasch. He did not convince enough people. On a show of cards, the motion to provide the funds failed by 69 in favor to 146 opposed.

The second funding request for Alander, for \$150,000 for historic preservation of 322 Main St., also failed.

Ms. Clark and Ms. Davis both opposed that funding. Planning Board member and Historic Commission chairman Malcolm Fick said the building is a gateway into town and preservation is important.

The motion failed on a show of cards. No count by tellers was needed.

Discussion About Cove

Approving \$50,000 for BAB Capital 77 LLC for preservation of The Cove bowling alley also caused discussion.

Craig Barnum of BAB explained the funds would provide a fire suppression system.

About three people spoke for it, three opposed. Voters agreed they'd miss the bowling alley if it closed. They voted the funds on a show of cards.

All other projects recommended by the CPC passed with little if any comment.

Following articles also passed, including zoning bylaw changes that require a two-thirds vote.

Anne Alquist unsuccessfully sought to make affordable-housing units referred to in Article 35 in perpetuity rather than for 20 years but her motion failed, 63 yes to 103 no. Sharon Gregory sought to postpone the article but her motion failed on a voice vote.

Ten other people spoke on the article, which allows nine or more units to be built without a special permit if 10% or more would be affordable. I spoke against dropping the special permit requirement.

Improving Meeting, Advance Coverage

After the meeting, THE NEWSletter asked readers how its advance coverage of town meeting could improve.

Readers suggested that more people presenting citizens' petitions explain their reasons so those opposed might respond, establishing a dialogue.

Others suggested defining basic terms such as "free cash" and "stabilization fund." THE NEWSletter will do this by reproducing the definitions included with information provided when the budget is presented to the Selectboard and Finance Committee.

Writers also suggested providing links to recorded budget discussions by those boards. This also will be done.

How Could Town Meeting Improve?

A couple of people suggested a later start. Others suggested stopping earlier.

Going past 10 p.m. isn't fair to people who need to get up early for work or children, they said.

Both suggestions might be suggested next year as citizens' petitions to see whether town meeting agrees.

A writer suggested reviving the public "mini-town meetings" at which articles were reviewed before the actual town meeting.

This might answer questions asked at town meeting, thus speeding it up, she said.

Planning Board members Pedro Pachano, who had proposed the article, Jeremy Higa and Mr. Fick spoke for it, as did assistant town manager and planning director Chris Rembold.

The article passed, 108 to 52.

Article 36, changing the zoning map on Silver Street, was passed over.

Ten people spoke on Article 38, a citizen's petition to require an FCC environmental review before a wireless telecommunication facility may be approved. The petition was approved by the required two-thirds vote, 115 yes to 42 no, on a vote count.

It was then 10:10 p.m. and people were leaving.

The citizens' petition to alter the short-term rental bylaw to enable long-term tenants to do this if the landlord approves passed by two votes — 78-76 — after 10 people spoke for and against it.

The next article — to prevent monitoring of the short-term rental bylaw — failed. The town clerk's minutes don't give a count but my notes state "fails overwhelmingly."

Final Article on Housatonic Water

Carol Diehl amended the final article by substituting "acquire" for "purchase" of the Housatonic Water Works Company and including that the town should "act immediately."

The amended motion, advisory only, passed at 10:49 p.m. Seconds later, town meeting adjourned.

Police Report for April

Great Barrington police can be reached by calling 911 for an emergency or 528-0306.

The department's website is greatbarringtonpolice.com and its Facebook page is www.facebook.com/GBPDMA/

Police at 911 handle ambulance dispatch. The police station is at 465 South Main St.

Police officers now wear cameras to help document investigations and incidents.

The department participates in the state Disability Indicator Program. Individuals with safety, communication or other needs are encouraged to download a form at mass.gov/doc/disability-indicator-form.

The following is a summary, not a complete account, of what police did in April.

GREAT BARRINGTON POLICE responded to eight two-car accidents in April, including one at West Street and Taconic Avenue that sent someone to Fairview Hospital.

They also responded to two one-car accidents and three involving three cars.

Someone reported that a vehicle struck a car parked on Russell Street.

A driver reported hitting a deer on Egremont Road.

A car hit a dumpster at Tractor Supply off Stockbridge Road.

Another vehicle knocked down two fence posts at Seekonk Cross Road and Round Hill Road.

Radar Used on 16 Streets, Roads

Radar was used 12 times on Stockbridge Road, including twice at Fountain Pond.

It was used eight times on Monument Valley Road, five times on Main Street and four times on East Street.

Also, three times each on State Road and Park Street; twice each on Division Street and Egremont Plain, VanDeusenville and North Plain roads; and once each on Monterey, Seekonk, Alford and Old Stockbridge roads, Maple Avenue and South Main Street.

Seventeen citations/warnings were issued to drivers, including one for having an uninsured and unregistered car that caught fire.

Laser Reported Pointing at Plane

A green laser was reported pointed at an airplane from an apartment complex in town. The FBI office in Springfield later said it is investigating.

According to LegalMatch, "Aiming a laser toward an airplane is a federal criminal violation because lasers have the potential to blind pilots and cause an aircraft to crash."

Police investigated "offensive words" written in sand at the Lake Mansfield Road beach area.

Police issued a news release about the arrest of a resident for distributing photos of a nude child. THE NEWSletter sent the release to its email list.

Dog Swept Into River, Gets Out

Police and firefighters responded when a dog was swept into the Housatonic River from Bridge Street. The dog managed to get to shore.

A house was reported vandalized and some items stolen by short-term renters.

Prime Cuts reported a broken window and an attempted break-in.

Someone was reported outside the Bentley Avenue apartments threatening to punch "everyone." In another call there, someone said an apartment was broken into and destroyed. When police went to the scene, they reported seeing no sign of forced entry and planned to check camera footage.

Someone reported paying a man \$100 for gold jewelry that was fake.

Twelve drivers requested help unlocking their cars.

A man was arrested multiple times for trespass. A woman was arrested for operating under the influence and negligent operation of a motor vehicle.

Attempted Break-in, Safe Missing

A small safe was missing and signs of an attempted breaking-entering were reported at Fiddleheads restaurant on South Main Street.

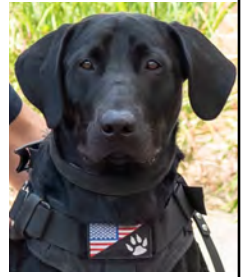
Youngsters were twice reported in the vacant former Searles School on Bridge Street.

Police provided two gallons of gas for a car that ran out of it.

Pellets were reportedly shot at a house and car on North Plain Road.

A man was charged with assault and battery after allegedly hitting two juveniles.

Want to meet Archer, the police department's comfort dog? You can arrange a meeting by calling the police station at 528-0306.



Bears, Horse, Cows, Beaver, More

Bears are back in Great Barrington and Housatonic.

A bear was reported near a home on Park Street, Route 183. The owner said he forgot to remove the bird feeder.

A bear was reported taking trash in the vicinity of Copper Beech Lane and West Avenue.

Another (or the same) bear dragged trash from one yard to another on Pothul Drive.

A bear was reported "causing a raucous in the neighborhood" of Spruce Street, according to the police report.

A horse in the middle of South Egremont Road was returned to its owner.

A, injured goose with a fish lure in its mouth was seen hobbling on the side of Park Street/Route 183. When approached, it flew into the Housatonic River, according to the police report.

An injured turkey seen on Railroad Street died.

Loose cows were on North Plain Road.

A "big beaver walking down Castle Street" was checked and found "all in order."



Fire Report for April

FIREFIGHTERS RESPONDED to four brush fires during April.

One fire, at 181 Front St., was a permitted fire that got out of control and spread to a neighboring structure, Lieutenant Justin Bona told THE NEWSletter.

Another brush fire, at 397 North Plain Road, was unauthorized and called in by someone passing by. There was no damage, Lt. Bona said.

A passer-by also called in an unauthorized burning at 611 Main St. The occupants were burning a small quantity of lumber behind the building. The Fire Department used a pressured water extinguisher, Lt. Bona said. No damage was reported.

A car fire on Front Street was also extinguished.

Firefighters helped EMS crews on 50 calls and responded to 23 alarms for

hazardous-materials release with no hazmat and carbon monoxide or fire alarms activated because of malfunction or unintentionally.

They removed someone from a stalled elevator at 899 Main St.

They responded to one downed power line.

Sun heated a portable propane tank stored outside at 80 Division St. The pressure relief valve vented gas, as designed. There were no injuries, Lt. Bona reported.



THE NEWSletter unfortunately lacks the space to include all information., including all survivors.

Bruno L. Balestro Jr.

Bruno L. Balestro Jr., 80, of Great Barrington, died May 7 at home.

After graduating in 1960 from the former Williams High School in Stockbridge, he served in the Navy during the Cuban Missile Crisis and Vietnam.

He was a hair stylist for 25 years at Bruno and Company in Lenox and then for more than 10 years drove a truck for Great River Construction.

Mr. Balestro leaves his wife of 54 years, the former Elizabeth Veighey; twin sons, Kevin of Egremont and Kristopher of Sarasota, Fla.; his sister Nancy Balestro of Georgia; and four granddaughters.

He was predeceased by his brother, Robert J. Balestro.

Birches-Roy Funeral Home handled arrangements.

Memorial donations are suggested to the Cancer Center in Pittsfield or Berkshire Humane Society through the funeral home.

Sarah Lindsey Bingham

Sarah Lindsey Bingham, 72, of St. Petersburg, Fla., died at home May 16.

She grew up in Shaker Heights, Ohio, and received a degree in early childhood development from Tufts University. She later received a master's degree in food science and nutrition from the University of Massachusetts. S

Ms. Bingham had a nutrition practice in Lenox for more than 40 years. She co-wrote "Food Allergies: A Self Help Guide," and wrote a podcast, "Snot Nosed Kids."

Ms. Bingham leaves her husband, Paul Singer; her children, William Conklin and Elizabeth Orenstein; her brothers, Robert Bingham and Web Bingham; her stepson, Dana Singer; and three grandchildren.

She was predeceased by her sister, Priscilla Fitzgerald, and her former husbands, Neil Orenstein and Harry Conklin.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to Berkshire Waldorf High School, Greenagers or the Weston A. Price Foundation.

Edward M. Brahney

Edward M. Brahney, 67, of Sheffield died at home May 6.

He graduated from Housatonic Valley Regional High School.

He owned and operated Ed Brahney Landscaping for 22 years. He also worked for the Connecticut State Police and managed 20 Railroad Street in Great Barrington for 20 years.

Mr. Brahney leaves his wife, Julie; his mother, Maureen Brahney; and two sisters, Jean Williamson and Chrystene Graboski.

He was predeceased by his father, Charles "Ed" Brahney.

Birches-Roy Funeral Home is handling arrangements, to include a celebration of life at a later date.

Memorial donations are suggested to HospiceCare in the Berkshires through the funeral home.

Recent Obituaries

Neil Douglas Chrisman

Neil Douglas Chrisman, 85, of Sheffield died May 11.

He was born in Hermosa Beach, Calif., and raised in Argentina, Brazil and Mexico. As a teenager, he lived in Cuba and graduated from Ruston Academy, Havana, in 1954.

He graduated in 1958 from Princeton University with a degree in economics. After graduation, he was commissioned in the Navy and was a lieutenant with the Sixth Fleet in the Mediterranean.

He joined J.P. Morgan in 1961 and earned a master's in business administration in 1967 from New York University's Stern School of Business.

Mr. Chrisman retired from J.P. Morgan in 1993 as managing director of corporate finance after 32 years.

He was based primarily at the bank's New York City headquarters but was in London for three years as area manager for the United Kingdom and Scandinavia.

He founded Berkshire Agriculture Ventures in 2010.

He had been on the board of Brooklyn Academy of Music since 1980 and was chairman from 1982 to 1987; on the board of Jacob's Pillow Dance Festival from 1993 and chairman from 1995 to 2009.

Mr. Chrisman leaves his wife of 30 years, Kathleen, and his brother, Richard.

He was predeceased in 2018 by his son, Clayton Halden Chrisman.

Finnerty & Stevens Funeral Home helped with funeral arrangements.

Memorial donations are suggested to Berkshire Agricultural Ventures or Jacob's Pillow Neil Chrisman Fund for International Dance.

William Dowling

William Dowling, 73, of Sheffield died Feb. 15 at Fairview Hospital.

He graduated in 1968 from Pulaski High School in New Britain, Conn., and then served in the Army from May 1969 to December 1970.

Mr. Dowling received the Purple Heart and was honorably discharged because of injuries sustained in Vietnam.

He was a small-engine mechanic and an amateur photographer.

Mr. Dowling leaves his brothers, John and Chuck Dowling, and his sister, Lisa Dowling Salomon.

He was predeceased by his brother Timothy.

Finnerty & Stevens Funeral Home handled arrangements, which included a gathering with Military Honors.

Memorial donations are suggested to Disabled American Veterans.

Stephan Green

Stephan Green, 75, of West Stockbridge, died May 13.

He grew up in Woodmere, N.Y., and graduated in 1970 from the State University of New York at Buffalo with a degree in English literature.

After graduating, he traveled throughout the United States and Europe and lived in Israel for several years.

Mr. Green graduated in 1979 from Pratt Institute with a degree in architecture.

In 1989, he and Alan Clark founded the architectural firm of Clark & Green Inc. in Great Barrington.

The firm designed residential projects and Berkshire South Regional Community Center, CATA, the Great Barrington fire house, Beacon Cinema in Pittsfield and the Elaine Bernstein Theater at Shakespeare & Company.

He retired in 2022.

Mr. Green leaves his wife of 45 years, Beth Sack; his sons, Zachary and Ethan; three grandchildren; his sister, Marsha; and his brother, Michael.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to the Berkshire Humane Society, People's Pantry, or HospiceCare in the Berkshires through the funeral home.

Calder William Martin

Calder William Martin, 67, of Sheffield died April 19.

An Army veteran of the Vietnam War, he was very active at the Sheffield Senior Center.

Mr. Calder leaves his sister, Susan Partyka, and his brother, Young Martin.

He was predeceased by his parents, Bruce and Jeri Martin; his brother Charles Meadows and his twin sister, Drysdale Wheaton.

Finnerty & Stevens Funeral Home helped with funeral arrangements.

Memorial donations are suggested to the Town of Sheffield Senior Citizen Center, 25 Cook Road, Sheffield 01257.

Holly Pevzner Schneider

Dr. Holly Pevzner Schneider, 60, formerly of Great Barrington, died May 8 at her home in Otis.

Dr. Schneider also lived in Newton.

An optometrist, she graduated from Massachusetts College of Optometry and Simmons College.

Dr. Schneider leaves her husband of 38 years, Jeff; two sons, Marcus and Andrew; and two sisters, Paula Pevzner and Lynne Pevzner Kaplan.

She was predeceased by her older brother, David Pevzner, and her parents, Jack and Millic Pevzner.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to the Dana Farber Cancer Institute or The Price Center in Newton.

Richard "Dick" Sheridan

Richard "Dick" C. Sheridan Sr., 82, of Monterey died at home April 20.

He graduated from Pittsfield High School in 1959 and joined the Army, serving in Germany and France until his honorable discharge in 1962.

(OBITUARIES cont. on next page)

Recent Real Estate Transactions

The Southern Berkshire Registry of Deeds is in the Great Barrington Town Hall and open from 8:30 a.m. to 4:30 p.m. weekdays. Documents are online at www.masslandrecords.com.

Following are recent transactions of \$35,000 or more in Great Barrington (including Housatonic), Egremont, Monterey, Alford & West Stockbridge.

-Ross & Meares Partnership III., Kimbes Meares & Demetrios Meares to Clinton Craft LLC, 409 Monterey Road, Great Barrington, \$159,000.

-Gregg O. Wellenkamp & Eric H. Wellenkamp to Michael Garrett & Pamela Garrett, 7 Omega Road, Great Barrington, \$135,000.

-Kenver Real Estate LLC to Jordan Fox Reber, 39 Main St., Egremont, \$850,000.

-Ronald Jeffrey Sunog & Melissa Sunog to Thomas McCarrick, 38 West Alford Road, West Stockbridge, \$380,000.

-Luke V. Hatch Jr. & Kathy M. Hatch to Beth Grace, 29 Commonwealth Ave., Great Barrington, \$439,000.

-William P. Zox & Jeannie B. Zox to Shannon Burns & Paul Beling, 24 Manville St., Great Barrington, \$441,000.

-Richard S. Greenberg, trustee, Richard S. Greenberg Revocable Trust Agreement dated January to Black Bear Holdings LLC, 23 Whites Hill Road, Egremont, \$705,000.

-Gregg O. Wellenkamp & Eric H. Wellenkamp to HLP Realty Holdings LLC, 6 Omega Road, Great Barrington, \$85,000.

--James N. Fingerroth Revocable Trust, Patricia Fingerroth Revocable Trust, James N. Fingerroth trustee & Patricia L. Fingerroth

trustee to GB Realty Trust, 130 Hurlburt Road, Great Barrington, \$2,711,500.

-Marble Block Co. to Marble Block Realty LLC, 268-278 Main St., Great Barrington, \$1.9 million.

-Malcolm D. Griggs & Linda M. Griggs to Shire Habitat LLC, 6 Bidwell Road, Monterey, \$1.85 million.

-Laura Berenson & Cynthia Smith to Blake McDonald & Lauren Schulz, 41 Castle St., Great Barrington, \$505,000.

-CF1 Propco 2 LLC to Obsidian ML 6 LLC, 140 Main St., Great Barrington, \$2,705,470.

-Gerard Lanoue & Monica Lanoue to Conor Gallagher to Zana Thaqi, 10 Westerhook Road, Egremont, \$507,000.

Stockbridge

The Middle Berkshire Registry of Deeds is at 44 Bank Row, Pittsfield. It is open from 8:30 a.m. to 3:59 p.m. weekdays. Documents are online at masslandrecords.com/BerkMiddle/

-Jeffery L. Wheeler to Jeffery Wheeler & Susan R. Aiken, 6 Averic Road, Stockbridge, \$225,000.

-Kristen J. Kinsella, Karryn R. Kinsella, estate of Raymond W. Kinsella & estate of Beverly E. Kinsella to James D. Obanhein, 17 Cherry Hill Road, Stockbridge, \$65,000.

-Edward James McPartlin to Nicholas A. Dillon & Melissa A. Mattoon, 12 Mahkeenac Heights Road, Stockbridge, \$315,000.

-Jennifer Grausman to Deborah Grausman, 3 Stone Hill Road, Stockbridge, \$250,000.

Obituaries Continued

He worked most of his life for Westfield River Paper (Mountain Mill) in Lee. After it closed in the early 1990s, he started his own lawn mowing and caretaking service.

Mr. Sheridan leaves his wife of 62 years, Mabel; four children, Donna Stevens of Maynard, Richard of Great Barrington, Patrick of Monterey and Scott of Alexandria, Va.; eight grandchildren; three great-grandchildren; and his brother James of Rochester, N.Y.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to the Monterey Fire Department or HospiceCare in the Berkshires through the funeral home.

Todd Emile Tinker

Todd Emile Tinker, 51, of Egremont died May 18.

He had owned Smokey Sweet BBQ in Canaan, N.Y.

He graduated in 1990 from Monument Mountain Regional High School and in 1995 from the University of Massachusetts, where he had a full athletic scholarship.

He is in the Western Massachusetts Hall of Fame for high school football, wrestling and track and field, and in the Monument Mountain Regional High School Hall of Fame. He also had been head coach of Monument's football team.

Mr. Tinker leaves his mother, Barbara Tisdell Tinker; his daughters, Madison and Shelby Tinker, and their mother, Sandy Palmer Tinker; his brother, Preston L. Tinker III; his sister, Stacey Kay; and his partner, Honor Harvey.

He was predeceased by his father, Preston L. Tinker Jr.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial contributions are suggested to the Spartan Football Booster Club through the funeral home.

Elizabeth M. Wool

Elizabeth "Betty" M. Wool, 91, of Monterey died May 15 at Berkshire Medical Center.

She graduated in 1948 from Cathedral High School in New York and had an associate's degree.

Her husband, Nicholas F. Wool, died in 2017.

Mrs. Wool leaves her daughter, Christine Guerrero of Egremont; three step-daughters, Janis, Felicia and Maria; and several step-grandchildren and step-great-grandchildren.

Mrs. Wool was predeceased by her first husband, David Papp, in 1964, and by two brothers, John and Robert Corr, and three sisters, Patricia Corr, Kathleen Contino and Frances Michell.

Birches-Roy Funeral Home handled arrangements.



Building Permits for April

Building Commissioner Ed May issues permits and inspects projects. He is also Great Barrington's zoning enforcement officer.

His Town Hall office is open weekdays from 8:30 a.m. to 4 p.m. The telephone number is 528-3206. Mr. May's email is emay@townofgb.org.

Inspectors; What Needs Permit

Other inspectors are gas, Robert Gennari at 274-0267; plumbing, Robert Krupski, 229-8019; and electrical, Theodore Piontek, 274-6605.

Permits are needed for siding, roofs, signs, foundations, fences, and temporary structures; to demolish structures; and to install chimney linings, alarm systems;

Also, new windows, wood stoves, insulation, sprinkler system, photovoltaics; tents, pools, hot tubs, spas, alarms, sprinklers, sheds, solar installations, and home occupations.

Building Permits in April

Fifty-five building permits were issued in April with fees paid of \$10,886.75 and estimated construction costs of \$1,673,860.

Six permits were given for solar installations, with building fees of \$721 and construction costs estimated at \$130,681. (THE NEWSletter no longer lists individual permits for solar panels.)

Following are permits issued in April, except for solar panels, with estimated building costs of \$35,000 or more and contractor if not the homeowner:

-Thomas & Sara Kresse, new two-bedroom home at 30 High St., Michael Kresse contractor & estimated cost \$285,000.

-Simon's Rock Early College for garage, with art room above & deck at 101 Lake Mansfield Road, Donald Wendling, \$253,000.

-Matthew & Patricia Barlow, finish basement with bathroom at 15 Manville St., Chester Johnston, \$70,000.

-Steven Tannenbaum, trustee, replace sunroom with same footprint at 43 Hurlburt Road, Shaun Curley, \$93,440.

-Gillian Gorman Rabin, Convert commercial-use building to two-unit residential use at 10 Elm Court, Pedro Pachano, \$225,000.

TOWN OF GREAT BARRINGTON, MASSACHUSETTS
RECORD OF PROCEEDINGS, FINDINGS, AND DECISION
ON APPLICATION FOR A SPECIAL PERMIT

This is not a Building Permit to renovate, remodel, build, or occupy these premises. Building Permits must be obtained from the Inspector of Buildings as applicable.

Copies of this record of proceedings, findings, and decision, with all attachments, must be filed with the Town Clerk by the Special Permit Granting Authority

CASE NO.: 932-23

DATE FILED: 5 / 3 / 23

1. Stephen C. Bannan, Chair of the Great Barrington Selectboard, hereby certify that the following is a detailed record of all its proceedings relative to the application of:

Berkshire Aviation Enterprises, Inc., to operate an aviation field at 70 Egremont Plain Road, per Sections 3.1.4 E(1), 7.2 and 10.4 of the Zoning Bylaw.

The premises affected are located at 70 Egremont Plain Road, Great Barrington, MA 01230, and the requested action being one that requires a special permit from the Selectboard.

The following is an accurate record of the proceedings, findings, and decision relative to this special permit application:

INTRODUCTION, PROCEDURAL REQUIREMENTS, AND PUBLIC HEARING

1. On January 10, 2023, an application for the above special permit, of which a true copy marked "A" is made a part of this record, was submitted to the Selectboard.
2. Thereupon, an advertisement for public hearing, of which a true copy marked "B" is made a part of this record, was published in the Berkshire Eagle, a newspaper with general circulation in Great Barrington, on January 19 and January 26, 2023.
3. Notices of the public hearing, copies of which are marked "C" and are hereunder made a part of this record, were mailed postpaid to the petitioner, abutters, and owners of land within 300 feet of the property line, being the same persons named in the Assessors certificate which was a part of the petition heretofore referred to and marked "A", and to the Planning Boards of every abutting municipality and to the Building Inspector.
4. On February 27, 2023 at its 6:00 PM meeting the Selectboard opened the public hearing in person at Town Hall, 334 Main Street, and provided real time remote access via Zoom. All members of the Selectboard members were present. Stephen Bannan, Leigh Davis, Ed Abrahams, Eric Gabriel, and Garfield Reed.
5. Ms. Davis and Mr. Abrahams both said they had filed appearance of conflict of interest forms for this matter.
6. Written testimony and petitions submitted in advance of this session of the public hearing was included in the packet of materials for this meeting and/or is on file with the Selectboard.

Reproduced on the following nine pages are the 19 pages of the special permit issued to Berkshire Aviation Enterprises Inc. to operate an aviation field at 70 Egremont Plain Road.

Because of the number of pages, THE NEWSletter decreased the size of the pages with minutes. However, anyone who wants the pages in the original size can email thenewsletter@gmail.com and request them.

- FORM 101, SPGA PAGE 3 SP#032-23

- FORM 101, SPGA

47. Town Attorney David Doneski discussed what conditions are within the Board's purview, and referenced a 2017 Massachusetts Department of Transportation (Mass DOT) Aeronautics Division letter regarding local regulation of airports.

48. Mr. Abrahams asked a number of questions of the Applicant regarding current uses and the Town's enforcement ability, the number of flights, employees, insurance, economic impacts, and automobile gasoline.

49. Mr. Egan said the Airport is not required to count the number of flights and does not do so. Counting is not necessarily possible even with the software that some planes use. He said there are 12 total employees with 5 being full time. He referenced the State's economic impact report which had an estimated impact for each airport. He said he disagrees with Mr. Doneski in that if the Airport would voluntarily subject itself to a condition then the Airport could not then argue it does not apply to them. He said there is no auto gas. He said the Airport is fully insured.

50. There was discussion about restricting take-offs after 7pm, helicopter sightseeing tours, trainings, and about what the circumstances are for glider landings. Mr. Egan stated gliders would be able to land if they had to in an emergency.

51. There was discussion about the aviation fuel tank. The Applicant team noted it is a new double wall tank with an alarm that goes off in the maintenance hangar if there is a leak between the two walls. There has never been a leak, even from the old tank. There was discussion about whether there is an emergency response plan and notifying the Town of leaks.

52. Mr. Abrahams said the Berkshire Edge article yesterday had a long history of environmental concerns. Mr. Egan said all of those concerns were before the current owners, except one instance of the current owners not filling out a required form. He said not one document states there is a leak or improper storage of materials. The one violation was a crack on the top of a lid of a spill bucket and did not concern the safety of the underground tank.

53. Ms. Davis asked about expansion. Mr. Egan said the Airport will not expand beyond its current footprint, and is not interested in doing a restaurant or other uses. He said that anything done outside of this permit would not be legal, and that any statement about uncontrolled expansion is a scare tactic of the opponents.

54. Ms. Davis asked why the Applicant did not include in their voluntary conditions anything related to environmental conditions. Mr. Egan said the Applicant's position is that the Airport is regulated by Mass DEP and the EPA, and that it is unreasonable to ask for water testing without valid scientific evidence. He said after 86 years of operations the lead levels are at the low end of naturally occurring levels. He said the Fire District does regular testing of the Town drinking water and there are no actionable levels of lead. He said the Airport is regulated by Mass DEP as a Very Small Quantity Generator of waste and can provide the Town with copies of submittals to DEP.

55. Mr. Abrahams asked the Town Attorney if the Airport can build hangars if the Board allowed storage. Mr. Doneski said that on the ground activities and structures are matters that the Board can condition. He said the Water Quality District regulations are not triggered by this proposal.

56. Ms. Davis asked if the Board should specify everything that exists now. Mr. Doneski said he recommends that any special permit be as particular as possible as to what is existing, and that getting the information that is needed to set that benchmark is appropriate.

57. There was a discussion about Section 7.2 of the Zoning Bylaw. Mr. Doneski said it applies, per the memorandum he submitted in 2020. There was a discussion about how the condition of 'more objectionable' is defined. Mr. Egan said one could look at the number of instructors, or the planes used for the flight school. He said by those metrics there are fewer planes now and fewer instructors. He said in terms of noise conditions, airport noise is clearly preempted by federal law.

58. The Board discussed the Applicant's list of voluntary conditions. For hours of operation, Joe Solan said the winter is the easiest time of year to do night training since it gets dark early and planes have usually landed by 8 pm. He said nighttime is one hour after sunset. The Board said it would delete portions of Applicant's proposed condition 1 (b) and would want to limit continuous take offs in the summer after a certain time. Mr. Abrahams asked why the Board would impose conditions on flight operations if it cannot enforce them. Mr. Doneski said the Board could impose conditions like these.

59. The Board discussed Applicant's proposed condition 2 and said it would not allow helicopter sightseeing or helicopter flight schools at the property except for special events.

60. The Board said it would not allow gliders except in emergency circumstances.

61. The Board said it would not allow jet aircraft. Mr. Solan said there is a difference between turbo prop and turbo jet. He said turbo jets are for airliners or corporate jets. The Board said it would not want turbo jet aircraft.

62. The Board said parking would be only in the current Airport lots unless under an entertainment license granted by the Board.

63. The Board discussed Applicant's proposed condition 1 again. For (a), 6:00pm would be acceptable. For (b) the Board defined summer as Memorial Day to Labor Day, and start up would be after 8:00am, possibly 9:00am, and on Sundays operations could be only 9:00am-5:00pm, or perhaps 6:00pm depending on time of year.

64. The Board discussed other possible conditions including that the Chapter 61A land at the site remain in agricultural use, that there be no expansion of uses ancillary to the Airport, no warehousing, no more hangars, no package distribution services, no fencing, and no additional lighting, and that lights be Dark Sky compliant.

65. The Board discussed the Board of Health recommendations. The Board identified soil lead tests as an appropriate requirement, but then only every 5 years thereafter if not actionable.

66. **MOTION:** Ms. Davis to continue the public hearing to April 3, 6:00 PM at Town Hall and virtual.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed yes Mr. Gabriel – yes Mr. Abrahams – yes
Ms. Davis -- yes Mr. Bannon – yes
The motion passed, 5 in favor, 0 opposed.

67. On April 3 the Board reconvened. All members were present. Written testimony and petitions submitted in advance of this session of the public hearing was included in the packet of materials for this meeting and/or is on file with the Selectboard. Included in these materials was a draft statement of Findings of Fact written by staff for the Board's discussion.

68. **MOTION:** Ms. Davis to reopen the public hearing.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – yes
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 5 in favor, 0 opposed.

69. Attorney Egan said the Applicant submitted the 2019 DOT Aeronautics Division Economic Impact Report as requested, and a copy of the details of the new underground fuel tank that was installed, as requested by the Board.

70. Mr. Abrahams mentioned for the record the email from Mass DOT Aeronautics from 2020 regarding which activities are allowed to be controlled by the Town, and the recent series of articles in the Berkshire Edge.

71. The Board discussed the draft Findings of Fact provided for this meeting. Board members made a number of edits throughout the draft, particularly in the findings to be made under Section 7.2 and 10.4 of the Zoning Bylaw.

72. Mr. Abrahams read many revisions to the proposed conditions, and several additional conditions, which he proposed be added to the draft.

73. There was also discussion about adding conditions so the special permit would be specific to the current owner, and a condition that says the special permit would be valid only if all the conditions are valid. In other words, the conditions would not be severable.

74. A revised draft showing the changes made during this session is in the Selectboard's files. No votes were taken.

75. **MOTION:** Ms. Davis to continue the public hearing to April 10, 6:00 PM at Town Hall and virtual.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – yes
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 5 in favor, 0 opposed.

76. On April 10 the Board reconvened. All members were present. Written testimony and petitions submitted in advance of this session of the public hearing was included in the packet of materials for this meeting and/or is on file with the Selectboard. Included in these materials was a revised draft statement of Findings of Fact updated by staff based on the April 3 hearing session.

77. **MOTION:** Ms. Davis to reopen the public hearing.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – yes
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 5 in favor, 0 opposed.

78. The Board reviewed and discussed the revised draft Findings of Fact and the proposed conditions, and agreed on edits regarding continuous takeoffs and landings, drone operations, jet engine craft, testing of the site for lead in the soil, an alarm system notification, emergency response protocols, the implementation of a fuel tank leak alarm system, and the preparation of emergency protocols. There was also discussion with the Town Attorney about making the permit specific to the current owner. Mr. Doneski said in that case it would be assigned to the corporate entity, not to individual people who are owners.

79. **MOTION:** Ms. Davis to close the public hearing.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – no
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 5 in favor, 0 opposed.

80. Mr. Bannon asked for discussion about the draft Findings and the proposed conditions that were prepared for this meeting.

81. Mr. Abrahams read from a statement explaining why he would vote against granting a special permit. He said it is a delicate balance to have an airport in a residential neighborhood and the Board has missed an opportunity to truly compromise to resolve the issues. He said a special permit is not necessary because the Airport will still exist, just as a pre-existing nonconforming use, which is controlled and could be changed by future permits. He said that would allow control of the growth of the Airport, but with this special permit, the Town would be at the mercy of the FAA and Mass DOT. He said the Board may not be allowed to impose some of these conditions or they might be unenforceable, and that the Town does not have the staff to enforce them anyway. He asked that if the conditions are necessary to make the special permit benefits outweigh detriments, and the Town can't enforce the conditions, then how could the Board say the special permit still has these benefits.

82. Mr. Bannon said he disagreed. He said he believes the Board has done a good job here.

83. **MOTION:** Ms. Davis to approve the Findings of Fact as amended.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – no
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 4 in favor, 1 opposed.

The approved Findings of Fact are attached to this record as Exhibit A.

84. **MOTION:** Ms. Davis, based on the approved Findings of Fact, to grant the Special Permit with the conditions, and that the Town Planner will provide the final document.

SECOND: Mr. Abrahams

ROLL CALL VOTE: Mr. Reed – yes Mr. Gabriel – yes Mr. Abrahams – no
Ms. Davis – yes Mr. Bannon – yes
The motion passed, 4 in favor, 1 opposed.

The Special Permit was granted, with conditions.

EXHIBIT A: FINDINGS OF FACT

Re: Special Permit #932-23
Applicant: Berkshire Aviation Enterprises, Inc.
Site: 70 Egremont Plain Road

A. Introduction

The application was filed on January 10, 2023 by Berkshire Aviation Enterprises, Inc., seeking a special permit from the Town of Great Barrington Selectboard per Zoning Bylaw Sections 3.1.4 E(1), 7.2, and 10.4, to operate an Aviation Field in an R4 zone, at 70 Egremont Plain Road, as described in the application narrative and associated plans. The airport, commonly referred to as the Walter J. Koladza Airport or the Great Barrington Airport, is a privately owned and operated airfield. The site is in an R4 residential zone and a Zone II of the Water Quality Protection Overlay District (WQPOD), but the requirements of the WQPOD are not triggered by this application.

The application materials include the special permit application form, a nine-page narrative addendum and a two-sheet scaled plan set dated January 6, 2023 prepared by James Scalise, PE, of SK Design Group, Inc. (SKDG) showing the airport's existing site conditions.

The application states that the site has been in use as an airport since September 1931, prior to adoption of zoning in Great Barrington, and that the use of the property as an Aviation Field is a protected nonconforming use. The application also states the Applicant seeks the special permit for the purpose of "establishing Aviation Field as a legal use at the Property" and that the application "contemplates the continued existence of the Airport as currently constituted." and the application also proposes six special permit conditions that would limit and control operations at the Airport. At the February 27 hearing session the Applicant's counsel stated that it is the Applicant's position that state and federal law preempt Town regulations regarding the Airport but that the Applicant was voluntarily submitting itself to the Town's bylaws.

The following comments were received from reviewing boards and commissions. The Conservation Commission reviewed the application and stated that they have no jurisdictional issues with the use of the subject property as currently constituted. The Planning Board made a positive recommendation on the special permit for the aviation use, while recommending the Selectboard work with Town Counsel on the applicability of Section 7.2 of the Zoning Bylaw. The Board of Health reviewed the application and issued a letter to the Selectboard dated February 17, 2023 with three recommendations.

Written correspondence from parties in support of and parties in opposition to the application received by the Selectboard before the close of the public hearing is incorporated into the record of proceedings for this special permit. In general, supporters of the application stated that the airport is an important component of the area economy and a use that provides important services such as the flight school and emergency services use. Supporters of the airport delivered a petition in support of the airport with 6,500 signatures, collected online, as well as many letters of support. In general, opponents of the proposal expressed concerns about increasing air traffic and noise; contamination threats to the Town's municipal drinking water source; and safety of vehicles on roads adjacent to the airport runways. Some letters in opposition to the special permit also stated the writers were opposed because the airport was seeking to expand operations, and/or that they have concerns but are in support of the current operation and of so-called small airports. Finally, of the 19 unique abutters (within 300 feet of the property and not counting properties owned by the Applicant), four abutters are on record in support of the application, two are against, one is in support of the current operation but against expansion, and the other 12 did not take a public position during this process. The Selectboard also received a petition with signatures of abutters and others opposing the special permit.

B. General Findings

The site is situated in an R4 residential zone on Egremont Plain Road and Seekonk Cross Road. It is bordered by these two roads, the Green River, and several residential properties. The site is also in a Zone II of the Water Quality Protection Overlay District. Land uses surrounding the Airport are primarily single unit residential and agricultural, with areas of wetlands and forest along the Green River. There is also a private school in the area, located on West Plain Road. The character of the area is decidedly rural residential/agricultural, and this character is buttressed by the fact that some of the Airport land itself is utilized for agriculture. However, the Airport has existed at this site for 90 years, and over that time it has also become a part of the neighborhood character.

The Airport site consists of two principal parcels totaling approximately 91 acres, as shown on the plan submitted. These parcels are identified as Parcels 76 and 67 on Assessor's Map 31. Parcel 76 is 3.25 acres, and Parcel 67 is 87.7 acres and includes various developed areas such as the runways, taxiways and parking lots, as well as existing buildings including the office or "terminal" and four hangar buildings (labeled on the site plans as existing hangars). The balance of the site is wooded, lawn, or crop land. Other facilities on the site include the gas pumps, including an underground storage tank, and grass areas where planes are tied down.

The length of the main paved runway has been identified as 2,572 linear feet. The Airport does not own any additional land on either end of the runway for purposes of a so-called "runway safety area." However, a September 29, 2020 email from the Director of Aviation Planning at the Massachusetts Department of Transportation (Mass DOT) Aeronautics Division to the Assistant Town Manager stated that the Airport was not required to own such additional land.

The Applicant does not propose to alter the layout of the site, nor does the application propose to substantially expand the Airport use or operations. The application states that it is for the existing Airport as it is currently constituted. The Applicant does not seek permission to expand buildings, runways, impervious surfaces or other aspects of the land use. The current use of the site for aviation purposes consists of activities normally associated with an aviation field, including aircraft operations (flights), aircraft storage and parking (in hangars and outside), aircraft maintenance and fueling, and the airport office including flight school facilities. From time to time, by license or permit from the Selectboard, the Airport has been used for private parties and fundraising events to benefit local not-for-profit organizations, although an event venue is not a permitted principal use in the R4 zoning district. The Applicant has stated that it does not seek to add any uses that do not currently exist on the site. At the March 13 hearing session, the Applicant's counsel stated that the Applicant would accept a special permit condition of no expansion of the current Airport use and that any changes would require approval of the Selectboard. Counsel also stated that the Airport will not expand beyond the current footprint. At the April 10 hearing session, the Applicant's counsel stated that continuous takeoff and landing of aircraft, meaning four or more takeoffs and landings by the same plan in a span of a half hour, is an operational element that is limited to flight school activities only.

There is no definitive record of how many flights occur at the Airport. The Applicant reported that it does not systematically track daily flight operations, and could not provide that kind of data to the Selectboard. The Applicant also reported during the hearing that in the past there have been more flight school instructors than there are now, but the Applicant did not know how many students used the school in the past year. The type of aircraft using the Airport is mostly fixed wing single engine aircraft, with some helicopter and two engine craft. The Airport is used as needed by emergency medevac helicopters (e.g., Life Flight) to transport patients out of the area to other hospitals. The Airport is also used by U.S. military helicopters training for

Exhibit A: Findings of Fact for SP 932-23, Berkshire Aviation Enterprises
Page 3 of 9

night maneuvers. There is a concern expressed by many of those who commented during the hearing process that the flight operations, particularly the continuous nature of student training flights, causes disruptive noise.

The Selectboard has little control over flight operations per se—that is the domain of the Federal Aviation Administration (FAA) and the Mass DOT—but the Applicant has volunteered some operations parameters to mitigate noise impacts. In presenting the application, the Applicant's counsel stated that the Applicant will abide by conditions included in a special permit, even conditions regarding subjects that are usually the domain of the FAA or the Mass DOT.

The Airport employs mechanics and conducts maintenance of aircraft in the existing maintenance hangars. There are potentially hazardous materials associated with this activity and the application states that the Airport is a Very Small Quantity Generator (of hazardous waste) according to the regulations of the Massachusetts Department of Environmental Protection (MassDEP) at 310 CMR 30.00. At the March 13 hearing session, the Applicant's counsel stated that the Airport volume was approximately 270 gallons and that the most recent inventory number was about 170 gallons.

Airplanes refuel at the Airport via on-site, self-serve pumps dispensing unleaded and leaded fuel. Pumps are operational 24 hours a day even if there are no employees on site. The fuel is stored underground in a recently upgraded double-wall tank. The underground fuel tank has leak detection equipment, and there have been no known leaks. While leaded airplane fuel pollutes the air, there is no evidence that the leaded aviation fuel has polluted or is a threat to the public water supply managed by the Great Barrington Fire District. Nor, based on previous soil tests, is there evidence that the Airport grounds are contaminated.

A 2003 MassDEP Source Water Assessment and Protection (SWAP) Report for the Great Barrington Fire District (which operates as a public water supplier for the Town) lists "airports" as one of eight land uses that are high threats of contamination to the District's water supply area ~~as does the Town's Master Plan~~. Other high threat uses include agricultural uses (manure spreading, fertilizers, and pesticides), and underground storage tanks. Medium threat uses include residential fuel oil storage uses. At the February 27 hearing session, the Applicant's counsel stated that in 2003 the Airport had single walled fuel storage tank and that tank was replaced in 2017 with a 20,000 gallon, double walled fiberglass tank providing storage for 12,000 gallons of low lead aviation fuel and 8,000 gallons of no-lead fuel.

The Airport is served by an existing private well for drinking water and an existing septic system for sewage disposal. The Selectboard is not aware of any public health concerns caused by the on-site drinking water well or the onsite septic system.

Traffic congestion is not a concern, but there are concerns for the safety of vehicles on Seekonk Cross Road near the eastern end of the runway, where low-flying planes (taking off or landing) have caused at least one plane-car collision.

A portion of the Airport property is enrolled in the Chapter 61A agricultural land taxation program, providing for a reduced tax payment on those portions of the property in agricultural use. The Town's Assessors' records indicate that 52.6 acres are in agricultural use, but there is no map on file that shows or certifies this acreage. Therefore, a special permit should include a condition that a map of the agricultural land be created and filed with the Town's Board of Assessors.

In 2020, the Applicant submitted an application for an Aviation Field special permit for the Airport, including proposed construction of new hangars and paved areas, including driveways and taxiways. The Selectboard denied that application and a written decision was filed with the Town Clerk on December 1,

2020. That decision included general findings and findings related to Sections 7.2 and 10.4 of the Zoning Bylaw. The Selectboard notes that there are findings in this decision that are different from the findings in the 2020 decision. Two members of the current Selectboard were not members at the time of the 2020 decision.

C. Findings related to Section 7.2, Aviation Fields

The Town has the authority to regulate Aviation Fields as a land use under Section 7.2 of the Zoning Bylaw. The Town may not regulate flight and related activities that are under the jurisdiction of the FAA or MassDOT. Section 7.2 states, in part, "Any aviation field, public or private, with essential accessories, shall comply with the following special requirements: 1. It shall be so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable condition."

As the Airport is already in existence, Town Counsel has advised that applying the standard in Section 7.2 to the application would require an acknowledgment that the Airport uses are currently in place and a consideration of whether those uses, with such permissible conditions as the Selectboard might impose, would be more "objectionable" than the present use. To do otherwise could amount to a *de facto* prohibition of the aviation use, something the Selectboard understands the Town is preempted from doing by federal and state law. Since the application does not propose to change or expand the current use or its activities, the Selectboard finds there are no objectionable conditions created by this application other than those that might be created by natural changes or evolution in the manner of carrying out Airport operations.

On the other hand, if a special permit is granted and the applicant is willing to abide by certain conditions, then circumstances associated with normal airport use, such as airplane noise, could be mitigated more than they could be under the Airport's present status.

Noise: The Selectboard has heard many written and oral comments that the existing Airport operations are objectionable because of noise. Many of these comments were from Great Barrington residents, many of whom do not live near the Airport. It has also heard some comments that the noise is not objectionable. The Selectboard has not heard from every abutter to the Airport, only some. Presumably, some neighbors do not find the noise objectionable. The Selectboard has considered and adopted conditions, similar to those offered by the Applicant, in order to mitigate some of the existing noise and prevent noise from certain louder aircraft types.

Traffic: There have been infrequent, but dangerous, plane-vehicle interactions at the end of the runway at Seekonk Cross Road. Unless air traffic is limited, which the Selectboard cannot do, or safety measures are put in place, the traffic safety concerns will remain unchanged.

Other: Many commenters have stated concerns about groundwater quality and the Town's drinking water supply, and threats of contamination from leaded fuel or other hazardous materials associated with the airport activities. The Selectboard recognizes these legitimate concerns, but, given the long existence of the Airport's use without any demonstrable harm to the environment, the Selectboard does not find these concerns to be an objectionable condition.

D. Findings related to Section 10.4, Special Permits

Section 10.4.2 of the Zoning Bylaw, criteria for the granting of a special permit, requires a written determination by the Special Permit Granting Authority "that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." This determination must include consideration of the

following six criteria:

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.

The Selectboard's considerations in relation to each of these criteria are detailed below. These considerations relate to the existing Airport operations and the statements in the application and from the Applicant during the public hearing process that the special permit is requested for the existing Airport as currently constituted and that no new activities are proposed.

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

Finding 1: The Airport serves the Town of Great Barrington and the regional area by providing employment for 12 employees, five of whom are full time, and a convenient and safe place for medical air evacuations and disaster response operations. It provides convenient access to the Town and region for travelers from destinations across the country. Letters in support of the existing Airport and its flight school have been received by the Selectboard. Letters have also been received from Great Barrington residents who believe the Airport and its flight school have recently had a negative impact on the Town.

The Airport is an important component of the local and regional economic, transportation, and emergency network. The Airport conforms with those aspects of the Town's Master Plan that call for balancing rural living with the amenities of an urban community and which encourage economic flexibility, the retention and attraction of businesses, and the provision and maintenance of a strong transportation network.

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

Finding 2: The Airport is located at the corner of Egremont Plain Road and Seekonk Cross Road, which safely accommodate vehicular traffic to and from the Airport. There have been public comments and letters regarding unsafe conditions on Seekonk Cross Road as a result of planes using the eastern end of the runway. The Selectboard has heard that there have been near misses, and there has been at least one documented collision. The Selectboard agrees this is not a safe condition, but it cannot relocate the runway or the roadways.

3. Adequacy of utilities and other public services.

Finding 3: The utilities and services at the Airport are adequate to serve the existing use as currently constituted.

4. Neighborhood character and social structures.

Finding 4: The Airport has been in operation as an airfield since 1931. It is true that some residences in the area predate the Airport; it is equally true that other homes were built after the Airport began operations. The predominant character of the area is rural residential/agricultural, but the Airport is also an established part of the neighborhood, and has been acknowledged as such by supporters and opponents of this application. In terms of zoning, the Airport is in a residential/agricultural zone; the

residences and farms are not in an airport zone.

Neighbors to the Airport, as well as Great Barrington residents who do not live near the Airport, or even in Great Barrington, have complained about noise impacts, unsafe flying, low-flying planes, and other elements of the Airport's operations. Neighbors complain of non-adherence to a noise-mitigating flight path. The Airport owners have stated that they have tried to enforce that flight path but that they cannot prevent pilots from ignoring it.

Based on testimony received during the public hearing, the Selectboard finds that growth at the Airport beyond its current level of use and type of operations, including types of aircraft, could detract from the rural residential/agricultural character of the area. However, this application does not propose to expand operations, and the Applicant has expressed willingness to abide by conditions to mitigate noise and hours of operation. At the April 10 hearing session, the Applicant's counsel spoke to the issue of aircraft "run-ups," which include including engine starting, idling or thrusting. He stated that a necessary run-up is one that is done as a last safety check before an actual takeoff for flight and an unnecessary run-up is anything else.

The Town's land use goals, as expressed in the Master Plan, do not envision the Airport location as a commercial or industrial area. The Master Plan specifically states, relative to the Airport, that "any activity, growth, or development here must be regulated to protect the town's water supply, and to ensure uses are compatible with residential and agricultural neighbors" (Volume II, p. 131). Therefore, a special permit for the Airport should impose conditions to regulate the Aviation Field use.

5. Impacts on the natural environment.

Finding 5: The Airport is within the WQPOD, but the wellhead for the Town's drinking water supply provided by the Great Barrington Fire District is more than a mile away, is separated from the Airport by both Seekonk Cross Road and Hurlburt Road, and no contamination of that water supply relative to the Airport has ever been reported or identified. The past and current use of leaded aviation fuel may contribute to background levels of air or water contamination; however, an acute harm to the local environment has not been demonstrated. On the contrary, soil lead tests at the Airport show otherwise. There have been no fuel or oil spills, and the Airport is regulated as a Very Small Quantity Generator of hazardous waste. From the evidence presented, the existing operations have not had demonstrated negative impacts on the natural environment. To ensure against such negative impacts a special permit should include conditions regarding the performance of soil lead testing at the Airport, the use of a fuel tank leak alarm system that alerts appropriate personnel immediately, and the submittal of an emergency response protocol to the Town's emergency management personnel.

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

Finding 6: The Airport has a positive economic and fiscal impact in that it provides employment, some real estate taxes, and draws people to the area who support local and regional businesses. This is a positive for the Town.

There are over 52 acres of Airport land enrolled in the Chapter 61A agricultural land taxation program. This land is not subject to taxes based on a full market value. Its tax value is lower in recognition of its importance to farming, an intangible asset to the open space character of this area, and to the community. This acreage will be subject to a total real estate tax of less than \$200 in FY23, roughly \$4,500 less than it would be if assessed at full value.

Section 10.4 Finding:

In consideration of the above Findings, the Selectboard finds that the benefits of the Airport as it is currently constituted outweigh the potential adverse effects. The Selectboard also finds that the conditions to be imposed will help to ensure that the overall benefits continue to occur and that potential adverse impacts are minimized and eliminated to the extent possible.

Proposed Conditions:

1. Grant of this Special Permit is for the Airfield aviation use as it currently exists, including flight operations, subject to restrictions herein; fuel storage and sales; airplane tie downs (securing of aircraft to the ground) in the current tie-down area footprint; airplane storage in the current hangars; airplane maintenance in the current maintenance hangar; motor vehicle parking areas; and flight school, subject to restrictions herein. The addition of any other airport related activities not conducted at the Airport at the time of the special permit application is prohibited under this Special Permit. No new uses, including uses otherwise allowed by right under the Zoning Bylaw or those traditionally considered accessory airport uses, are allowed, including but not limited to aircraft sales, warehouses, additional hangars, package distribution, car rental, drone hub, sightseeing tours, restaurant/food service, entertainment, etc. No new structures or changes to the footprint (including height) of current structures are allowed. No new runways, roads or other impervious surfaces are allowed. No additional parking beyond the current area shown on the site plan submitted with the application is allowed. No fences shall be added.
2. Within 30 days after the date of this Special Permit, the Applicant shall provide to the Selectboard a list that reports the number of airplanes and any other aircraft based or housed at the Airport.
3. During the summer, i.e., from Memorial Day weekend through Labor Day weekend, there shall be no continuous takeoffs and landings of aircraft, an element of flight school operations as described above, before 8:00 am or after 5:00 pm. There shall be no flight school activities on Memorial Day or on July 4.
4. During the remainder of the year - fall, winter, spring - there shall be no continuous takeoffs and landings of aircraft before 8:00 am or after 6:00 pm.
5. Except in the event of an emergency or similar extraordinary circumstance, there shall be no unnecessary aircraft "run-ups," including engine starting, idling or thrusting, before 8:00 am or after 6:00 pm.
6. On Sundays, there shall be no continuous takeoffs and landings of aircraft before 9:00 am or after 5:00 pm.
7. There shall be no helicopter flight school or helicopter sightseeing operated at or from the property.
8. The Applicant shall use its best efforts to limit military helicopter training activity at the Airport.
9. There shall be no glider activity at or from the Airport except for emergency landings.
10. There shall be no jet or turbo jet engine aircraft operations at the Airport except for emergency landings.

11. There shall be no drone flying operations at or from the Airport, except as required by law or for governmental inspections of the Airport.
12. Customer vehicle parking shall be only in the current Airport parking lots, except for special events permitted by an entertainment license granted by the Selectboard.
13. No additional outdoor lighting will be added unless required by FAA or MassDOT regulations. Any and all exterior lighting except for that required to be otherwise by the FAA or MassDOT, shall be Dark Sky compliant, and shall not create glare or spillover across property lines. Runway lights must shut off automatically 15 minutes after they are activated.
14. The Applicant shall provide to the Town all records on waste oil and disposal of hazardous materials at or from the Airport when such records are submitted to any state or federal regulatory agency or authority.
15. Within six months after the date of this Special Permit, the Applicant shall provide to the Selectboard and the Assessors a map or plan, prepared by a registered professional engineer or land surveyor, showing and including a calculation of the amount of land of the Airport currently enrolled in the Chapter 61A agricultural land tax program, so that the Assessors can determine if there is any land that is subject to conveyance or roll back taxes. In addition, the land identified on the map or plan as Chapter 61A agricultural shall remain as open space and shall not be used for Airport operations or Aviation Field purposes.
16. The Applicant shall test the site soil for lead within six months after the date of this Special Permit and every five years thereafter, and provide the Town with results of those tests within five days of receipt of those results. Testing shall be at such locations and in accordance with such methods as are directed and approved by the U.S. Environmental Protection Agency and MassDEP.
17. The Applicant shall implement the use of a fuel tank leak alarm system that alerts Airport personnel immediately when there is a leak, and the Airport shall inform appropriate Town, state and federal emergency personnel immediately when there is a leak. The Applicant shall confirm implementation of the leak alarm system by written notice to the Selectboard within 90 days after the date of this Special Permit.
18. The Applicant shall prepare an emergency events response protocol and submit a copy to the Selectboard and the Town's Fire Chief, Police Chief, and Board of Health within 90 days after the date of this Special Permit.
19. Within 30 days after the date of this Special Permit, the Applicant shall provide to the Town Manager a copy of the Airport's policies for pilots with respect to noise, flight patterns, hours of operation, type of aircraft permitted to use the Airport, emergency protocols, and disposal of dumped fuel. Any revisions to those policies shall also be provided, within 10 days after adoption. All such policies shall be posted on the Applicant's website.
20. Any Airport flight operations reports, including reports regarding takeoffs and landings, submitted to the FAA or the Mass DOT shall also be submitted to the Town by copy to the Town Manager.
21. The Applicant shall report to the Town all safety incidents at the Airport that are reported to the FAA, and shall also report to the Town all safety incidents either at the Airport, or involving airplanes that took off from the Airport, that are reportable to local, state, and/or federal authorities under any

law or regulation. The reports to the Town shall be submitted to the Town Manager and the Chief of Police.

22. There shall be no expansion of the level of machine shop activities requiring the use of toxic or hazardous materials regulated by local, state or federal law beyond that being conducted at the time of the special permit application, including the volume of each toxic or hazardous material used at the Airport annually. The Airport must submit to the Selectboard within 30 days of the date of this Special Permit a written report detailing the type and volume of such toxic and hazardous materials used annually for machine shop activities.

23. The Special Permit is granted solely to Berkshire Aviation Holdings, Inc., formerly known as Berkshire Aviation Enterprises, Inc., as presently constituted, for the purposes described herein, and is not transferable. The Special Permit shall not run with the land. Upon sale or transfer of ownership of the subject property, whether partial or total, the Special Permit shall terminate.

24. If there is any change in the name or organizational structure of Berkshire Aviation Holdings, Inc., a written notice detailing such change shall be submitted to the Town Manager within ten days of the change.

25. In the use of the Airport the Applicant shall comply with all applicable local, state and federal laws and regulations. This condition is not to be construed to relieve the Applicant of compliance with any other condition of this Special Permit, and the recording of this Special Permit with the Registry of Deeds shall constitute the Applicant's acceptance of, and agreement to be bound by, the terms and conditions of the Special Permit.

26. The Applicant shall annually submit to the Selectboard, by February 15, a written report concerning operations at the Airport during the previous calendar year, including a description of how the specific uses authorized by this Special Permit were conducted. The report shall also identify the methods and tools used to measure, quantify or otherwise track or keep a record of aircraft takeoffs and landings; Airport flight path policies and rules, and compliance with those policies and rules; storage and use of toxic and hazardous materials regulated under local, state or federal law; and the impact of Airport operations on the environment, including air and groundwater.

27. The Selectboard reserves the right to require additional or new data in the reports required to be submitted by the Applicant, based on future technological advances, modification of industry standards, accessibility of reportable information, or change in any law or regulation relating to the reportable information.

28. This Special Permit is granted on the express basis that every condition imposed hereunder is essential to mitigate the impact of the Airport on the surrounding residential/agricultural neighborhood. The Selectboard finds that none of these conditions is severable, and if any of these conditions is found invalid or otherwise unenforceable in any judicial review or by a governmental authority having jurisdiction, the Special Permit shall automatically become null and void.

Town of Great Barrington

MAY 9th, 2023
Annual Town Election
TOTAL TALLY- FINAL Results

OFFICE

	A	B	C	D	TOTAL
MODERATOR (1 FOR 1 YEAR)					
BLANKS	28	49	25	48	150
Michael Owen Wise	203	225	128	239	795
WRITE-INS	1	2	1	1	5
TOTAL:	232	276	154	288	950
SELECTBOARD (1 FOR 3 YEARS)					
BLANKS	0	2	0	6	8
Benjamin Peter Elliott	154	191	84	149	578
Sharon Gregory	78	83	70	133	364
WRITE-INS	0	0	0	0	0
TOTAL:	232	276	154	288	950
BOARD OF HEALTH (1 FOR 3 YEARS)					
BLANKS	46	57	32	59	194
Ruby Chang	185	217	121	227	750
WRITE-INS	1	2	1	2	6
TOTAL:	232	276	154	288	950
FINANCE COMMITTEE (1 FOR 3 YEARS)					
BLANKS	52	62	34	58	206
Anne I. O'Dwyer	180	214	120	230	744
WRITE-INS	0	0	0	0	0
TOTAL:	232	276	154	288	950

Town of Great Barrington

OFFICE	A	B	C	D	TOTAL
HOUSING AUTHORITY (1 FOR 5 YEARS)					
BLANKS	56	88	35	73	252
Philip N. Orenstein	176	187	119	215	697
WRITE-INS	0	1	0	0	1
TOTAL:	232	276	154	288	950
LIBRARY TRUSTEES (2 FOR 3 YEARS)					
BLANKS	98	161	79	155	493
John Breasted	62	77	54	73	266
Sandra Pantorno	153	148	94	188	583
Robert M. Shaeffer	149	165	81	159	554
WRITE-INS	2	1	0	1	4
WRITE-INS					
TOTAL:	464	552	308	576	1900
PLANNING BOARD (2 FOR 3 YEARS)					
BLANKS	125	188	77	171	561
Malcolm R. Fick	178	179	118	207	682
Jonathan Bridgeman Hankin	156	171	107	185	619
WRITE-INS (Thomas Ferris)	4	8	6	9	27
WRITE-INS (Leigh Davis)	1	6	0	4	11
TOTAL:	464	552	308	576	1900
ZONING BOARD OF APPEALS (2 FOR 5 YEARS)					
BLANKS	108	195	78	154	535
Michael Owen Wise	185	193	124	224	726
Peter J. Most	171	164	106	197	638
WRITE-INS	0	0	0	1	1
TOTAL:	464	552	308	576	1900

Town of Great Barrington

	A	B	C	D	TOTAL
BLANKS	24	43	27	55	149
YES	167	157	90	159	573
NO	41	76	37	74	228
TOTAL:	232	276	154	288	950

TOTAL REGISTERED VOTERS:	4,960
TOTAL VOTED:	950
% THAT VOTED:	19.1%

Respectfully Submitted,

Jennifer L. Messina
Town Clerk



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

SENT VIA ELECTRONIC MAIL

April 13, 2023

Mr. James Mercer, Treasurer
Housatonic Water Works
80 Maple Ave Ste 1
Great Barrington, MA 01230

Re: Great Barrington-DWP
Housatonic Water Works
PWS ID#: 1113003
Water Quality

Dear Mr. Mercer,

The Department of Environmental Protection (MassDEP) is in receipt of Haloacetic Acids (HAA5) and Total Trihalomethanes (TTHM) results for water samples collected at a location in Housatonic Water Works. The 3rd quarter sample was collected on February 8, 2023, and the results were received by MassDEP from Housatonic Water Works on March 17, 2023, via email.

The results show that the 1st quarter Operational Evaluation Level (OEL) for HAA5 (60 µg/L) was exceeded at a 314 North Plain Road (10004) sampling location. The OEL exceedance at the 314 North Plain Road (10004) sampling location for HAA5 is 64 µg/L for the 1st quarter.

While the exceedance of the OEL is not a Maximum Contaminant Level (MCL) violation, it does require that the Housatonic Water Works evaluate the possible cause(s) of the exceedance and take the necessary corrective action(s) to try and avoid a future MCL exceedance. Housatonic Water Works exceeded the MCL for HAA5 at this 314 North Plain Road (10004) sampling location with 63 µg/L.

In accordance with the Stage 2 Disinfection By-Products Rule (310 CMR 22.07F(13)), Housatonic Water Works must complete and submit the attached "Operational Evaluation Reporting Form" by **June 15, 2023**. The link to EPA's Operational Evaluation Guidance Manual is emailed to the Housatonic Water Works. The full document is available at <http://www.epa.gov/dwreginfo/stage-1-and-stage-2-compliance-help-community-water-system-owners-and-operators> or <http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1002YDW.txt>.

Y:\DWPArchive\WERO\Great Barrington-1113003-Water Quality-2023-04-13

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

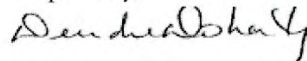
Printed on Recycled Paper

Housatonic Water Works
PWSID# 1113003

April 13, 2023

If you have any questions, please contact Hem Pokharel at 617-455-7957 or email at Hem.Pokharel@Mass.Gov.

Respectfully,



Deirdre Doherty
Drinking Water/Municipal Services Chief
Western Regional Office

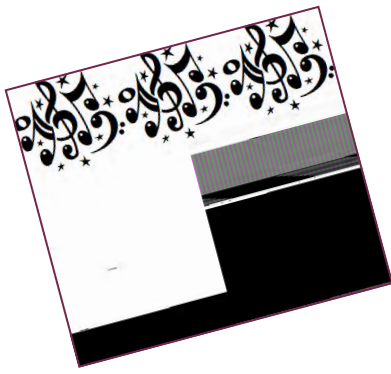
Attachments:

Operational Evaluation Reporting Form, EPA's Operational Evaluation Guidance Manual

cc:

DWP, Boston
Great Barrington Board of Health (eCopy)
Stockbridge Board of Health
Hem Pokharel (eCopy); Doug Paine (eCopy)

BWR\WS\LT2 & DBP Rules\WQ_Data\1113003-2023-04-13-LTR-DBP OEL-HWWCO.docx
DEP WERO\BWR\ WS\ 2023-2025PWSCorr\G-L\1113003\1113003-2023-04-13-LTR-DBP OEL-HWWCO



Schedule for Free Concerts Wednesdays and Fridays

Free concerts are held Wednesdays and Fridays from 5:30 pm to 7:15 pm at Grover's Corner Gazebo behind the Town Hall at 334 Main St.

All concerts depend on the weather and are subject to change. The Facebook page is Town of Great Barrington Summer Concert Series.

Friday, June 9th ~ SEASON OPENER ~ The Lucky Bucket Band & The Wanda Houston Band

Friday, June 16th ~ Benefit for the People's Pantry of Great Barrington ~ Rees Shad & the Conversations

Wednesday, June 21st ~ Berkshire Sings

Friday, June 23rd ~ Lady Di & the Dukes

Wednesday, June 28th ~ David Reed Duo

Friday, June 30th ~ Elizabeth Berliner & Friends

Wednesday, July 5th ~ The Adams Brothers

Friday, July 7th ~ The Joint Chiefs

Wednesday, July 12th ~ Moonshine Holler

Friday, July 14th ~ Lucky Bucket Band

Wednesday, July 19th ~ Berkshire Hills Chorus

Friday, July 21st ~ Aimee Van Dyne Band

Wednesday, July 26th ~ Railroad Street Dreamers

Friday, July 28th ~ THE BTU'S

Wednesday, August 2nd ~ GypZBilly

Friday, August 4th ~ Peter & Allen & Friends

Wednesday, August 9th ~ Eagles Trombone Ensemble

Friday, August 11th ~ WANDA HOUSTON BAND

Wednesday, August 23rd ~ Lee Rogers & Friends

Friday, August 25th ~ Bobby Sweet Band

Thank you to our sponsors: Greylock Federal Credit Union, Great Barrington Rotary Club, Herrington's Lumber, Windy Hill Farm, Domaney's, Okerstrom-Lang Design, The Bookloft, Wards Nursery, Guido's, Thursday Morning Club

DONATIONS ALWAYS WELCOMED!!