

# THE NEWSletter

The Newsy Little Paper That  
Supplements Other Media

Volume 32 Number 11 January 2024

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## Quotes of the Issue

**"It is the duty of the Board of Health to ensure the residents of Great Barrington are provided with the utmost considerations for their health and well being during the remediation project. ... Concerns by the Board of Health include presence of particulate matter, contamination with PCB in our environment, effects on human health, stress induced by transportation systems and danger to road travel for residents and multitude of visitors to our area which is a major sustaining support for our local economy."**

— From a letter the Board of Health is sending EPA New England. That letter and one for the Selectboard and other towns are reproduced in this issue.

\* \* \*

**"What exactly is the problem with the [special permit] process? Aside from potential law suits in land court that can derail projects for months or years, the process has the ability to disavow most of what is written into the zoning bylaw by creating the opportunity for the granting authority to disavow a project because of the process' discretionary nature."**

— From Planning Board member Pedro Pachano's letter to that board and the Selectboard. He proposes that more than nine multi-unit residential developments be allowed by right on parts of Route 7 without the now-required special permit. His letter and the Planning Board's discussion are in this issue.

## *Input on Spending Starts Feb. 6*

Following is the proposed budget meeting schedule for this year. The Selectboard and Finance Committee preside and they're open to the public, which, under citizens' speak, can be heard on every topic.

Everything listed here affects tax bills. All sessions are scheduled to start at 6 p.m.

### **Tuesday, Feb. 6**

Budget overview followed by review of budgets for Selectboard/town manager, Finance Committee/reserve fund, town accountant, technology, assessors' office, collector/treasurer, human resources, town clerk, building inspectors, health department, debt service, retirement, insurance.

### **Wednesday, Feb. 7**

Conservation Commission, Planning Board, Zoning Board of Appeals, planning/community development, buildings and grounds, highway, Council on Aging, libraries, Parks and Recreation, wastewater, capital.

### **Tuesday, Feb. 13**

Police Department, Fire Department, emergency management, animal control, community services, veterans' affairs, boards and commissions, celebrations and events, special articles.

### **Wednesday, Feb. 14**

Review and discussion

### **Wednesday, Feb. 28**

### **Public hearing**

The Selectboard and Finance Committee usually vote on the budget and other financial items after the hearing.



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# Late News

*The following is from the Berkshire Hills Regional School Committee's Jan. 25 meeting, which I watched on Community Television for the Southern Berkshire (ctsbv.org) after the rest of THE NEWSletter was written.*

THE PUBLIC HEARING on the school district's proposed operating and capital budgets for FY25 will be **Feb. 29**, date and place not yet announced. When the proposed budgets are ready, they'll be available in public libraries and on the district's website at [bhrs.org](http://bhrs.org).

During the Jan. 25 meeting, the committee approved two resolutions proposed by the policy subcommittee and drafted by member Corey Sprague of Stockbridge. The statement below, attesting to the school committee's commitment to academic and intellectual freedom, diversity and inclusivity, passed unanimously.

Bill Fields of Great Barrington made a motion to remove the words "potential" and "alleged" from the resolution regarding the police but no one seconded. Rich Dohoney of Great Barrington recused himself but all other members approved it. The resolutions are reproduced below and on the next page.

During citizen's speak time, five people spoke about the Dec. 8 incident. One parent asked who will teach the grade 8 class whose teacher is on paid leave at her request. The book "Gender Queer" reportedly was seen in her classroom. Du Bois Regional Middle School principal Miles Wheat said a long-term substitute is being sought.

More about the incident is in this issue.



## BERKSHIRE HILLS REGIONAL SCHOOL DISTRICT

GREAT BARRINGTON • STOCKBRIDGE • WEST STOCKBRIDGE

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### RESOLUTION

WHEREAS, the Berkshire Hills Regional School Committee is dedicated to fostering an environment that encourages critical thinking, diversity, and the free exchange of ideas; and

WHEREAS, our educational mission is grounded in the principles of academic freedom, intellectual curiosity, and the pursuit of knowledge; and

WHEREAS, we recognize the importance of providing students with a well-rounded education that exposes them to a variety of perspectives, ideas, and cultures; and

WHEREAS, the diversity of thought and representation in our curriculum is crucial for developing informed and engaged citizens;

NOW, THEREFORE, BE IT RESOLVED that the Berkshire Hills Regional School Committee affirms its commitment to the principles of academic freedom, intellectual freedom, diversity, and inclusivity within our educational system; and

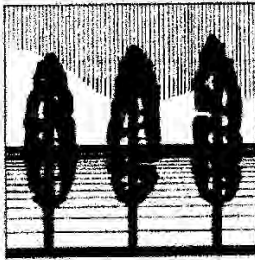
BE IT FURTHER RESOLVED that we stand in support of students' and staff's right to access a broad range of educational materials that reflect diverse experiences and perspectives; and

BE IT ALSO RESOLVED that we acknowledge the importance of open dialogue and constructive conversations to address concerns related to educational materials, and we encourage community members, parents and caregivers to participate in respectful discussions about curriculum content; and

BE IT FINALLY RESOLVED that the Berkshire Hills Regional School Committee will continue to review and uphold our policies to ensure that our educational materials are aligned with the values of our community and the principles of academic freedom.

ADOPTED this 25th day of January 2024.

Stephen Bannon, Chair  
Berkshire Hills Regional School District School Committee



# BERKSHIRE HILLS REGIONAL SCHOOL DISTRICT

GREAT BARRINGTON • STOCKBRIDGE • WEST STOCKBRIDGE

50 MAIN STREET • P.O. BOX 617 • STOCKBRIDGE, MA 01262 • (413) 298-4017

## RESOLUTION

WHEREAS, the Berkshire Hills Regional School Committee is dedicated to maintaining a safe and supportive learning environment for students and staff; and

WHEREAS, recent concerns have been raised regarding potential overreach by the local police department in matters related to school affairs; and

WHEREAS, the Berkshire Hills Regional School Committee values a collaborative relationship with law enforcement agencies while ensuring the protection of the rights and well-being of our educational community; and

WHEREAS, accountability and transparency are essential for maintaining public trust and confidence in both our educational institutions and local law enforcement;

NOW, THEREFORE, BE IT RESOLVED that the Berkshire Hills Regional School Committee respectfully urges the local police department to initiate a thorough internal investigation into any alleged overreach or involvement in school affairs; and

BE IT FURTHER RESOLVED that the internal investigation should examine the nature and extent of the police department's interactions with the school community, ensuring that actions taken align with established protocols and respect the rights of students and staff; and

BE IT ALSO RESOLVED that the School Committee expects the local police department to provide a transparent and detailed report of the internal investigation findings, including any recommended corrective actions if warranted; and

BE IT FINALLY RESOLVED that the School Committee remains committed to fostering a positive and cooperative relationship with local law enforcement agencies to enhance the safety and well-being of our educational community.

ADOPTED this 25th day of January 2024.

Stephen Bannon, Chair  
Berkshire Hills Regional School District School Committee

# Meetings and More in February

MEETING AGENDAS are posted on the town's website at [townofgb.org](http://townofgb.org), and sent by THE NEWSletter. The agendas tell where to attend and provide a Zoom link, if needed.

A meeting held with members meeting in person may still be held even if a Zoom link doesn't work, according to the Division of Open Government.

Recordings of many meetings are on Community Television for the Southern Berkshires at [ctsbv.org](http://ctsbv.org), YouTube and the Selectboard's website page. You can watch on your computer or on Spectrum cable channels 1301 (public), 1302 (education) and 1303 (government).

The Berkshire Hills Regional School District has a website, [bhrrsd.org](http://bhrrsd.org). It, the

town, and the police and fire departments have Facebook pages.

*The following meeting dates may change and more almost certainly will be added.*

## February 2023

**-Nomination papers for annual town elections May 14 available at town clerk's office through March 22.**

**-Board of Health meets Feb. 1, 6:30 p.m.**

**-Parks Commission meets Feb. 5, 5:15 p.m.**

**-Selectboard & Finance Committee get proposed budget, start meetings Feb. 6, 6 p.m.**

**-Berkshire Hills Regional School Committee meets Feb. 8 & 29, 6 p.m.**

**-Planning Board meets Feb. 8 & 22, 6 p.m.**

**-Selectboard meets Feb. 11 & 26, 6 p.m.**

**-Tree Committee meets Feb. 14, 5 p.m.**

**-Historic District Commission meets Feb. 15, 5:30 p.m.**

**-Housatonic Improvement Committee meets Feb. 15, 6:30 p.m.**

**-Presidents' Day is Feb. 19 with town buildings closed all day.**

**-Finance Committee meets Feb. 20, 6 p.m.**

**-Historic District Commission meets Jan. 18, 5:30 p.m.**

**-Early voting, in-person, starts Feb. 24, 9 a.m. to 3 p.m., for presidential primary on March 5, town clerk's office. Also Feb. 26, 27, 28 & 29 & March 1, 8:30 a.m. to 4 p.m.**

**-Council on Aging meets Feb. 28, 1 p.m.**

**-Conservation Commission meets Feb. 28, 6:30 p.m.**

# Libraries; Senior Center; Recycling Center Information

THE TOWN'S TWO LIBRARIES have a website at [gblibraries.org](http://gblibraries.org). It lists activities and new books and tapes.

Books, CDs and DVDs can be ordered by calling Mason Library at 528-2403 or email at [masonramsdel@gmail.com](mailto:masonramsdel@gmail.com) or [bark.cwmars.org](mailto: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 library's monthly newsletter is sent to all NEWSletter subscribers.

## Mason Library

Mason Library on Main Street, Great Barrington is closed Sundays and Mondays and open Tuesdays, Wednesdays, Thursdays and Fridays from 10 a.m. to 6 p.m. and Saturdays from 10 a.m. to 3 p.m.

## Ramsdell's Hours

Ramsdell Library on Main Street, Housatonic, is open Sundays from 1 to 4 p.m., Monday from 1 to 6 p.m. and closed other days.

Its phone number is 274-3738.

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

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

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

Its website, which includes menus, is at [greatbarringtonseniors.org](http://greatbarringtonseniors.org).

Staff is available Mondays through Fridays to answer calls and offer SHINE counseling.

Big Y donations are available Mondays and Wednesdays.

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

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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.

Composting is now being accepted at no charge. More information is in this issue.

The fee schedule is on the Department of Public Work website page, [townofgb.org/public-works](http://townofgb.org/public-works). The DPW's telephone number is 528-0867.



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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.

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## 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.

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Checks should be made payable to THE NEWSletter and mailed to it at POB 567, Housatonic 01236.

## Available in Large Type

Cost to receive THE NEWSletter in large type is \$40 for 12 issues, plus the annual print subscription.

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 [thenewsletter@gmail.com](mailto:thenewsletter@gmail.com)

And a suggestion: THE NEWSletter makes a great gift for new neighbors, children leaving home and former residents.

Thanks, folks, for your support!

-Eileen W. Mooney



# Proposed FY25 Spending To Be Presented Feb. 6

THE PROPOSED TOWN BUDGET for fiscal year 2025 will be presented at a **Feb. 6** meeting of the Selectboard and Finance Committee, after which the boards will begin their review.

Their joint-meeting schedule is on page 1 of this NEWSletter. People can voice their comments on what is presented under "citizen's speak" at each meeting.

## Public Hearing Is Feb. 28

A public hearing will be **Feb. 28** on the proposed budget, special financial articles and capital costs, which then go to voters at the **May 6** annual town meeting.

Fiscal year 2025 starts July 1.

## New 'Guide to Real Estate Tax Bill'

During their Feb. 17 meeting, Finance Committee members agreed to put on their page on the town website a Guide to the Great Barrington Real Estate Tax Bill, drafted by chairman Phil Orenstein and member Anne O'Dwyer.

The intent is to provide information on how tax bills are determined, Mr. Orenstein said. The Finance Committee does not decide whether and when to raise taxes, Ms. O'Dwyer noted.

The Board of Assessors needs to provide more written information and if it doesn't, the committee should be very concerned, Milena Cerna stated.

That may be outside the Finance Committee's scope but it's something for town manager Mark Pruhenski and financial coordinator Allison Crespo to consider, she added.

Resident James Garzon said thinking should start now on how to lower tax bills and keep them as transparent as possible.

## Explain School Costs in Tax Guide?

Resident Vivian Orlowski suggested that school costs also be explained in the tax guide because they are "such a big factor."

The school district's budget is beyond the Finance Committee's scope, Mr. Orenstein noted.

Berkshire Hills Regional School District's superintendent Peter Dillon will present the proposed budget to the district's three member towns' finance committees and selectmen.

The budget will also be presented at a public meeting.

The school district does not seem to be included on the meeting schedule on page 1.

## Separate Vote at Town Meeting

The district's proposed assessment is voted separately at town meeting.

School costs came up at the school committee's building committee meeting on Feb. 17.

The building committee must be "very cost conscious" as it considers the design for a new high school or renovated Monument Mountain, building committee member Ananda Timpane stated. (More about that meeting is elsewhere in this issue.)

## Funds Transferred for HWW Study

Also during its meeting, the Finance Committee approved transferring \$20,235.80 from the reserve fund to contracted services to help fund \$26,235.80 for an engineering services study with financial evaluation of Housatonic Water Works.

"The purpose of the study is to evaluate the tax impact associated with an acquisition, and evaluate the projected revenues, operating expenses, capital needs, and user fees just prior to, and for a period of five years following such conceptual acquisition for users," town manager Pruhenski wrote the committee.

DPC Engineering ([dpcengineering.com](http://dpcengineering.com)) will do the study, expected to take four-to-six months.

The firm now does all the town's sewer rate studies and sewer plant cost projections, Mr. Pruhenski explained.

The Selectboard announced in December that it is gathering information with the intent of asking voters to acquire HWW.

It has been holding executive sessions, including with Attorney David Doneski of town counsel KP Law, about that possibility.

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NOMINATION PAPERS are available from Feb. 1 to March 22 at the town clerk's Town Hall office.

Returning the papers with the required number of signatures is the only way to be on the printed ballot for the **May 14** election.

The required number has not been determined for this year but is usually about 30.

## Sign Up for Releases; New One Added

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

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

Added to the list at a reader's suggestion is the Schumacher Center for a New Economics. Already on are:

- 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, Community Development Corp., Construct, Cultural District,
  - District Attorney, Dewey Hall, Farmers Market, Great Barrington Historical Society, Mel King Institute;
  - RSYP, Claire Teague Senior Center, Train Campaign, Volunteers in Medicine.
- Feel free to suggest more.

## Several Incumbents Running Again

Several office holders whose terms end in May have notified THE NEWSletter that they intend to seek re-election.

At THE NEWSletter's printing deadline, they are:

-Garfield Reed and Eric Gabriel, selectmen; Richard Geiler, Finance Committee; Patrick Hollenbeck, Board of Library Trustees; Stephen McAlister, Zoning Board of Appeals;

Also, Peter Stanton, Board of Health; Michael Wise, moderator; and Eileen Mooney, Housing Authority.

Not running is Carol McGlinchey, Board of Library Trustees. Undecided is Pedro Pachano, Planning Board.

(NEWS continues on page 4)

**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**

## For Clean-Heat Comfort

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# Composting, Health Board, New Library Director

Not yet responding are Phil Orenstein, Finance Committee; Madonna Meagher, Zoning Board of Appeals; and constables Walter Atwood Jr. and John Broderick.

\*\*\*

COMPOST IS BEING ACCEPTED at the town transfer station on Stockbridge Road, almost across from Monument Mountain Regional High School.

There is no fee to leave compost.

The Board of Health is sponsoring **compost collection as a pilot program** paid with a Berkshire Public Health Alliance grant.

Berkshire Composting will collect the compost, which may be left whenever the station is open. Those hours are on page 2 of this NEWSletter.

Health agent Rebecca Jurczyk announced the program's start during the board's Jan. 9 meeting.

## Board Writes EPA New England

At a special meeting Jan. 22, board members Michael Lanoue, Dr. Ruby Chang and Peter Stanton agreed to send EPA New England a letter expressing concern about how PCBs removed from the Housatonic River will be handled.

The letter is reproduced in this issue, with one from the Selectboard and selectmen in other towns.

## Strategy Regarding HWW Discussed

The board also held an executive session "to discuss strategy with respect to litigation regarding" Housatonic Water Works.

"Members decided to gather more information and work on details related to possible plans of action we are considering," chairman Lanoue told THE NEWSletter.

The board will have another executive session at its next meeting on **Feb. 1** at 6:30 p.m.

Dr. Chang has said that during the monthly meeting, she wants to discuss funds for the board to test HWW's water.

During citizens' speak time at the Jan. 9 meeting, Daniel Sykes said the board should be concerned about harm done by Covid shots. He suggested it might establish a task force.

James Garzon questioned whether rail traffic would be better than trucks to remove PCBs to a disposal site because additional facilities would be needed. Trucks would still be needed to take PCBs from the Housatonic River to the tracks, he noted.

\*\*\*

DAWN



JARDINE is the new director of the town's libraries, Mason in Great Barrington and Ramsdell in Housatonic.

Town manager Mark Pruhenski appointed her and she began Jan. 8. Sophia Bletsos, the town's human resources director, said 27 people applied for the position, vacant since Samara Klein resigned last June.

Donna Brown, assistant director of operations, had been acting director. At their Jan. 10 meeting, the six library trustees praised her work.

Ms. Jardine told them she is pleased to live and work in Great Barrington.

## Library Director in New York State

According to her resume, she comes here from the Catskill (N.Y.) Public Library, where she had been interim library manager since June, when she took over management of the main library and a branch with less than one week's notice.

She had a budget of more than \$1 million. Great Barrington's budget for this fiscal year is \$625,666.

Ms. Jardine was library director at the Red Hook (N.Y.) Public Library from 2016 until 2023. While there, she oversaw several large maintenance projects, including a new roof, and secured and administered private, county and state grants.

She began in Red Hook as a library assistant in 2012.

From 1997 to 2009, she owned The Secret Pocket, which offered dressmaking, patternmaking, costuming and instruction.

She was a newsletter columnist for the Association of Sewing and Design Professionals, a paid lecturer for it and the American Sewing Guild and a certified Home Sewing Association trained educator.

## Corrections!

In the last issue, I wrote that Planning Board member Pedro Pachano is proposing that a special permit not be required for multi-unit developments with affordable housing. Not so. He wrote that he is proposing "special permits be lifted for multi-unit housing along Route 7. I am not asking for affordable housing to be by right but any project that proposed housing of 9 or more units."

His proposal is reproduced in this issue.

Also, I wrote that had Selectman Leigh Davis participated in the previous vote on a liquor license for Price Chopper, the result would have been a tie. She wrote that the previous vote was 2-1, with one recusal and one abstention. If I voted for the license, it would have been 2-2. Even with my affirmative vote, it would still not have passed." Then-selectman Ed Abrahams and Eric Gabriel voted against granting a license; Steve Bannon voted to grant it, she wrote.

As reported in the last NEWSletter, the selectmen voted 3-1 on Dec. 4 to grant the license. Garfield Reed recused himself; Eric Gabriel voted against; Ms. Davis, Mr. Bannon and Ben Elliott voted for it.

-EWM

Ms. Jardine has a degree in microbiology from the University of New Hampshire and a nursing degree from the Framingham (Mass.) Union School of Nursing.

She has taken sessions offered by the New York Library Association and Mid-Hudson Library System and attended state and national conferences, she wrote.

She will be paid \$72,000 a year.

Friends of the GB Libraries and library trustees held a welcoming reception for Ms. Jardine on Jan. 20. The event was also to show the redecorated main reading room, funded by the Friends.

## Forming Building Committee

During the trustees' Jan. 10 meeting, the trustees agreed to seek members for a building program committee to work with professionals who will be hired for the design and planning phases of Ramsdell's proposed renovation.

The trustees are seeking a state Library Commission grant for the work. For preparatory studies, they have \$50,000 in Community Preservation Act funds approved by voters at last October's special town meeting.

The Community Preservation Committee said their additional request for \$150,000 should come from town funds.

Even if state funds are not granted, Ramsdell needs renovation because its entrance and interior are not handicapped accessible, trustee Ruby Chang said.

(NEWS continues on page 5)

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# Libraries; Planning Board; AHTF and Funds for CDC

The Department of Public Works is waiting for the results of a study of what town buildings — including the libraries — need.

The trustees are also seeking a recording secretary. Dr. Chang has been taking minutes.

Anyone interested in being on the committee or in taking minutes could notify Dr. Chang at [rubyrbchang@gmail.com](mailto:rubyrbchang@gmail.com) or trustee chairman Patrick Hollenbeck at [patorch@msn.com](mailto:patorch@msn.com).

## Friends Raised About \$16,000

Friends' president Ed Abrahams said the organization raised and spent about \$16,000 during 2023, much of it on the reading room.

He said the organization has a board of three people. He is president, Holly Hamer is treasurer and member Michelle Raszl.

Ms. Raszl was the librarian at Mount Everett Regional School until September, when she began teaching English as a Second Language there, Mr. Abrahams said.

The organization has no formal membership, he said. A formal membership program and annual small membership contributions were tried but, he wrote THE NEWSletter, "it was more than we can manage."

There is no paid staff. He, Ms. Hamer and a few volunteers handle programming and administrative tasks.

They do have a mailing list and a Facebook page — [facebook.com/FriendsGBL/](https://www.facebook.com/FriendsGBL/) — on which events are posted.

Those events include the free Saturday film series which resumes **Feb. 3** at Mason Library.

"Hello, Bookstore," about the Bookstore in Lenox, will be shown. More information is at [bookstoreinlenox.com](http://bookstoreinlenox.com)

Wine and cheese will be served at 6:30 p.m., and discussion will follow the film.

Other documentaries will be shown **March 2** and **April 6**.

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THE PLANNING BOARD is considering whether to recommend that voters allow multi-unit residential development by right — no special permit needed.

Board member Pedro Pachano proposed the change in a Dec. 11 letter to that board and the Selectboard. His letter is reproduced in this issue.

When the Planning Board discussed it Dec. 14, Mr. Pachano said "he is working with someone who is looking at 6 properties for development. He said by-right is important," according to Kimberly Shaw's minutes.

## Housing Problem, Wealth Problem

"We have a housing problem because we have a wealth problem," Malcolm Fick told him. "He said the middle-class can't aspire to own a single family home. He said we can't solve the problem. We can make it easier to build multi-unit buildings but the problem is everywhere."

Jonathan Hankin said the solution is to build all types of housing. Jeremy Higa agreed with Mr. Pachano that "we need to move this."

## Proposed Area To Build By Right

Discussion continued at the Jan. 11 meeting when Mr. Pachano explained that his proposed area for by-right multifamily development would be from Brookside Road to Maple Avenue, skip the downtown area and then along Stockbridge Road.

Ms. Nelson said she was not excited by this. Mr. Fick said he did not favor it. Mr. Hankin said it was the perfect place for mixed use.

Ms. Nelson said by right for mixed-use development is now allowed there if 10% of the housing units are affordable, but no one is doing anything.

Mr. Pachano said he thinks that is because of the process. Lack of building is a national problem, Ms. Nelson told him.

"Therefore it's our issue," Mr. Pachano responded. The special-permit process only loses the ability to say "no" to a project, he stated.

The board agreed they need the Selectboard's opinion and will continue discussion.

## To Discuss Lighting, Master Plan

The board will also consider lighting of historic buildings and the height of lights.

Board members are discussing with other town boards what in the Master Plan pertains to them. Public outreach and input sessions will be scheduled.

## Mr. Pachano Employed by CDC

During the meeting, Mr. Pachano noted that he filed a disclosure with the town clerk because he was employed by the Community Development Corp. to consider its plan for collaborative housing at 453 Stockbridge Road, the present Thornewood Inn.

The board is considering a zoning amendment to allow for such housing.

Mr. Pachano's disclosure states that the CDC asked him "to conduct a zoning and building code analysis for a project they were considering ... Their intent was to use the inn existing at the address as single-room occupancy, permanent housing. At the time, the Great Barrington zoning by-law did not have a provision for such use."

He added that he has "not been engaged by them to debate or promote such a policy nor do I have any future engagement or contract with CDC."

\*\*\*

THE AFFORDABLE HOUSING TRUST FUND board has voted not to provide funds for the **Community Development Corp.'s purchase of 453 Stockbridge Road**, now Thornewood Inn.

The proposal was continued from the December meeting. CDC board member and interim executive director Phil Orenstein explained the proposal.

The CDC plans to convert the building into shared housing with 18 bedrooms, each with private bath, for temporary workforce housing. It seeks \$175,000 from the AFHTF for deed restrictions to keep 10 units rented at affordable-housing rates.

AHTF chairman Fred Clark noted that the Community Preservation Committee already has voted to recommend that town-meeting voters grant the CDC \$250,000 in for the project. Because the AHTF also uses Community Preservation Act funds, that would mean the CDC would get \$425,000 in CPA funds for the project, he said.

The AHTF does not have \$175,000 funds available, member Ananda Timpane noted. It has about \$150,000 available and encumbered for other projects, including helping with mortgage down-payments and affordable housing proposals.

Also, Mr. Clark noted, the CDC ran out of funds when it made its recommendations so town meeting voters on May 6 will be asked to grant it \$23,000.

He, Ms. Timpane and Krysia Kurzyca voted not to fund the CDC's proposal. Joe Method abstained and Bill Cooke voted for it. Garfield Reed was absent.

After the vote, Mr. Clark said he felt the proposal was mostly for the business community's workforce, and the business community should "step up."

## North Plain Road Project Update

Also during the meeting, Mr. Clark reported that the affordable-housing project on North Plain Road should break ground this spring. Central Berkshire Habitat for Humanity is building those houses.

Members approved down-payment mortgage assistance for purchase of a house in Housatonic.

Mr. Cooke and Mr. Method were named to a subcommittee to work on marketing a pilot project to encourage landowners to build accessory dwelling units, or ADUs..

## Affordable Housing Applications

The application for affordable housing proposals is on the AHTF's town website page and its website at [gbhousing.org](http://gbhousing.org)

The board has a vacancy. Information is available from Mr. Clark at [Fred3Clark@yahoo.com](mailto:Fred3Clark@yahoo.com) or by calling him at 274-0160 or from Chris Rembold, assistant town manager and director of planning and development, at [crembold@townofgb.org](mailto:crembold@townofgb.org) or 528-1619 ext. 7.

\*\*\*

MICHELLE MAKI, doing business as **Midori's Garden**, has a special permit to manufacture marijuana in an industrial zone at 920 South Main St.

(NEWS continues on page 6)

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# More News of Great Barrington

The Selectboard unanimously granted the special permit at their Jan. 8 meeting. The vote was 4-0. Leigh Davis was not at the meeting.

Ms. Maki originally sought a special permit to cultivate marijuana as well as manufacture it. However, at earlier hearings on her request, nearby residents expressed concern about the possible odor from her land, which is near Windrush Commons affordable housing development, the Pediatric Development Center and Brookside Manor senior housing development.

The original proposal was that plants would be grown outdoors, with odor-producing herbs and flowers planted to counter the cannabis' odor-producing terpenes.

The selectmen voted unanimously Sept. 11 that an odor expert should be hired at the applicant's expense.

At the Dec. 12 hearing, Ms. Maki requested that the special permit be only for manufacturing. The selectmen agreed.

## Findings of Fact and Basis for Decision

According to the Findings of Fact and Basis for Decision:

"No new structures are proposed as part of this application. The manufacturing use consists of a small tabletop device for extraction. The cannabis extract will then be combined with other herbs and ingredients. The resulting product will be tested, packaged and then wholesaled. Since cannabis odor is associated only with the flowering phase of the cultivation process, the manufacturing of extract product does not involve odor concerns."

The Selectboard placed no conditions on the special permit.

Ms. Maki said marijuana will be purchased elsewhere. She anticipates being the only employee at first, she said during the hearing.

\*\*\*

THE CULTURAL COUNCIL has approved **19 grants** totaling \$7,036.

Recipients are the Festival Latino of the Berkshires, \$300; Center for Peace Through Culture for Legacies, \$300; Flying Cloud Institute for S\*M\*Art Lab: Where Science Meets Art!, \$350;

Also, Second Nature Arts, Stitched Stories, \$425; Costello Astronomy Lectures, A talk about the universe, \$400;

Also, Shakespeare & Company Inc., 2024 Fall Festival of Shakespeare, \$300; Berkshire Pulse Inc., Dances of Africa for Youth Performing Arts Program, \$500;

Also, Triplex Cinema Inc., Spring Teen Film Festival, \$300, and "Till," \$431; Greenagers Inc., Greenagers Education and Stewardship, \$300;

Also, Blue Rider Stables Inc., Blue Rider Circus — Student Showcase, \$400; Baseball in the Berkshires Inc., Take Me Out to Berkshire Baseball, \$400;

Also, ISI83 Inc., Professional development for BHRSD educators, \$400; Great Barrington Public Theater Inc., Berkshire Voices 2024 reading series, \$400;

Also, MUSIC Dance.edu, Hip Hop Chair Dance for Seniors, \$280; Bernice E. Lewis, History Alive, \$250;

Also, Berkshire Music School Inc., Willie Was Different: A Musical Enrichment Program, \$500; The Stockbridge Sinfonia Inc., The Stockbridge Sinfonia, \$400; and Nutshell Playhouse Inc., Nutshell Playhouse at Berkshire Pulse, \$400.

Funds are provided by the Massachusetts Cultural Council, which has a website at [mass-culturalcouncil.org](http://mass-culturalcouncil.org).

The Cultural Council stated in a news release that it "awards grants to organizations and individuals for the presentation of quality programs in the humanities, sciences, and the arts.

"It gives highest but not exclusive priority to the interests of Great Barrington and Housatonic residents of and local venues.

"The Council prioritizes educational, inclusive, accessible events, programs, and exhibitions that engage a broad community."

Applications for 2025 will be available in the fall.

## Three Vacancies on Council

Present members on the council are Sherry Steiner, chairman; Leora Kahn, vice chairman; Ellen Shanahan; Elissa Haskins-Vaughan, liaison to Cultural District; Allison Zivin, secretary; and Patrick Barrett.

There are three vacancies. Chairman Steiner said members do not need to live in Great Barrington.

"We are looking (as always) for new members since it is a renewable three-year term (if the person decides to stay on) but after six years you must go off for a year before returning, according to the Massachusetts Cultural Council," she explained.

\*\*\*

AS REPRODUCED in the November NEWSletter, the **Board of Assessors'** minutes for its July 20 and Sept. 13 meetings were identical and didn't identify the subjects of hearings or locations of the properties.

They also gave the wrong reason to go into an executive session and "used shorthand that may be well-known to assessors but does not alert the public to the topics to be discussed," assistant attorney general Matthew Lindberg wrote in his Dec. 28 determination that the Board of Assessors violated the Open Meeting Law.

"We discourage the use of abbreviations or acronyms in meeting notices, particularly if they are not widely understood by the public," Mr. Lindberg wrote.

The board "also failed to provide an adequate description of the matters to be discussed in executive session, in violation of the Open Meeting Law," he stated.

He gave the board 40 days in which "to amend and approve minutes for the July 20 and September 13 meetings ..."

## Earlier Decision Also Found Violations

Another assistant attorney general, Carrie Benedon, had earlier ordered the board to revise and approve the May 31, 2022, minutes within 40 days and said all board members must attend training by the division's office within 90 days.

(NEWS continues on page 7)

## Clerk's Corner

By Town Clerk Jennifer Messina and Assistant Town Clerk Katherine Couch

The Town Clerk's office is gearing up for a very busy year!

There will be four different elections in 2024: presidential primary on March 5; annual town election on May 14; state primary on Sept. 3; and presidential election, Nov. 5.

In 2022, The VOTES Act was passed in Massachusetts allowing everyone the ability to vote by mail without any reason.

Recently, the Secretary of the Commonwealth's office sent a Vote by Mail postcard to every registered voter in the commonwealth — more than 4.5 million applications.

## Frequently Asked Questions

*Why didn't I receive a Vote by Mail postcard?*

The postcard was sent to the address that was in the state voter database on Jan. 5, 2024. If you moved and did not notify the clerk's office, it was sent to your previous address.

You can update your address by going online **Elections: What would you like to do today? (state.ma.us)** or by coming into the clerk's office and filling out a form.

*Do I have to vote by mail?*

**Absolutely not.** There will be in-person early voting and the polls will be open for you to vote in person.

*How can I find out what political party I am registered in?*

The Secretary of the Commonwealth has a website set up to help your voting questions. Also **Elections: What would you like to do today? (state.ma.us)**

You can also reach out to the clerk's office and we will gladly answer your questions.

## Census, Dog Licenses Due

Please...Remember to return your Annual Street Census and Dog License Renewals

## Important Upcoming Dates

**Feb. 1:** Nomination papers for the town election are available in the Town Clerk's office through March 22.

**Feb. 24:** Last day for unregistered voters to register to vote for presidential primary. The Town Clerk's office will be open from 9 a.m. to 5 p.m.

**March 5:** Presidential primary from 7 a.m. to 8 p.m. at the State Road Fire Station and Housatonic Community Center polling places.

## Want To Reach Clerk's Office?

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

Jenn and Kathy





# Designer for High School Project; 8-Town Board Disbands

FINALISTS TO DESIGN a new building and a renovated Monument Mountain Regional High School could be interviewed in a few weeks by officials of the state's School Building Authority and representatives of the Berkshire Hills Regional School District.

The SBA, which will help fund a new or renovated building, is requiring designs for both approaches.

The finalists are DiNisco Design of Boston and Drumney Roane Anderson, or DRA, of South Windsor, Conn.

The school committee's building committee received an update about the design process Jan. 17 from representatives of project manager Skanska.

## Time Nearing To Make Decisions

The design process has been "slow going" but the time is rapidly approaching when the committee will start to make decisions, committee chairman Jason St. Peter said.

The resulting building is expected to be one of or the smallest high schools in the state, especially now, with a merger proposal defeated in October, grades 9-12 from the Southern Berkshire Regional School District will not be attending.

## Vote Expected in 2025

Design is expected to be completed in 2025. Voters in the district's three towns of Great Barrington, Stockbridge and West Stockbridge are expected to decide that year whether to fund the recommended project.

\*\*\*

THE EIGHT-TOWN SCHOOL DISTRICT PLANNING BOARD met Dec. 28 and voted itself out of existence.

The merger it had recommended of the Southern Berkshire and Berkshire Hills regional school district went down to defeat in October.

Of Southern Berkshire's five towns, only Alford voted to merge. Sheffield voters overwhelmingly said "no" — 503 no to 99 yes.

The final vote in the eight towns was 1,035 to merge and 1,037 against.

The board's website will be up until the end of June but access closes Feb. 1. However, it will be available on the Internet, board member Patrick White, a Stockbridge selectman, said.

During its three years of work, the board received and spent \$502,500, including \$64,000 from the towns.

From January 2023 through the last meeting, the board spent \$128,432.53, reported Jake Eberwein, who was project manager.

He noted that his travel expenses were included in the \$49,193.54 he received.

Other costs this year were \$13,815 to Dupere Law; \$30,037.50, Abrahams Group for financial analysis/modeling; Christine Kelly, \$4,306, and Amanda LeBeau, \$5,790.75 (She is still owed payment.);

Also, Lydia Johnson, \$450, translation; Stacey Schultze, \$12,500, and Christine Hunt, \$9,197.13, community education; and \$3,142.61, supplies/printing.

## 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](mailto:casey.pease@masenate.gov).

\*\*\*

STATE REP. SMITTY PIGNATELLI does not have office hours but is at [rep.smitty@mahouse.gov](mailto: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](mailto:julia.murphy@mahouse.gov) and legislative aide Trey McNinch, is [robert.mcninch@mahouse.gov](mailto:robert.mcninch@mahouse.gov).

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

**READERS: If you don't receive an email with meetings for the week ahead, tell [thenewsletter@gmail.com](mailto:thenewsletter@gmail.com) or 274-6100 as there might be a delivery problem.**

## Assessors, From Page 6

Both orders were in response to complaints THE NEWSletter filed.

## Revised Minutes Have Been Posted

The assessors filed revised minutes the week of January 22. THE NEWSletter does not consider that they comply with OML and has filed another complaint.

Also, although seven agendas were posted for meetings in 2022, the only minutes posted were for May 31, 2022, and they were posted after THE NEWSletter requested them in 2023.

Minutes posted in 2021 appear as uninformative as those found insufficient by Mr. Lindberg.

## Not Alone in Not Posting

The Board of Assessors is not, however, alone in not posting. The Agricultural Commission has not posted minutes since 2018, even though it has met at least 23 times since then.

## NEWSLETTER

## COMMENT:

Boards do fall behind with minutes, especially unpaid boards of volunteers that lack a paid recording secretary. But someone in town government should be responsible for ensuring that minutes are posted and that they and agendas comply with requirements of the Open Meeting Law.

The OML is an important tool in keeping voters informed about their government. It needs to be followed.

—EWM



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# Law Firm Hired To Investigate Police Visit to Du Bois

THE BERKSHIRE HILL REGIONAL SCHOOL COMMITTEE has hired a law firm to investigate the Dec. 8 **visit of a police officer to Du Bois Regional Middle School**. The Great Barrington Selectboard is considering doing that.

The investigations by both boards were requested by Todd & Weld, the Boston law firm representing the teacher said to have the book, "Gender Queer" by Maia Kobabe.

(NOTE: The book can be borrowed from Mason Library, which obtained copies from other libraries to meet reader requests for it.)

Todd & Weld's Jan. 5 letter to the school committee and Selectboard and a letter from the ACLU/GLAD are reproduced in this issue.

The school district and town redacted the teacher's name.

## Law Firm Wants Investigation

The law firm sought an immediate independent investigation "determining how and by whom a criminal complaint was initiated against our client and how each step of the decision-making which took place thereafter was made."

The actions "raise numerous and serious legal issues," including "clear discrimination" based upon the teacher's sexual orientation, the letter states.

The teacher is now on paid leave, at her request.

The school committee has voted to hire the Pittsfield law firm of Cohen, Kinne, Valencenti & Cook. The investigator's rate is \$395 an hour, district superintendent Peter Dillon told THE NEWSletter.

When the investigation will be completed has not been determined, he noted.

## Selectboard To Consider on Feb. 12

Hiring for an investigation was on the agenda for the Selectboard's Jan. 22 meeting

but was continued to **Feb. 12** because, town manager Mark Pruhenski explained, the lawyer for the town's insurance company, Mass. Interlocal Insurance Association, had only received information about this the previous Friday and needed more time to prepare a recommendation about an investigation.

## Concern About 'Obscene Matter'

The book was the subject of a complaint to the police by someone, not identified, who went to the Great Barrington police station and complained to officer Joseph O'Brien about it and its illustrations.

Officer O'Brien noted at the start of his report that the visitor showed photos of illustrations from the book. He wrote:

"Without additional information at that time, the drawn characters appeared to be young individuals that may be meant to portray children under the age of 18, which may be a violation of Massachusetts General Law 272/29 Dissemination of obscene matter."

Officer O'Brien told Police Chief Paul Storti, who called school district superintendent Peter Dillon. Mr. Dillon arranged for officer O'Brien, wearing plainclothes and driving an unmarked car, to meet school principal Miles Wheat after school let out for the day.

## Book Not Found in Classroom

They met with the teacher in whose room the book reportedly had been seen but the book could not be found.

THE NEWSletter sent its email list Officer O'Brien's report and photocam from his body camera.

Chief Storti also notified the district attorney. Andrew Giarolo, an assistant district attorney, emailed him and officer O'Brien on Dec. 14:

## DA, Supt. To Decide Book's Audience

"Upon further review, the DA has stated that this is not a criminal matter. DA has discussed this issue with the Superintendent. They will handle this matter internally and will determine the appropriate audience, if any, for this book. Thank you for your efforts to try to investigate this matter."

Du Bois and Monument Mountain Regional High School students held protests and several parents signed a petition against what was portrayed as a targeted attack and homophobic.

The school committee then held a public meeting Jan. 11. Committee chairman Steve Bannon, who is also Selectboard chairman, estimated about 60 people attended the session at the middle school, with 95 online.

More than 25 people spoke, including parents and students. Some students said that having such books available was very helpful. Some identified as LGBTQ+.

Two people said, to applause, that the book and picture have no place in a middle school.

Erica Mielke said this incident was not new. She and Annie Alquist asked what is happening to implement recommendations of the Stoke Report.

## Stoke Report's Comments

That report, researched at the three schools in 2021 through 2023 and written in 2023, observed in part that at Du Bois:

"During unstructured time — passing in the hallways, exploratory period, at recess — students report that racist, transphobic, classist, anti-semitic, and xenophobic comments remain commonplace experiences. Staff who share marginalized identities with their students or targeted students themselves, feel burdened with the responsibility to educate others and address these incidents."

They were not answered.

"This incident is not just about this one book — it's about intellectual freedom, it's about protecting out students ... and teaching them how to stand up for themselves," said Katie O'Neil, a public library director who complimented the school district's librarians.

## Three Schools' Principals' Comment

Another parent asked what plans are at Muddy Brook Regional Elementary School to provide "a foundation for work" and foster students who are not homophobic.

"Our teachers are very open and welcoming," principal Katie Retzel responded, noting that there has been training "in making kiddos more comfortable."

Every students should have one adult in the building as an ally, Du Bois principal Wheat said.

"Trying to improve our culture" is a "constant challenge," Monument Mountain principal Kristina Farina said.

## 'Do Better Because We Have To'

School committee members then told how they feel about the incident. Mr. Bannon began, stating that "The book is a symptom of behavior we need to address."

"We can do better because we have to," he added.

Diane Singer said there should be a strong response and the narrative should not be set by the person who complained.

Sarah Bourla agreed with them. Corey Sprague wanted to know who complained.

Anne Hutchinson said she does not want to see police officers in a school unless they have a warrant or a life-death emergency.

Bonnie Bonn-Buffoni and Jason St. Peter said they want a safe environment. Bill Fields said he has great concerns.

Bill Vogt and Rich Dohoney were not present.

**THE NEWSletter makes a great gift for children living elsewhere and new and former neighbors.**

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# December Police Report

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

The department's website is [greatbarringtonpolice.com](http://greatbarringtonpolice.com) and its Facebook page is [www.facebook.com/GBPDMA/](http://www.facebook.com/GBPDMA/)

Police at 911 handle ambulance dispatch.

The station is at 465 South Main St.

Police officers wear cameras to help document investigations and incidents.

The department participates in the state Disability Indicator Program. Forms are at [mass.gov/doc/disability-indicator-form](http://mass.gov/doc/disability-indicator-form).

The following are taken from the month's police report.

## December

ON DEC. 8, someone visited the police station "to report suspicious activity," according to the police report. The entry is labeled "Initiated—INVESTIGATION" and "Services Rendered."

The call taker, officer Joseph O'Brien, was sent to Du Bois Regional Middle School. More information about this incident is on page 8 of this issue.

\* \* \*

TWENTY-ONE VEHICULAR ACCIDENTS were reported in December, including seven two-car collisions and two hit-and-runs.

Three cars were involved in a collision. New Marlborough's ambulance was called when Southern Berkshire Ambulance was not available.

A woman notified police that she hit a pedestrian in the Big Y parking lot. The pedestrian was taken to Fairview Hospital.

Deer were hit on Park Street, Housatonic; North Plain Road and South Main Street.

A car hit a tree and another hit a guard rail.

## Anti-Semitic Actions Reported

Hevreh reported receiving a bomb threat. Police checked both it and Congregation

Ahavath Shalom. Both buildings are also listed as being frequently checked during police patrols.

A local business found a sticker on its building stating that "Israel is committing genocide."

The facility manager at Eisner Camp said military boots had been thrown over power lines at the property. He was concerned this could be an anti-Israeli symbol.

Police investigated. The boots have been removed.

## Radar on Several Streets

Police ran radar on several streets, including 17 times on Stockbridge Road.

They ran radar 11 times each on Main Street and North Plain Road; nine times each, Old Stockbridge Road and South Main Street; seven, Egremont Plan Road; five each, Monument Valley and State roads; three each, East Street and at Fountain Pond on Stockbridge Road;

Also, twice each, Alford Road, Maple Avenue, Park and Front streets in Housatonic; and once each, Hurlburt, Egremont Plain and Monterey roads, Division Street and at Monument Mountain Regional High School and Muddy Brook Regional Elementary School.

## Other Police Actions

Police stopped vehicles 55 times, resulting in 54 citations/warnings issued.

They arrested a man for violating an abuse-prevention order. Another man was arrested for receiving a stolen credit card.

Someone else was arrested for assault and battery on a disabled person over 60 with an injury. Other people were arrested for accosting someone and shoplifting.

A man was arrested for criminal harassment, assault with a dangerous weapon and threatening to kill someone.

A man and a woman were each taken into protective custody.

An unknown party called the police station three days before Christmas "wishing all department members a 'terrible holiday' and relaying that members are 'Nazis.' Same wished a good day, and call was disconnected," the police log states.

A man was seen at Main Street and State Road holding a sign with a "mangled baby" regarding abortion, according to the report.

Someone was taken to Berkshire Medical Center because of emotional problems.

Police received a report that child pornography had been produced in Great Barrington.

## Police Chief Storti: 'Call Me'

Police Chief Paul Storti said he is "always open to questions and concerns people have with the police department.

"My goal is to provide the best police service for our community," he stated.

He is at 528-0306. His email is [pstorti@townofgb.org](mailto:pstorti@townofgb.org).

## In Emotional Distress?

If you or someone you know is thinking about suicide or is in emotional distress, the Police Department encourages you to reach out for help.

**-Text "988," the suicide and crisis lifeline.** Free and confidential emotional support is available 24/7. Call or text 988 (Veterans: Press 1, Spanish Line: Press 2)

**-Chat** is available on [988lifeline.org/chat](http://988lifeline.org/chat)

**-Visit** [988lifeline.org](http://988lifeline.org) for additional information.

**Also:** <https://www.mass.gov/info-details/suicide-prevention-crisis-hotlines>.

One patient used his first to hit another in the back of his head at Timberlyn Heights Nursing and Rehabilitation Center.

Someone reported being scammed of \$1,000 after buying VISA cards and sending them off, according to a police report.

Someone else told police that people claiming to be from Spectrum said to buy two Target gift cards to qualify for a Spectrum discount. Police explained that it was a scam and the person didn't buy any cards.

Several juveniles were reported scaling the roof of the former Searles School on Bridge Street.

Archer the support dog made four visits during December, including twice to Muddy Brook Regional Elementary School and once to Monument Mountain Regional High School.

Police unlocked 11 vehicles.

Several loose dogs were reported but no bears, cows or horses.

## December Fire Calls

FIREFIGHTERS responded to 91 incidents during **December**, including once from the Housatonic station.

They helped medical crews 36 times and at six vehicular accidents.

They investigated two gas leaks in separate businesses on Main Street. Fire Chief Scott Turner said that the gas leak on Main St. was in two separate businesses. The gas company representative found the leak in an adjacent business, he reported.

No damage resulted from a chimney fire on Division Street and no injuries from a carbon monoxide incident in West Stockbridge to which firefighters responded.

Eight calls were either canceled en route or no incident was found when firefighters arrived at the address.

They also responded to 36 false alarms for release of hazardous materials or carbon monoxide or fire alarms activated because of malfunction or unintentionally.

# GBAHTF

## Buying a house?

A family of 4, with an annual household income of less than \$92,100, can qualify for the Affordable Housing Trust Fund's **Down Payment Assistance Program** — an interest free loan of 10% of the purchase price, up to \$25,000! The loan does not need to be repaid until the house is sold or transferred.

Visit [www.gbhousing.org](http://www.gbhousing.org) for details.

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# More News, Continued

LEIGH DAVIS, a selectman, chairman of the Selectboard-Planning Board housing subcommittee, the Selectboard's representative on the Community Preservation Committee and Construct's community engagement and communications director, testified at a Jan. 18 hearing of the **state Legislature's Joint Committee on Housing**,

She highlighted her proposed real estate transfer fee while supporting Gov. Maura Healy's Affordable Homes Act.

Her written and updated testimony is reproduced in this issue. The update was made because, she explained, after she testified, Fairview Hospital notified her that instead of five job openings attributable to a lack of affordable housing, there are 48 openings.

The hospital has since said that not all openings may be attributable to lack of affordable housing.

\*\*\*

THE HISTORIC DISTRICT COMMISSION has continued its review of the **proposed campus improvement landscape and lighting plan for Town Hall** to its Feb. 15 meeting.

The continuance was requested by Steve Mack of Foresight Land Services, which is preparing the plan.

The commission has a vacancy for an associate member.

\*\*\*

NY WHITAKER has been named director of the **Du Bois Freedom Center** following a seven-month national search funded by a grant from the Andrew W. Mellon Foundation.

The former Clinton A. M. E. Zion Church at 9 Elm Court is being converted into an African-American cultural and heritage center dedicated to celebrating Great Barrington native W.E.B. Du Bois.

Ms. Whitaker is a former White House senior advisor and New York University professor with more than 20 years of corporate, nonprofit, and public sector leadership experience.

She will oversee operations, fundraising, and programming, working with project manager Eugenie Sills, who served as interim executive director until last spring, and with Du Bois Forum director Kendra Field.

## New Directors of Center

Elected as board president is Dr. Christopher Himes, director of engineering and technology innovation at Miss Hall's School.

Beth Carlson, principal of Silo Media was elected treasurer. Johnathan Speer, associate dean of diversity, equity, and inclusion at Berkshire School is secretary.

(NEWS continues on page 11)

## Recent Real Estate Transactions

**BUILDING PERMITS should return next month. The building department assistant left and they weren't ready for this month's issue.**

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](http://www.masslandrecords.com).

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

-Beth M. Jones to Christopher K. Clemans & Marya Spence, 137 East Road, Alford, \$630,000.

-Christina Wignall to Evelyn C. Demelker & Richard S. Starr, 13 Egremont Heights, Egremont, \$600,000.

-West Avenue LLC to Ravjeet LLC, 140 West Ave. GB, \$437,500.

-Shirley Snyder to 945 Main LLC, 945 Main St., Great Barrington, \$150,000.

-Margo Drohan to Green River Holdings LLC, 85 Pixley Road, Monterey, \$292,000.

-William P. Gorth & Janet I. Gorth, trustees, Janet I. Gorth 2001 Revocable Trust, to Charles O. Prince III, trustee, Sankaty 2013 Revocable Trust Agreement, & Margaret L. Wolff, trustee, Sconset 2013 Revocable Trust Agreement, 19 West Alford Road, West Stockbridge, \$4.3 million.

-Kerry T. Millikin, trustee, Kerry T. Millikin Revocable Trust, to Michael Oliver Weiss & Frances J. Weiss, 25 Townhouse Hill Road, Egremont, \$1.785 million.

-John Horton & Michele Horton to Todd Maloy Smith & Margaret Mary Smith, 20 Taconic Lane, Egremont, \$960,000.

-William K. Harrington Sr. & Susan L. Harrington to Sarah M. Abraham, 47 Maple Hill Road, West Stockbridge, \$280,000.

-Stephen Fechter & Amy Thompson, trustees, Stephen Fechter and Amy Thompson Trust Agreement to Charles Pelton & Madeleine Irene Rachel Pelton, 48 Lakeside Drive, Egremont, \$995,000.

-Robert Grant & Louise Grant to Paul Moglia & Jean Moglia, 3 Cornwall Drive, Great Barrington, \$1.02 million.

-Aldrich Maple LLC to AJC Makana LLC, 55 Maple Hill Road, West Stockbridge, \$4.1 million.

-Nicholas Louis Terzo, trustee, 50 Hupi Road Nominee Trust, to Luke F. Egan & Allison C. Egan, 50 Hupi Road, Monterey, \$479,000.

-Thomas O. Andrews to Baldwin Building Inc., 309 Main St., Great Barrington, \$1.225 million.

-Davina Muse & Arizona Muse to Maura Cuny, 13 Forest Road, Great Barrington, \$354,000.

-Great Barrington Town to WDM Properties, 207 Pleasant St., Great Barrington, \$100. (This is under the usual transaction amount but it is the former Housatonic School and thus worth special notice. EWM)

-Phyllis H. Skaller & Peter G. Skaller, trustees, Phyllis H. Skaller & Peter G. Skaller Revocable Trust, to Troy Hanshe & Alexandria Pendergast, 1070 Main St., Great Barrington, \$460,000.

-Jeffrey R. Stevens to David Melo & Kathryn Melo, 9 Grant Lane, Great Barrington, \$563,000.

-Francisca Rodriguez to Scott G. Bevan & Russell Ricard, property on Pixley Hill Road, West Stockbridge, \$235,000.

-Rosemary T. Carpenter & Susan Green-Lorensen to Keith Marman & Gulshen Jaffery, 6 Fisher Lane, Egremont, \$600,000.

-Linda Sendobry, Lisa Burk & Laura B. Nolan, trustee, Laura B. Nolan Revocable Trust Dated May 21 2019, to 2 B&C LLC, 19 Broderick Road, Monterey, \$356,000.

-Daniel Hollander & Rachel Hollander to Eric J. Aulicino & Kari Harendorf, 213 Egremont Plain Road, Egremont, \$625,000.

-Mark Rosengren to Diane Kend, 206 Highland St., Great Barrington, 3391,000.

-Matthew Fogarty & Anne Marie Fogarty to Stephen A. Rada & Allison L. Rada, 55 East Sheffield Road, Great Barrington, \$120,000.

-Central Berkshire Habitat for Humanity Inc. to Precious M. Green, 40 Grove St., Great Barrington, \$250,000.

-Nancy L. Beach & Louise K. Beach to Michael Austin Frank & Elizabeth Anne Bruun, 56 Brett Road, Monterey, \$445,000.

-Christian Wells to Richard B. Atwood Sr., trustee, Apollo Real Estate Trust, 55 Van-Deusenville Road, Great Barrington, \$88,435.36.

-Michael Sturgis & Jennifer Sturgis to John A. Kelley & Brittany N. Blakeman, 123 State Line Road, West Stockbridge, \$240,000.

-Stanley B. Gibson & Charles W. Gibson, trustees, Birch Hill Realty Trust, to David A. Vogel & Julie A. Vogel, property on Birch Hill Road, West Stockbridge, \$50,000.

## 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/](http://masslandrecords.com/BerkMiddle/)*

-Eric R. Chamberlain & Lisa S. Chamberlain to Jeffrey David Birnbaum & Betty Jo Pfeiffer, 19 Church St., Stockbridge, \$103,500.

-David J. Goldberg to 13 Rattlesnake Mountain Road LLC, 13 Rattlesnake Mountain Road, Stockbridge, \$100,000.

**THE NEWSletter makes a great gift**

*THE NEWSletter unfortunately lacks the space to include all details and all survivors.*

## Pamela A. Dumont

Pamela A. Dumont, 64, of Great Barrington died at home Jan. 17.

She was a 1977 graduate of Monument Mountain Regional High School.

Ms. Dumont leaves her brothers and sister Edward Jr. and Albert, both of Great Barrington, Sheryl of Becket and Peter of Sheffield. She also leaves her nieces and nephews.

She was predeceased by her brother Raymond Dumont Sr.

Birches-Roy Funeral Home handled arrangements.

Memorial donations are suggested to the Claire Teague Senior Center through the funeral home.

## Judith Ann Dunham

Judith Ann Heath Dunham, 84, formerly of Great Barrington, died Jan. 5 at Noble Horizons.

She graduated from the former Searles High School.

She was food services director of the former Pines Nursing Home, now Timberlyn Heights, retiring after 30 years.

Mrs. Dunham leaves her son, Charles W. Dunham Jr. of Framingham; three daughters, Holly Desmond of Monterey, Laurie Krom of Ashley Falls and Julie Storti of Great Barrington; a brother, Harry Heath Jr. of Daytona Beach, Fla.; a sister, Rowena Fuller of Georgia; 10 grandchildren; and three great-grandchildren.

Her husband of 65 years, Charles W. Dunham Sr., died in 2022. She was also predeceased by her brother James J. Heath Sr. and a sister, Mary Lou Dunham.

Birches-Roy Funeral Home handled arrangements.

Memorial donations are suggested to Berkshire Community Church through the funeral home.

## Gertrude Bidwell Leuchs

Gertrude Marie Bidwell Leuchs, 97, a long-time resident of Monterey, died Jan. 16 in League City, Texas.

After graduating from the former Bryant School and Barrington School for Girls, she joined an accelerated five-year World War II wartime program with Johns Hopkins Hospital School of Nursing and Hood College.

She then did post-graduate work at Johns Hopkins University.

She was head nurse and assistant nursing arts instructor at Johns Hopkins Hospital, then an evening supervisor of nursing at the surgical and obstetrical units of the New York City Department of Hospitals/Bellevue, and then worked at Austen Riggs Center in Stockbridge.

She and her husband, stained-glass artist Frederick L. Leuchs, lived in New York for 13 years while summering in Monterey, where they moved full-time in 1966.

In 1994, they retired to St. Petersburg, Fla., returning to Monterey in summers.

## Recent Obituaries

Mrs. Leuchs traced her Bidwell genealogy back to 1044 and found she descended from kings Edward I, II and III and Henry I, II and III of England.

She and her mother gave their ancestral archival documents to Yale University, the Berkshire Athenaeum and the Bidwell House Museum in Monterey.

Mrs. Leuchs leaves five daughters, Paula Moats McNay of Chestnut Hill, Catherine Bohman of Palo Alto, Calif., Adele Odegaard of New Smyrna Beach, Fla., Mary Anne Leuchs-de la Rosa of Baytown, Texas, and Ellen Leuchs of Sunderland; 10 grandchildren and four great-grandchildren.

Mr. Leuchs, her husband of 46 years, died in 1999. She was also predeceased by a granddaughter and a son-in-law.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to Bidwell House Museum, Stockbridge Library Museum, Monterey Library, Monterey Fire Department or Shrine of Divine Mercy in Stockbridge.

## Nabih Nejaime

Nabih Nejaime, 88, of Stockbridge, died Jan. 8 at Wingate Residence in Pittsfield.

He was born in Cedars in Maasser-el-Chouf, Lebanon, and educated in hospitality and the culinary arts. He worked in Beirut hotels.

He and his wife, Marilyn, moved to Stockbridge in 1964 and established Nejaime's Stockbridge Shop as a full-service family grocery store.

In 1970, Mr. Nejaime bought the Stockbridge Wine Cellar on Elm Street. It grew to three stores, now operating under second and third generations.

In 1972 he bought the former Ford dealership building in Lee and opened a grocery store. When it closed in 1976, he remade it into a mini-mall and then sold it.

In the early 1980s, he began baking an Armenian-style flatbread known as lavasch. That resulted in a commercial bakery in the Stockbridge Industrial Park, producing dozens of products including lavasch under his distinct recipe, now Ghiddo's (grandfather's) Lavasch.

Mr. Nejaime served on the Berkshire Hills Regional School Committee. He was a past president of Kiwanis, the Stockbridge Republican Town Committee and Berkshire County Republican Committee. He was named a Republican of the Year.

In 2009, he received the first Founders of Freedom Award, presented by the Literacy Network of South Berkshire.

He was on the fund-raising committees of St. Joseph of Stockbridge and St. Ann of Lee.

Mr. Nejaime leaves his wife of 68 years; their sons Jim and Joe of Lenox; daughters Lily Nejaime and Lily Marzotto; 10 grand-

children; and 11 grandchildren.

He was predeceased by his brother George Nejaime and his sister Nadia Matney.

Finnerty & Stevens Funeral Home handled arrangements.

Memorial donations are suggested to M.A.R.A. through Hyatt Comporesi, 73 Highview Drive, Harwinton, Conn. 06791.

## Thomas B. Shultis Jr.

Thomas B. Shultis Jr., 40, of Great Barrington, died Jan. 5 at Fairview Hospital.

He had attended Monument Mountain Regional High School and worked for South County Pools, at B&S Tire Co. and for Mandell Masonry.

Mr. Shultis leaves his mother, Patricia Beligni Shultis; his brother Michael; and two sisters, Cheryl Broderick and Heather Wheeler.

Birches-Roy Funeral Home handled arrangements.

Memorial donations are suggested to St. Teresa of Calcutta Parish Fund through the funeral home.

## News from page 10

Wray Gunn Sr. was named emeritus president with Cora Portnoff as emeritus director. They have been, respectively, board president/chair and secretary since the nonprofit Clinton Center's founding in 2016.

### Events Planned This Year

The Du Bois Freedom Center this year will host "Reflections on Democracy," a series of educational programs and public events that analyze the writings of Dr. Du Bois on this topic.

The Mellon Foundation grant is also supporting structural and roof work as the center completes its architectural and exhibition design phase, according to a news release.

A calendar of 2024 programming will be announced in February. More information is available at the website, [dubois-freedomcenter.org](http://dubois-freedomcenter.org)

**GBAHTF**

## Buying a house?

A family of 4, with an annual household income of less than \$92,100, can qualify for the Affordable Housing Trust Fund's **Down Payment Assistance Program** — an interest free loan of 10% of the purchase price, up to \$25,000! The loan does not need to be repaid until the house is sold or transferred.

Visit [www.gbhousing.org](http://www.gbhousing.org) for details.

AN UNPAID PUBLIC SERVICE AD

**Berkshire Hills Regional School District superintendent Peter Dillon provided the following two letters, with redactions.**



**Todd & Weld** LLP

Howard M. Cooper  
hcooper@toddweld.com

January 5, 2024

**VIA EMAIL AND FIRST-CLASS MAIL**

Mr. Stephen Bannon  
Chairman of the Selectboard  
334 Main Street  
Great Barrington, MA 01230

Dr. Peter Dillon  
Superintendent of Schools  
Berkshire Hills Regional School District  
P.O. Box 617, 50 Main Street  
Stockbridge, MA 01262

**Re:** [REDACTED]

Dear Chair Bannon and Dr. Dillon:

We represent [REDACTED] in connection with her legal claims arising from the recent violation of her secured rights under both federal and state law.

We are writing to you even as we continue to investigate the events of December 8, 2023 and thereafter to request that the Great Barrington Selectboard and Berkshire Hills Regional School District *immediately* undertake an independent investigation into the events at issue including, without limitation, determining how and by whom a criminal complaint was initiated against our client and how each step of the decision-making which took place thereafter was made. We have no doubt that you recognize the urgency of this request as it relates to [REDACTED] safety and the need to put in place best practices so that nothing like what occurred here happens again.

The events which took place on December 8, 2023 relating to the criminal investigation of [REDACTED] and the school's decision to allow a Great Barrington Police Department ("GBPD") officer to enter [REDACTED] classroom and interrogate her regarding the location and content of a book, are deeply concerning. Among other things, these actions raise numerous and serious legal issues with regard to the lack of any reasonable suspicion, let alone probable cause, to interrogate our client, the alleged lack of identifying information about the complainant based upon whose word a criminal investigation was opened, the GBPD's failure to have the alleged complainant follow available and well-established procedures to challenge a book in a school setting and the clear discrimination against [REDACTED] based upon her sexual orientation.



**Todd & Weld** LLP

Mr. Stephen Bannon  
Dr. Peter Dillon  
January 5, 2024  
Page 2 of 2

I attach and enclose a letter already sent by the ACLUM and GLAD sent to the GBPD and the Great Barrington District Attorney's Office which addresses additional concerns.

We ask that you respond to us as soon as reasonably possible about our request for an independent investigation.


Please understand that this letter is sent with a full reservation of our client's rights.

Very truly yours,

Howard M. Cooper

Enclosure

cc:

  
Maria T. Davis, Esq.  
Shayne Lotito, Esq.



December 29, 2023

**By Email**

Timothy J. Shugrue  
District Attorney for Berkshire County  
7 North Street  
Pittsfield, MA 01201  
[Contact.BerkshireDA@mass.gov](mailto:Contact.BerkshireDA@mass.gov)

Paul E. Storti  
Chief of Police  
465 Main Street  
Great Barrington, MA 01230  
[pstorti@townofgb.org](mailto:pstorti@townofgb.org)

Re: Law Enforcement Search for and Investigation of Book at W.E.B.  
Du Bois Middle School

Dear District Attorney Shugrue and Chief Storti:

We write on behalf of the American Civil Liberties Union of Massachusetts, Inc. ("ACLUM") and GLBTQ Legal Advocates & Defenders ("GLAD") to express deep concern about your offices' responses to a complaint about a book in a classroom at the W.E.B. Du Bois Regional Middle School in Great Barrington in which the complainant purportedly described the book as containing "pornography."

While we are gratified to see that Chief Storti has reportedly said in an on-line post that he "apologize[s] to anyone who was negatively affected" by this unprecedented law enforcement action, we remain concerned that there has been no acknowledgement that what occurred was unwarranted and unauthorized by law. Instead, in public statements and media reports, your offices have asserted that they had an obligation and no choice but to take criminal investigatory steps in response to this complaint. In your statements, you seem to be defending the fact that a police officer went to the school, visited a teacher's classroom, questioned the teacher, looked for the book and possibly even suggested a search of the entire school might be

Page 2

Berkshire DA and Great Barrington Chief of Police

December 29, 2023

appropriate—as well as the fact that a criminal investigation was opened by the District Attorney’s office when the matter was referred by the police.

Contrary to your defenses of what occurred, under the laws of the Commonwealth, discussed below, no criminal investigation was warranted. Instead, your offices should have advised the complainant to raise their concerns with the school.

We ask that you take immediate steps to instruct your staffs—and inform the public—that law enforcement responses to concerns about books in schools and other educational programs are not appropriate and should not and will not happen again. Failure to take affirmative and prompt action could mislead law enforcement elsewhere in the Commonwealth into thinking such action is lawful—when it is not—and will leave unredressed the chilling effect of your offices’ actions on the constitutionally protected rights of students in the Commonwealth to receive (and of educators to share) information without unwarranted censorship, to enjoy an educational environment free of discrimination based on gender, and to freely exercise their rights without threats, intimidation or coercion from law enforcement.<sup>1</sup>

### Controlling Statutory Provisions

Massachusetts Gen. Laws c. 272, § 31 defines unlawful “obscenity” as material “*taken as a whole*” that “(1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the [alleged] offense was committed; (2) depicts or describes sexual conduct in a patently offensive way; *and* (3) *lacks serious literary, artistic, political or scientific value.*” (emphases added).

The statute defines material that is “harmful to minors” as either material qualifying as obscenity or material that “if *taken as a whole*, [ ] (1) describes or represents nudity, sexual conduct or sexual excitement so as to appeal *predominantly* to the prurient interest of minors; (2) is *patently* contrary to prevailing standards of adults in the county where the [alleged] offense was committed as to suitable material for such minors; and (3) *lacks serious literary, artistic, political or scientific value for minors.*” (emphases supplied).

Strict adherence to these statutory boundaries is necessary to “limit[ ] the reach of the statute to material outside the First Amendment’s protection with respect to minors.” *Commonwealth v. Mienkowski*, 91 Mass. App. Ct. 668, 674 (2017).

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<sup>1</sup> An open letter we previously sent to school officials throughout the Commonwealth with regard to calls to remove book from schools sets forth the details of the laws through which these rights are established and is available [here](#). We also direct your attention to the Massachusetts Civil Rights Act, which prevents interference or attempted interference with secured rights by threats, intimidation or coercion. Mass. Gen. L. c. 12, §§ 11H and I.



Page 3

Berkshire DA and Great Barrington Chief of Police  
December 29, 2023

Under these definitions, the book at the heart of the complaint clearly does not qualify as obscene, pornographic, or material harmful to minors, due, among other things, to the literary value of the award-winning, coming-of-age book at issue, which a simple on-line search would have revealed. Such literature can be vital for young people who are coming of age and may benefit from seeing themselves and others they know represented. But, regardless, the Legislature has specified its intent that law enforcement in Massachusetts has no role in policing materials made available by schools, teachers or school librarians.

Specifically, the law provides an absolute defense to any charges of distributing obscene or allegedly harmful material to minors where the accused is “a bona fide school, museum or library, or was acting in the course of employment as an employee of such organization ....” Mass. Gen. L. c. 272, §§ 28 and 29 (emphasis added).

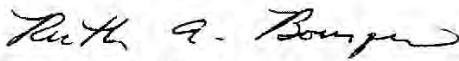
By enacting this language, the Legislature clearly established that law enforcement has no role in enforcing these statutes as to any materials provided by schools or other educational programs and their personnel acting in the scope of their employment.

### Conclusion

In light of the above, we ask that you take immediate steps to make clear to your employees, the schools, and the larger community that you recognize law enforcement had no role here and that an incident like this will not happen again.

Although we will likely be in contact again after we finish review of the public records we recently received in response to our request to the Police Department, we write now because prompt action is required to remove the unlawful chilling effect that has been created by your offices with regard to fundamental civil rights and civil liberties.

Sincerely,



Ruth A. Bourquin  
Senior Managing Attorney  
Jessica L. Lewis  
Staff Attorney  
Rachel E. Davidson  
Free Expression Staff Attorney  
ACLUM

Mary L Bonauto  
Sr. Director of Civil Rights &  
Legal Strategies  
Gary Buseck, Senior Advisor  
Chris Erchull, Attorney  
GLAD

cc: Superintendent Peter Dillon [peter.dillon@bhrsd.org](mailto:peter.dillon@bhrsd.org)  
School Committee Chair Stephen Bannon  
[scbannon@gmail.com](mailto:scbannon@gmail.com)  
Principal Miles Wheat [miles.wheat@bhrsd.org](mailto:miles.wheat@bhrsd.org)

Pedro Rafael Pachano

5 Abbey Hill Drive

pachano@pachanoandvollert.com

RA | NCARB | CPHC

Great Barrington, MA 01230

m. 646-226-2224

11 December 2023

To: Great Barrington Selectboard  
Great Barrington Planning Board  
Great Barrington Town Manager  
Great Barrington Assistant Town Manager/Director of Planning

As has been widely reported, the cost of housing in Great Barrington is beyond many of our fellow citizen's means, and the high costs associated with developing a project from the ground up are very difficult to reconcile without pushing rents and purchase prices beyond levels of affordability. As elected officials, we have a duty to assist all interested parties (including investors, developers, property owners and ordinary citizens) willing to address the local housing shortage in their pursuit of projects in a timely manner that minimizes risk. The planning board, over the last eight years, has amended the zoning by-law to allow for a variety of projects at different scales to occur throughout town. It has done so conscious of the preservation of our open spaces, respect for historic neighborhoods and recognizing that Main Street (Brookside to Old Stockbridge road along Route 7) is the logical area for housing development. The goal of the planning board was to increase housing production. However, the special permit process currently in the books may be hindering that activity, and some consider it to be antithetical to the housing goals set by the planning board.

As an example, recently I met with a group of local citizens interested in addressing the housing problem by developing multi-unit projects. We targeted a few properties and debated whether the projects would be worth pursuing. As a member of the planning board, I was tasked with zoning review. As it turns out, the only district in town that allows private multi-unit developments by-right is the B3 district, a small area downtown that includes the Dolby lot, the log homes site and Searles schools site. In other words, there is no land on which to build in that district. All other districts in which multi-family developments are allowed would require the special permit process. In one district, certain mixed uses are allowed by right, but not multi-family housing. Needless to say that the housing group was more interested in eliminating two or three units in exchange for the by-right nature of a mixed use project. In order to have certainty that their project would go through, housing is sacrificed.

I also met with owners of a large in-town lot which they wanted to develop that was located in an area with access to town infrastructure. They came to me for zoning clarity with regard to what their options were. In a district that allowed up to eight units of housing with a special permit, and with the ability to subdivide their large lot into three separate lots potentially producing 24 units, they instead preferred the by-right option of three units on a single lot, one of which could not be bigger than 900sf. The special permit process was too costly, time consuming and uncertain for them to pursue any other project. Because of their trepidation, the town lost at least 15 units and forced the type of low density development that has contributed to the housing crunch.

What I have heard from others is that zoning is not clear. I obviously have to push anyone who says such a thing about a subject that I and the planning board have worked diligently to make clear through its bylaw; and, when I do, I discover that it is not the zoning that is foggy, but the uncertainty of the special permit process.

What exactly is the problem with the process? Aside from potential law suits in land court that can derail

projects for months or years, the process has the ability to disavow most of what is written into the zoning bylaw by creating the opportunity for the granting authority to disavow a project because of the process' discretionary nature. A proposal can meet all the requirements spelled out in zoning, rules that were created and approved by the town's citizens, and still be denied on a technicality, false assumptions or emotion. I need not remind anyone addressed in this letter of the loss of 47 units on Manville Street due to a transfer of easement technicality. It is this uncertainty that discourages development by increasing the risk of a project's viability.

At the end of 2022, I made a proposal to the planning board to suspend special permits for housing. The proposal was not for all types of housing in all districts but for multi-unit projects along the Route 7 corridor on lots with access to town services. In my mind, allowing these projects by-right would at least create greater interest in land owners and developers by eliminating one of the risks of being denied a project at the municipal level. Having a clear path to breaking ground from the municipality would leave the developer to deal with aspects of development they can control. Targeting Route 7 would also increase the demand for other municipal services such as transit which can lead to a growth of services. Also, concentrating dense development in town would preserve the open spaces that are the true assets of Great Barrington and the Berkshires.

Unfortunately, the planning board was not willing to move the proposal forward for greater discussion and potential town meeting vote last year. However, in the last month, I have had discussions with selectboard members who have shown interest in discussing the potential of a limited suspension of special permits for housing. Recently I met with Selectboard Chair Steve Bannon who suggested that we convene a joint meeting of the selectboard and planning board for discussion. A date in January was discussed and I am asking Chair Bannon and Planning Board Chair Brandee Nelson to facilitate a meeting.

In our market driven economy, we have to ask why the very large demand for a variety of housing types has not been met in the Southern Berkshires over the last 40 plus years. I am not sure that lifting special permits is the answer or even result in more activity around its production, primarily because of the cost of pursuing a development. However, I am convinced that they play a role in the dearth of activity around housing in our area. Consider my proposal a pilot project. At this point in our housing crunch, as elected officials, we have to be willing to take risks. Not doing so risks the economic viability of our town.



Michael Lanoue, Chair  
Peter Stanton, Vice Chair  
Ruby Chang, M.D.



**TOWN OF GREAT BARRINGTON  
MASSACHUSETTS**

Town Hall, 334 Main Street  
Great Barrington, MA 01230

Phone: 413-528-0680  
Cell: 413-717-2010

Rebecca Jurczyk  
[rjurczyk@townofgb.org](mailto:rjurczyk@townofgb.org)

**BOARD OF HEALTH**

January 23, 2024

Mr. Dean Tagliaferro  
EPA New England  
10 Lyman Street, Suite 2  
Pittsfield, MA 01201

**RE: Rest of River- General Electric Transportation & Disposal Plan**

Dear Mr. Tagliaferro:

The Great Barrington Board of Health hereby submits this into the public comment record regarding the October 31, 2023, General Electric On-Site and Off-Site Transportation and Disposal Plan (T&D Plan.)

It is the duty of the Board of Health to ensure the residents of Great Barrington are provided with the utmost considerations for their health and wellbeing during the remediation project. As you are aware, the Quality of Life Compliance Plan for the Rest of River Remedial Action, prepared for GE by Anchor QEA and Arcadis on December 20, 2023 as well as the T&D Plan have not addressed data concerning risk/benefit study for rail transportation. Concerns by the Board of Health include presence of particulate matter, contamination with PCB in our environment, effects on human health, stress induced by transportation systems and danger to road travel for residents and multitude of visitors to our area which is a major sustaining support for our local economy.

The BOH requests that the Reporting for Excellence concerning particulate matter, noise and light be reported with transparency as soon as possible to our town as well as the EPA. This will provide a more expedient system of warning for our residents. By the time EPA is notified, time has already passed to warn residents such as closing their windows and limiting their outdoor activities.

We do have concerns about how the expediences are addressed in a timely and effective manner that would provide confidence to our residents.

The BOH of Great Barrington has recommended a rail transportation feasibility study as soon as possible and a delay of the comment period for at least 6 months after this study is published. As you well know, the BOH also has jurisdiction over environmental matters. We do not see any wording with compliance to the EPA Greener Cleanup Best Management Practices for PCB Cleanups. There was no mention of studies for best management practices for wildlife. There are no traffic studies that have taken into consideration the prevention of traffic accidents, pedestrian safety issues or bicycle traffic management.

While the rail feasibility studies are being done, we would assume that a study on creosote effects on our environment and use of herbicides over these tracks as well as noise, air quality and light pollution would be included in such reports.

We also seek documentation concerning methods of monitoring and remediation of the following that has yet to be addressed in the boiler plate report dated December 20,2023. This includes the following Best Management Practices outlined in EPA Greener Cleanup Guidelines:

- 1.) Use of decontamination procedures with biodegradable products, truck and rail idle reduction plan, use of ultra-low, low sulfur diesel or alternative fuels.
- 2.) Restriction of traffic to well defined corridors to minimize soil and land disturbances, restoration and maintenance of native ecosystems, re-establishment of native plants and avoidance of activity during migratory bird nesting season.
- 3.) Surface water monitoring during dredging and transportation while performing the dewatering process such as storm water drains and water downstream from dredging site.
- 4.) Use of drilling methods that is by direct push technology which would decrease time and drilling fluid use.
- 5.) Clear concise guidelines on treatment of PCB remediation waste, such as aqueous components from sediment leachate and removal of water from bulk PCB laden soil.
- 6.) Strict Emergency Cleanup guidelines with clear chains of command and timelines. This is to protect imminent danger to health and environment.

Due diligence to all factors involving population health and welfare should be of utmost importance to our communities. The carefully performed studies using not just industrial standards but also public health standards would support transparency for the community and provide more support for the cleanup of our beloved Housatonic River.

Respectfully submitted,

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**Dr. Ruby Chang**

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**Michael Lanoue, Chair**

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**Peter Stanton, Vice Chair**

Great Barrington Board of Health

Agenda 8 b.

**JOINT LETTER OF THE SELECT BOARDS IN THE TOWNS OF  
GREAT BARRINGTON, LEE, LENOX, SHEFFIELD, AND STOCKBRIDGE  
REGARDING RAIL TRANSPORT FOR HOUSATONIC REST OF RIVER CLEANUP PLAN**

December \_\_, 2023

[VIA EMAIL: tagliaferro.dean@epa.gov]

Mr. Dean Tagliaferro  
EPA New England  
10 Lyman Street, Suite 2  
Pittsfield, MA 01201

**RE: Rest of River – General Electric Transportation & Disposal (T&D) Plan**

Dear Mr. Tagliaferro,

Allow us to articulate our towns' resolute support for the integration of rail transport in the Housatonic Rest of River clean-up project. However, our collective sentiment is one of profound surprise and disappointment stemming from the apparent disregard for rail options evident in the recent plan submitted by Arcadis on behalf of General Electric. The challenges posed to rail within this submission lack the inventive solutions we had hoped for, and the early emphasis on trucks raises legitimate concerns about the depth of GE's commitment to a comprehensive analysis of rail transport in the project's future stages.

We insist that ongoing evaluations be conducted with greater rigor than has been demonstrated so far, recognizing the Environmental Protection Agency (EPA) as the sole entity endowed with the authority to mandate such endeavors. The paramount importance of maximizing rail transport, both to the Upland Disposal Facility (UDF) and beyond state borders, cannot be overstated. It serves as a linchpin for minimizing disruption to our residents and alleviating the burden on municipal infrastructure. In our perspective, rail should be elevated to the status of the primary mode of transport—an inclination not presently mirrored in the existing plan.

Our conviction remains steadfast in the notion that maximizing rail represents the most judicious approach to the project, countering the prevailing emphasis on trucks. We fully expect EPA, guided by its policy goals, will discern rail as the optimal choice, given its inherent capacity to reduce vehicular traffic on roadways, rendering it a safer option. Furthermore, from a public health standpoint, rail will likely emerge as the safest option, pending confirmation by the respective boards of health, whose scientific analyses are anticipated.

The plan's apparent indifference towards rail introduces legitimate apprehensions regarding the boundaries prescribed by the settlement agreement that precipitated its formulation. Should insurmountable financial constraints contribute to the dismissal of rail, we beseech our federal delegation (copied) to procure the requisite supplemental aid for improvements, thereby bridging any extant gaps. Put plainly, if GE lacks a legal mandate to fund rail infrastructure, we advocate for

federal funding to be secured for necessary improvements preceding the project's commencement. This proposition encapsulates the most substantive contribution our federal representatives can proffer at this stage, surpassing the confines of existing regulatory or settlement agreement provisions.

As the ongoing comment period persists, you may anticipate further missives from each of our towns, ardently championing the cause of rail, supplemented by comprehensive analyses. We extend our gratitude for your thoughtful consideration and anticipate a favorable response.

Sincerely,

Stephen Bannon, Chair  
Selectboard, Great Barrington, MA

Robert C. Kilmer, Jr., Chair  
Select Board, Sheffield, MA

Robert H. Jones, Jr., Chair  
Select Board, Lee, MA

Ernest J. Cardillo, Chair  
Board of Selectmen, Stockbridge, MA

Edward Lane, Chair  
Select Board, Lenox, MA

cc: The Honorable Edward Markey, U.S. Senate  
The Honorable Elizabeth Warren, U.S. Senate  
The Honorable Richard Neal, U.S. House of Representatives  
Her Excellency Maura Healey, Governor of Massachusetts  
The Honorable Paul Mark, State Senator  
The Honorable Smitty Pignatelli, State Representative, 3<sup>rd</sup> Berkshire



January 18, 2024

The Honorable James Arciero  
Chair, Joint Committee on Housing  
State House, Room 146  
Boston, MA 02133

The Honorable Lydia Edwards  
Chair, Joint Committee on Housing  
State House, Room 413-C  
Boston, MA 02133

**Re: The Affordable Homes Act, H.4138**

Dear Chairs Arciero and Edwards and members of the Joint Committee on Housing:

I am pleased to submit this testimony in support of the Affordable Homes Act and the amendments outlined below.

I am Leigh Davis, Vice Chair of the Great Barrington Selectboard and Chair of its Housing Subcommittee. I am also the Communications Director of Construct, the oldest and largest affordable housing nonprofit in the Southern Berkshires.

This bill is a once-in-a-generation opportunity to build the equitable, affordable, and sustainable Commonwealth that our residents and communities deserve. My testimony will focus on amendments to the local option real estate transfer fee policy proposal.

Great Barrington is the hub of South Berkshire County - home to many cultural assets such as Tanglewood, Jacob's Pillow, and the Norman Rockwell Museum. Voted "Best Small Town" by Smithsonian Magazine, Great Barrington is a seasonal community with a population of just over 7,000. Blessed with natural beauty and an abundance of shops and restaurants, we even have a local hospital, Fairview, named one of the top 20 critical access hospitals in the country.

It all sounds great, doesn't it?

But it's not. We are drowning.

Great Barrington's economic future— the economic future of the Berkshires — is hanging in the balance. There is simply not enough affordable housing to sustain our communities. As a tourism-driven region, the Berkshires depend on the service industry to drive our economy, but many who work here can no longer afford to live here.

And they're leaving.

In their wake, businesses large and small are finding it impossible to staff service positions. Even Fairview Hospital, a safety net for the Great Barrington community for more than a century, is

struggling to house its workers, leaving many jobs unfilled. As we speak, Fairview Hospital has forty-eight openings - a lack of affordable housing is a significant factor. And as Fairview explained, this is medical staff that it desperately needs to hire due to our aging population.

The housing crisis Great Barrington is facing presents many other challenges as well: The average renter working a typical minimum wage job needs to work 80 hours a week to afford a one-bed, market-rate apartment in Great Barrington, 141 hours a week if they require two bedrooms. And that's if they are lucky enough to find housing.

The average rental vacancy rate across the Commonwealth is 3%, and across the Nation, it is 5%. In Great Barrington— it's 0%.

Our town has also seen its housing affordability gap surge to over \$400,000— the median home price in Great Barrington —\$783,000— the average resident can only afford \$350,000.

And in 2022, cash buyers made up roughly half of the sales across Lenox, Great Barrington, and Williamstown.

Adding to Great Barrington's housing pressures is the fact that between 2015 and 2020, Great Barrington saw a stunning 67-percent increase in properties used as second and third homes, not counting the full impact caused by the pandemic — many prices paid well above the \$440,000 single-family home median value.

The housing stock is both not affordable and rapidly disappearing, and it's dragging the local economy down, taking our soul with it.

I approach this issue from two perspectives: As an elected official trying to ensure my constituents can continue to live in our community, but also as a single mom and woman of color who qualifies for the affordable housing I'm advocating for, even with the salary of an affordable housing professional. If it's a struggle for me, with a decent job and a lot of housing knowledge, imagine what that struggle looks like for the essential workers who keep our region running.

As well as the many other hats I wear in the community, I speak today as also a member of Great Barrington's Community Preservation Committee. Great Barrington has consistently appropriated the majority of CPA funds to affordable housing despite competition from historic preservation, conservation, and recreation. Last month, our town's committee recommended to Town Meeting that  $\frac{2}{3}$  of CPA funding go to affordable housing. The town is using all the resources at its disposal to increase our affordable housing stock, including passing a Short Term Rental bylaw two years ago to try to pump the brakes on investors targeting our community.

But it's not enough. We need a tool to generate funds.

The local option real estate transfer fee is that tool.

However, for this tool to be accessible to communities like ours, two critical amendments are needed in the bill.

Currently proposed, this local option fee would be applied on only the portion of home sales over \$1 million, effectively denying the western region – and other regions as well - the use of this tool altogether.

**I urge your adoption of an amendment so the fee is on the total transaction for sales over \$1 million —not only the portion over \$1 million.**

In addition, the requirement for the seller to pay the transfer fee, rather than leaving this up to the municipality, is problematic in towns like Great Barrington, where many longtime residents depend on the sale of their homes to fund their retirement. The seller paying the full Fee simply won't pass at many Town Meetings. Local officials understand their communities better than anyone else, and it is critical that municipalities have the ability to structure this fee to meet local conditions and needs.

**I urge your adoption of an amendment that removes the requirement for the Fee to be borne entirely by the seller.**

Waiting for the outcome of this bill, the Great Barrington Joint Selectboard and Planning Board Housing Subcommittee, which I chair, has agreed to table our pending Home Rule Petition. We recognize the urgency of our community's housing crisis and are hopeful that the final transfer fee legislation is flexible enough to meet the needs of diverse communities such as ours.

In sum, I request your favorable report of this bill with the requested modifications as soon as possible.

I want to recognize the Local Option for Housing Affordability ("LOHA") Coalition and key advocacy partners, the Western Mass Housing Coalition and the Western Massachusetts Network to End Homelessness, whose priorities I am aligned with and share. Thank you very much for your consideration.

Best,  
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