

**Town of Becket
Board of Selectmen's Meeting
December 16, 2015
7:00 p.m.
Town Hall
557 Main Street, Becket**

Attendees:

Board of Selectmen: Jeanne Pryor *Chairperson*; William Elovirta, *Vice Chairperson*;

Staff: Ed Gibson, *Town Administrator*; Beverly Gilbert, *Recording Secretary*;

Others: Bob Gross, Jeremy Dunn, Jeff Piemont, Rita Furlong

Call to Order

Jeanne called the meeting to order at 7 PM. She stated that the meeting is being held in accordance with the Open Meeting Law and Guidelines for the Becket Board of Selectmen Meetings.

Jeanne asked if anyone was recording the meeting. The Board of Selectmen was recording the meeting.

Pledge of Allegiance

The Chair led those attending in the Pledge of Allegiance.

Board to review minutes of previous meeting(s)

Bill moved to approve the 12/2/15 minutes. Jeanne seconded. Motion carried unanimously.

Discussion regarding MBI and WiredWest

Discussion ensued regarding MBI's 12/14/15 meeting regarding WiredWest business plan and operating agreement. Jeanne and Bob Gross had attended. Many people were denied admission because the meeting space was not large enough to accommodate all of the walk-ins (approximately 100 people) who did not submit their rsvp. The WIPRO presenter portrayed WiredWest's business and operating plan unfavorably in their report. Steve Nelson and Jim Draw of WiredWest were provided an opportunity to respond. Jeanne Pryor said the audience appeared to respond overwhelmingly negatively toward the way MBI conducted their presentation. Many people expressed they thought MBI's recent letter against WiredWest's business plan was not done in good faith. Someone in attendance suggested that MBI meet with WiredWest on Wednesday to work out their issues rather than repeating having a venue too small for the public. Additional discussion included: take rates, the idea for WiredWest to ask MBI to provide specific suggestions as to how WiredWest may improve the operating and business plan, speculation about why the state is requiring that towns connect to the Mass 123 Middle Mile, MBI's requirement that Towns own assets directly, WiredWest's position that the towns broadband assets should be owned in a cooperative, and comparisons about consultants employed by MBI and WiredWest.

Jeremy and Bob advised that WiredWest is holding a meeting on Saturday. Bob specified that WiredWest, in order to engage MBI to start the pole survey, may request that each town sign a letter of intent.

Jeanne stated she would like to know MBI's approach to a regional network.

Bill stated he would like to see MBI and WiredWest united in the plan presented to the towns.

Jeremy agreed with Bill and stated that it would be helpful for a mediator (perhaps a legislator) to assist with this.

Other Business (note: part of the "Other Business" agenda item was discussed later in the meeting)

Mullen House's application to install handicap walkway and ADA parking space: The BOS reviewed the original septic design from Foresight Engineering, along with the plan and photos showing the location of the proposed handicap walkway and parking space. Ed and Rita described and fielded questions regarding the proposed project. Ed indicated that according to the Building Inspector, because of the length and slope of the ramp, handrails will not be needed. To create the parking space and handicap ramp, lawn sod will be removed and replaced with airport mix and gravel. Ed specified that as long as Mullen House does not need the town to plow (which would transfer stones onto the lawn and create a hazard when the lawn is mowed), the gravel and airport mixture would be acceptable. Rita confirmed that plowing will not be needed and that paving the parking lot and ramp is not necessary and would look horrible. In the wintertime, those accessing the Mullen House park in the Athenaeum lot, and Dave Shorey plows and parks at the edge of the road when he obtains samples to test Mullen House's water. Rita indicated that Mullen House has \$1,500 remaining in a grant earmarked for this project. Rita explained that an alternative ADA access point away from the steep roof (very dangerous icicles) is needed. A snow blower will be used to create a walkway to both doors to Mullen House. Bill moved to approve the plans for the Mullen House handicap ramp and parking spaces as presented, seconded by Jeanne. Motion carried.

Finance Committee's request to approve up to \$500 funding for Children's Holiday Party

Discussion ensued regarding the Finance Committee's recommendation that the BOS approve \$500 reimbursement funding for the Children's Holiday party (Santa's Elves). Bill moved to approve up to \$500 reimbursement funding for the December Children's Holiday Party and to send a letter conveying the below to the party organizer Patty Clemons:

1. The reimbursement is for food and beverages or paper goods in conjunction with the party.
2. Original receipts must be submitted to the Town Administrator with a letter summarizing the expenses and the use.
3. She should submit a report, including a financial report of the party including number of children & number of adults served, number of presents disbursed, donations acquired, and balance of their account, and if any children or families are serviced from outside the Town of Becket.

Jeanne Pryor seconded. Motion carried. The letter to Ms Clemons will also convey that the Board of Selectmen will need written communication before February 1st if they wish to request funding for next year, and for any future Children's Holidays parties, for which the town will be reimbursing funds; & the Board of Selectmen would appreciate receiving notices/flyers announcing the parties for posting on the town bulletin board and on the website.

Discussion and possible vote re: Bylaw Review Committee's Proposed Addition to Article 17--Town Betterment Bylaw concerning Wells

Jeanne indicated that BOS had originally discussed this proposed Bylaw concerning wells before the Bylaw Review Committee studied and voted on 12/9/2015 to recommend that the BOS include it on the 2016 Annual Town Warrant. The wording of the proposed bylaw came from Mass General Laws. Bill Elovirta moved that Section 22, Article 17 on the Town Betterment Bylaw be placed on the Annual Town Meeting Warrant for discussion and possible vote. Jeanne seconded. Motion carried. Ed suggested that the BOS think about how specifically the town will enforce this bylaw (fines, timeframes, levels of fines, enforcer, size) as the town will need to have a public hearing to set the fines.

Zoning Board of Appeals Request for Comment re: Application for a Variance from Mr. Ray Michanczyk, 133 Mystic Isle Way for construction of 2 story 2 vehicle detached garage.

After reviewing Ray Michanczyk's application for a variance for the construction of a 2 story 2 vehicle detached garage, the BOS will communicate the following to the ZBA with a request that the ZBA obtain the missing information from the applicant before making a decision on the application:

- Although the drawing accompanying the application had a neat appearance, it lacked many attributes to qualify as a plot plan which is listed in the attached ZBA's application requirements.
- To evaluate further, it would be helpful to have additional information regarding the septic system. The accompanying drawing does not show the relation of the septic tank or leach field to the house or proposed garage addition. It would also be helpful to know whether the septic system has a regular septic tank or a tight tank.
- Although the current neighbor does not mind, the proposed location of the 2 story, 2 car garage should be farther away from the property line because such close proximity (7 feet) detracts from the desirability of both properties and would probably effect the value of the properties, and it appears that there is space on Mr. Michanczyk's property to explore other options that would be more in keeping with the town's 20 feet setback requirement.
- The property should be listed map 216, Lot 431 not map 431, lot 216.

Monthly Reports: Fire Department, and others tba

The BOS reviewed the November 2015 reports of the Fire Department, Building Inspector and Police Departments.

Board of Selectmen's Comments and Announcements

No comments or announcements were made.

Board to consider approving Town Administrator to be authorized signatory for the Federal FY 2015 MEMA EMPG Grant

Ed advised that this grant will be used to purchase a credentialing system to create photo identification for employees conducting town business in the community. Jeanne moved to authorize the Town Administrator as the signatory for the Federal FY2015 MEMA EMPS Grant. Bill seconded. Motion carried unanimously.

Town Administrator's report

Clarification on Colleen O'Connor's Public Comment at the BOS 12/2/2015 meeting re: Road Salt: Ed reported that on 12/3/2015, he spoke to the Highway Superintendent who confirmed that the information Ed provided at the 12/2/2015 meeting was correct for roads in the North Becket Village. Because based on environmental studies, North Becket Village is a low salt area Ed had thought Colleen was concerned with North Becket Village roads when she had commented she

thought the highway vehicle had over-salted roads along the Yokum Pond Road route. The Highway Superintendent told Ed that the new driver requires further training on the Yokum Pond Road route. Ed will call Colleen.

MBI Broadband: The current status of the Broadband signups for Becket as of Dec 15th is we are 87% on our way to our signup goal and need ninety more locations to reach our take rate of 40%.

Eversource: Will be performing reclamation work on their power distribution lines in Becket. They will file with the Conservation Commission in the near future for this work, but they will also be in to brief Ed on the proposed work on December 21st.

Skating Rink Request: Rita Furlong had reported to Ed that when the Recreation Commission previously tried to build a winter ice skating rink they found that the asphalt base in the skateboard park was not level and the water pooled toward one end making it very difficult to freeze the entire surface.

Home Rule Petition Park and Recreation Committee: Both Representative Pignatelli's office and Senator Downing's office both have acknowledged receipt of the letter from the Town to file Home Rule Legislation to change from a separate Parks Commission and Recreation Committee to a combined Park and Recreation Committee. The two offices take turns filing the Home Rule Legislation request so this time around it will be Senator Downing filing the bill on the behalf of the Town of Becket.

Surplus Vehicle & Equipment Auction: The online auction for the Town surplus vehicles and equipment will close tomorrow night, 12/17/15. The web address to view the vehicles and equipment and bid on the them is <http://www.GovDeals.com/BecketMA>. There is

- one 1967 Kaiser Jeep military vehicle
- one 1992 International 4800 Dump Truck
- one 1994 Jeep Grand Cherokee
- one 2000 International 4900 cab & chassis
- one 2008 Ford Expedition
- One 1970 Tarco leaf vacuum

Ed provided an update on the status of the bids.

Route 20 Spring: We received notification this afternoon that the Becket Route 20 Spring during routine testing showed positive for total coliform bacteria. The spring was posted as such today by Mr. Shorey. The pipe from the spring was cleaned and disinfected this afternoon with a 10% solution of sodium hypochlorite. Additional monitoring will continue until the well does not show any trace of total coliform. The well will remain posted to such until the tests show there is no presence of bacteria.

S.N.F.A.: The Sherwood Forest Neighborhood Association has filed in Berkshire County Superior Court to formally dissolve the Corporation. As there were some outstanding issues with back taxes and tax title the Board of Assessors asked Ed to have Town Counsel look into the issue. Town Counsel is currently reviewing this issue and if they feel the town does have recourse to collect some of the back taxes they will file an objection for the Town before the 12/31/15 deadline.

CPA Committee: There is one vacancy out of three positions on the CPA Committee that the BOS appoint. Neal Toomey holds one position with a term to expire June 2016, and Jan Elovirta hold the other position with a term to expire June 2017.

FY2017 Budget Process: The budget request letters have been distributed to the Departments. Ed scheduled budget workshops on December 23rd and Tuesday December 29th. The collector's department wins the prize for being the first department to submit their budget request. As of this afternoon, Nina and Ken also are also first for turning in their 2015 Annual Town Report.

Public Input

Jeff Piemont indicated that although he needed to change his legal residence to New Jersey and is no longer able to serve as Becket's Alternate Delegate to WiredWest, he remains interested and would like to provide input to the BOS regarding the broadband project. The BOS indicated Jeff is welcome to share his viewpoints with them. Jeff stated that he does not always agree with WiredWest which he would like to see build a more positive relationship with MBI in order for both parties to work together to seek solutions to important issues which need to be addressed. He cautioned the BOS that it is important to obtain bond counsel before forming any town partnering agreements. Jeff also stated that if costs become excessive, the town should consider paring down to high speed internet (eliminating TV and cable and phones) which he regards as the highest priority. The BOS agreed that it will be important to seek additional information from MBI.

Any other business to come before the Board

Jeanne suggested that the BOS hold a working meeting in the late winter to discuss the possibility of changing the Board of Health to an appointed board that would serve in an advisory capacity. To help reduce the town's liability exposure, she would like to explore hiring a health agent who specializes in state regulations, and is certified to conduct Title 5 inspections. Jeanne compared this to the structure of the Conservation Commission which has a Conservation Agent. Ed will research job descriptions for a health agent.

Jeanne asked that a copy of the remote participation policy be sent to all the committee/board chairs.

Jeanne discussed sending the street replacement policy to private home owner and road associations. She advised that it is not necessary to wait until Ed researches road standards with respect to private road associations in the MUTTC policy (it's about 500 pages). Jeanne thinks the street replacement policy and the awareness that private roads have green signs may be useful to the private homeowner associations. Jeanne will go over the list of the private road associations with Beverly.

Review Correspondence - None

Reviewed Payroll/Expense Warrants.

Board of Selectmen intends to go into Executive Session under MGL c. 30A, section 21 (a) (2 & 3) for:

Discussion & possible vote on Town Administrator's Employment Contract
Discussion re: Cooper vs. Town of Becket Land Sale
Approval of Executive Session Minutes: 11/18/2015

At 9:24 p.m., Jeanne moved to enter into Executive Session under MGL c. 30A, section 21 (a) (2 & 3) for:

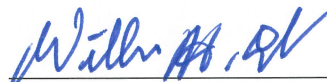
Discussion & possible vote on Town Administrator's Employment Contract

Discussion re: Cooper vs. Town of Becket Land Sale

Approval of Executive Session Minutes: 11/18/2015

She indicated that the BOS will not return to Regular Session. Bill seconded. Roll call vote: Jeanne, aye; Bill, aye. At 9:25 p.m., the BOS went into Executive Session.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, *Vice Chairperson*

Documents discussed at this meeting:

Town Administrator's Report

Email dated 12/10/15 from Jeanne Pryor re: proposed Bylaw

Volunteer Fire Department's November 2015 Report

Building Inspector's November 2015 Report

MBI Last Mile Broadband Policy

MBI letter dated 12/1/2015 re: WiredWest Operating Agreement and Business Plan

WIPRO's report dated 12/10/2015 re: WiredWest's Business and Operating Plan

Mintz Levin's Memorandum dated 12/9/2015 re: WiredWest Operating Agreement

Zoning Board of Appeals Notification w/ attachment of Variance Application from Ray Michanczyk

Police Department November 2015 Report

Federal FY 2015 MEMA EMPG Grant Contract and signatory form

Photos, Drawing and Septic Plans for Mullin House's Walkway Ramp Project