

**Town of Becket  
Board of Selectmen's Meeting  
April 6, 2016  
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: Robert Grace, Julia W. K. Grace, Andrew Cortez-Greig, Charlie Robinson, A. Flavio Lichtenthal, Andrea Sholler, Lindsay Desantis, Vee Cowell, Colleen O'Connor, Julia Trisinger, Shelly Williams, Edward Newman, Sally Soluri, & Jeremy Dunn

**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. Beverly on behalf of the BOS, and Colleen O'Connor & Bob Ronzio indicated that they were recording the meeting.

**Pledge of Allegiance**

The Chairperson led those attending in the Pledge of Allegiance.

**Approval of Minutes**

Bill moved to approve the meeting minutes of 03/2/2016 and working meeting minutes for 3/9/2016. Jeanne seconded. Motion carried.

**Conservation Commission Agent – Approval and Hourly Payrate**

Ed advised that Alison Dixon, Chairman of the Conservation Commission, and he interviewed candidates for the vacant Conservation Commission Agent position. Based on her education, plus experience interning with the Department of Environmental Protection, they recommended appointing Mallory Larcom. Bill moved to appoint Mallory Larcom as the Town's Conservation Commission Agent at a rate of \$17.69 per hour. Jeanne seconded. Motion carried.

**Public Hearing on the application of Berkshire Culinary GB, Inc. D/B/A Haven at the Pillow for a new Seasonal All Alcoholic Beverage Restaurant License for premises located at 358 George Carter Road, Suite 2 (aka Jacob's Pillow Dance Festival)**

At 7:05 p.m., Jeanne Pryor, Chairman of the Board of Selectmen, opened the Public Hearing in accordance with Massachusetts General Laws, c. 138, §15A on the application of Berkshire Culinary GB, Inc. D/B/A Haven at the Pillow for a new Seasonal All Alcoholic Beverage Restaurant License for premises located at 358 George Carter Road, Suite 2 (aka Jacob's Pillow Dance Festival). She invited comments for any person interested or wishing to be heard. Attorney Lindsay Desantis from Cianflone & Cianflone, P.C. and Shelly Williams, the Owner and Manager of Berkshire Culinary GB, introduced themselves, spoke on behalf of this application and provided information about the lease with Jacob's Pillow which will run July 19, 2016 through

September 2, 2016. Berkshire Culinary GB, Inc. operates two restaurants with alcoholic beverage permits: one in Lenox (since 2008) and the other in Great Barrington (since 2012). Berkshire Culinary has never had any issues relating to its alcoholic beverages licenses. Jacob's Pillow is not charging a rental fee to Berkshire Culinary. As part of the lease, Berkshire Culinary will provide a ten percent discount to employees of Jacob Pillow.

Andrea Sholler, indicated that as of last year she became the Managing Director at Jacob's Pillow, and she explained that because food services has not been their area of expertise, they had reached out to local restaurants with the hope that they would want to partner at Jacob's Pillow. She spoke in support of granting approval to both Berkshire Culinary GB, Inc.'s and Six Depot, LTD's application as she thinks it will be wonderful for the guests and employees at Jacob's Pillow.

Jeanne stated that the Public Hearing notice had been published, abutters notified, and the application appears to be in order as all documentation has been submitted. She invited additional comments. Several commented that Haven (in Lenox and Great Barrington) and Six Depot are lovely establishments with very good food, and its presence at Jacob's Pillow will enhance the experience there.

Ms. Williams confirmed that the liquor consumption will be confined to the area outlined in the application.

Bill moved to approve the application of Berkshire Culinary GB, Inc. D/B/A Haven at the Pillow for a new Seasonal All Alcoholic Beverage Restaurant License for premises located at 358 George Carter Road, Suite 2 (aka Jacob's Pillow Dance Festival). Jeanne seconded. Motion carried.

**Public Hearing on the application of Six Depot, LTD D/B/A No Six Depot for a new restaurant, All Alcohol seasonal liquor license for premises located at 358 George Carter Road, Suite 1 (aka Jacob's Pillow Dance Festival)**

At 7:15 p.m. Jeanne opened the Public Hearing in accordance with Massachusetts General Laws, c. 138, §15A on the application of Six Depot, LTD D/B/A No Six Depot for a new restaurant, All Alcohol seasonal liquor license for premises located at 358 George Carter Road, Suite 1 (aka Jacob's Pillow Dance Festival). Six Depot's Manager, A. Flavio Lichtenthal, spoke on behalf of Six Depot, LTD's application. He stated that he has a beer and wine license at Six Depot in West Stockbridge, will serve dinner and afternoon fare and that the details on his paperwork submitted to the BOS are in order. Mr. Lichtenthal stated that he understands how to, and will serve liquor in a responsible manner. He referenced his experience bar tending and dealing with the public, and stated that he has completed a TIPS course.

Jeanne stated that the Public Hearing notice had been published, abutters notified, and the application appears to be in order as all documentation has been submitted. She invited additional comments. NOTE: There had been comments in support of granting the license to Six Depot, LTD at tonight's Berkshire Culinary hearing.

Bill moved to approve the application of Six Depot, LTD, D/B/A No Six Depot for a new restaurant, All Alcohol Seasonal Liquor License for premises located at 358 George Carter Road, Suite 1 (aka Jacob's Pillow Dance Festival). Jeanne seconded. Motion carried unanimously.

### **Common Victuallers License Applications:**

- **Berkshire Culinary GB Inc. D/B/A Haven at the Pillow**
- **Six Depot, LTD**

After review of the applications, Bill moved to approve Common Victuallers Licenses for Berkshire Culinary GB Inc. D/B/A Haven at the Pillow and for Six Depot, LTD D/B/A No Six Depot. Jeanne seconded. Motion carried.

### **Entertainment License (Seven Days) Renewal Application**

- **Jacob's Pillow Dance Festival – Music & Entertainment**

Bill moved to approve the renewal of Jacob's Pillow Dance Festival Music & Entertainment License. Jeanne seconded. Motion carried.

### **For review and possible vote, Resolution/Letter to Governor re: Last Mile Broadband**

Discussion ensued regarding WiredWest's request that individual towns send a resolution and their own letter to the Governor to convey how much the Town wants and needs the Last Mile Broadband project to become a reality. Jeanne read the letter that she had drafted with Jeremy's help, and the resolution to the Governor asking him to "release the state's portion of the broadband funding to each town that has passed the necessary bond-authorization and debt-exclusion and do whatever is necessary to allow MBI to move the project forward." The letter requested a response from the Governor before the Annual Town Meeting scheduled on 5/14/2016. Jeremy and Jeanne reported on the WiredWest meetings they recently attended. All those present during this discussion agreed they are impatient with the delay of the last mile broadband project. The BOS stated that they would like to see the designated state agency, MBI, work cooperatively with the towns and their agencies, and allocate the funds using a fair policy based on local control. During discussion it was agreed that the letter will state that the citizens are impatient with the delay but it will not say that the BOS is "under heavy pressure." Bill moved to send a resolution and letter to the Governor to ask for his help and to lift the pause on funding for the Last Mile Broadband project. Jeanne seconded. Motion carried.

### **Vote to consider continuing services for Porchlight VNA/Home Care in FY2017**

Ed discussed this matter with Board of Health Chairperson Gale Labelle, who indicated she is very happy with the services Porchlight VNA/Home Care has been offering to the citizens in Becket, including its programs at the Town Hall. Before signing a contract, Ms. Labelle needs specific agreement terms relating to the fee for tuberculosis management.

### **Appointment Applications to discuss and for possible vote:**

- **Robin Greenspan (Republican) – Registrar of Voters**

At the recommendation of the Town Clerk, Jeanne moved to re-appoint Robin Greenspan (Republican) to the Registrar of Voters for term through 6/30/2019. Bill seconded. Motion carried.

### **Resignation of Part-time Police Officer Adam Gonska**

Adam Gonska who had originally requested a leave of absence from the Police Department, tendered his resignation because of his employment commitment to CXX. The BOS signed a letter of appreciation to Mr. Gonska for his service to the town.

### **Update regarding possible Annual Town Meeting Warrant Article re: Conservation Commission**

Because Ed reported that the Conservation Commission is in favor, the BOS agreed to co-sponsor an article at the Annual Town Meeting to add a section to the Town's bylaws to define the Conservation Commission's quorum as the majority of the members then in office. This would make the quorum consistent with the Code of Massachusetts Regulations' Wetlands Protection Acts.

### **Discussion and possible vote: Sherwood Forest Road Maintenance District ("SFRMD") Request for the Board of Selectmen to allow the SFRMD addition of the Wells Road abutters to their District Tax rolls under their District special legislation**

Ed stated that what prompted the SFRMD to ask the BOS to allow the SFRMD to add the Wells Road abutters to their District Tax rolls under their District special legislation was that last year the Town Clerk asked for an opinion from Town Counsel regarding the voting elements of the legislation. Although it had been at least thirty years that the Wells Road abutters had not been on the voting list nor tax rolls, town counsel gave the opinion that despite the fact that Wells Road is specifically carved out and not included in the district, the intent of the legislation is not to exclude the abutters along Wells Road. Ed stated those who had not participated in the legislation creation process thirty years ago would be speculating at the intent. The BOS said that the Town Clerk, charged with determining the voting lists, is not under the BOS's jurisdiction. Jeanne stated that the Town Clerk did not consult with the BOS before he updated the voting list to reflect town counsel's opinion. Jeanne and Bill stated that unless mandated via court, they do not deem it appropriate for the BOS to change the taxation system that has been in place for approximately thirty years. Points of discussion:

- The Prudential Committee prefers to remain status quo: no vote, not taxes.
- There is a provision in Act of 1982, specifically directed to the people in the road district who do not benefit from the road district (i.e. people who live on Wells Road which is maintained by the town and who do not need to drive along other roads within the district.) to allow for those residents to opt out.
- Bob Ronzio stated that the records of those who had opted out had been placed in a storage unit located in Otis but such records had departed to parts unknown.
- The district will provide an opt-out form.
- Jeanne stated it is important for the SFRMD to provide documentation to the town about opt-outs.
- Ed stated that the road district could petition the Legislature to clarify whether or not the abutters on Wells Road are part of the district or not. However, a resident in the Sherwood Forest Road District shot down this idea on the basis that it would likely be significantly faster to request a court to render a determination.
- The BOS do not want to use town resources to pay for the expense of obtaining more extensive opinions from attorneys (additional research would be involved).

Bill moved to take no action on the Sherwood Forest Road Maintenance District's letter of Request for the Board of Selectmen to allow the SFRMD addition of the Wells Road abutters to their District Tax rolls under their District special legislation. Jeanne seconded. Motion carried.

### **FY2017 Health Insurance Rates: Active Employees & Retirees**

Ed provided insurance rates for FY2017 for the town's active employees and retirees. The rates increased approximately 5.65 per cent. Other municipalities within MIIA's health insurance group

had increases ranging from 4.5 to 12 percent. Ed mentioned the two-year delay of the excise tax on high-cost employer-sponsored health plans, also known as the “Cadillac Tax”. In anticipation of the Cadillac Tax, Ed intends to review the Town’s PPO plan with the possibility of recommending modifications. Unlike the active employee health insurance plans which have an anniversary date of July 1<sup>st</sup>, the MEDEX plan cycle is January 1<sup>st</sup> through December 31<sup>st</sup>. Within the next few months, Ed will receive information about the new MEDEX plan. If the town wishes to select a different MEDEX plan, the town must provide at least 90 days’ notice to the insurance provider before the anniversary date (January 1<sup>st</sup>).

### **Monthly Reports: Ambulance, and others to be announced**

The BOS reviewed the Ambulance, Fire Department, and Animal Control reports. Per the BOS’s request, Ed will ask the Highway Superintendent for his more recent monthly reports.

### **Board of Selectmen’s Comments and Announcements**

None

### **FY17 Budget Summary**

- **Operating**
- **Capital**

Ed received the remaining needed information today and will be finalizing the figures for the FY16 budget. He discussed the budget summary, capital plan and operating plan with the BOS.

**Capital Plan Document:** Ed specified items he will recommend for FY17 (storage shed for the Town Hall, Fire Department #1 – Repair of Foundation and re-point block, Rescue/Mini-pumper for Fire Station 1, Replacing the 2011 Crown Victoria with an AWD Police Sedan vehicle, and the Highway Department loader (main priority) and backhoe. Items he suggested waiting until FY18 include: repaving the town hall parking lot, 1-ton dump truck, storage building at the Highway Department, and Solar Panel Option at the Town Hall).

Ed discussed and fielded questions relating to the proposed budget for FY17.

After discussing the debt schedule, Bill made a motion to approve 5 year borrowing for the dump truck. Jeanne seconded. Motion carried.

Based on his survey of other surrounding communities, Ed proposed a 2% Cost of Living Increase for Town Employees. Jeanne made a motion to accept a 2% COLA for the Town Employees. Bill seconded. Motion carried.

### **Town Hall Roof Project Update**

From the samples Ed presented, the BOS selected the Barkwood color for the Town Hall roof shingles.

### **Discussion on Beach and Transfer Station Stickers**

Ed stated that it’s the time of year that we order transfer station stickers. Ed asked questions to the BOS relating to the Transfer Station and Beach policies. A discussion ensued. The BOS agreed:

- to continue using the same style Transfer Station Permits (as opposed to adding a section for the license plate number) but to require that permits be affixed to the windshield of the vehicle in order to access the Transfer Station.
- that the Town will charge \$3 for replacement stickers (including vehicle trade-ins).

- That the Town will continue offering senior discounts. Due to the need to check identification for age qualification, senior discounts may not be processed on-line.
- It will continue to remain the contractor's responsibility to dispose of trash generated during construction. Contractors are not permitted to use the residents' transfer station permit.
- Ed will research and present alternative bag stickers. The new bag stickers will be numbered and will have better adhesive. Numbering will be helpful to local businesses selling bag stickers.
- To continue with the policy to allow a maximum of three transfer station permits per household.
- The BOS will not change the policy to allow for temporary permits (for rental vehicles).

Because overcrowding at the beach is problematic, the BOS will invite the Parks & Recreation to discuss the town's beach sticker policy. The BOS will resume tonight's discussion on the beach policy (stickers, placement of stickers, timeframe of stickers, whether transfer station permits should continue to be used as beach stickers, number of stickers per household, and who should be granted access and documentation required).

#### **Town Administrator's report**

**MBI Broadband:** As of 4/6/2016, the town needs 88 more locations to reach the signup goal (40% required take rate).

**Bonny Rigg Hill Road Culvert Project:** The Highway Superintendent reports that if necessary, next week he will attend MassDOT's review of the plans for this project.

**Ambulance Garage Floor:** The floor in the Ambulance Garage becomes flooded during the winter months when the snow and ice melt off the Ambulance. Because the floor in the garage is level with the floors in the crew area and storage room and sleeping quarters, those areas food and receive water damage. The BOS agreed for Ed to arrange for EDM Architects at a fee for \$1,900 to develop preliminary design options and estimates for the repair work on the ambulance floor in order to consider this for a future capital project.

**Ambulance Expenses:** The Finance Committee approved a Reserve Transfer Request from Ed for \$8,939.93 to the Ambulance Expenses account to cover the unforeseen Ambulance repairs which were incurred this year. The funding for the Ambulance Repair in the FY2017 budget request has been increased to \$4,000.00 which would appear to cover repairs in a normal year.

**Becket Route 20 Spring:** Ed received a report from Housatonic Basin Sampling that the April water test at the Becket Route 20 Spring was clear from bacteria

**Massachusetts Department of Revenue:** We have signed up for Taxpayer Assistance Program with the DOR again this year to once again set our Tax Rate before the busy month of December and avoid getting lost in the queue with other filers. Representatives of the DOR will be here to meet with the members of our financial team staff in order to go over the program and set a realistic schedule for the upcoming 2017 fiscal year which is also our triennial evaluation year.

**Meetings:** Ed will attend: the Finance Meeting on 4/7/2016, the Berkshire School Superintendent's Roundtable meeting along with other Berkshire Town Administrator's and

Managers on Friday morning at the Berkshire Community College, the Berkshire Managers meeting on 4/1/2016, and the STAM meeting in Halifax on 4/14/2016.

### **Public Input**

No one had public input

### **Any other business to come before the Board**

Ed will confirm that he submitted the ambulance survey to Smitty Pignatelli.

Jeanne announced that the Baby Town Meeting will occur on May 5th. Ethan Klepetar will attend if Bruce Garlow is not available.

Jeanne advised that the Town Administrator's evaluation (regular session) and Town Administrator's contract (Executive Session) will appear on the 5/4/2016 agenda.

Ed provided information about the Central Berkshire Regional School District 7-Town Advisory meeting scheduled on 4/12/2016. Jeanne will try to attend.

### **Review correspondence**

Heather Anello sent the BOS a letter suggesting that the town review the false alarm policy to take high wind and weather impacts into consideration. Bill will discuss this matter with the Chief of Police. He would be amenable to discussing the town's false alarm policy at a BOS meeting.

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

**Discussion and possible vote on litigation strategy with respect to the litigation re:**

**Cooper vs. Town of Becket Land Sale if the Chair declares that an open meeting may have a detrimental effect on the litigation position of the Town and**

**Discussion and possible vote on litigation strategy and settlement with respect to litigation re: Crystal Pond Homeowners Association vs. Town of Becket if the Chair declares that an open meeting may have a detrimental effect on the litigation position of the Town.**

**Approval of Executive Session Minutes: 03/02/2016.**

**After the Executive Session, the Board will reconvene to open session.**

Jeanne moved to enter into Executive Session under MGL c. 30A, section 21 (a) (3) for:

Discussion and possible vote on litigation strategy with respect to the litigation re: Cooper vs. Town of Becket Land Sale if the Chair declares that an open meeting may have a detrimental effect on the litigation position of the Town and

Discussion and possible vote on litigation strategy and settlement with respect to litigation re: Crystal Pond Homeowners Association vs. Town of Becket if the Chair declares that an open meeting may have a detrimental effect on the litigation position of the Town.

Approval of Executive Session Minutes: 03/02/2016.

After the Executive Session, the Board will reconvene to open session.

Bill seconded. Roll call vote:

Jeanne said aye, and Bill said aye. At 10:16 p.m. the BOS went into Executive Session.

### **Reconvene from Executive Session**

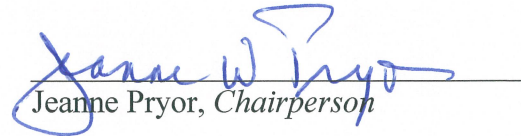
At 10:28 p.m. the BOS returned from Executive Session. Jeanne moved for the BOS to add an ATM Warrant Article to ask the Town to settle the back fees owed on two lots to Crystal Pond for \$10,000 and for the BOS to allow Joel Bard to enter into agreement to settle the contract between the Town and Crystal Pond. Bill seconded. Motion carried.

### **Adjourn the meeting**

Bill moved to adjourn. Jeanne seconded. At 10:31 p.m., Jeanne adjourned the meeting.

### **Reviewed Payroll/Expense Warrants.**

Respectfully submitted,  
Beverly Gilbert, Secretary

  
Jeanne Pryor, Chairperson

### **Documents discussed at this meeting:**

Resolution on Last Mile Regional Fiber-to the Home Broadband Network  
BOS letter to Governor Baker re: Development of Last Mile Broadband  
FY2016 Selectmen Amended Authorized Pay Rates (Mallory Larcom)  
Handout on Cadillac Tax  
Cain Hibbard & Myers PC letter dated 03/14/2016 re: Taxation by Sherwood Forest Road  
Maintenance District of Residents of Wells Road, Becket, MA  
Town of Becket Financial Summary dated 4/6/2016  
FY 2017 COLA Survey  
Capital Plan Five Year Report  
Town of Becket By-Laws – Article 15 – Conservation Commission  
Baby Town Meeting Flyer  
Central Berkshire Regional School District School Committee notice of 7-Town Advisory  
Meeting scheduled on 4/12/2016  
Becket Volunteer Fire Department Report for March 2016  
Ambulance Department Report for March 2016  
Animal Control Officer's Report for March  
Email from Adam Gonska dated 3/28/2016 – notification of resignation from Police Department  
Application of Berkshire Culinary GB, Inc. D/B/A Haven at the Pillow for a new Seasonal All  
Alcoholic Beverage Restaurant License for premises located at 358 George Carter Road,  
Suite 2 (aka Jacob's Pillow Dance Festival)  
Application of Six Depot, LTD D/B/A No Six Depot for a new restaurant, All Alcohol seasonal  
liquor license for premises located at 358 George Carter Road, Suite 1 (aka Jacob's Pillow  
Dance Festival)  
FY2017 Health Insurance Rates: Active Employees & Retirees  
Common Victuallers License Applications:

- Berkshire Culinary GB Inc. D/B/A Haven at the Pillow
- Six Depot, LTD

Entertainment License (Seven Days) Renewal Application

- Jacob's Pillow Dance Festival – Music & Entertainment

Massachusetts Department of Transportation re: Chapter 90 local transportation aid funding and  
Information on New Complete Streets Program  
Planning Board - Information from Ipswich Pharmaceutical Associates, Inc. re: Medical  
Marijuana