

Town of Becket
Board of Selectmen's Meeting
September 7, 2016
7:00 p.m.
Town Hall
557 Main Street, Becket

Attendees:

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

Staff: Ed Gibson, *Town Administrator*; Beverly Gilbert, *Recording Secretary*;
Christopher Bouchard, *Highway Superintendent*

Others: Howard Lerner, Bob Ronzio, Jeremy Dunn, Colleen O'Connor and Dan
Parnell

Call to Order

Bill called the meeting to order at 7:02 p.m. He stated that the meeting is being held in accordance with the Open Meeting Law and Guidelines for the Becket Board of Selectmen Meetings.

Bill asked if anyone was recording the meeting. Beverly (for the Board of Selectmen), and Bob Ronzio indicated that they were recording the meeting.

Pledge of Allegiance

The Chairperson led those attending in the Pledge of Allegiance.

Board to review minutes of previous meeting(s)

Bill moved to approve the minutes for the 08/17/2016 meeting. Nicole seconded. Jeanne abstained because she was not present at the 08/17/2016 meeting. Motion carried.

Sherwood Forest Lake District Prudential Committee to address the BOS

Howard Lerner, Chair of the Sherwood Forest Lake District ("SFLD") Prudential Committee, asked the BOS to consider accepting \$200 for the Sherwood Forest Parcels Surplus Property on the basis that

1) SFLD needs to own the properties to access the dam, and intends to invest a large sum of money to improve the dams and lakes which will help enhance the town's property values, and 2) If SFLD purchases 94 Sir Galahad Drive, the town will save on the expenses relating to decommissioning the septic system & well, and for the removal of the dilapidated house. 3) The lots are not buildable due to their proximity to wetlands.

Opening of Sherwood Forest Parcels Surplus Property Bids & Possible Award

Nicole Ledoux stated that because she resides with her father in SFLD and her father's ownership of property in the SFLD may be a possible conflict of interest, she is recusing herself from discussions relating to the Sherwood Forest Parcels Surplus Property. She is seeking an opinion from the State Ethics Commission.

At 7:05 p.m., Ed Gibson, Chief Procurement Officer / Town Administrator stated that he received one bid Sherwood Forest Parcels Surplus Property:

- Sherwood Forest Lake District bid \$200, with all required forms submitted

Ed indicated that the minimum bid for both properties was \$5,000.

Ed stated that one parcel with land and no structures has an assessed value of \$3,200, and another parcel with a dilapidated house has an assessed value at \$29,600. He acknowledged that it is likely that whoever assumes ownership of the parcel with the house, would need to tear it down and decommission the well and septic system, and no one else would be able to re-build on the property due to the proximity to wetlands. Jeanne stated that the BOS charged with representing all taxpayers of the town must consider the values of the properties. Ed stated that if the BOS would want to reconsider the minimum bid, he recommends doing so in a scheduled executive session.

Bob Ronzio stated that acquiring the properties would yield a negative value to the SFLD, and that their motivation is solely to access the dam for upkeep, and improvements. Bob Ronzio stated that SFLD's offer is generous when taking into account that SFLD will maintain the lake and dams. Bob Ronzio stated that SFLD does a fine job maintaining its lakes, and has not needed to close any of its eight beaches this year due to water quality. Howard stated that if the town accepts \$200, the district would incur all legal fees involved with the transfer of properties.

Bill made a motion to reject SFLD's bid of \$200 for the Sherwood Forest Parcel Surplus Property and schedule an executive session to discuss this matter, Jeanne seconded. Motion carried with Nicole abstaining due to the potential for a conflict of interest.

Opening of Quotes for new Highway Dept. Loader under State Contract VEH93 & Possible Award

At 7:20 p.m., Ed Gibson, Town Administrator / Chief Procurement Officer opened the bids for the new Highway Department Loader under State Contract VEH93:

- Milton CAT, Clifton Park, NY \$179,953.43 base bid loader with accessories, trade value existing Highway Dept. Loader \$15,000 net total including the trade-in \$164,953.43. This bid had a list of deviations. All required information had been submitted.
- Schmidt Equipment Inc, North Oxford, MA
Trade allowance of \$17,000 net price including the trade in allowance \$158,680
This had a letter of clarification for a couple of items
- Tyler equipment Corp., E. Longmeadow, MA indicated that it was not able to bid at this time.

Ed indicated that a review of deviations is needed. Highway Superintendent Chris Bouchard indicated that he sent an invitation for bid to four vendors. Under Contract VEH93, towns must try to obtain at least three quotes. Chris left the room to review the bid documents. Later in the

meeting Chris returned to report that after analyzing the bid documents, it is his recommendation to purchase the loader from Schmidt and accept the trade-in option for a net cost of \$158,680. Chris fielded questions. Bill made a motion to award the bid for the Highway Dept. Loader under State Contract VEH93 to Schmidt Equipment Inc, North Oxford, MA for a net price, including the \$17,000 trade-in, in the amount of \$158,680. Jeanne seconded. Motion carried unanimously.

Broadband Ad Hoc Recommendations to be considered for BOS Approval

Ed thanked Jeanne Pryor, Jeremy Dunn, Dan Parnell and Robert Gross for being part of the Ad Hoc group and for all of their efforts and time involved with helping the town to obtain broadband. Ed expressed appreciation to Dan for using his mapping skills for locating driveways and roads, and for Jeremy for his information technologies expertise. Jeremy Dunn provided an update, and presented and fielded questions using a document from the Broadband Ad Hoc Committee listing Policy questions that need to be addressed and the points and recommendations the group suggest for actions. The policy was divided into the following sections: roads to wire, premises to be excluded, premises to wire, underground/dry buried utilities, and Mitchell Road. The BOS made the below corrections (denoted in bold):

Under question 2:

- One premise on Dimmock Rd in the southwest corner of town. There are premises in Otis on **one** side, **Tyringham on the other**.
- One premise on the border of Washington & Becket, which has utilities from Washington **on Nocher Road**.

Jeremy indicated that the engineer will use the town's policy as input to create the design and provide the cost estimates of the network.

Bill made a motion to approve the Broadband Ad Hoc recommendations for the Becket Broadband Policy with corrections (noted above). Nicole seconded. Motion carried unanimously.

Ed advised that Bond Counsel found an irregularity regarding the town's bond authorization. MBI needs a proper debt exclusion in order to continue with the process. The next step would be for MBI to provide funding for pole surveys. There is no doubt that at the Annual Town Meeting of May 2015, and the Annual election of May 2015 that the town approved a debt exclusion for broadband. Bond Counsel advised that corrective action must be done to address the omission of the ballot question on the warrant for the May 2015 Annual Town Election. Bond Counsel noticed that the warrant posted for the Annual Town Election, although it had listed the offices slated for election, did not have the ballot question on it. The Town Clerk indicated that he did post the ballot question on the May 2015 Annual Town Meeting Warrant adjacent to the May 2015 Annual Town Election Warrant in the Town Hall but not in all the different required posting places required under the town's bylaws. Bond Counsel advised this irregularity may be remedied in two ways:

- 1) The BOS may vote to send a request to the Governor to file special legislation (may be done in an informal session). It is possible for this to be approved within a month. Ed recommends selecting this method.
- 2) The Town may have a special town meeting and special election.

Bill moved that the BOS send a letter to the State Representative and State Senator to request that the Governor file special legislation to ratify a bond authorization of the Town passed at the 2015

Annual Town Meeting and 2015 Annual Election (Bond Counsel will send the language to the Town Administrator). Jeanne seconded. Motion carried unanimously.

Selectmen to consider awarding bid for Town Hall ADA Alterations

After checking references, Ed recommended that the BOS award the bid for Town Hall ADA Alterations Project to Cornerstone Buildings Services with a base bid of \$41,313 and alternate 1 (rear pad) for \$16,600, and Alternate 2 (electrical outlets) for \$2,508 with a total of \$60,421. Cornerstone received favorable recommendations included one from the Town of Springfield. Bill made a motion to award the Town Hall ADA Alterations Project to Cornerstone Building Services for the total amount of \$60,421 which includes alternate 1 and 2. Jeanne seconded. Motion carried unanimously.

Selectmen to consider awarding bid for Bonny Rigg Hill Road Culvert Replacement

Highway Superintendent Chris Bouchard advised that he recommends awarding the bid for Bonny Rigg Hill Road Culvert Replacement to J H Maxymillian Inc. in the amount of \$487,561.60 with the stipulation that the engineering firm provides its recommendation. Bill made a motion to award the Bonny Rigg Hill Road Culvert Replacement Project bid to the low bidder J H Maximillian of Pittsfield in the amount of \$487,561.60 pending the final recommendation from the engineer. Jeanne seconded. Motion carried unanimously.

Ed discussed funding of this project, and he and Chris will meet to arrange to file the appropriate paperwork to the State for Chapter 90 funding.

Selectmen to consider Highway Superintendent's recommendation to approve a Pay Increase for the Town Mechanic who has successfully completed his third 90-day Evaluation Period

The Highway Superintendent submitted a letter advising that the Town Mechanic Nathan Morawiec successfully completed his third 90-day and is therefore eligible to receive an increase in his hourly pay in accordance to the pay schedule established (every 90 days for two years) when he was hired. Bill moved to increase Town Mechanic Nathan Morawiec's hourly pay to \$20.57 effective 08/14/2016. Jeanne seconded. Motion carried unanimously.

Monthly Reports: Dog Officer, and others TBA

The BOS reviewed the monthly reports of the Dog Officer, Fire Department, Building Inspector and Ambulance Department. Bill asked the Town Administrator to convey to the Animal Control Officer that he should not remove dead animals from roads (unless it's a pet) because that undertaking lies within the Town Highway Department, State Highway or Road District superintendents' jurisdiction. Nicole noted that the Fire Dept. responded to four vehicle fires in July.

Board of Selectmen's Comments and Announcements

Nicole inquired about an invitation to the Housatonic Valley Association's (HVA) annual meeting. Bill indicated the town has been invited to pay dues to the HVA but the town is not involved with this organization (The Town supports the Farmington River and Westfield River watersheds). Ed advised she may obtain a full rendition about HVA from the Conservation Commission Chairperson who works there.

Jeanne shared an article she found on evaluating existing zoning bylaws/ordinances regulation of agriculture that addresses questions concerning whether marijuana cultivation sites constitute “agriculture” for the purposes of the agricultural exemption in G.L. c.40A sec. 3.

TOWN ADMINISTRATOR’S REPORT

Ed stated that the BOS may want to write a letter to Mass DOT and to the Berkshire Regional Planning Commission regarding resurfacing work on Route 8 that had been scheduled for this year to inquire why it was removed from TIP and to ask if it would be returned on next year’s TIP schedule. Bill stated that Mass Highway Department should remove the construction signs on Route 8.

The State Primary Election will occur at the Town Hall tomorrow (Sept. 8th)

Becket Energy Committee Informational Session: The Becket Energy Committee will be sponsoring their Annual Informational Session at the Town Hall on Oct. 15th. The session will cover information relating to opportunities: offered by Mass. Dept. of Energy Resources, Community Solar, and small hydro.

Massachusetts Municipal Association Fall Legislative Breakfasts: Ed provided the schedule of MMA’s Fall legislative breakfast meetings.

Conservation Commission Enforcement Order Otis Road: In response to the Conservation Commission enforcement order to the Town, today the Highway Dept. completed the cleanup of the Otis Road property.

Girl Scout Gold Award Beach Cleanup: Michaela DeFoe has scheduled the beach cleanup of the stones with the Wahconah Volleyball Team and other volunteers on Saturday, 9/17. She will schedule a rain date. Chris Bouchard and Highway Dept. will schedule installation of the erosion control methods beginning of the week of October 21st. Ed would recommend that the town post the beach as being “Closed” for the rest of the year while work is done on the beach to clean up the stones and the fabric which was originally placed on the beach to keep the stones in place. Ed further advised that once the cleanup is done, the town will need to leave the erosion in place until next spring because replacing sand is supposed to be done under a notice of intent.

Town Hall and Municipal Facility Use Questions:

- The Becket Arts Center had requested use of the Town Hall for a wreath making class and asked if they may charge a nominal fee for the cost of materials. The BOS agreed (with Ed) that this is reasonable.
- The Board of Selectmen reviewed a request for a home-school group’s weekly use of the Town Hall meeting room and determined that because weekday time use is designated for Town Hall business and Town of Becket Committee/Board related meetings, they did not recommend approval of the request. They indicated that for outside groups, the Town Hall is available weekends and evenings
- The BOS agreed with Ed’s suggestion (in keeping with Section 21 of the Town’s Betterment bylaws) to amend the Town Hall/Facility Use request form to specify that Alcoholic

beverages are not allowed at Town Hall or on Town Property. Ed clarified that alcoholic beverages are permitted on town properties when the user has a one-day liquor permit.

- Ed recommended that for a future working meeting agenda, the BOS review rules for using town facilities (checklist of user responsibilities such as turning off lights, locking the doors, closing windows, fees), and Bill suggested that the use of the Pavilion/ballfield should have a curfew to prevent neighbors from being disturbed by noises late at night.

Transfer Station: As the BOS is aware, the Transfer Station building was broken into Monday evening. Nothing was lost as we had gone to the No-Cash policy in February and the checks had already been turnover. There was very little damage except to the air conditioning unit which the perpetrator had pushed through the window in order to gain entry.

Meetings: Ed will attend the Berkshire Administrators meeting in Pittsfield, Administrators meeting in Pittsfield on Tuesday 13th and the Small Town Administrator meeting in Deerfield on Thursday, Sept. 15th.

Ed talked to Police Chief McDonough about beer served at the Berkshire Athenaeum property at the Becket Washington Fair. Chief McDonough stated that Wandering Star, as required, cordoned off the area in front of the Athenaeum. Chief McDonough stated that next time a one day beer license is issued for the fair, he suggests using a standout color for the cups so that it will be easy to identify a person straying from the designated area with beer, and he will require staff to check both entry (only those 21 and older may enter) and exiting (no beer to leave the area).

Public Input

Colleen O'Connor stated she was disappointed that the BOS did not vote to issue a letter of non-opposition to Ipswich Pharmaceutical (IPA) at the hearing that occurred on 08/24/2016 as she thinks the town may make good use of the income (estimated \$100,000). A discussion ensued. Jeanne stated that attendance at the public hearing was comprised primarily of abutters that received a notice and that group may not necessarily represent the overall view of the town. She stated that she did not receive the email blast announcing the meeting, and in the future, she wants to ensure that public hearing notices, in addition to being sent to subscribers should be posted on the town's website. Ed commented that IPA's last minute information (about the storage unit) and the lack of visuals made for a weak presentation.

Any other business to come before the Board

Bill, at a future working meeting before January 1st, would like to have researched and discuss the amount Washington pays the town for fire, ambulance and the Town Beach.

Jeanne asked about a second letter from Mr. Santora re: road acceptance. Ed had emailed Town Counsel and is awaiting his reply to finalize the draft.

Jeanne inquired about the status of the tree to be cut down at the West Becket Cemetery. Ed confirmed that the Tree Warden is aware he needs to take care of the tree.

Bev advised that because Linda Bacon had trouble emailing the town an appointment application, she brought the appointment application to the Town Hall. Linda Bacon had served on the

Cultural Council in the past. Jeanne moved to appoint Linda Bacon to the Cultural Council for a term ending 06/30/2019. Bill seconded. Motion carried unanimously.

Bev received a request from Ipswich Pharmaceutical to be on the agenda. They directed Bev to ask Mr. Ipswich to provide more specific information about his request.

Review Correspondence

- Letter from Douglas Brand dated 08/26/2016 re: Ipswich Pharmaceutical

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**
- **Approval and possible release of Executive Session Minutes: 07/20/2016.**

Bill 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 for Approval and possible release of Executive Session Minutes: 07/20/2016, and the BOS will not return to Open Session.

Jeanne seconded. Roll Call Vote: Jeanne – aye, Nicole – aye, and Bill – aye. At 9:22 p.m., The BOS entered Executive Session at 9:20 p.m.

Reviewed Payroll/Expense Warrants.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, Chairperson

Documents discussed at this meeting:

Town Administrator's Report

Sherwood Forest Lake District Bid documents

Bid documents for Highway Dept. loader under State Contract VEH93:

Milton CAT, Clifton Park, NY

Schmidt Equipment Inc, North Oxford, MA

Tyler Equipment Corporation, E. Longmeadow

Broadband Recommendations/email dated 08/16/2016

Letter from Highway Superintendent to recommend pay increase for Town Mechanic

Monthly Reports: Dog Officer, Fire Dept., Building Inspector Ambulance Dept.

Article: Evaluating existing zoning bylaws/ordinance regulation of agriculture