

Town of Becket
Board of Selectmen's Meeting
March 1, 2017
7:00 p.m.
Town Hall
557 Main Street, Becket

Attendees:

Board of Selectmen: William Elovirta, *Chairperson*; Jeanne Pryor, *Vice Chairperson* (remote participation); and Nicole Ledoux, *Clerk*

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

Others: Steve Rosenthal, Robb and Julia Grace, Michael Lavery

Call to Order

Bill called the meeting to order at 7 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 indicated that she was recording the meeting.

Bill announced that Jeanne Pryor will participate remotely due to geographic location, and all votes will require a roll-call.

Pledge of Allegiance

The Chairperson led those attending in the Pledge of Allegiance.

Board to review minutes of previous meetings(s)

There were no minutes presented for review.

Steve Rosenthal re: proposed amendments to expand voting rights to all proprietors of the Sherwood Forest Road Maintenance District

Steve Rosenthal indicated that several years ago the Sherwood Forest Road Maintenance District (SFRMD) Prudential Committee created a committee to study the possibility of expanding voting rights from only the Town of Becket registered voters in the district to all proprietors in the district. Steve indicated that the special committee submitted an article proposing a method of voter expansion that had passed by a majority at the 2015 SFRMD Annual Meeting. Because voting rights is an amendment to the Acts of Legislation, the next step is to place an article on a Becket Town Meeting Warrant. If the article passes at a Becket Town Meeting, the Town would submit a request to the State Legislature to approve and forward the amendment to the Acts of Legislation for the Governor's signature.

Steve reviewed and explained the attached Summary of proposed amendments to “An Act Establishing the Sherwood Forest Road Maintenance District in the Town of Becket” which were passed by majority vote at the SFRMD 2015 Annual Town Meeting. On behalf of the SFRMD, he presented the request for the BOS to endorse an article to amend An act Establishing the Sherwood Forest Road Maintenance District in the Town of Becket” for the Annual Town Meeting Warrant.

Part of the amendments gives Wells Road homeowners that had opted out of the district to pay to be reinstated into the district. Bill inquired as to what benefits would be gained through reinstatement. Steve indicated that this would give Wells Road residents a chance to vote. He clarified that the SFRMD opt out is separate from the Sherwood Forest Lake District opt out.

Jeanne pointed out that although there is a proposed amendment to change the annual meeting date from April to June, SFRMD has been holding its Annual meeting in June. Steve confirmed that this amendment is for housekeeping purposes.

The BOS requested minutes from the SFRMD 2015 meeting, acts changes itself, and the copy of the current bylaws (referred to in the Acts).

Steve described the details of grandfathering residents in the district. Jeanne asked questions about the voter list process and she commented that the Board of Registrars is responsible for maintaining voter listings. A discussion ensued about coordinating a listing of grandfathered voters (Board of Registrars) with the Assessors listing of owners (proprietors). Town Clerk George Roberts agreed that the BOR would need to furnish a list of voters that include those grandfathered but based on the changes, other than those grandfathered, the Assessors would generate the list of proprietors.

Nicole inquired about changing from a proxy system. Steve indicated that if the district should want to amend its voting method away from the proxy system after two years, this may occur through the district’s bylaws rather than state legislation.

Julia Kay Grace commented on the proposed amendments:

- She thinks the SFRMD’s 2015 annual town meeting was confusing. She indicated that the language in the warrant article did not exactly match the wording presented at tonight’s meeting. Steve explained that the intentions of the amendments were clearly stated at the annual meeting, and the article included a provision that an attorney would pen the wording.
- She does not agree that each parcel should receive one vote. She noted that some property owners (including her husband and herself) had combined their parcels to meet zoning requirements. She cited inconsistency with giving multiple votes to individuals (some people combine their parcels, some people with similar types of property may not combine their parcels, some people may list their spouse as one owner, to obtain a vote, etc.)
- Some non-residents who spend no time in town may own a great number of parcels and may not vote with the district’s best interest in mind.
- To prevent forgery, proxies should be notarized.

- Annual meetings are designed to entertain discussion. There are likely to be more people voting via proxy (without the benefit of hearing different points of views) than attending the annual meetings. The proxies would render the annual meetings meaningless.

Jeanne stated that she would not agree to endorse SFRMD's suggested warrant article because the wording of the amendments presented to the Selectmen at tonight's meeting is not the same as the wording presented at the district's annual meeting.

Jeanne asked if renters who were registered voters in the district may vote (grandfathered). Steve agreed that they would be grandfathered and qualified to vote. Bill asked if new renters could vote. Steve indicated that new renters may not vote. Only renters who are in the grandfathered category would be eligible to vote.

Jeanne stated that in her opinion, the voting process at Sherwood Greens works well: Sherwood Greens allows one vote per parcel and only one vote is allowed per person. She stated that this makes managing proxies much easier. All proxies must be notarized, and given to the clerk at the meeting to ensure it is completed correctly.

George Roberts compared the proposed voting process to coops, and condo associations based on number of units. Because of all that is involved (printing, creating a registrar of voters, special meetings, etc.), he stated that creating ballots would present a burden for the district.

Julia stated that by definition, the SFRMD is not a condo association which is something that must be legally established. Bill suggested that based on the controversy he observed at tonight's meeting, at this time, he is not prepared to endorse the Article presented as a Town Meeting Warrant article.

Steve will provide the requested documents, and the BOS will continue discussion at its March 15th meeting.

Zoning Board of Appeals' notification and request for comments concerning:

- **Application for Site Plan Approval - Jacob's Pillow Dance Festival, Inc. for property located at 358 George Carter Road for dormitory buildings**
- **Application for Site Plan Approval and Special Dimensional Permit - Jacob's Pillow Dance Festival, Inc. for property located at 358 George Carter Road for a new restaurant**
- **Application for Site Plan approval - Borrego Solar Systems, Inc. for property located off Tanglewood Circle for a Solar Array generating facility**

After reviewing the above mentioned application and plans, the Board of Selectmen will convey that they do not have any comments on Jacob's Pillow's applications. However, the Board of Selectmen agreed with Nicole to express concern about the chain link fence and barbed wire listed in section 2 and 5 and on page C-4.0 of the drawings that appeared in Borrego Solar System, Inc.'s application. The Board of Selectmen will state that it regards such prison-like fencing as unsightly and will inquire whether the chain link fence is mandatory and if this is allowed under town zoning bylaws.

BOS to Vote on signing a letter of intent to participate in FY18 Berkshire County Regional Household Hazardous Waste Collection Program

Bill moved to sign a letter of intent in order to support allocating \$1,248 in the FY18 budget to continue participation in the Berkshire county Regional Household Waste Collection Program. Nicole seconded. Roll call: Bill Elovirta – aye, Jeanne Pryor – aye and Nicole Ledoux – aye. Motion carried 3-0.

Monthly or Quarterly Reports: tba

The Board reviewed the reports of the Ambulance (February 2017), and Police (January 2017) Departments.

Board of Selectmen’s Comments and Announcements

Nicole noted that Boston Post Cane recipient Lorraine T. Wechter passed away and she asked if the BOS would want to consider retiring the tradition of passing on to the oldest Becket resident the Boston Post Cane. Nicole stated that it seems as if the BOS just recently gave Lorraine the cane, and it is sad that she is no longer here. Bill pointed out that accepting the cane is voluntary, and Ed indicated that Lorraine was happy on the day she received the cane and the recognition made her feel special. Jeanne indicated that the cane was a source of joy for Peg Ronning. Jeanne and Bill stated (and Nicole agreed) that as long as the person has the choice, they would like to continue offering the Boston Post Cane. Jeanne asked that Lorraine be listed in the 2017 Annual Town Report.

Jeanne inquired if the Board of Health is considering an on-line permitting program (She saw an article about this subject in the Berkshire Regional Planning Commission’s monthly newsletter). Ed advised that the town has started on this process and will begin the Board of Health on-line permitting system during calendar year 2017.

Bill followed-up on investigating the town’s possible purchase of Kushi’s property located by Fred Snow Road and Route 20 (Map 213, lot 31). Ed will ask the Assessors if this property is classified under 61A. Ed indicated that he listed \$30,000 for this possible acquisition under the FY18 capital budget.

Fiscal Year 2018 Budget

Operating: Ed indicated that the only change to the operating budget is Police Dept. Expenses. He changed this item from \$21,276 to \$15,876. This originally included \$5,600 to pay for Police Officer Pettibone’s mileage for attending the Police Academy. To save on the costs, rather than auctioning off the Crown Victoria when the new cruiser is picked up, it will remain in the town’s fleet until November (end of Academy) 2017. Ed explained how costs affiliated with keeping the crown Victoria will be substantially lower than mileage reimbursement. The BOS agreed with Ed’s recommendation.

Basic Capital Request: Ed discussed his suggested priorities with the BOS for the schedule of capital requests.

Town Administrator’s Report

Town Hall HVAC ‘Draft’ Study: EDM Architects and Engineering will provide photos of the BOS’s three preferred systems for how the plumbing and/or electrical piping will be hidden and covered on the exterior of the Town Hall building. He asked for additional anticipated energy savings comparisons for the three systems.

Police Dept. Cruiser: Ed and Chief McDonough will pick-up the new 2017 Taurus Sedan Police Cruiser tomorrow from MHQ in Marlborough, Massachusetts.

Conservation Fiscal Year 2017 Budget: The Conservation Agent advised that Conservation Commission will likely exhaust its funding by 4/1/2017. To cover shortfalls, the Conservation Commission would like to access their Wetland’s funds for wetlands filings, and Ed will be recommending a Reserve Transfer.

Broadband Update: The town has received the Green Light letter from Bond Counsel Locke Lord, LLC, and Todd Corcoran from MBI has forward the town’s financial package and an introduction letter along to the Division of Local Services (DLS) section of the Dept. of Revenue (DOR). As soon as the DLS has approved our financial condition, Todd will issue the town a letter to proceed. At that point the town may work with MBI through the pole survey and the design and engineering phases or switch to a path where the town will take on these tasks, bid them out, and work with an independent vendor.

Town Hall Projects Update: The new rear entrance doors and automatic door opener have been installed. Tomorrow, the contractor will adjust and touch up the paint on the rear doors and will start the front entrance door replacement. When the weather cooperates, they will finish putting the protective coating on the new front ADA compliant handrails and add the final coat of sealant to the areas the handrails fasten to the concrete ramp. The only other item requiring completion to finish this project is to reset the cracked/loose pink marble stone at the front entranceway landing.

Community Preservation Grant Application: Ed has completed and submitted the Community Preservation Grant application on behalf of the Board of Selectmen requiring \$29,000 to use as matching funds from the Community Housing reserves portion of the CPA funds towards our town fund match for our Community Development Block grant application.

Meetings: Ed will attend the Finance committee meeting 3/2/2017 and the Community Preservation Committee meeting on 3/8/2017. The BOS and Ed will attend the MMA Legislative Breakfast meeting in Lenox on 3/10/2017.

Public Input

None

Any other business to come before the Board

Bev reported that Melissa Avalor of the Olde Village Market (30 Washington Street) submitted an application for a new wine and beer package store license. Bev had explained to Melissa that after forwarding an approved application to the Alcoholic Beverages Control Commission (ABCC), the BOS may not receive a reply from the ABCC for several months. She had asked

Melissa Avalor if she wanted to proceed when considering the ABCC's timeframe and that the Board of Health has a requirement stating that in order to continuing operating The Olde Village Market at 30 Washington Street, the septic system must be replaced or repaired by June 1, 2017. Bev specified that she had conveyed to Melissa Avalor that the alcoholic beverage license is specific to the location which must meet building and Board of Health codes. Melissa indicated that she is aware and confident that the Board of Health requirements for the septic system will be satisfied. Ed reviewed the application and had discussed the lease with Melissa. The lease is month to month up until the septic system is repaired and offered to the renters for purchase. Ed indicated that before granting a license the BOS may want to take into account, or bring up at the hearing that the business does not have a viable lease beyond June 1, 2017. Bill indicated that he is concerned about the Avalor's losing their investment. The BOS scheduled the public hearing on 4/5/2017.

The Board of Selectmen scheduled a Public Hearing on Ipswich Pharmaceutical's request that the Board of Selectmen issue a letter of support or non-opposition in order for Ipswich Pharmaceutical Associates to consider applying to the Town to operate a Registered Marijuana Dispensary (**Cultivation Only**) on Crossbow Lane (Assessors' Map 214, Lot 74), Johnson Road (Assessors' Map 214, Lot 75), 369 Johnson Road (Assessors' Map 215, Lot 1) and Golden Falcon Drive (Assessors' Map 214, Lot 71) per 105 CMR 725.100. The Becket Board of Selectmen will hold a public hearing on March 23, 2017 at 7 p.m.

Jeanne would like the BOS to send a reply to Purr McEwen and Chuck Garman's email thanking the town emergency services provided on Feb. 12th. This will appear on the next agenda.

Ed will ask Town Counsel if modifications (amendments to amendments) approved relating to amending the acts of the districts (SFRMD) at a Becket Town Meeting may be submitted directly to the legislators or if they must return for approval at an annual or special district meeting.

Review Correspondence: tba

02/27/2017, ISO re: Public Protection Classification Survey.

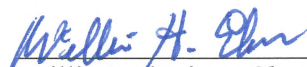
01/30/2017, Dept. of Public Utilities Notice of Filing, Procedural Conference and Public Hearings.

Selectmen to Adjourn Meeting.

Jeanne moved to adjourn. Bill seconded. Roll call: Bill Elovirta – aye, Jeanne Pryor – aye and Nicole Ledoux – aye. Motion carried 3-0. At 9:17 p.m., Bill adjourned the meeting.

Reviewed Payroll/Expense Warrants.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, Chairperson

Documents discussed at this meeting:

Town Administrator's Report

02/27/2017, ISO re: Public Protection Classification Survey.

01/30/2017, Dept. of Public Utilities Notice of Filing, Procedural Conference and Public Hearings.

Town of Becket Financial Summary

Capital Plan Five Year Report

02/28/2017 Locke & Lord letter to Clark Rowell of UniBank Fiscal Advisory Services, Inc. re: Becket Telecommunications Systems Bonds

Citizens' Petition for Warrant Article re: Act Establishing the Sherwood Forest Road Maintenance District in the Town of Becket & Proposed Warrant Article for the Town of Becket Annual Meeting Warrant, 2017

Summary of the proposed amendments to "An Act Establishing the Sherwood Forest Road maintenance District in the Town of Becket

02/14/2017, email Center for EcoTechnology re: Southern Berkshire Regional Household Hazardous Waste Collection Program with New Year letter, budget, spreadsheet with estimated program expenses and letter of intent.

Ambulance Dept. February 2017 report

Police Dept. January 2017 report