

**Town of Becket
Board of Selectmen's Meeting
April 5, 2017
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*
Kristopher McDonough, *Police Chief*, Matthew Virginia, *Police Officer*

Others: Michael Lavery, Karen Avalue, Mercedes Gallagher, Sean Mulholland,
Donna Mulholland, Eoin Higgins (Berkshire Eagle), Charles Francis, Robin
Greenspan, Steven Reiss, Barbara Craft-Reiss

1. Call to Order

Bill called the meeting to order at 7:00 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.

2. Pledge of Allegiance

The Chairperson led those attending in the Pledge of Allegiance.

3. Public Hearing on the application of Melissa Spagnuolo-Avalle D/B/A THE OLDE VILLAGE MARKET for a new Wine & Malt Off Premise Alcoholic Beverages License for premises located at 30 Washington Street, Becket, MA 01223.

At 7:07 p.m. Bill read the notice of public hearing for the above captioned re: Melissa Spagnuolo-Avalle D/B/A The Village Market. Karen Avalue indicated that her daughter in law Melissa Spagnuolo-Avalle had arranged for her to represent her at tonight's Public Hearing. The Town Administrator advised that today he received a communication from Town Counsel. Due to Town Counsel's recommendation based on Mass. General Laws Chapter 138 Section 15A, the BOS directed the applicant to send a certified/return receipt mailing to the Becket Washington School (c/o the Central Berkshire Regional School District Superintendent) and the Federated Church which are abutters within 500 feet of 30 Washington Street. The mailing will include a copy of the notice of hearing and a letter stating that the Church and School may voice comments to the Board of Selectmen by May 3, 2017. Karen stated that through the special notification, to facilitate the process, Melissa Spagnuolo-Avalle will ask the school and church if they would send a letter to the BOS indicating that they do not object to the proposed package store license. Under MGL 138 Section 15A, the Board of Selectmen is required to deem whether the location of the package store is detrimental to the educational and spiritual activities of the school and the church, since they are located within a 500 foot radius of the street.

Bill asked if anyone wished to comment. Charles Francis stated that he came to show support of this business. The BOS continued this hearing to 7:05 p.m. on May 3, 2017.

Board to review minutes of previous meeting(s)

Jeanne moved to approve the BOS minutes for the February 8, 2017 meeting. Nicole seconded. Motion carried unanimously.

5. Mercedes Gallagher: Annual report from the Wild & Scenic Westfield River Committee
Becket's Wild & Scenic Westfield River (WSW) Committee Member Mercedes Gallagher distributed a postcard listing WSW's public outreach events occurring April through September 2017, and the WSW Committee's 2016 Annual Report (cover has a photo of Shaker Mill Brook). Mercedes indicated that the WSW has representatives from ten towns, the state, and the National Park Service. She encouraged the BOS to support the Dept. of Ecological Restoration which provides the WSW's Administrative Coordinator. Mercedes reported on:

- the impact of last year's drought on the river (some branches along the eastern side of the state dried up and fortunately, due to the rich watershed in our area, she does not know of any branches that dried up in western, Massachusetts.)
- a grant through the Chester Railway Foundation to hire a consultant to research and apply for National Historic Landmark status of the Keystone Arch Bridges owned by the Dept. of Fisheries and Wildlife in Chester, Becket, and Middlefield.
- the budget. This year and next year WSW will receive approximately \$73,000 from the federal government. After next year they will receive a five-year cooperative agreement.
- funding for activities to promote the health of the river. WSW allocated \$30,000 for community grants to towns and non-profit organizations. Mercedes had contacted Ed and the Highway Superintendent about the possibility of applying for funding toward engineering and construction phases of culvert replacement on Benton Hill Road for the brook that feeds out of Center Lake.

Mercedes indicated that she has been on the committee for seventeen years, and she finds serving the town in this capacity to be enjoyable and informative. The BOS thanked Mercedes.

6. Wild & Scenic Westfield River Committee's request for Town's support of Stormwater Management and Storm Drain Labeling.

Mercedes stated that unfortunately many are not aware that what we place into storm drains eventually flows into our rivers and ponds. They would like to get the word out that people should not dump oil or other products into storm drains. The WSW had requested permission to promote awareness of this concept by organizing volunteers to place stickers on storm drains that say, "NO DUMPING DRAINS TO RIVER" The WSW would like to target storm drains along Maple St., Main St., High St., & Brooker Hill Rd. Ed indicated that the Highway Superintendent and he will show the volunteers the locations of the storm drains. The BOS gave permission for the Wild & Scenic Westfield River Committee to place storm drain labeling in the North Becket Village.

7. Police Chief's notification that Cameron Forest successfully completed his probationary period and recommendation to appoint him as Part-time/Reserve Officer

Police Chief Kris McDonough submitted notification that Cameron Forest successfully completed his probationary period. Jeanne moved that the Board of Selectmen accept the Town

Administrator's recommendation to appoint Cameron Forest Part-time Reserve Officer effective 03/26/2017 through 06/30/2017. Nicole seconded. Motion carried unanimously. Kris McDonough indicated that although Cameron has been hired by the West Stockbridge Police Dept. and will attend the Police Academy, Cameron is available to work four or five shifts each month for the Town of Becket. Kris regards Cameron's training and experience as invaluable.

8. BOS to consider Town Administrator's Recommendation to appoint Matthew Virginia Sergeant of the Police Department

Police Chief Kristopher McDonough spoke in support of appointing Matthew Virginia Sergeant of the Police Department. Police Chief McDonough based his recommendation on Matt's performance and demonstration of strong work ethics. Matt has been with the Becket Police Department since 2012. Chief McDonough described Matt's extensive qualifications & work history (including 22 years in the NYC Police Dept.). Bill moved to approve of the Town Administrator's recommendation to promote Matthew Virginia to Sergeant of the Police Department effective 04/09/2017 through 06/30/2017 and he will receive an hourly pay rate of \$24.52. Nicole seconded. Motion carried unanimously.

Ed pointed out that through his role of Sergeant, Matt Virginia will undertake additional responsibilities and under the current salary structure, he will receive less than a 2% increase in pay. The Selectmen were amenable to Ed's request that he and Chief McDonough will conduct a salary survey of Police Officers, Sergeants, and Police Chiefs in the surrounding area, and Ed will provide a recommendation at the beginning of the fiscal year for the Sergeant's salary.

9. Highway Superintendent's recommendation to increase the Equipment Operator's rate of pay on the basis that he has successfully completed his 4th probationary period.

The Highway Superintendent had submitted a letter indicating that the Equipment Operator had satisfactorily completed his 4th probationary period, with the recommendation that he receive a pay increase. Nicole moved to approve the Equipment Operator's raise in pay to \$22.39 per hour. Bill seconded. Motion carried unanimously.

10. Discussion re: Temporary moratorium on the Sale and Distribution of Recreational Marijuana

Bill indicated that Jeanne and he attended a Hampshire County Select Boards Association meeting in Northampton last Thursday. Margaret Hurley of the Attorney General's Office, which is overseeing laws regarding marijuana, was present. Right now the Treasurer of the State is charged with appointing three people to a Cannabis commission. MMA sent out an advisory that the legislature may change the authority of the Cannabis Commission. Because the state has until July 1, 2018 to determine its regulations, guidelines and rules pertaining to licensing recreational marijuana, the MMA suggests that towns create bylaws relating to commercial marijuana and that they adopt a temporary moratorium on recreational marijuana. Jeanne indicated that the Planning Board had worked on a draft medical marijuana bylaw. Bill and Jeanne indicated they are concerned that towns are not sure what the guidelines are going to be and this makes it difficult for the town to make decisions as it is not known how much control towns will have. Right now the licensing is through the state. It would be practical for towns to know the state's rules before creating host agreements which could end up being contrary to the state laws. For instance, the

BOS had discussed a draft host agreement which required returning to the town for permission to add recreational marijuana cultivation to a licensed medical marijuana cultivation facility.

Bill stated it is his understanding that the state would allow a moratorium through 12/31/2018.

Jeanne moved to forward to the Planning Board a draft for a Temporary Moratorium on the Sale and distribution of Recreational Marijuana for its consideration to submit as an article for the ATM. Bill seconded. Motion carried unanimously. Ed will request Town Counsel's review of the draft (including the effective date – potentially through 12/31/2018).

11. Town Clerk's Recommendations for Election Worker Appointments (Note: the BOS votes on these appointments between July 15th and August 15th)

The BOS noted receipt of the Town Clerk's recommendations for Election Worker Appointments. Due to the appointment cycle, the BOS will vote on these appointments at its August 2, 2017 agenda.

Jeanne stated that the BOS should send a letter to the Democratic Town Committee so that they may have an opportunity to respond.

12. Citizens' Petition for a Town Meeting Warrant Article to Declare Becket a Compassionate Community

The BOS noted receipt of this ATM petition to request that its citizens designate Becket as a compassionate community whose residents respect the rights of its citizens and visitors.

13. Bylaw Review Committee's Draft Proposed Addition to Article 17 – Town Betterment Bylaws re: Vacant Properties Bylaw

Jeanne advised that at the request of the BOS, the Bylaw Review Committee worked on and conducted a public hearing in September 2016 (and addressed comments) on this proposed addition to Article 17 – Town Betterment Bylaws re: Vacant Properties Bylaw. The objective of this bylaw addition is to require owners to register vacant properties and to maintain them. This will appear as an Article on the ATM Warrant.

14. Bylaw Review Committee's Amended Dog Control Bylaw

Jeanne advised that the Bylaw Review Committee held a public hearing on the proposed amendments to the Dog Control Bylaw. The primary objective is to update it with the new state laws, and to include a section about the Animal Control Officer. This will appear as an Article on the ATM Warrant.

15. Planning Board's Notification of intention to propose a Zoning Bylaw Amendment (Driveway) at the ATM

The BOS noted the Planning Board's notification to place the proposed Zoning Bylaw Amendment (Driveway) on the ATM Warrant. The BOS does not favor the proposed bylaw amendment:

- Because there are many factors that the Highway Superintendent considers when issuing driveway permits, the Board of Selectmen believes it is in the best interest of the town and

appropriate for the Highway Superintendent to continue analyzing each application for driveways on an individual basis.

- Jeanne stated that she feels the bylaw may be potentially onerous for private roads and communities which are likely to lack staffing with road engineering backgrounds. The bylaw most especially should not apply to private roadways or sub-divisions. The BOS wonders if the Planning Board discussed this with road districts and/or private associations.
- The BOS is concerned that the restrictions would result in an increase in special permit applications, increase costs to applicants, and unnecessarily hamper new construction.

16. Monthly or Quarterly Reports: Animal Control Officer, Becket Volunteer Fire Department, Building Inspector and others tba

The BOS reviewed the reports of the Animal Control Officer, Becket Volunteer Fire Department and Building Inspector.

17. Board of Selectmen's Comments and Announcements

Bill read a letter dated 3/26/2017 to clarify the reasoning behind his vote to oppose issuing a letter of non-opposition to Ipswich Pharmaceutical Associates at the 03/23/2017 public hearing. He indicated that because he has friends on both sides of the issue, despite how he voted, it was not a winning situation for him. His decision was based on IPA's "poor presentation, lack of clarity on answers to questions and opposition to the site."

Barbara Craft Reiss asked if Bill could have asked Mr. McCarthy for a revised presentation that would have addressed the issues and concerns.

Bill stated that the information obtained at the Hampshire County meeting (mentioned earlier in the meeting) helped to affirm his decision.

Mercedes Gallaher indicated that she agreed that the presentation lacked detail.

Jeanne stated that the Finance Committee and Planning Board supported IPA's proposal. Jeanne agrees that Joe is not a good presenter. She stated that she thought that what IPA had proposed at the March 23rd meeting was similar to what had been proposed in the past, and she felt that Joseph McCarthy had answered the questions at the March 23rd hearing.

Nicole stated that she voted the way she did because she did not think it would be right to approve something that abutters (and residents) opposed. Barbara Craft-Reiss stated that she felt the BOS has a responsibility to vote in a manner that supports the majority of what residents want.

Jeanne stated that she lives near Johnson Road, and because of the woods, the opposing abutter would not have been able to see the operation. She reviewed the site with the Building Inspector and she considered the property to be in an appropriate location for the facility.

Jeanne stated that the BOS could have taken measures to mitigate the abutters' concerns.

18. Fiscal Year 2018 Budget

Ed discussed and provided handouts:

- Capital Plan Five Year Report
- Detailed Fiscal Year Line Item Financial Summary Budget Report
- COLA survey from other communities – Based on the survey (average COLA was 1.9%) the BOS agreed with Ed's recommendation for a 2% COLA.
- Highway Superintendent's memo listing Snow and Ice Deficits (\$48,100)

19. Town Administrator's Report

The topics of the Town Administrator's Report included: Police Department Cruiser, Broadband Update, Baby Town Meeting (Scheduled May 4th at 7 p.m.), Reserve Transfer Police Dept. (Ed will ask the Finance Committee to approve a request for \$1,570.46 for unforeseen repairs to the 2014 Explorer cruiser), MIIA Health Insurance Plans and Rates (Possible cost saving changes will be discussed at a BOS working meeting), Bonny Rigg Hill Road Culvert (appears to be working well), Building Demolitions (asbestos analysis/surveys are being conducted on 21 Maple Street, and 458 Brooker Hill Road) and Meetings he will be attending.

20. Public Input

None

21. Other business to come before the Board

The BOS will conduct an annual performance review of the Town Administrator.

Ed indicated that he awaits an opinion from Town Counsel as to whether amendments may be proposed at the ATM to Sherwood Forest Road District's Warrant Article to petition for Special Legislation.

Bill moved to authorize the grant and to sign the Memorandum of Understanding for the Board of Health permitting grant program. Jeanne seconded. Motion carried unanimously.

22. Review Correspondence: tba

None

23. Board of Selectmen to adjourn the meeting.

Jeanne moved to adjourn. Nicole seconded. Motion carried unanimously. At 10:01 p.m., Bill adjourned the meeting.

Reviewed Payroll/Expense Warrants.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, Chairperson

Documents discussed at this meeting:

Baby Town Meeting flyer

Draft Amended Dog Control Bylaw

Driveways Proposed Zoning Bylaw

Stormwater management labeling program.PDF

Vacant Properties final draft

Application of Melissa Spagnuolo-Avalle D/B/A THE OLDE VILLAGE MARKET for a new Wine & Malt Off Premise Alcoholic Beverages License for premises located at 30 Washington Street, Becket, MA 01223.

Town Clerk's Recommendations for Election Worker Appointments

Wild & Scenic Westfield River (WSW) postcard listing WSW's public outreach events occurring April through September 2017, and the WSW Committee's 2016 Annual Report

Police Chief's letter to recommend appointing Cameron Forest as Part-time/Reserve Officer

Highway Superintendent letter re: recommendation to increase the Equipment Operator's rate of pay on the basis that he has successfully completed his 4th probationary period.

Police Chief's letter of support to appoint Matthew Virginia Sergeant of the Police Department

Bill Elovirta's letter dated 3/26/2017 re: the 03/23/2017 public hearing for Ipswich Pharmaceutical Associates

Citizens' Petition for a Town Meeting Warrant Article to Declare Becket a Compassionate Community

Capital Plan Five Year Report

Detailed Fiscal Year Line Item Financial Summary Budget Report

COLA survey from other communities

Highway Superintendent's memo listing Snow and Ice Deficits (\$48,100)

Memorandum of Understanding for the Board of Health permitting grant program

Town Administrator's Report

Monthly reports: Animal Control Officer, Becket Volunteer Fire Department and Building Inspector.