

**Town of Becket
Board of Selectmen's Meeting
December 6, 2017
7:00 p.m.
Town Hall
557 Main Street, Becket**

Attendees:

Board of Selectmen: William ("Bill") Elovirta, *Chair*; Nicole Ledoux, *Vice-Chair*
Michael Lavery, *Clerk*

Staff: Ed Gibson, *Town Administrator*; Beverly Gilbert, *Recording Secretary*;
Geri Walters, Board of Assessors Member

Others: Michael Thiemann and Jeff Reynolds from Regional Resource Group,
Jeremy Dunn, *Broadband Ad Hoc Committee Member*; Paul Merrill

1. Call to order

Bill called the meeting to order at 7:02 p.m. He noted that the BOS was recording tonight's meeting.

2. Pledge of Allegiance

Bill led the pledge of allegiance.

3. Board to review minutes for the November 15, 2017 regular session meeting, and November 15, 2017 joint Board of Selectmen & Historical Commission meeting

Nicole moved to approve the minutes for the November 15, 2017 joint Board of Selectmen & Historical Commission meeting, and the minutes for the November 15, 2017 Board of Selectmen regular meeting. Michael seconded. Motion carried unanimously.

4. 7:05 p.m. Board of Assessors Tax Classification Hearing

At 7:05 p.m. Bill opened the Board of Assessors Tax Classification Hearing to determine the allocation of property tax levy among the four classes of real estate and personal property for Fiscal Year 2018. Board of Assessors Member Geri Walters, and Regional Resource Group Consultants Jeff Reynolds and Michael Thiemann were in attendance. Jeff Reynolds presented and indicated that the BOS must hold a public hearing to determine the percentage of the Town's property tax levy to be borne by each major property class. He provided a handout which outlined the steps and listed calculations relating to setting the town's tax rates. He stated that "Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Given Becket's small commercial and industrial base, it would take a large shift of the tax burden from the residential class to the commercial and industrial class to yield a modest residential tax reduction." Based on this, the Board of Assessors recommended that the BOS adopt a single tax rate to be applied to all classes of property in Becket.

Ed advised that when we went to the Annual Town Meeting, his forecast for the fiscal year 2018 tax rate was \$10.93. Earlier today, it had come in at \$10.94. The town collected a larger than usual amount of permitting fees this year (over \$100,000 for the Borrego solar project). Due to this, DOR would allow Ed's request to allow the town to apply \$25,000 of this fee as an increase towards the calculation of local revenues (permits and licenses) for Fiscal Year 2018, and Ed estimates if the town's revenues are relatively stable, barring unusual growth or a sizeable project, the town will have at least over \$75,000 to flow into fiscal year 2018's free cash calculations. Applying the \$25,000 to local revenues reduced fiscal year 2018's tax rate by \$0.07 (seven cents). He cautioned that Borrego's permitting fees is above and beyond what the town typically receives, and should not be used to estimate the tax rate for fiscal year 2019.

Michael moved for the BOS to vote in accordance with M.G.L., chapter 40, Section 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2018 tax rates and set the Residential Factor at 1.0, with a corresponding CIP shift of 1.0, pending approval of the town's annual tax recap (estimated rate of \$10.87) by the Massachusetts Department of Revenue. Nicole seconded. Motion carried unanimously. At 7:22 p.m., Bill closed the public hearing.

5. Discussion and Possible Award of bid (Invitation for Bids #18-003) for 2017 or Newer Fire Apparatus Rescue Mini-Pumper

Ed advised that Dependable Truck & Tank Limited had submitted all required documents. He indicated that they were the only bidder who submitted two copies of their bid in the bid packet. However, only one of the copies contained the bond and insurance information. During bid opening, he had looked at the other copy.

Ed stated that the Town approved a \$225,000 appropriation for a Newer Fire Apparatus Mini-Pumper, and Dependable Truck & Tank Limited's base bid came in at \$224,757 with five add alternates.

The Becket Volunteer Firefighters Association had voted to contribute \$6,187 for Add alternates 2, 3, 4 & 5. Ed provided the Fire Department's meeting minutes containing this vote.

At tomorrow night's Finance Committee meeting, Ed will request a Reserve Transfer Request for \$5,000 for Add Alternate 1 which is the mounting allowance.

Conditional on the Finance Committee approving the \$5,000 Reserve Transfer for the mounting allowance, Ed recommended that the BOS entertain a motion to award the base bid to Dependable Truck & Tank Limited, Bramton, Ontario Canada in the amount of \$224,757 and to award add alternate 1 for the mounting allowance in the amount of \$5,000, alternate 2 for 2 ½" discharge Pump CompPanel, Right Side in the amount of \$2,100, add alternate 3 for an inverter in the amount of \$530.00, Add Alternate 4: 2-12" Auxiliary Pump Intake(s) Right Side in the amount of \$2,100.00 and Add Alternate 5: Winch 10,000 LB in the amount of \$1,700.00, all which totals \$236,187.00.

Bill stated that the Fire Department's Truck Committee had reviewed the specifications. The Fire Department was satisfied with Dependable Truck & Tank Limited's response to its request for clarification. Dependable provided specific information on the inverter and who would perform

the warranty and service work. The Fire Department had conveyed that it recommends that the town award this bid and that the Finance Committee approve a reserve fund transfer in the amount of \$5,000

In accordance with the Fire Department, and Chief Procurement Officer/Town Administrator Ed Gibson's recommendations, Michael moved to award the bid to Dependable Truck & Tank Limited, Brampton, ON L6W 3R3, Canada, in the amount of \$236,187.00 contingent upon that the Finance Committee approves the \$5,000 Reserve Fund Transfer to be used for this purpose. Nicole seconded. Motion carried unanimously.

6. BOS to review and possible vote on Town Beach Permit Policy

Ed provided a copy of the draft Town Beach Policy denoting changes discussed at the 11/15/2017 BOS meeting in red ink. The BOS was of the consensus to modify the document as follows:

- Vehicle permits are required for parking and access at the Town Beach from **May** through **September**. *Tax Collectors had suggested this change.*
- To coincide with the BOS' intention that each home may have up to two permits, where appropriate, the policy will replace the word properties/parcel with home. *Tax Collectors had suggested this change.*
- Under the Town of Washington section, the word "sticker" will be replaced with "permit". *Bill had noticed this inconsistency and had requested this change.*
- Beach permits will list the calendar year. *Tax Collectors had suggested this change.*
- Correction of typos on page 1 (eliminate "the" on page under number 4, and add "to" under number 9). *Tax Collectors had suggested this change.*

Nicole moved to approve the Town Beach Permit Policy as amended. Michael seconded. Motion carried unanimously.

7. BOS to review draft Becket Board of Selectmen Policies and Procedures

The BOS reviewed the draft Becket BOS Policies and Procedures. Nicole pointed out several typographical and grammatical errors that should be corrected. The BOS also agreed to modify **Section XII. AGENDA PROCEDURES** to add what should occur when the Monday preceding the meeting is a holiday, and **Section VIII. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD** with respect to the Clerk's responsibilities. Beverly will incorporate the changes into the document, and email the revised document to the BOS members to review.

8. BOS review and possible vote on its recommendations for changes to the Bylaw Review Committee Proposed Amendments to Article 17 Section 21. for BOS Comments BOS to discuss possible dates to meet with the Bylaw Review Committee

Ed advised that he awaits Town Counsel's review of the proposed amendment. The BOS tabled discussion of this agenda item so that Town Counsel's remarks may be considered.

9. BOS and Town Administrator to discuss the Town Financial Statements, Management letter and Side letter from the Town's FY2016 Audit (year end June 30, 2016).

Ed Gibson discussed the Town Auditor's letter identifying areas where improvements could be made but were not considered substantial enough to include in the Town's formal management letter. Ed reported on the town's implementation of the recommendations.

10. **Board to consider License Renewals for the following: Dream Away Lodge for an Annual All Alcoholic Restaurant license, a Common Victuallers license, a Six Day Entertainment license, and a Sunday Entertainment License; Berkshire Berries for an Annual All Alcoholic Restaurant license, an Annual Wine & Malt Package Store license, and a Common Victuallers license; Mountain Grove Association for an Annual All Alcoholic Club license; Sherwood Shoppe for an Annual All Alcoholic Package Store license, and a Common Victuallers license; Becket Country Store for an Annual Wine & Malt Package Store license, and a Common Victuallers license; Papa Bob's LLC for an Annual All Alcoholic Restaurant license, a Common Victuallers license, a Six Day Entertainment license, a Sunday Entertainment license, and an Automatic Amusement license; Becket General Store for an Annual All Alcoholic Package Store license, an Annual All Alcoholic Restaurant license and a Common Victuallers license**
- Michael moved to approve annual renewal for calendar year 2018 of the following licenses:

- Dream Away Lodge for an Annual All Alcoholic Restaurant license, a Common Victuallers license, a Six Day Entertainment license, and a Sunday Entertainment License;
- Berkshire Berries for an Annual All Alcoholic Restaurant license, an Annual Wine & Malt Package Store license, and a Common Victuallers license;
- Mountain Grove Association for an Annual All Alcoholic Club license,
- Sherwood Shoppe for an Annual All Alcoholic Package Store license, and a Common Victuallers license;
- Becket Country Store for an Annual Wine & Malt Package Store license, and a Common Victuallers license;
- Papa Bob's LLC for an Annual All Alcoholic Restaurant license, a Common Victuallers license, a Six Day Entertainment license, a Sunday Entertainment license, and an Automatic Amusement license;
- Becket General Store for an Annual All Alcoholic Package Store license, an Annual All Alcoholic Restaurant license and a Common Victuallers license; and
- Mountain Grove Association for a Common Victuallers, Entertainment and Automatic Amusement License contingent upon the town's receipt of these license applications.

Nicole seconded. Motion carried unanimously.

Ed advised that he is conducting a survey to compare what other towns charge for Board of Selectmen licenses. He has sent this survey to members of the Berkshire County Managers.

11. **BOS review and possible vote to recommend presenting draft Revolving Fund Bylaw at a future Town Meeting**

Ed advised that this is a possible new bylaw allowable through the Municipal Modernization Act aimed at boosting fiscal efficiency. The town may vote to create a bylaw to setup revolving funds. The warrant article for this would specify the fund, use and maximum dollar amount per fiscal year. If this was done, the town would not need to vote annually for revolving funds. Should the town establish this bylaw, the town would only need to vote if there were a need to modify, create or delete a revolving fund. As with any bylaws created, if passed at town meeting, the town would need to submit the bylaw to the Attorney General's office for review and approval. Ed pointed out that until the town receives the AG's approval, it would continue with the old method. He suggested that the BOS consider

adding an article for a revolving fund bylaw on the winter Special Town Meeting. Per Bill's suggestion, Ed will research the dollar values and provide a recommendation for adding a revolving fund for the Fire Chief's receipts. At the next regularly scheduled meeting, the BOS may discuss a draft revolving fund bylaw and may vote to schedule a public hearing on the possible adoption of a Revolving Fund Bylaw at a Town Meeting.

12. **Broadband Update**

A week ago, Ed had his second monthly update call with Bill Ennen, who serves as Massachusetts Broadband Institute's Last Mile Implementation Liaison. Highlights of his meeting include:

- There was legislation passed (the Governor signed) for additional broadband funding (Jeremy thinks it is approximately 13 million dollars). Although the definitive rules will be provided during the middle of December, funds may be allocated to towns that fit into the following categories: 1) towns with no broadband solution prospects. For instance, if a company such as Charter or Comcast does not want to go into the town and it is too expensive for the town to build their own, and 2) Towns that grossly exceed their estimate provided by the State (MBI) for the broadband project's make ready work when confronted with the reality shown by their pole surveys. Charlemont and Middlefield are examples of towns facing this predicament
- The state has been dealing with Verizon and Eversource concerning the pole application process and turn-around time. Some towns have asked the state if they could arrange to broaden the timeframes of the applications because right now there is an extremely tight window. Jeremy wrote to Carolyn Kirk to inquire if the state may waive some of the stringent rules and regulations relating to the pole applications. Ed indicated that Bill Ennen stated that if the state is able to waive some of their regulations then utilities may operate outside of their normal constraints which basically means they may operate in any manner for which they see fit. Towns may weigh in if it is prudent to hold all the pole applications to the end before submitting them all at once. The advantage of selecting this approach is towns will be able to plan the scope of the entire project if there is not enough money to build everywhere in town. However, given that the state has approved the additional funding, and to prevent up to an eighteen month delay of construction planned, Ed recommends that the town change its approach and submit the pole applications in batches as they are ready instead of holding back the pole applications for all at once.
- Westfield Gas & Electric is preparing a template for the edge cases for an inter-governmental services agreement so that each town will not have to recreate its own agreement in cases where one town will have to service its customers by running its fiber-optic cable through another town.
- Becket is current with respect to what it owes to the state including: certification of compliance, a photocopy of our bank statement showing the grant money in the amount of \$860,000 was not only received but that it is sitting in a non-interest bearing account (per the state's requirement). Ed has submitted the first quarter report and in early January he will file the October through December quarterly report.
- Jeremy reported that Massachusetts Interlocal Insurance Association and Public Utilities Risk Management Association have not yet found an underwriter to insure towns' broadband network assets once they are built.

- Jeremy and the Broadband Ad Hoc Committee will review WiredWest's Memorandum of Understanding and will report to the Board of Selectmen.
- Mount Washington's broadband is up and running.
- Both Otis and Alford have started construction. They have contracted with Vertex.
- Egremont and Monterey have contracted independent contractors to partially build their broadband.

13. Monthly Reports: Volunteer Fire Department (September and October 2017), Police Department (September and October 2017), and Ambulance Department (November 2017)

The BOS reviewed the above captioned reports.

14. Planning Board Notice of Public Hearing to amend Section 6.6, Large-Scale Ground-Mounted Solar Photovoltaic Installations of the Becket Zoning Bylaws to transfer governing authority from the Zoning Board of Appeals to the Planning Board

The BOS received the above listed public hearing notification (The public hearing will occur on December 13th, and copy of the proposed changes to Section 6.6 of the Becket Zoning Bylaws.

15. Board of Selectmen's Comments and Announcements

Michael reported on the Planning Board's Public Hearings on the petition submitted by the Board of Selectmen to consider amending the Zoning By-Laws by adding sections to create a temporary moratorium on medical and recreational marijuana establishments. He advised that the BOS should be mindful of state laws in order to consider ordinances for establishing limits of the number of marijuana establishments.

Bill asked Ed to send a letter to Eversource to request that they install guardrails on George Carter Road where they did clear cutting near their high tension lines which resulted in the removal of natural barriers.

Per Bill's observation that the new scoreboard at the Town Park did not automatically come with a battery pack, Ed will order this option.

Bill attended the Berkshire Regional Transit Authority meeting last Thursday. Becket's weighted vote ratio is 1.04 percentage and Bill pointed out that on occasion this vote has proved necessary for reaching a quorum. Becket's fees for fiscal year 2019 will be \$1,072 (approximately \$30 more than last year) and based on the town's use which is greatly subsidized through federal and state funds, he thinks this is a good value and he supports the town's continued participation.

16. Resignation letter dated November 29, 2017 from Town Administrator Edward J. Gibson

Bill read Town Administrator Edward J. Gibson's letter of resignation. His last day he will report to work at the Becket Town Hall as Town Administrator will be on January 5, 2017. Ed offered that although he is resigning from his Town Administrator's duties, if requested by the Board of Selectmen, he will avail himself outside of his Southampton working hours to assist with procurement. He is also willing to continue serving as the Becket MLP

Manager. Bill stated that he is sorry to see Ed leave.

Jeremy Dunn indicated that Bob Gross and he are willing to serve as the town's MLP Manager if Ed unexpectedly finds himself too busy with his new commitments.

Borrego Solar Pilot Update and Discussion

Ed reported on his discussion with Harald Scheid, President of Regional Resource Group, concerning possible ways to structure a Borrego Solar P.I.L.O.T. The consensus of the Board was that they agreed with Ed and Harald that a flat rate P.I.L.O.T. would be a prudent outcome of negotiations since the predictability of a flat rate is an attractive benefit to both parties (Town and Borrego), and likely to be more saleable at a Town Meeting. Ed will discuss this further with Harald.

Town Administrator's Report

Surplus Property: Ed advised that items must be declared surplus property in order to be auctioned. In accordance with the Town Administrator's recommendation, Michael moved to declare that the below items are surplus property:

- Chevy Blazer 1985
- John Deer gt235 Lawn tractor
- Gravely pro 16g lawn tractor
- 15" PC Monitor
- seven 17" PC Monitors
- 21" PC Monitor
- various older Network switches & printers

Ed will list the aforementioned items, along with the 2004 International Dump Truck of which the BOS previously had voted to declare surplus property, to auction.

Reserve Transfer Request – This was discussed under agenda item number 5 (Discussion and Possible Award of bid (Invitation for Bids #18-003) for 2017 or Newer Fire Apparatus Rescue Mini-Pumper)

Budget Request Letters: Ed sent the budget request letters for Operating and Capital Budgets for FY 2019 to all departments, board and committees and they are due back to Ed by January 3, 2018.

Fire Station #1 Energy Improvement Window and Door Project: The contractors started the asbestos abatement and the window and door installation on December 4th at the Washington Street Fire Station. As of today, they have completed the abatement work and have installed eleven of the thirteen windows. The remaining work of this project includes installation of two windows, caulking and insulation around all thirteen windows, and installation of the three doors.

Request for Becket/Wahconah Cheerleader to sell Candy at Transfer Station for fundraiser: We received a request to allow a Wahconah Cheerleader to sell candy at the Becket Transfer Station in order to help raise funds for the Wahconah Cheerleaders to participate in a competition at the Disney World Resort in Orlando, Fl. The mother of the cheerleader is requesting permission for her daughter to reserve a day at the Transfer Station for this purpose. Ed indicated that he and Transfer Station Supervisor Christopher Bouchard are amenable to this request. Per the BOS's response, Ed will convey to the mother of the cheerleader that she may contact Christopher

Bouchard to arrange for a date that her daughter will sell candy in conjunction with the Wahconah Cheerleading team's fundraiser.

Becket Woods District Room Use Policy Request: The Becket Woods Road District had requested to use a meeting room at Town Hall during regular business hours the Town Hall is open on December 28th. Ed originally denied this request on the basis that it has been the town's practice not to reserve the meeting rooms in Town Hall for outside groups during normal business hours as it may be disruptive and also lend the meeting room not available for our own use during that time slot. The Prudential Committee has asked that the BOS reconsider this application as they feel they are a Town body due to their Special Legislation and should be allowed to utilize the meeting room in Town Hall during regular business hours. The consensus of the BOS was that because the Becket Woods Road District is a separate Agency and is distinct from the Town of Becket government, the meetings of the Becket Woods Road & Maintenance District and its Prudential Committee are not considered town functions. The BOS members indicated that they think it is important to treat groups in a consistent manner and that if they allowed an exception for Becket Woods, they would need to allow exceptions to other outside groups. The BOS directed Ed to convey that BWs and its Prudential Committee are welcome to use the Town Hall Meeting Rooms (subject to availability) after normal business hours Monday through Friday from 4:30 p.m. on or on Saturdays and Sundays.

Town Facilities: The new stove for the downstairs kitchen at Town Hall was delivered today and is operational. The old stove has been removed. The new floodlights for the playground equipment and the timer have been installed on the Town Hall Pavilion.

Conservation Commission Appointments: We have not received an appointment application for the vacant positions on the Conservation Commission other than that of Mary Stickler from Hinsdale. Per Ed's recommendation, the BOS agreed to add Discussion of her appointment application to the BOS's agenda of December 20th.

Town Hall HVAC Upgrades: The bids for the Town Hall HVAC system upgrades are due on December 20th and will be opened at that night at the BOS meeting.

Meetings: Ed will attend the Finance Committee Meeting tomorrow night, the Energy Committee Meeting on December 14th, and the Conservation Commission Meeting (for the Continuation of the Hearing for the Town Beach) on December 19th.

17. Public Input

Paul Merrill stated that he opposes creating a local entrance/exit access to the Massachusetts 90 Turnpike on the basis that he does not want Becket to experience changes that go along with developing into a bedroom community.

18. Any other business to come before the Board

The BOS agreed that Bill may contact several retired Town Managers/Administrators to inquire about their availability to work as Becket's Interim Town Administrator. Through the Country Journal and Town website, the BOS will seek those interested in serving on a Town Administrator's Search Committee. The BOS scheduled a working meeting at 9:30

a.m. on Monday, December 18th, for discussion on the Recruitment of the Town Administrator.

Bill initiated discussion about false fire alarms which impacts the Fire Department's resources. Ed suggested that the Fire Department may consider issuing fines as a way to collect fees to help offset the town's expenses, and to provide an incentive for property owners to properly maintain their equipment that may impact their alarm systems.

19. BOS to review and sign Warrants

The BOS reviewed and signed payable warrants.

20. Review Correspondence:

- ❖ **10-30-2017 letter from Edward J. Gibson, Town Administrator re: Notice of Intent to Request a Release of funds for the FY17 CDF-I CDBG-00023; Housing Rehabilitation Project**
- ❖ **11-21-2017 letter from Pamela Tatge, Director of Jacob's Pillow specifying that 6 Depot Café and Roastery of West Stockbridge and Haven Café and Bakery of Lenox will not be providing services to Jacob's Pillow Dance Festival during 2018 and a new vendor will be submitting an application for the appropriate license.**

The BOS reviewed the above listed correspondence.

21. Board of Selectmen to adjourn the meeting

Nicole moved to adjourn. Michael seconded. Motion carried unanimously. Bill adjourned the meeting at 9:53 p.m.

Respectfully submitted,
Beverly Gilbert, Secretary


William Elovirta, Chairperson

Documents discussed at this meeting:

- Becket Ambulance November 2017 Report
- Becket Police Department Sept and Oct 2017 reports
- BFD Sept and Oct 2017 Reports
- changes discussed at 120617 meeting BOS Policies & Procedures
- Planning Board Notice of Public Hearing re Section 6.6, Large-Scale Ground-Mounted Solar Photovoltaic Installations
- documents received for License renewals for operation during 2018
- draft Policy BOS Beach Permitting policy
- Ed Gibson, Town Admin letter of resignation dated 112917
- Indian Lakes Winter Road Closure, and SFRMD Winter Parking Notice
- Jacob's Pillow re Seasonal licenses
- Proposed Changes to Section 6.6 LSGMSPI of the Becket Zoning Bylaws
- Revolving Funds Bylaw
- Tax Classification Hearing Handout FY2018
- Town Admin Notice of Intent to Request a Release of funds for the FY17 CDF-I CDBG-00023; Housing Rehabilitation Project
- Fire Department Meeting minutes of November 21, 2017