

**Town of Becket
Board of Selectmen's Meeting
December 20, 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*;

Others: Mary Stucklen, Jim Barry, Bob Markel, Alison Dixon
Broadband Ad Hoc Committee Members Dan Parnell, Bob Gross and
Jeremy Dunn
Conservation Commission Chairperson Alison Dixon
Becket Energy Committee Members Cathy Defoe and Al Blake

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 December 6, 2017 meeting

Michael moved to approve the minutes for the December 6, 2017 meeting. Nicole seconded. Motion carried unanimously.

4. 7:05 p.m. Opening and possible award of bid (Invitation for Bids #18-004) for Town Hall HVAC Upgrade

At 7:05 p.m. Bill read the published advertisement for the Invitation for Bids #18-004 for the Town Hall HVAC Upgrade, and he announced the commencement of the bid opening. Town Administrator/Chief Procurement Officer Ed Gibson opened four sealed bids listed below. All of the bidders submitted the required documents.

Bidder	Base	Alt 1	Alt 2	total
B.G. Mechanical Services, Chicopee	\$259,000	\$7,100	\$6125	\$272,225
Pittsfield Pipers, Pittsfield	\$246,240	\$5,850	\$1,100	\$253,190
Adams Plumbing & Heating, Adams	\$245,179	\$6,040	\$1,800	\$253,019
M & W Heating Mechanical Contractors, Pittsfield,	\$249,133	\$6,689	\$1,414	\$257,236

Ed advised that all of the bids exceeded the amount (\$178,000) approved for this project at the Annual Town Meeting. In accordance with Ed's recommendation, Michael made a motion to reject all bids for the Town Hall HVAC Upgrade. Nicole seconded. Motion carried unanimously. The BOS will revisit this project with the engineer.

5. **Jim Barry, Dept. of Energy Resources Green Communities Division's Western Regional Coordinator to present the Green Community Energy Award to the Town of Becket**
 Jim Barry attended tonight's meeting to present the Green Community Energy Certificate to the Town of Becket. He stated that this is a "non-trivial task" that the town has accomplished. To become a Green Community, towns must meet 5 criteria, one of which is to develop a plan to review and reduce energy use in municipal buildings and vehicles by twenty percent over five years. Becket has succeeded in reducing its total energy use by 31 percent since it has started using this program. There are 185 green communities in Massachusetts. In 2010, Becket was amongst the first batch of 35 Green Communities. Only 18 communities, of which includes 5 of the communities within the first batch, in the state have earned the special certificate. He praised Becket for its hard work leading to this amazing achievement. He indicated that Green Energy related projects must not only be approved, but completed to the satisfaction of the Dept. of Energy. When a community is designated a Green Community, it becomes eligible to receive state funding for projects, and when that money is spent, the town becomes eligible to apply for funding for additional energy savings projects. Because the town has reached its goal, future grants may be used for other projects not regarded as standard (examples of standard projects include lighting, heating, insulation, new garage doors for DPW so that heat does not leak). Some examples of non-standard grant projects include providing assistance to residents (MassSave energy audits) or to facilities within the town that is not necessarily owned by the municipality (such as a libraries, schools) but regarded as an integral part of the community. Jim Barry read the Proclamation (Certificate) signed by Governor Baker, Lieutenant Governor Polito, Energy and Environmental Affairs Secretary Beaton, and Department of Energy Resources Judson. The BOS thanked Jim Barry.

6. **Discussion and possible vote relating to the Interim Town Administrator**
 Bill reported on his preliminary search for potential candidates to serve as the Interim Town Manager. The individual who was Becket's Interim Town Manager in the past moved to Maine, and another possible person indicated he would not be willing to travel to Becket. Bill introduced Bob Markel who is currently serving as the Interim Town Administrator for the Town of Southampton. Bob Markel described his background in education, and public administration. After Mr. Markel retired as the Ipswich Town Manager in 2013, he returned to the workforce and has served as Interim Town Managers for several municipalities. Mr. Markel expressed his interest in being considered for Becket's Interim Town Manager position. Bill suggested that if the BOS is willing, he would like to talk further and try to negotiate a contract with him. Michael moved to authorize Bill to negotiate with Bob Markel to develop a draft employment contract for the Interim Town Administrator position to present to the BOS for review and possible approval. Nicole seconded. Motion carried unanimously.

7. **Town Administrator Recruitment including review of Job Description to post on the town's website, advertisement, and Search Committee**
 The BOS agreed upon edits to the Town Administrator's Job Description for posting on the town's website along with the advertisement. The BOS awaits additional applications to serve on the Town Administrator's Search Committee, and will discuss the structure and membership of the committee at a meeting in the near future. The Beacon will advertise this opportunity in its January and February Publications, and the MMA has started to advertise on-line for 60 days.

8. **Conservation Commission Appointment: BOS to discuss and possibly vote on appointing Mary Stuckler to the Conservation Commission through 6/30/2018 (to fill the unexpired term of Richard Pryor)**
 Alison Dixon, Chairperson of the Conservation Commission, spoke in support of appointing Mary

Stucklen (should be Stucklen, not Stucker) to fill the unexpired term of Richard Pryor who had resigned. Alison indicated that she understands the town's policy to give first consideration to those applicants residing in Becket. Alison pointed out that Mary Stucklen, who resides in Hinsdale, is the only individual who has applied, the Conservation Commission needs assistance, and she worries about meeting quorum and the ability to continue doing so. Alison indicated that Mary, who has shown an interest by attending meetings, would be an asset to the Conservation Commission due to her enthusiasm, and knowledge and background in the sciences (she teaches science at Monument Valley School). Mary Stucklen fielded questions about her teaching background and indicated that she would like to volunteer on behalf of the community, and finds the Conservation Commission meetings to be "super exciting." Michael moved to appoint Mary Stucklen to the Conservation Commission effective 12/20/2017 until 6/30/2018 in order to fill the remainder of Richard Pryor's term. Nicole seconded. Motion carried unanimously.

9. BOS to review and possibly approve Becket Board of Selectmen Policies and Procedures

Due to the long length of tonight's meeting, the BOS agreed to move this agenda item to its 1/3/2017 meeting.

10. 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 continues to await a reply from Town Counsel, and therefore this agenda item was moved to the 1/3/2017 meeting.

11. BOS to sign Federal Grant Policy (approved at working 12/18/2017 meeting with revisions)

The BOS signed the federal grant policy that had been approved with revisions at the 12/18/2017 working meeting.

12. Draft Borrego Solar P.I.L.O.T. Agreement Review

Ed gave a Draft Borrego Solar P.I.L.O.T. Agreement for the BOS to review. He advised that he also forwarded it to Borrego Solar and the Board of Assessors for their review. This draft proposes that Borrego will pay the town \$53,212 each year (this amount may change based on what is agreed upon) for twenty years. Ed indicated that BOA member Geri Walters asked what happens at the conclusion of 20 years. They indicated that the solar panels have a finite lifespan. Perhaps the panels would be replaced. Perhaps there will be different technology for generating electricity. Perhaps there will be a demand to increase panels. However, the BOS and Ed acknowledged that it is truly not possible to provide a definitive answer to this thoughtful question.

Michael noticed that the agreement (generated from a template agreement) should be combed for the correct town. (In several places, "Sterling" should be replaced with "Becket").

13. Town Beach Policy

The BOS reviewed and agreed with suggested revisions presented to clarify the Town Beach Policy.

14. Broadband Update and BOS to consider approving WiredWest's Memorandum of Agreement

Michael clarified that the document listed on this agenda is actually entitled, WiredWest's Memorandum of Understanding ("MOU"). Ed indicated that until the end of November, the Memorandum of Understanding was in draft format, and since that time there have been some changes that he considers beneficial to the customers. One such change is the removal of the

requirement that once it was signed, towns may not negotiate with other broadband vendors. This MOU is now non-exclusive which means towns may continue to negotiate with WiredWest, and seek other providers to manage the town's broadband network. There is a clause that says town's signing the MOU should be within 24 months of operation. Ed pointed out that Becket is over 24 months away from operation, although other WiredWest communities are within 24 months of operation. Ed indicated that one of his largest concerns pertaining to WiredWest is that there remains many unanswered questions regarding financial reporting procedures. Communities, in order to join WiredWest, became MLPs (a number of years ago). An MLP is supposed to report to the Massachusetts Dept. of Public Utilities (DPU). The DPU has conveyed that it does not want to see the reports from the municipalities that operate only broadband. DOR has told Ed that it does not want reports from towns using MLP accounting. The advantage of MLP accounting is that although a municipality would report to town meeting, it would not need to request funds through an enterprise account which, if not approved would shut-down broadband operations. Ed has other concerns relating to MLP control. DOR has said they will not penalize towns that do not establish enterprise accounting for broadband. DOR has led Ed to believe that if a town set up an enterprise fund DOR would not permit WiredWest to operate the way WiredWest originally planned (WiredWest to receive the yearly revenues, pay the yearly bills and give the town a check for any excess revenues at the end of the year). Ed stated that he does not see a disadvantage from the town signing WiredWest's MOU. Ed anticipates that within the next six to nine months, the town will see, and should look for, and be mindful of financial structures developed through DPU or DOR or both.

Jeremy indicated that the goal of this MOU is for WiredWest to gauge which towns are sincerely interested in exploring moving forward with WiredWest. He stated that signing this agreement would not prevent Becket from issuing an RFP to seek the most advantageous provider. Bob Gross indicated that signing the MOU will allow the town to maintain its input and voting rights within WiredWest.

Bill mentioned that this MOU will expire upon the execution of a contract between the Town of Becket and WiredWest, and the termination clause lists October 1, 2018 for the deadline for towns to sign a contract with WiredWest.

Dan Parnell favored signing the MOU. He indicated that the information gleaned from other town's experiences, is a valuable resource.

Jeremy indicated that he thinks belonging to WiredWest is a good value due to the legal advice received.

Bob Gross indicated that he has surveyed other MLPs, and asked if the Broadband Ad Hoc Committee may appear before the BOS at its 1/3/2018 meeting to present his findings and discuss the town's expectations for its MLP's functions/duties/time commitment. Per Al Blake's inquiry, Ed and the BOS indicated that due to time constraints the Interim Town Administrator will not serve as Becket's MLP.

Jeremy confirmed that the town may withdraw from the MOU at any time without any penalties.

After hearing that the BOS was amenable to him doing so, MLP Manager Ed Gibson signed WiredWest's Memorandum of Understanding. The BOS thanked Jim Draw and members of the Broadband Ad Hoc Committee.

15. BOS to vote on the Selectmen's Budget Request for Fiscal Year 2019

Bill presented the draft Selectmen's budget request for Fiscal Year 2019 that he had prepared. For the salary, Bill recommends adding the town's cost of living increase to this year's salary. In addition to memberships, the budget traditionally includes funding for one BOS member to attend the MMA Annual Conference with one night's lodging. Michael and Nicole had signed up to attend this year's MMA Annual Conference for multiple days. Given that this is Nicole and Michael's first time they are attending this conference, and that the training and information acquired will help prepare them to better serve the town, Ed indicated that the town may cover the lodging expenses if they exceed the budget.

Bill clarified mileage reimbursement for the BOS is intended for out of town business, not for business conducted within the town.

Michael moved to approve the Selectmen's budget request for fiscal year 2019 as submitted (\$6,120 plus COLA for salary, and \$2,060 for expenses). Nicole seconded. Motion carried unanimously.

New Per Diem Ambulance Employees

The BOS signed payroll authorization rates for the new per diem ambulance employees.

16. BOS to review survey and discuss Selectmen's Permitting Fees

Ed gave the BOS a listing of town's responses to his Survey on Selectmen's Permitting Fees. He advised that if the Selectmen would like to consider modifying any of the BOS fees, it should conduct a public hearing. Bill thanked Ed for conducting this survey. He stated that overall he thinks the town's fees are comparable to other towns. Bill stated that the town's business traffic should be taken into account. Sheffield, Egremont, and Great Barrington's larger fees are in keeping with greater business activity. Nicole stated that there may be a little room for some increases (wine and malt fees appeared a little low compared to other towns). The BOS may visit its license fees in the springtime.

17. Alcoholic Beverages Control Commission Matters:

- ❖ **Seasonal Population**
- ❖ **Renewal Certification (expired license)**
- ❖ **Bulk Renewal**

Per the Town Clerk's recommendation, Michael moved to set the town's seasonal population as of July 10, 2018 at 9,000 for the purposes of the Alcoholic Beverages Control Commission. Nicole seconded. Motion carried unanimously. The BOS signed the renewal certification form which indicated that Melissa Spagnuolo-Avalle, DBA The Olde Village Market at 30 Washington Street did not renew her retail package store wine & malt license. Bev will submit the above captioned documents to the Alcoholic Beverages Control Commission.

18. Monthly Reports: Animal Control Officer (November 2017)

The BOS reviewed the Animal Control Officer's November 2017 report.

19. Approval of CDBG Grant Invoice #1 and Escrow Transfer

Nicole moved to approve CDBG Grant Invoice #1 and the Escrow Transfer to pay for the CDBG Grant Invoice #1. Michael seconded. Motion carried unanimously.

20. Board of Selectmen's Comments and Announcements

Michael reported on the successful Children's Holiday Party organized by Police Officer Nicole Miller of the Becket Police Association for the second year in a row at the Becket Chimney Corners YMCA & Outdoor Center. This year's party included a variety of activities such as arts & crafts, archery, and rock climbing. The BOS will send letters of appreciation to Nicole Miller and Philip Connor, CEO of Becket Chimney Corners YMCA & Outdoor Center. The BOS spoke of Nicole's strong fundraising and organizational efforts and abilities.

21. Town Administrator's Report

Tax Documents: Our municipal tax rate has been set at \$10.87 per thousand of valuation. The town has started sending tax bill files to Bill Trust to be printed and mailed. The staffers for the new Beach policy will accompany the Town's Real Estate Tax Bills.

FY2019 Budget: Several Departments have submitted their FY2019 Budget Requests.

Becket Beach Erosion Improvement Plan: The Becket Beach Erosion Improvement Plan developed by Foresight Engineering for the Becket Beach was approved by the Conservation Commission at their meeting last night. This project will likely be done in-house in 2018 after Labor Day.

Health Insurance Self-Audit: We completed the health insurance self-audit to compare what should have been deducted from employees pay to what was actually deducted from employees pay since we switched from weekly to every other week payroll in FY 2014. Ninety-eight percent of the actual deductions are accurate with a very small rounding error (either way) of approximately \$1 or \$2 over the four year period. There are a couple of isolated instances where an individual has overpaid or underpaid what they should have. The town will advise all individuals through a letter. These would appear to be timing issues of when they came on or left a particular program or switched health insurance options.

Meetings: Ed will have a meeting with Pat Mullins from Berkshire Regional Planning Commission tomorrow morning concerning the financial requirements for the CDBG home rehabilitation program. The Town Accountant and Town Secretary will join this meeting. Our Employee Holiday Luncheon will be held on Wednesday, December 27th in the Town Hall. Ed has scheduled teleconference meetings with Bill Ennen for our Broadband Grant progress status update on Thursday, December 28th and with Westfield Gas and Electric on Friday, December 29th.

22. Public Input

There was no public input at tonight's meeting.

23. Any other business to come before the Board

It was agreed that Bill will submit authorization to designate Nicole to vote in his absence at the MMA Annual Business Meeting.

24. BOS to review and sign Warrants

The BOS reviewed and signed the warrants.

25. Review Correspondence:

❖ **12/13/2017 letter from the Planning Board – Planning Board voted to not endorse Temporary Moratoria on Recreational and Medical Marijuana Facilities on the basis that the Planning Board intends to write a zoning bylaw relating to marijuana to present at the Annual Town Meeting.**

The BOS indicated that despite the Planning Board’s vote, it intends to proceed with endorsing an article on a Special Town Meeting Warrant to institute Temporary Moratoria on Recreational and Medical Marijuana Facilities. The moratoria may be lifted when the town adopts bylaws relating to marijuana facilities.

26. Board of Selectmen to adjourn the meeting

Nicole moved to adjourn. Michael seconded. Motion carried unanimously. Bill adjourned the meeting at 10:07 p.m.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, *Chairperson*

Documents discussed at this meeting:

- ABCC pop and renewal certificate.PDF
- ad - posted to the Beacon and MMA website Town Administrator Ad revised at BOS working meeting 121817
- Becket Federal Grant Policy approved on 121817 for signature
- Survey Selectmen license fees
- Town Administrator position description.doc
- Mary Stucklen Appointment Application - Cons Com
- MMA Annual Business Meeting letter and form voting delegate authorization
- Plan Brd ltr marijuana moratoria
- Policy BOS Beach Permitting policy approved at 12-6-2017 with red marked suggested changes
- QA_re_MLP_Accounting.doc
- Con Com approved Becket Beach plan
- Green Communities Award.msg
- Report of the ACO November 2017
- Shutesbury_re_MOU.doc
- Solar Pilot Agreement