

**Town of Becket
Board of Selectmen's Meeting
February 7, 2018
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: Robert Markel, *Interim Town Administrator*
Beverly Gilbert, *Recording Secretary (remote participation)*

Others: Morgan Jacquemin (Chester), Beth Wright (Chester), Michele Kenny (Chester),
Tim Sullivan, Gail Kusek, Heather Anello, Bob Gross

1. Call to order

Bill called the meeting to order at 7 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 01/17/2018 Regular Session meeting and the joint Board of Selectmen and Bylaw Review Committee 01/11/2018 meeting.

Michael moved to approve the minutes for the joint Board of Selectmen and Bylaw Review Committee's 01/11/2018 meeting and the Board of Selectmen's 01/17/2018 Regular Session meeting. Nicole seconded. Motion carried unanimously.

4. 7:05 p.m. Public Hearing on Becket General Store, Inc.'s (d/b/a Becket General Store located at 3235 Main Street) application for an Annual Monday through Saturday (Six Day) Entertainment License

At 7:06 p.m., Bill read the public hearing ad that was published in the Berkshire Eagle. The ad was for Becket General Store's Annual Six Day and Annual Sunday Entertainment license applications. Heather Anello, owner of the Becket General Store, discussed her application with the BOS. The BOS received two communications regarding the applications including one letter (which technically does not need to be considered since it was sent anonymously) opposing the applications due to concern about possible noise, and a letter of enthusiastic support from Jeff Piemont encouraging the BOS to approve the licenses. Mr. Piemont praised Becket General Store's efforts and contributions to our community, he indicated that the presence of the Becket General Store enhances our quality of life, and he recommended that the BOS provide incentives to businesses, such as the Becket General Store, to remain in Becket.

It was stated that her application specifies indoor entertainment only on the first-floor level of 3235 Main Street, and Ms. Anello would need to apply separately for outdoor entertainment.

Ms. Anello indicated that although Becket General Store will not have daily entertainment she seeks flexibility so that she may schedule events as opportunities (including charity fundraisers) arise.

Heather clarified that her application is for 8 a.m. until 1 a.m. She explained that she requested the longer timeframe beyond her usually business operating hours to allow for special events.

Bill asked if anyone wished to comment. No one did. At 7:17 p.m. the public hearing concluded.

Michael moved to approve Becket General Store, Inc's application for an Annual Six-day Monday through Saturday Entertainment License, to allow entertainment to occur between 8 a.m. till 1 a.m. on the first floor of the building. Nicole seconded. Motion carried unanimously.

5. 7:10 p.m. Public Hearing on Becket General Store, Inc.'s (d/b/a Becket General Store located at 3235 Main Street) application for an Annual Sunday Entertainment License

Bill opened the public hearing at 7:18 p.m. Bill had read the public hearing ad published in the Berkshire Eagle (please see agenda item 4). During discussion of her plans, Heather explained that she requested a longer time frame beyond her usually business operating hours to allow for special events and school functions and she would like to have permission to have the option to schedule entertainment occasionally on a Sunday night, particularly when the Monday after is a holiday. Her application specified that entertainment will occur indoors on the first floor of 3235 Main Street.

No one commented on this application at tonight's public hearing. The letters referenced under Agenda 4 commented on Becket General Store, Inc.'s Sunday, and Six Day entertainment license applications.

At 7:22 p.m. the public hearing concluded.

Nicole moved to approve Becket General Store, Inc's application for an Annual Sunday Entertainment license, to allow entertainment to occur between 8 a.m. till 1 a.m. on the first-floor of the building. Michael seconded. Motion carried unanimously.

6. 7:15 p.m. Public Hearing on proposed amendments to the Town of Becket General Bylaws by inserting a new bylaw to establish Revolving Funds in accordance with the provisions of MGL Chapter 44, Section 53E1/2

At 7:23 p.m., Bill read the public hearing notice and opened the public hearing on proposed amendments to the Town of Becket General Bylaws by inserting a new bylaw to establish Revolving Funds in accordance with the provisions of MGL Chapter 44, Section 53E1/2. During discussion, Bill explained that currently we must pass revolving funds at every Annual Town Meeting and we pay inspectors out of the general fund. If we amend the Town of Becket General Bylaws by inserting a new bylaw to establish Revolving funds (A revolving fund is set up for a specific purpose and constantly added to by income relating to that specific purpose) in accordance with the provisions of MGL Chapter 44, Section 53E1/2, the town will not need to vote every year at town meeting to approve revolving funds. Under this bylaw, the town will establish revolving funds: \$10,000 for Plumbing Inspections, \$10,000 for Gas Inspections, \$15,000 for Wire Inspections and \$8,000 for Fire Inspections. We would only need to revisit a Town Meeting if we wish to change the amount allotted to a revolving fund. Bob explained that one of the benefits of the revolving fund is that we will not have to appropriate property taxes and revenues toward expenses to support the operations because moneys collected will be used. The BOS did not receive any comments for or against this proposed amendment. Michael moved to close the

hearing. Nicole seconded. Motion carried unanimously. At 7:26 p.m., Bill closed the public hearing.

7. BOS to consider Becket General Store, Inc.'s application to change its package store's Sunday operating hours to begin at 10 a.m.

Becket General Store, Inc. applied to change its package store's Sunday operating hours to begin at 10 a.m. Michael moved to approve Becket General Store's request to amend its Sunday operating hours to coincide with the 10 a.m. till 11 p.m. Sunday operating hours allowable under Massachusetts General Laws. Nicole seconded. Motion carried unanimously.

8. Tim Sullivan re: Emergency Management Director Appointment

Tim Sullivan handed the Town Administrator and BOS a letter regarding the town's Emergency Management Director Appointment. Per Bob Markel's guidance, the BOS will discuss this matter under Executive Session on February 21, 2018.

9. BOS to discuss and possibly vote on FY2019 charges to the Town of Washington for Fire Protection, Ambulance Service, and Park & Recreation Privileges

Bill stated that for approximately fifteen years, the Town of Washington ("TOW") paid the Town of Becket ("TOB") \$10,000 annually for fire protection services. The TOW has none of its own equipment. Five TOW residents serve on the TOB Volunteer Fire Dept. Last year the Town Administrator and Bill attended one of Washington's Select Board meetings to request increased payment to the TOB for fire protection services (TOW was paying \$10,000 annually), Parks & Recreation related services (TOW was paying \$1,500 annually), and ambulance services (TOW was paying \$0 annually) and the Select Board indicated that they would take this matter under advisement. In response, the TOW Finance Committee recommended to their Select Board that they pay \$10,000 for fire protection services, \$8,250 for ambulance services, and \$2,500 for Park & Recreation services. Bill was disappointed that the Fire Dept. received no increase, and rather than paying the TOB for ambulance services, the TOW contracted an outside ambulance service that agree to provide services at no charge to the TOW. Bill indicated that since July 1, 2017, Becket Ambulance Department responded to 8 calls (mutual aid) that County Ambulance was unable to cover. Since July 1, 2017, County Ambulance responded to 16 calls in the TOW.

Bill proposed that the TOB outline and communicate to TOW its fees (effective 7/1/2018) for Becket's services. Bill pointed out that the TOB's equipment and vehicles cost approximately \$1.5 million dollars, the TOB pays expenses relating to the Fire Department Buildings, and all these expenditures are supported through Becket's taxpayers. Bill stated that he researched what other towns charge for providing Fire Protection Services. Mt. Washington (approx. 170 population, Washington's population is approx. 550) pays Egremont \$13,000 annually for fire protection. Bill suggested charging the TOW \$15,000 for fire protection, effective 7/1/2018 to 6/30/2019, with a three percent annual increase.

Bill indicated that the Parks & Recreation Committee is satisfied with keeping the annual fee to \$2,500 due to the new beach permitting fees.

Michael moved that the Interim Town Administrator write a letter for BOS's signature to the Town of Washington Board of Selectmen to indicate that as of July 1, 2018 Becket is charging the following fees for services provided to the Town of Washington during fiscal year 2019:

\$15,000 for Fire Protection, \$5,000 for backup Ambulance Services, and \$2,500 for Parks & Recreation related services. Nicole seconded. Motion carried unanimously. (During discussion, Bill stated that it is not necessary to reference a 3 percent increase in the letter).

The BOS indicated that if TOW refuses to pay Becket for ambulance service, Becket may convey to County Ambulance that it should contact Hinsdale for mutual aid calls for the TOW.

Per Bob's inquiry, the BOS is not aware of any inter-municipal agreements for these services.

10. Route 20 Spring

Bill acknowledged that there were several present at tonight's meeting who are concerned about the impending closing of the Route 20 Spring. Bill stated that the town is under a DEP consent order to close the spring. Bill stated that January 2018's analysis of the spring determined that coliform was present.

Bill read a letter dated 02/07/2018 from Gale Labelle, Chairperson of the Becket Board of Health:

- The Spring has been in existence for at least 100 years
- The residents of Chester and Becket would like the spring to remain available. There is a petition (to keep the spring open) circulating with at least 150 signatures.
- Stephen Salvini Associates conducted a survey that showed that the Deer Haven Association may own the land. The town may have entered into an agreement relating to the Route 20 Spring but currently documentation is unavailable.
- The BOH would like to hire a consultant named Ron Lavigne (UMass) who is willing to discuss the history of the Spring, Dept. Public Health regulations and resolutions to the request to find a way to keep the spring open. She indicated that Mr. Lavigne has worked with the town on the spring in the past.
- She thinks it is possible for the town to work with the state, and citizens to create an agreement.

Bill commented that he would like to see the costs affiliated with actions referenced in Ms. Labelle's letter.

Michele Kenny from Chester indicated that she had met with Ms. Labelle and they reviewed water testing reports for the last two-year period. Based on the reports, they theorized that the cause of contamination (causing coliform to appear) was not due to the spring being eternally bad (from septic) but due to an outside source such as hoses and strong pump suctioning which could disturb mix around the sediment. Michele offered that the spiked levels rather than gradual increases/decreases on chartings of the coliform level may support their theory. During Michele's meeting with Gale, Gale mentioned she observed a tanker truck with a hose sucking water from the pipe.

Bill stated that the source of the spring is not known, and the type of sediment that could cause an upturn in coliform is also not known. Bill stated that it would be helpful for the BOS to review evidence (such as a photo or license plate) of tankers engaged in pumping activity.

Michelle also pointed out that the pipe is broken off in a jagged manner.

Michelle reported that Gale and she had discussed the idea of having a welder (in Chester) install a device, in accordance with DEP standards, on the pipe that would prevent the attachment of hoses.

Michelle stated that State Rep. Pignatelli told her if there were a plan, he would discuss this matter with the Town of Becket, and approach DEP to ask if they would be amenable to the plan.

Bill indicated that the town faces fines if it does not obey the DEP's consent order. Bill indicated he would consider trying other remedies if DEP is agreeable.

Bob Markel suggested that the town should contact town counsel because the DEP has put the town on notice that the water is contaminated and if the town does not take action to close the spring and someone becomes sick, the town may be exposed to a lawsuit.

Bill stated that he has a difficult time believing a tanker truck would fill up at the spring. Another resident indicated that when she passes the spring she usually observes people accessing the water with garden hoses attached to the pipe. Bill pointed out that the town should not have been involved with testing the water because the town does not own the property.

Michael stated that before the town acts, he would want the town to consult with someone who knows about coliform and the impact pumping may have on the levels. He expressed concern about the impact possible contaminations may have on public health. Michele suggested that Mr. Lavigne is a scientist and may be a good resource. Bob Markel indicated that Gale Labelle had contacted him today to state that she would like to pay Mr. Levigne \$100 through BOH funds.

Bob Markel indicated that Health Agent Charlie Kaniecki stated that he is surprised that there was a vote by the BOS in April 2016 to communicate to the DEP that it accepts this spring as a public water supply. Charlie recommended that the BOS vote to convey to DEP that the town no longer accepts responsibility of this spring as a public water supply because the town does not own the property. Bob will confer with Town Counsel. The BOS indicated that even if DEP releases the town from this responsibility, is it not likely that Deer Haven Association, the possible owner of the property, would have funds to test and take care of the spring.

Those present indicated that approximately 200 residents (of which the majority reside in Becket and Chester) signed the petition to save the spring.

Gail Kusek stated that the Route 20 Spring serves as a source of drinking water for many during long-lasting power outages.

The BOS indicated that it would be willing to investigate the recent suggestions to remedy the spring, but the BOS must first seek the advice of Town Counsel, and then confer with the BOH, Health Agent Charlie Kaniecki & DEP. In the meantime, due to the weather, the town is not able to close the spring (which requires the use of concrete). Michael clarified that the concrete would not close the spring completely but would not permit access with bottles, pipes, and hoses. Michael clarified that the town is not following the consent order out of malice, and he stated that although the spring is not located on town-owned property, the town has been the entity paying for all of the testing.

Michael moved to rescind the BOS's vote of April 2016 whereby the BOS voted to accept responsibility for testing the water resource, known as Route 20 Spring, as a public water supply. Nicole seconded. Motion carried unanimously. *NOTE: The Board of Selectmen learned after this meeting that the April 2016 vote to accept responsibility for the spring never occurred. There was*

a Public Water System Certified Operator Compliance Notice signed by the Town Administrator on April 4, 2016. This will be addressed at the BOS's 02/21/2018 meeting.

11. Planning Board notice of Public Hearing and request for comment on application for a Special Permit from Arthur Nappo to replace a front porch with a larger footprint on property located at 1725 Main Street

The BOS reviewed the above captioned application and had no comment.

12. BOS to vote to approve the Town Administrator's recommendation for Employee Hourly Payrate adjustment for the Administrative Assistant

The BOS signed the Employee Hourly payrate adjustment form for the Selectmen's Administrative Assistant. Bob Markel advised that since this had been previously approved, no vote is required.

13. Town Administrator Search Committee Charge

The BOS approved the agenda which listed the Town Administrator Search Committee Charge. The Selectmen's orientation meeting for the TA Search Committee will occur on Tuesday, February 13, 2018.

14. Broadband Update

Bob Gross reported that the town will need to sign an agreement with Westfield Gas & Electric for phase 2 of the broadband project to allow them to initiate the pole application requests. Bob knows a Municipal Light Plant Manager in another town who has a similar copy and he awaits her comments regarding this agreement. The BOS agreed that Town Counsel should review contracts relating to broadband. The BOS asked Beverly to send Attorney Joel Bard an email conveying that that BOS authorizes him to communicate with Bob Gross, the town's MLP Manager, on matters relating to Becket's broadband project. Bob Gross indicated that there are several agreements that will need to be executed including pole agreements with Verizon and Eversource. Bob has templates for these agreements and is trying to obtain feedback on them from other towns. Bob is researching the process for obtaining security bonds, and insurance certificates.

15. BOS to review and vote on signing the Special Town Meeting Warrant

Bob had provided a draft copy of the STM Warrant and incorporated the corrections (grammatical, numbering) submitted by the members of the BOS and himself, and he added an article asking the town to approve the PILOT Agreement for the solar project. He submitted the STM Warrant to Town Counsel for review. Bob Markel suggested rather than printing the entire PILOT Agreement on the warrant, he will reference it and then post an attachment on the town website and distribute the attachment at the STM. The BOS was amenable to Bill's suggestion to use the same approach for the dog control bylaw article which is almost 15 pages. Bob stated that the STM Warrant will contain motions and a quick summary to accompany each of the articles. Bill and Bob indicated that Attorney Joel Bard is available to attend the STM on March 6th.

Bob indicated that he has asked the Dept. of Revenue for permission to place the unused police academy tuition refund into the Police Department account rather than the general fund. The Police Chief has requested additional funding (\$1,103.63 for exhaust repair on cruiser 845 and \$480 for tires for the cruiser). Bob may place an article on the STM

regarding this matter. If an exception is not allowed, the town will need to submit a Request for a Reserve Fund Transfer.

Michael moved to sign the Special Town Meeting Warrant with the modifications discussed at tonight's meeting (abridge the Dog Control Bylaw and PILOT Agreement articles and post the entire proposed Dog Control Bylaw language and PILOT Agreement on the website, and provide separate handouts of those documents at the STM). Nicole seconded. Motion carried unanimously.

16. Monthly Reports: Fire Dept. (November 2017)

The BOS reviewed the Fire Department's November 2017 report.

17. Board of Selectmen's Comments and Announcements

Michael attended the MMA Conference at the end of January, and found the workshops and key-note speaker to be informative.

Nicole received an e-mail re: Mercedes Gallagher's funeral and she inquired about posting this on the town's website. Bill explained that although it is not the town's practice to post memorial service information on its website, he had circulated her memorial information to the other Selectmen.

Bill indicated that the Highway Superintendent sent an email commenting on the Town of Dalton's letter requesting comment to consider a Heavy Truck Exclusion on Washington Mountain Road. This item will appear on the Feb. 21st agenda.

Bill discussed his negotiations to place a repeater on the Johnson Road cell tower to facilitate Fire, Police, Ambulance & Highway communications (This is not for mobile phones) by reducing the dead spot gaps. Bill indicated that this is significant for public safety workers. The town received a communication grant for the equipment and installation from the Berkshire County Sheriff's Dept. An American Tower Company representative indicated that the non-negotiable cost to set up/mount the equipment, and for the access fee is \$3,000, and he initially proposed a \$3,200 monthly rental fee for fifteen years and a 4% annual increase. Bill had conveyed that the monthly rental was out of the question, and the representative countered with a \$1,800 monthly fee and a 3.5 percent annual increase, for a 20 year term with three five year renewals. Bill had replied to the representative that he will examine this with the BOS and Finance Committee. Bill will discuss this matter with the Finance Committee. Bill indicated that the former Town Administrator had originally thought \$1,000 per month would be fair. Bill indicated that he would like to try to reduce the monthly fee to the \$1,200 to \$1,500 range. Bill may offer a \$1,250 monthly fee. The repeater will benefit other towns and perhaps they may consider contributing to the monthly fee.

Tomorrow Bill will attend the MassDOT Mass. 90 Working Group I-90 Interchange Study kickoff meeting in Blandford.

18. Town Administrator's Report

Bob indicated that he has spent the last few days creating the STM warrant, on Route 20 Spring issues, and he has informed edm that the BOS had postponed the Town Hall HVAC project. He is preparing the bid for a new ambulance.

There is a new round of community compact funding that will become available. He would recommend that the town consider applying for long-term financial planning to enable the town to hire a specialist to work with its accounting department and to aid the town administrator with the development of a 5-year plan for capital spending, projecting revenue, and to forecast and plan for large expense items/matters.

DOR approved the town's Schedule A for fiscal year 2017. The town also filed the Tax Recap document. Both are required for continued state funding.

Bob signed-up to be the emergency contact for Network Engineering and Security.

The town hired Laura Robbins who will be our new Conservation Commission Agent.

Bob will attend the following meetings: Board of Selectmen on Feb. 21st, Department Heads on Feb. 8th, Central Berkshire Regional School District Advisory Committee on Feb. 13th, and the Special Town Meeting on March 6th.

Bob's next major project will be the FY19 budget.

W-2s are ready.

19. Public Input

There was no public comment.

20. Any other business to come before the Board

Per Bill's follow-up, Bob indicated that he will arrange to have an insurance meeting for town retirees to discuss health insurance (Medex).

Bill advised that the BOS will be reviewing the Becket Arts Center budget request.

Michael will assist Beverly and Nina with the upgrade of the town website.

Bill provided copies of the Berkshire Regional Transit Authority FY 2017 Annual Town Report.

21. BOS to review and sign Warrants

The BOS reviewed and signed the payable warrants.

22. Review Correspondence:

- ❖ **MassDOT letter dated 1/17/2018 - Inspection report for Bridge located at Bonnie Rigg Hill / W BR Walker Brook**
- ❖ **Alcoholic Beverages Control Commission letter dated 1/10/2018 enclosing decision for hearing held on 1/9/2018 for KMS INC. D/B/A Becket Country Store**
- ❖ **Ted Davis e-mail dated 01/22/2018, and letter dated 01/15/2018 re: Becket Beach Permits**

The BOS reviewed the above correspondence.

23. Board of Selectmen to adjourn the meeting

Michael moved to adjourn. Nicole seconded. Motion carried unanimously. At 9:22 p.m., Bill adjourned the meeting.

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, *Chairperson*

Documents discussed at this meeting:

- Meeting minutes
- Becket General Store, Inc. Annual Sunday Entertainment Application
- Becket General Store, Inc. Annual Six Day Entertainment Application
- Becket General Store, Inc. Request to change Package Store Hours
- Becket General Store, Inc. amended Package Store License
- Public Hearing Notice – Becket General Store, Inc.’s Entertainment Applications
- Anonymous letter re: Becket General Store, Inc.’s license applications
- Letter from Jeff Piemont to support Becket General Store, Inc.’s license applications
- Public Hearing Notice re: proposed amendments to the Town of Becket General Bylaws by inserting a new bylaw to establish Revolving Funds in accordance with the provisions of MGL Chapter 44, Section 53E1/2
- Letter from Board of Health Chairperson re: Route 20 Springs
- Employee Hourly Payrate adjustment form for Administrative Assistant
- Correspondence listed under agenda item 22
- Minutes for the 01/17/2018 Regular Session meeting and the joint Board of Selectmen and Bylaw Review Committee 01/11/2018 meeting
- Special Town Meeting Warrant
- PILOT Agreement between the Town of Becket and Borrego Solar
- Memo from Becket Police Chief and attached copy of resignation of probationary full-time police officer Kenneth Pettibone, Municipal Police Training Committee Separation Notice stating Mr. Pettibone’s withdrawal from the Police Academy
- Memo from the Becket Police Chief requesting an Article for the Special Town Meeting
- Town Administrator’s Report
- Berkshire Regional Transit Authority FY 2017 Annual Town Report Letter from BOS to the Washington Board of Selectmen re: The Beach Permit Policy
- Agenda for the 02/13/2018 Board of Selectmen/Town Administrator Search Committee Orientation meeting